

IN THE MATTER OF
REPRESENTATIVE MICHAEL J. MYERS

REPORT OF COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT

[To accompany H. Res. 794]



Appendix 3 to Report of Special Counsel Upon Completion of
Preliminary Inquiry

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VOLUME II
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PAGES OMITTED FROM TRIAL TRANSCRIPT

The following pages from the transcript of the trial docketed as Number 80 Cr. 00249 in the United States District Court for the Eastern District of New York have been omitted:

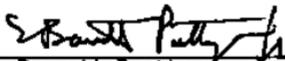
1-559	1275-1286	2296-2351A	3294-3298
574-575	1322-1335	2356-2410	3309-3310A
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1025A-1031	2123-2142	3103-3104	3967-3975
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3. The transcripts of videotapes and audio tapes which are now in the possession of Special Counsel, the originals of which were introduced at the trial as Exhibits 1A through 10A-1 and, 19A through 25A, shall be deemed true and accurate copies of the original trial transcripts, so that certified copies of the original trial transcripts need not be made a part of the Committee records.

4. The copies of trial Exhibits T-1 through T-10, which are now in the possession of Special Counsel, shall be deemed true and accurate copies of the originals of such exhibits, so that certified copies of the original exhibits need not be made a part of the Committee records.

5. Those portions of the trial transcript, and the exhibits recited above, which have been designated by Special Counsel and cross-designated by counsel for Congressman Myers, shall be deemed the only portions of the trial record which will be considered relevant and material to the Committee's investigation, provided, however, that by so stipulating, neither Special Counsel nor counsel for Congressman Myers concedes that all such portions are necessarily relevant and material to such investigation.


 Plato Cacheris
 Counsel for Representative Myers


 E. Barrett Prettyman, Jr.
 Special Counsel to the Committee

September 8, 1980

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INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 608

U.S. House of Representatives
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September 8, 1980

Plato Cacheris, Esq.
1709 New York Avenue, N.W.
Washington, D.C.

Dear Plato:

This is to confirm that your associate, Mr. Gondelman, requested this morning that we omit from the Committee's record in the Myers case Exhibit T-5, which you had earlier requested that we include. We are happy to accommodate you in this regard, and our earlier stipulation should be considered modified accordingly.

Sincerely yours,



E. Barrett Prettyman, Jr.
Special Counsel

lmh

1 7 THE COURT: Ready to proceed, Mr. Puccio?

2 MR. PUCCIO: Yes, sir.

3 THE COURT: Bring in the jury.

4 (Whereupon, the jury was seated.)

5 THE COURT: All right, Mr. Puccio, call your
6 first witness.

7 MR. PUCCIO: I call Anthony Amoroso.

8 A N T H O N Y A M O R O S O, having been called as a
9 witness, was sworn by the clerk of the Court and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. PUCCIO:

13 THE COURT: All right, Mr. Puccio, you may
14 proceed.

15 MR. PUCCIO: Thank you, sir.

16 Q Mr. Amoroso, by whom are you employed?

17 A The Federal Bureau of Investigation.

18 Q And for how long a period of time have you
19 been employed by the Federal Bureau of Investigation?

20 A Sixteen years.

21 Q What is your position or title within the
22 F.B.I.?

23 A Special Agent.

24 Q Now, were you assigned to any particular office
25 within the Federal Bureau of Investigation?

2 A Yes, Miami, Florida.

3 Q And for how long a period of time have you
4 been assigned to the Miami office of the F.B.I.?

5 A Since January, 1979.

6 Q Now, I would like to direct your attention,
7 Agent Amoroso, to the year 1979.

8 During that year did you act in an undercover capacity
9 as a special agent of the F.B.I.?

10 MR. BROWN: I object as leading.

11 THE COURT: It's preliminary, overruled.

12 A Yes, I did.

13 Q And during the year 1979, explain to the
14 Judge and to the jury what your undercover role was?

15 A I was representing two different Arab Sheiks
16 supposedly investing their money in the United States.
17 And specifically in Atlantic City, New Jersey.

18 Q So that you pretended to be a representative
19 of these two Arab sheiks; is that right?

20 A Yes.

21 Q What were the names that were used in this
22 role that you played for these two Arab sheiks that you
23 represented?

24 A One was Cambier Abdul Roman, and the other
25 was Yasser Habib.

1 Q Now, these names were totally fictitious;
2 is that correct?

3 A Correct.

4 Q There were no two individuals that actually
5 existed; is that right?

6 A Correct.

7 Q But this was part of your undercover role?
8 MR. BROWN: I object, these are not questions.
9 THE COURT: Sustained as to form.

10 You don't have to argue the objection. I recognize a
11 leading question when I see it, Mr. Brown.

12 MR. BROWN: Yes, sir.

13 Q Do you know an individual named Melvin
14 Weinberg?

15 A Yes, I do.

16 Q And how did you first make his acquaintance,
17 Mr. Amoroso?

18 A I was introduced to him in January of 1979.

19 Q And in what connection were you introduced
20 to him?

21 A He was working as an informant for the
22 F.B.I. at the time.

23 Q And was he a part of this undercover activity
24 that you were involved in?
25

1 10 Amoroso-direct

2 MR. BROWN: I object to leading.

3 THE COURT: Sustained as to the form.

4 A Yes --

5 Q What if anything was Mr. Amoroso's introduction
6 made to you for?

7 A Mr. --

8 Q Mr. Weinberg's introduction made to you --
9 withdrawn.

10 You met Mr. Weinberg in connection with your duties
11 as a special agent; is that right?

12 A Correct.

13 Q And in this undercover capacity?

14 MR. BROWN: I object, again, repeating precisely
15 what you ordered him not to do.

16 I object.

17 THE COURT: You objecting to a leading question?

18 MR. BROWN: Yes.

19 THE COURT: Sustained.

20 Q Mr. Amoroso, did Mr. Weinberg portray himself
21 to be anyone, to your knowledge?

22 MR. BROWN: I object, leading your Honor.

23 THE COURT: Overruled.

24 A Yes, he did.

25 Q And tell us what he portrayed himself to be.

1 11 Amoroso-direct

2 A He also portrayed himself as myself, to be
3 an employee of the Arab sheik.

4 MR. BROWN: If your Honor please, may I
5 object?

6 This is hearsay.

7 THE COURT: Overruled.

8 Q Did you have occasion during the year 1979
9 to travel with Mr. Weinberg to various places?

10 A Yes, I did.

11 Q And when you travelled to these places were
12 you acting in this undercover capacity?

13 A Yes, I was.

14 MR. BROWN: I object as leading, your Honor.

15 THE COURT: I'll permit that one.

16 Overruled.

17 Q And when Mr. Weinberg was travelling with you
18 was he also acting in this role?

19 MR. BROWN: I object, if your Honor please,
20 that's leading and implies hearsay, sir.

21 He's describing --

22 THE COURT: Can't you ask him what he did?

23 MR. PUCCIO: All right.

24 I'll move along.

25 MR. BROWN: Thank you, sir.

1 12 Amoroso-direct

2 Q Now Mr. Amoroso, during the year 1979, did
3 you have occasion to meet the defendant Angelo Errichetti?

4 A Yes, I did.

5 Q And as best you can recall, when for the
6 first time did you meet him?

7 A I believe it was early January, 1979 in
8 Atlantic City, New Jersey.

9 Q And do you recall if anyone else was present
10 when this meeting took place?

11 A Well, Mr. Weinberg was present.

12 Mr. McCarthy was present. I believe Mr. Errichetti
13 secretary was present. And also his driver.

14 Q Who was Mr. McCarthy?

15 A He is another special agent of the F.B.I.

16 Q And at the time of this meeting, was he als:
17 acting in an undercover capacity?

18 A Yes, he was.

19 Q Now, between the time of this first meeting
20 and July 26th of 1979, did you have occasion to meet with
21 Mr. Errichetti again?

22 A Yes, on several occasions.

23 Q And just generally why did these meetings
24 take place, Agent Amoroso?

25 MR. BROWN: I object.

1 13

Amoroso-direct

2 Q Name some of the -- I am sorry.

3 MR. BROWN: My objection is made to time and
4 place so that we may meet the issues.5 THECOURT: I'm sure we'll develop it all
6 before we get through.

7 Where were the meetings?

8 THE WITNESS: In Long Island, In New Jersey,
9 in Atlantic City, and I believe in Cherry Hill, New
10 Jersey..11 Q Now, out in Long Island, was there an office
12 that you used?

13 A We did.

14 Q And did this office have any name?

15 A Yes, it was a business office named Abdul
16 Enterprises.

17 Q And what was Abdul Enterprises?

18 A It was an undercover operation run by the
19 F.B.I.20 Q And were there any other employees of Abdul
21 Enterprises?

22 A Yes.

23 MR. BEN-VENISTE: I object as to the form.

24 Any other employees?
25

1 14

Amoroso-direct

2 THE COURT: Start out first: Were there any
3 employees?

4 THE WITNESS: Yes, there were.

5 Q Who were the employees?

6 A All special agents of the F.B.I., aside from
7 Mr. Weinberg.

8 Q Now, on or about the 26th of July, 1979, did
9 you have occasion to meet with Mr. Errichetti?

10 A Yes, I did.

11 Q And where did you meet with him?

12 A We met in Ft. Lauderdale, Florida aboard a
13 yacht.

14 Q What was the name of the yacht; do you recall?

15 A Yes, the Left Hand.

16 Q And was there anyone else present at the
17 meeting, if you recall?

18 A Yes, there was.

19 Q Who else was present?

20 A Mr. Weinberg, Mr. Howard Criden, Mr. Joseph
21 Meiler I believe his name was, Mr. Errichetti, and myself.
22 Also one of Mr. Criden's sons, whose first name I don't
23 remember.

24 Q Was Mr. Johanson present?

25 A Yes, Mr. Johanson was present.

1 15 Amoroso-direct

2 Q Do you see Mr. Errichetti in the courtroom right-
3 now?

4 A Yes, I do.

5 Q Do you see Mr. Criden?

6 A I do.

7 Q Do you see Mr. Johanson?

8 MR. DUFFY: I'll help.

9 (pointing).

10 A Yes, sir.

11 Q Can you point them out, please?

12 A Yes.

13 MR. BEN-VENISTE: We concede identification
14 as far as the defendant Criden is concerned.

15 MR. DUFFY: Agreed as to Johanson.

16 THE COURT: All right. The identity of the
17 defendants is conceded.

18 Q Now, did you have a conversation with any of
19 these individuals aboard this boat?

20 A Yes, we had a conversation among all of us.

21 Q And where in the boat did this conversation
22 take place?

23 A There were two conversations. One which took
24 place on the main deck and the second conversation on the
25 upper deck.

1 16 Amoroso-direct

2 Q And in point of time which conversation took
3 place first?

4 A The one on the lower deck while the boat
5 was docked at the marina.

6 Q Can you describe to us please what this
7 lower deck looked like?

8 A Well, the lower deck consists of a --
9 to start off with the yacht is 65 feet long. The lower deck
10 consists of a living room, kitchen area, a small table,
11 with what you call a dining area, and then the forwardsteer-
12 age compartment.

13 Q And by the way, had you ever met with Mr.
14 Criden before that date?

15 A No, I did not.

16 Q Had you ever met Mr. Johanson before that date?

17 A No.

18 Q How about Mr. Meiler?

19 A I believe I met Mr. Meiler prior to that time.

20 Q Now, with respect to the first conversation
21 that you described, tell us as best you can recall what
22 you said, what Criden said, what Johanson said, what
23 Errichetti said, what Weinberg said, and what Mr. Meiler
24 said?

25 MR. BEN-VENISTE: Your Honor, I would object

17

Amoroso-direct

2 to that.

3 If you're talking about a conversation that
4 has been tape recorded the best evidence of that
5 would be the tape recording.

6 THE COURT: Are you saying no one can testify
7 about a taped conversation?

8 MR. BEN-VENISTE: I am saying that the best
9 evidence of a taped conversation rather than have a
10 redundant procedure here in court with a description
11 or characterization of it, and then the playing of
12 the tape, it would be time consuming, unnecessary,
13 and to a certain extent inaccurate.

14 THE COURT: Is this a taped conversation?

15 MR. PUCCIO: There is a tape recording of
16 this conversation.

17 It has been made available to defense.
18 Available for them to offer if they wish.
19 I just would like to ask a few questions about it
20 and move on to something else.

21 THE COURT: All right. Objection overruled.
22 The tape is available for use if it is needed.

23 MR. BEN-VENISTE: Thank you.

24 Q To your knowledge, this first conversation was
25 tape recorded; is that correct?

18

Amoroso-direct

1
2 A Correct.

3 Q By what means?

4 A By what we call a Nagra recorder.

5 Q And where was the Nagra recorder contained?

6 A In a briefcase.

7 (continued on following page)

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1
2 BY MR. PUCCIO: (Continuing)

3 Q And where was the Nagra recorder contained?

4 A In a briefcase.

5 Q And do you see that briefcase in the court-
6 room?

7 A Yes.

8 MR. PUCCIO: May I have this marked, your
9 Honor, because we will make reference to it, as
10 Government's Exhibit 16 for identification, the
11 others having been premarked, sir.

12 THE CLERK: So marked as Government's
13 Exhibit 16.

14 (Article referred to was received and
15 marked Government's Exhibit 16 for identification.)

16 MR. PUCCIO: May I approach the witness, sir?

17 THE COURT: Yes.

18 Q Will you examine that suitcase, please, sir
19 (handing).

20 Is that the case that was used to record
21 this conversation on the boat, the first conversation you
22 referred to on July 26th, 1979?

23 A Yes, it was.

24 Q Is there a compartment in the case which is
25 equipped for a Nagra recording device?

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A Yes, it is.

Q Is there a device in the suitcase right now?

A No, there is no device. Just the wires.

Q And there are actually microphones embedded
in that suitcase?

MR. DUFFY: I object to the form and to the
habit, your Honor.

MR. PUCCIO: Your Honor, I thought it was
conceded that there was a recording of this
conversation.

If it is seriously contested that this suitcase
contains --

THE COURT: There doesn't seem to be any
contest about it. But the form of the question is
leading.

MR. PUCCIO: All right.

MR. BROWN: We do not contest as to the first.
The second one, your Honor, wasn't recorded, as I
understand it.

THE COURT: We haven't gotten to the second
one yet.

* * *

* * *

BY MR. PUCCIO:

9 Q Mr. Amoroso, do you know how that suitcase
10 works?

11 A Yes, I do.

12 Q Will you explain please to the Court and
13 jury how it works?

14 A Yes, sir.

15 Concealed within the case itself (indicating)
16 is a permanently wired apparatus which once you insert the
17 Nagra then can be turned on and off by an on-off switch
18 located on the exterior portion of the briefcase.

19 Q Can you demonstrate that?

20 A Yes (indicating).

21 This is the interior portion of the briefcase
22 which the Nagra fits into.

23 Q And the Nagra is what?

24 A Is a recording device.

25 Q And is there anything attached to the

1 Amoroso-direct

2 recording device?

3 A Yes, the recording device is attached to these
4 wires. One controls the on-off switch and the other one --
5 each of those goes to one of the microphones.

6 Q So there are microphones?

7 A Yes.

8 Q And what does the microphone do?

9 A The microphone picks up what is being -- any
10 noise that occurs at the time and it transmits it to the tape
11 which is on the Nagra.

12 Q Would it be fair to say that the Nagra is a
13 little tape recorder?

14 A Yes. It would fit within the confines of
15 this (indicating).

16 Q And that piece that you are holding --

17 A This piece would then be reattached within
18 the briefcase (indicating) like so.

19 Q And the device that activates the tape
20 recorder would be where?

21 A In this instance it is the open-closed switch
22 for the briefcase. The locking switch (indicating).

23 Q Now, I believe you stated that that suitcase
24 was with you on July 26th, '79?

25 A Yes.

Amoroso-direct

1
2 Q And during this first conversation that you
3 referred to, was it activated?

4 A Yes, it was.

5 Q And was a tape recording thereby produced by
6 you?

7 A Yes, it was.

8 Q Now, tell us in answer to the question, that
9 we didn't quite get to, during this first conversation what
10 did you say, and what did Mr. Criden say, what did
11 Mr. Johanson say, and what did Mr. Errichetti say, what did
12 Mr. Meiler say in substance?

13 MR. CACHERIS: Your Honor, the name is
14 Meiler. I think it ought to be clear on the record.
15 He is not referring to my client.

16 MR. PUCCIO: M-e-i-l-e-r, James Meiler.

17 THE COURT: Oh, I didn't understand that.
18 I thought you were speaking of somebody else.
19 So now I understand it and I guess the jury does too.

20 MR. PUCCIO: It is M-e-i-l-e-r.

21 THE COURT: Who is he?

22 THE WITNESS: I believe he is deceased now,
23 is he?

24 Q Well, who was he?

25 A Mr. Meiler was the associate of the other

Amoroso-direct

1
2 gentleman who had come down to the boat.

3 MR. BEN-VENISTE: Your Honor, I object.

4 Now Mr. Puccio has asked the witness to elicit the
5 prior conversation and what did each of these
6 gentlemen say during that meeting.

7 I would suggest that that evidence is
8 contained on the tape recording, and that if
9 Mr. Puccio wants that conversation elicited he should
10 play the tape.

11 THE COURT: Objection overruled.

12 Q Tell us in substance, Mr. Amoroso.

13 A Well, I couldn't remember exactly what every-
14 body said.

15 I can remember the gist of the conversation
16 was that Mr. Errichetti had brought the other gentlemen
17 down to the boat to present a package for a casino hotel
18 to be built in Atlantic City, looking for funding, which
19 they were coming to us for.

20 Q And approximately how long did this
21 conversation take?

22 A Approximately 45 minutes.

23 Q Now, you made reference before to a second
24 conversation? Is that right?

25 A Correct.

1
2 Q When did this second conversation take place,
3 and where?

4 A Well, upon the completion of the first
5 conversation I inquired of the other gentlemen if they would
6 like to take a ride on the boat.

7 I had the cabin crew undo the moorings and
8 we took a ride up the Inland Coastal Waterway.

9 Q Was there a second conversation?

10 A Yes. At that time --

11 Q Where were you physically on the boat when
12 this conversation took place?

13 A Well, when we were leaving the marina every-
14 body was free to roam around as they pleased. And the
15 second conversation took place above decks between myself,
16 Mr. Weinberg, Mr. Errichetti and Mr. Criden.

17 Q Now, did you have a recording device with you
18 during the second conversation?

19 A No, I did not.

20 Q Where was the recording device at that time,
21 if you know?

22 MR. BROWN: I object as irrelevant if he
23 didn't have it with him.

24 MR. PUCCIO: All right, your Honor, I will
25 move on.

1 Amoroso-direct

2 THE COURT: All right.

3 Q As best as you can recall --

4 THE COURT: Mr. Puccio, I prefer that you ask
5 questions from the lectern.

6 BY MR. PUCCIO:

7 Q As best as you can recall, Mr. Amoroso, what
8 did you say, what did Mr. Errichetti say, what did Mr. Criden
9 say, and what did Mr. Weinberg say during the second
10 conversation?

11 A During the second conversation I pointed out
12 from a previous day's article in the Miami Herald that
13 Anastasio Somoza, the newspapers were saying that Mr. Somoza
14 or that this country was thinking of sending Mr. Somoza back
15 to his home country.

16 I explained to Mr. Errichetti that the people
17 that I represented were very concerned about such things
18 because they in the future anticipated having to leave their
19 own country and come to this country and that they did not
20 want to run into the same kind of problems that Somoza had.

21 Mr. Errichetti then stated that there would
22 be no problem. He could line up proper politicians to
23 handle it.

24 I indicated that as far as money was concerned
25 that that would be no problem.

Amoroso-direct

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2 And he said, "Fine."

3 That was basically the end of the conversation.

4 Q Now, did you have occasion to meet with
5 Mr. Errichetti again?

6 A Yes, I did.

7 Q When for the next time did you meet with
8 Mr. Errichetti, to the best of your recollection?

9 A August 5th, 1979.

10 Q Where did that meeting take place?

11 A That meeting took place at the Northwest
12 Airlines lounge at the JFK Airport, the first class lounge.

13 Q That would be in this district? Is that
14 right?

15 A In Queens, yes.

16 Q Was there anyone else present at this meeting?

17 A Yes, Mr. Weinberg.

18 Q Anyone else?

19 A No. Just the three of us.

20 Q Now, did you have the suitcase with you that
21 has been marked for identification?

22 A Yes, I did.

23 Q And was it activated?

24 A Yes, it was.

25 Q About how long did this meeting take?

Amoroso-direct

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2 A Approximately fifty minute to an hour.

3 MR. DUFFY: I am sorry, but I didn't hear
4 what he said.

5 Was it fifteen or fifty?

6 THE WITNESS: Fifty minutes to an hour.

7 Q Was there one subject discussed during this
8 meeting or more than one?

9 A There were many subjects discussed.

10 Q At any time during this meeting was there any
11 reference to Congressman Myers?

12 A Yes, there was.

13 Q That is the defendant in this case?

14 A Yes.

15 Q As best as you can now recall what did you say,
16 what did Weinberg say, and what did Errichetti say in this
17 portion of the conversation about Congressman Myers?

18 A To the best of my recollection Mr. Errichetti
19 had said that Senator --

20 MR. DUFFY: Your Honor, I'm going to object
21 to this question for the same reason as expressed
22 by Mr. Ben-Veniste, and that is, that this
23 conversation was taped. I assume we will have a
24 continuing objection, an unsuccessful one, sir?

25 THE COURT: I don't know that you can assume

1
2 that.

3 Is this one of the conversations that you
4 intend to play the tape on, Mr. Puccio?

5 MR. PUCCIO: Yes. We planned off this
6 portion concerning this matter.

7 THE COURT: Why don't we listen to the tape
8 first --

9 MR. PUCCIO: All right, if your Honor --

10 THE COURT: (Continuing) -- if any aspects
11 of the conversation further develop from the testimony
12 we will proceed that way.

13 MR. PUCCIO: All right, fine.

14 Q I show you Government's Exhibit 1.

15 MR. PUCCIO: May I approach the witness?

16 THE COURT: Yes.

17 Q Do you recognize that exhibit?

18 A Yes. I prepared this exhibit.

19 Q What is it?

20 A It is a copy of the original tape with just
21 excerpts taken from the original tape and recorded on this
22 cassette.

23 Q Let me pursue that for a moment if I may.

24 On the 5th of August, 1979 the machine was
25 activated, and I take it the original taped conversation was

1
2 produced by you? Is that right?

3 A Yes, it was.

4 Q Now, that was on a Nagra recording device?

5 A Yes.

6 Q Can you explain to us, please, how Government's
7 Exhibit 1 was prepared?

8 A Well, myself in the company of Mr. Lennek,
9 who is our technical expert, listened to the original, and
10 as the pertinent parts were made available on the original,
11 Mr. Lennek and I recorded them onto this cassette, leaving
12 out the non pertinent material.

13 Q The original tape, to your knowledge, is
14 still in existence? Is that right?

15 A Yes, it is.

16 MR. PUCCIO: Your Honor, I offer this tape
17 recording with this explanation, sir --

18 MR. BEN-VENISTE: Your Honor, may we
19 approach the side bar if there is to be an explanation?

20 THE COURT: You said "with this explanation."
21 Is that something you were about to say?

22 MR. PUCCIO: Yes, I was about to make it --
23 offer it with the understanding, your Honor --

24 MR. BROWN: I object to his going any
25 further. I think that your ground rule was nothing

1
2 but objections would be in open court.

3 THE COURT: Are you offering the tape?

4 It may not be objected to.

5 MR. PUCCIO: All right, I offer it.

6 MR. DUFFY: Objection. He has not even
7 been qualified, sir.

8 THE COURT: Have you prepared what appears
9 on this tape, Exhibit 1, with those portions of the
10 original that it purports to copy?

11 THE WITNESS: Yes.

12 THE COURT: Is it an accurate copy?

13 THE WITNESS: Yes.

14 THE COURT: Any other objection?

* * *

* * *

8 All right, Mr. Puccio, you may proceed.

9 MR. PUCCIO: Your Honor, I have another item
10 which I would like marked. If the Court please,
11 I would like it marked as Exhibit 1B.

12 THE COURT: 1B for identification?

13 MR. PUCCIO: Yes.

14 THE CLERK: So marked, as Government Exhibit
15 1B.

16 (So marked.)

17 MR. PUCCIO: May I approach the witness, sir?

18 THE COURT: Yes.

19 BY MR. PUCCIO:

20 Q Now, Agent Amoroso, I show you Exhibit 1B for
21 identification. Can you identify that, please?

22 (Document handed to the witness.)

23 A Yes, this is the original Nagra recording
24 which was made on 8/5/79.

25 Q Was that the recording that was made by you

7 Amoroso-direct

1
2 through the use of that briefcase, with the recorder inside?

3 A Yes, yes, sir.

4 Q And with respect to Exhibit 1, which is already
5 marked, the cassette that's in front of you --

6 A Yes, sir.

7 Q -- was that made from the original recording?

8 A Yes, it was.

9 Q And what portions of the original recordings
10 does it contain?

11 A What portions?

12 Q Yes.

13 A Well, it contains, to the best of my recollection,
14 two portions. I don't know where they are marked on
15 the original, but they were obtained from the original.

16 Q Well, does it contain the portions of the
17 conversation concerning Congressman Myers?

18 A Yes.

19 Q And were you present when this cassette
20 excerpt, let us call it, was made?

21 A Yes, I was, myself and Mr. Lannick.

22 Q And is that cassette excerpt an accurate
23 recording of what was on the original?

24 A Yes, it is.

25 Q So you've listened to them both; is that right?

Amoroso-direct

1 8
2 A Yes, I did.

3 MR. PUCCIO: Your Honor, I offer the cassette
4 recording into evidence; that is, Government's
5 Exhibit one.

6 THE COURT: All right.

7 MR. BEN-VENISTE: May I voir dire, your Honor?

8 THE COURT: Yes.

9 MR. BEN-VENISTE: May I approach the witness?

10 THE COURT: Yes.

11 Ladies and gentlemen, for your information,
12 a voir dire is a fancy old French term that
13 lawyers and judges attach to a kind of a mini-cross-
14 examination in the middle of a direct examination,
15 or vice-versa. When an exhibit has been offered,
16 counsel is permitted to ask questions that would
17 relate just to the admissibility of the exhibit.
18 They call it a voir dire. We call other things that
19 too, in our usual loose use of language; but you may
20 proceed, Mr. Ben-Venista.

21 MR. BEN-VENISTE: Thank you, your Honor.

22 VOIR DIRE EXAMINATION

23 BY MR. BEN-VENISTE:

24 Q Mr. Amoroso --

25 MR. BEN-VENISTE: -- may I approach the witness

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Amoroso-direct-voir dire

again, your Honor?

It may be helpful if I ask questions near the witness stand so that I may refer to Exhibit number 1B.

THE COURT: Go ahead.

Q Mr. Amoroso, looking at Exhibit 1B, which is the original tape --

A Yes.

Q -- there are some evidence stickers placed around it, F.B.I. evidence.

Did you place that sticker on the envelope?

A Yes, I did.

Q And do you remember when you first placed it there?

A The first time?

Q Yes, sir.

A The first time I would have placed it -- I would not have placed it.

What I would have done on the first, the first time I obtained this, I made out the sheet in front of me. I would have signed my name, which I did here, and the date and time that I received it.

When then I released custody to another agent, I would then sign all off here, which I did, on 8/6 at this time.

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Amoroso-voir dire

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3 (Indicating), releasing it to the agent here.

4 Q So that, if I understand you -- if I can
5 interrupt for just a second, sir -- on the 5th of August,
6 which is the day the recording was made --

7 A Correct --

8 Q You took the tape recording, you logged it in,
9 put it in an envelope and made up this sheet --

10 A No, that's not correct.

11 Q You didn't make up the sheet on the 5th?

12 A No.

13 The tape was in my custody on the 5th.

14 I maintained it in my custody until I could obtain
15 the envelope, which was on the 6th, make out the envelope
16 and release it to another agent.

17 Q So that you recorded every time that someone
18 else had it, you released it--

19 A Well, no, I don't release it.

20 The agent that has custody releases it. I had
21 custody; then I released it.

22 This agent has custody, he releases it.

23 Q And it's all very carefully recorded as
24 to the date and the time that each of these individuals
25 obtained this piece of evidence; is that correct?

2 A Correct, correct.

3 Q And this is in accordance with very strict
4 F.B.I. policy, isn't it?

5 A Correct.

6 Q So that there is no confusion about where
7 evidence goes, whether it gets lost or mishandled; is that
8 correct?

9 A Correct.

10 Q And there are very strict regulations concerning
11 that, so that the integrity of the evidence is maintained?

12 A Correct.

13 MR. BEN-VENISTE: No further questions, your
14 Honor.

15 I have no objection to the offer of either
16 1A or 1B.

17 MR. PUCCIO: Well, we are offering one.

18 THE COURT: At this point, only one is being
19 offered.

20 MR. PUCCIO: And we leave it at that, your
21 Honor. The other is available to be offered.

22 MR. BEN-VENISTE: Thank you, sir.

23 THE COURT: Exhibit 1 is received in evidence.

24 MR. PUCCIO: Now, may I proceed, sir?

25 THE COURT: Yes.

1
2 CONTINUED DIRECT EXAMINATION

3 BY MR. PUCCIO:

4 Q Agent Amoroso, did you have occasion to make
5 a transcript of this excerpt that's contained in Exhibit 1?

6 A Yes, I did.

7 MR. PUCCIO: May I approach the witness, sir?

8 THE COURT: Yes.

9 Q I show you Government's Exhibit 1A for
10 identification and ask you if you recognize it?

11 (Document handed to the witness.)

12 A Yes, I do.

13 Q And what is it, please?

14 A This is the transcript which I got from the
15 original tape and from the duplicated copy, which you have
16 there.

17 Q All right.

18 Now, you participated in the preparation of that
19 transcript; is that right?

20 A Correct.

21 Q And did you, to the best of your ability,
22 compare the voices on the tape to that transcript when
23 it was typed?

24 A Yes.

25 Q And is it an accurate representation, or at

1 least, as best as you are able to perfect it --

2 A Yes, it is.

3 Q -- of what was said during that excerpt of
4 that conversation?

5 A Yes, it is.

6 MR. PUCCIO: Your Honor, I offer the transcript
7 1A into evidence as well.

8 THE COURT: Any objection?

9 MR. DUFFY: Except for the others, no new ones,
10 sir.

11 THE COURT: Same objections as before;
12 same ruling, overruled; and 1A is received in
13 evidence with this caution to you, ladies and gentle-
14 men:

15 What the transcript is is, of course, the
16 interpretation of someone -- perhaps someones plural
17 -- as to what is on the tape. It will be given to
18 you in order to assist you in following the tape and
19 understanding the tape; but as between the transcript
20 which you see with your eyes and the tape that you
21 will hear with your ears, it is your ears that control;
22 because sometimes things are a little difficult
23 to understand. Maybe somebody coughs or something
24 and you may or may not be able to hear through the
25

1
2 cough.

3 If you interpret what is on the tape any
4 differently from what is on the transcripts, keep
5 in mind, the transcript is simply to assist you, and
6 accept it for what it is worth, and offer to help.
7 But it is the tape that you should concentrate on
8 and, if you hear the word "Balloon" said then on the
9 tape and it comes out in the transcript as "Abra
10 cadabrah", you consider it as "Balloon."

11 All right, LA is received in evidence.

12 MR. PUCCIO: Your Honor, I wish to play the
13 tape. May I have it marked in evidence?

14 THE COURT: Allen, mark it, please.

15 MR. PUCCIO: And the transcript as well.

16 THE CLERK: Yes, sir, thank you.

17 (Tape and transcript, Government's Exhibits
18 1 and LA, respectively were marked in evidence.)

* * *

* * *

22 | Proceed, Mr. Puccio.

23 | Q Mr. Amoroso, certain initials or abbreviations
24 | are used in the transcript; is that correct?

25 | A Yes.

Amoroso-direct

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Q What is used?

A Tony DeVito is represented by, I see here,

D.T.

Mel Weinberg by M.W. Angelo Errichetti is A.E.

On the top part, that is a typographical error.

D.T., it should read as the transcript does, T.D.

Q That's the name you were using?

A Yes, Tony DeVito.

Q And I.A. indicates what?

A Inaudible.

Q That's just in your opinion?

A In my opinion, yes.

MR. PUCCIO: May we play the tape?

THE COURT: Proceed.

(Whereupon tape recording referred to is played.)

Date: August 3, 1979

[Exhibit 1A: Transcript of
Audio Tape Exhibit 1]

Time: 4:00 P.M.

Place: Northwest Airlines Lounge
John F. Kennedy International Airport
Queens, New York

Participants: TONY DE VITO (DT)
MEL WEINBERG (MW)
ANGELO ERRICETTI (AE)

INAUDIBLE (IA)

MW: Gettin' older.

TD: HA . . . He finally . . . it finally hit ya, ha . .

MW: (IA)

UF: Would you like to have a drink?

AE: Nothing . . . No thank you.

TD: I'll take . . . you got some ah . . . diet coke or

UF: Tab.

TD: Tab, yeah that's alright.

MW: He's on a diet.

TD: I am on a diet after last week.

MW: Hey, you know who he can get for us.

TD: Hah

MW: He can get Senator Talmadge.

AE: I'm working on that so far, Okay, Congressman Ozzie
Myers, Okay?

TD: Okay.

AE: I met with him already and I talk to him like I am
talkin to you . . . okay so you understand.

RD: Yeah.

AE: And before I forget there's, ah, 15 comin' back. Alright (laughter).

TD: Who's the Congressman.

AE: Ozzie Myers . . . Now he's a strong cocksucker; this guy, he's got balls that big. Congressman Lederer, he's from Philadelphia also.

TD: Leder?

AE: Lederer . . . okay . . . we got Talmadge we're working on, who's agreed . . . haven't gotten to that point yet, okay.

MW: You would think he'd be a scared to do it.

AE: No. He's got more balls than brains, also there's a shot at two Congressmen from Georgia.

TD: (IA) Names?

AE: Remember their names: (laughing) (IA) . . . names with me, okay.

TD: If, you move not like a freight train but like a tornado.

AE: I'm not even done yet . . . we got nothing yet here, two from Florida.

MW: You don't know who they are . . . huh.

AE: No. There's gonna be two Congressmen from Florida being set up to talk to . . . in fact they were approached, they said yes, they have to meet with me on time, place, logistics . . . what I expect them to do . . . friendship, they's gotta say and what they've gotta prove, guarantees, you know whatever they say. Haven't met them yet.

TD: Yeah.

MW: O.K.

* * *

AE: Before I forget . . . on this . . . on this Congress-
man Myers, when do you want to see him.

MW: Ah . . . we'll give you the answer tomorrow . . . I
got to get down.

AE: I hear ya.

MW: Yeah. Well ya see I'll let ya know exactly cause
ya got to get the cash out of the bank . . . you
know we got to be careful taking it out . . . we
just need a few days we'll get that squared away
for ya . . . alright.

TD: He's gonna have to . . . he's gonna have to like
move that through somebody in the State Department.

AE: Sorry?

TD: He's gonna have to move that like through somebody
in the State Department.

AE: Who?

TD: The Congressman.

AE: He'd do anything . . . he's gonna be your fuckin' man
period . . . anything you want.

TD: Yea.

MW: All he's got is to tell Yassir is that ah when the
time comes . . . I will sponsor anything you want.

AE: Yeah.

MW: Huh.

AE: He'll say that

MW: You know

AE: He'll say that . . . let me tell you something

TD: I know it.

MW: What did you burn your eye?

TD: Nah

AE: Let me tell you something this guy is good, Myers is
good . . . we got a stronger guy in the State Department.

* * *

18 Q Now, Agent Amoroso, did you have occasion to
19 meet with Mayor Errichetti again?

20 A Yes, sir, I did, the following day on
21 August 6th, 1979.

22 Q Where did that meeting take place?

23 A Excuse me, at the Hyatt House in Cherry Hill,
24 New Jersey.

25 Q Where in the Hyatt House did that meeting take

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Amoroso-direct

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2 place?

3 A In Room 1028.

4 Q Was anyone else present at this meeting?

5 A Yes, myself, Mr. Errichetti and Mr. Weinberg.

6 Q And did you have the suitcase with you with
7 the tape recorder in it?

8 A Yes, I did.

9 Q And did you make a recording of this conversation?

10 A Yes, I did.

11 MR. PUCCIO: May I have this marked, your
12 Honor, as Exhibit 2B.?

13 THE CLERK: So marked as Government's Exhibit
14 2B.

15 MR. PUCCIO: May I approach the witness, sir?

16 THE COURT: Yes.

17 Q I show you Exhibit 2B and a cassette marked
18 as Exhibit 2. I would like you to identify both of those
19 for us, please.

20 (Handed to the witness.)

21 A Yes, sir.

22 2B is the original Nagra recording. And 2 is the
23 excerpt copy which I made with Mr. Leonard.

24 Q Did you make a transcript of the portion of
25 this conversation?

Amoroso-direct

1 4
2 A Yes, I did.

3 MR. PUCCIO: May I approach the witness?

4 THE COURT: Yes.

5 Q I show you Exhibit 2A for identification.

6 Can you identify that, please?

7 A Yes, this is the transcript which I prepared.

8 Q And is that transcript a transcript of the
9 conversation prepared to the best of your ability?

10 A Yes, it is.

11 MR. PUCCIO: I offer the transcript and the
12 cassette, your Honor, 2 and 2A.

13 THE COURT: Any objection?

14 MR. BEN-VENISTE: May I voir dire, your
15 Honor?

16 THE COURT: Yes.

17 MR. BEN-VENISTE: Does your Honor want to hear
18 any objections on excerpts at the sidebar?

19 THE COURT: You mean as to the fact of
20 excerpting or specific objections to the specific
21 excerpt?

22 MR. BEN-VENISTE: Yes.

23 THE COURT: Yes, I will. Do you want that
24 after your voir dire or before it?

25 MR. BEN-VENISTE: Whichever is more convenient

1
2 to the Court.

3 THE COURT: I am just thinking of the hour.
4 We will have to stop at five because I have to hear
5 another matter at 5 o'clock. So let's see how
6 quickly we can do it.

7 MR. BEN-VENISTE: I will do the voir dire
8 very quickly.

9 THE COURT: Yes, do that.

10 If this goes into evidence, ladies and gentle-
11 men, it's a half a page. So it will not hold us up
12 very long. It may take, however, two days to get
13 into evidence.

14 MR. BEN-VENISTE: We have not seen these exhibits
15 before, your Honor.

16 THE COURT: I understand.

17 MR. BEN-VENISTE: We -- referring to Exhibit

18 2B.

19 VOIR DIRE EXAMINATION

20 BY MR. BEN-VENISTE:

21 Q With respect to 2B, it is wrapped in evidence
22 tape again?

23 A Correct.

24 Q And can you tell from looking at it when you
25 delivered it to another F.B.I. agent for keeping in the safe?

1 6

Amoroso-direct /voir-dire

2 A This shows Mr. McCarthy took it for duplication.
3 It says February 26th of 80.

4 Q When did you first turn it in?
5 Can you tell from looking at it?

6 A From this?

7 Q Yes.

8 A I ascertained the original report on 8/6/79.
9 It doesn't indicate anything after 2/26/80.

10 Q Can you tell when you first turned your tape
11 recording that you made, 2B, into someone else at the F.B.I.
12 for safekeeping?

13 A No.

14 Q You can't tell that?

15 A Not from there.

16 Q Do you remember when you gave it to someone
17 at the F.B.I.?

18 A It would have been within a couple of days
19 of when it was obtained .

20 Q Well, you recall that you gave the first
21 tape, the one of August 5th to someone on the 6th?

22 A That's because it was indicated on there.

23 Q Does it help your recollection, would you
24 have given this one on the same day, too?

25 A It's very possible.

1 7

Amoroso-direct/voir dire

2 Q Wouldn't you have a sheet of paper like this --

3 A It may be in there.

4 Q Excuse me, like this one, that starts with the
5 very first date that you began logging this in?6 A No. When that -- when that was obtained I
7 was in Cherry Hill. I don't travel with the forms in my
8 possession. What I would have done is on the inside of
9 the cassette is a cover. I would indicate the date, time
10 and what not.11 I would then in that instance hold on to that until
12 I got to one of the other agents working on it and turn
13 it over to him.14 Q Now, wouldn't there be an indication on a
15 folder like this as to the date that you actually turned
16 it into the other agent?17 A If I gave him the original cassette, it
18 wouldn't be on that folder. He would have made it out.
19 He would have signed his name.

20 Q On a form like Exhibit 2B?

21 A On a form like that, correct.

22 Q Do you know where that form is?

23 A No.

24 MR. BEN VENISTE: We may want to discuss an
25 objection, your Honor.

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Amoroso-direct /voir dire

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THE COURT: Sidebar?

4

MR. BROWN: Judge, may I just for the purposes

5

of voir dire for the sidebar have a voir dire?

6

THE COURT: Proceed.

7

VOIR DIRE EXAMINATION

8

BY MR. BROWN:

9

Q Mr. Amoroso, you have had the excerpt number

10

2B; is that correct?

11

A Yes, that's right.

12

Q And as his Honor indicated to the jury, it's

13

actually about eleven sentences; is that correct?

14

A Yes.

15

Q Can you tell us what proportion of the total

16

tape that represents, that is to say, the tape which

17

has been marked 2A, dated August 6th, '79, 9:30 A.M?

18

A I would say a very minute portion.

19

Q Would you say that it probably represents

20

ten or eleven lines out of twenty-five pages, approximately?

21

A It's a possibility.

22

I don't remember how long the original is.

23

Q I understand. I will not hold you to that.

24

Roughly, that's true, isn't it?

25

A It could be, yes.

MR. BROWN: I have no further examination.

* * *

Amoroso-direct

(The following takes place in open court and in the presence of the jury.)

THE COURT: Ladies and gentlemen, I have overruled the objection that we have discussed at the sidebar. Exhibits two and 2A are received in evidence. Again, we are dealing here with a conversation where the only defendant that is a participant is the defendant Errichetti. And you should consider this as a limiting instruction of the nature that I gave you somewhat earlier in connection with Exhibit 1A. At this stage of the trial you may consider it only with respect to Mr. Errichetti and not with respect to any of the three other defendants.

MR. PUCCIO: Your Honor, may we distribute the 2A exhibits to the jury?

THE COURT: Yes, please do.

MR. PUCCIO: May I approach the witness and get the exhibits marked?

THE COURT: Yes.

We will listen to the rather brief excerpt on Exhibit 2A and then we are going to recess for the day.

THE CLERK: Your Honor, 2 and 2A are both in?

2 THE COURT: Yes, 2 and 2A.

3 (Transcripts are handed to the jury.)

4 THE COURT: If the transcript doesn't begin
5 August 6th, 1979, 1:30 A.M. let me know.

6 All right, Mr. Puccio, you may proceed.

7 DIRECT EXAMINATION

8 BY MR. PUCCIO: (Continued).

9 Q Again with respect to this transcript, the
10 initials M.W. are used for Mel Weinberg, Angelo Errichetti
11 is A.E. and Tony DeVito is T.D.; is that correct?

12 A Yes.

13 MR. PUCCIO: May we play it, please?

14 THE COURT: Yes.

15 (Whereupon, the tape recording referred to
16 is played.)

* * *

Date: August 6, 1979
Time: 9:30 A.M.
Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)

MW: And the other thing I want to tell you on a Myer,
right? I'm arranging for the money and we hope to
do that in the next week, or week after next . . .
on Myer . . . I got it all set up.

AE: He's all set. He's all set.

TD: Alright.

MW: You understand? I want to especially now extra
double careful, alright? Uh and then on the rest
we'll go one right after another.

AE: They're there.

I N D E X

- - - - -

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
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RICHARD Mc MULLEN	356	366		
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ANTHONY AMOROSO	560			
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GOVERNMENT'S EXHIBIT NO.	DESCRIPTION	FOR ID.	IN EVID.
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16	Document	572	
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1B	"	604	
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1, 1A	"		612
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2B	"		618
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* * * * *

A P P E A R A N C E S :

EDWARD R. KORMAN, ESQ.,
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13 * * *

1
2 ANTHONY AMOROSO, having been
3 previously duly sworn, resumed the stand and testified
4 further as follows:

5
6 THE CLERK: Mr. Amoroso, please be advised
7 that you are still under oath.

8 MR. PUCCIO: May I proceed, sir?

9 THE COURT: Yes.

10 DIRECT EXAMINATION

11 BY MR. PUCCIO: (Continuing)

12 Q Mr. Amoroso, you will recall when we
13 adjourned yesterday you testified concerning a meeting at
14 the Hyatt House Hotel in Cherry Hill, New Jersey, attended
15 by you, Mr. Weinberg and Mr. Errichetti on August 6th, 1969?

16 A Yes.

17 Q And subsequently a tape recording was played
18 of a portion of that meeting; is that correct?

19 A Yes.

20 Q Now, did there come a time, sir, when you
21 met with Mr. Errichetti again?

22 A Yes.

23 Q When did that occur?

24 A That was on the following day, August 7th,
25 1979.

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Q Where?

A At the Hyatt House Hotel, Room 1028.

Q Was anyone else present at that meeting?

A Yes, myself, Mr. Errichetti, Mr. Weinberg
and Mr. Howard Criden.

Q And when the meeting began was there anyone
else present?

A Yes. Mr. James Meiler.

Q Was that the same gentleman present on the
26th of July in Fort Lauderdale on the boat?

A Yes.

Q Now, about how long did this meeting take?

A The entire meeting, approximately one hour.

Q And was Mr. Meiler present during that entire
meeting?

A No, he was not.

Q Was a tape recording made of this meeting?

A Yes, it was.

Q And how was that recording made, sir?

A By the same method previously stated, by the
use of the Nagra.

Q That's Government's 16 for identification; is
that correct? That is the suitcase is Government's 16?

A Correct.

1
2 Q Did you activate the equipment yourself?

3 A Yes.

4 Q Whose room was that? Do you recall?

5 A I believe it was my room.

6 Q I now show you --

7 MR. PUCCIO: May I approach the witness, sir?

8 THE COURT: Yes.

9 Q I show you Government's Exhibit 3-B and I
10 ask you to identify it, please.

11 A Yes.

12 This is the original Nagra recording of the
13 August 7th, '79 meeting.

14 Q Produced by you; is that right?

15 A Yes.

16 Q Now, did you have occasion, sir, to make a
17 copy of any portion of this recording?

18 A Yes, I did.

19 MR. PUCCIO: May I approach the witness, sir?

20 THE COURT: Yes.

21 Q I show you Government's Exhibit 3 and I ask
22 you to identify it.

23 A Yes.

24 This is the copy I made, I participated in,
25 I participated in making.

1
2 Q And have you listened to the original recording?

3 A Yes.

4 Q And is the original recording an accurate
5 recording of the meeting?

6 A Yes, it is.

7 Q And have you listened to Exhibit 3-B, a copy --
8 I'm sorry, Exhibit 3-D, the copy?

9 A Yes.

10 Q And is that an accurate copy of a portion of
11 the meeting?

12 A Yes, it is.

13 Q Did you have occasion to participate in the
14 preparation of a transcript of Exhibit 3?

15 A Yes.

16 MR. PUCCIO: May I approach the witness, sir?

17 THE COURT: Yes.

18 Q I show you Exhibit 3-A and I ask you to
19 identify it.

20 A This is the transcript that I participated in.

21 Q Have you checked the transcript against the
22 copy, that is, have you checked 3-A against 3?

23 A Yes.

24 Q And to the best of your ability can you say to
25 us that to the best that you're able that is a copy you made

1
2 of the transcript of that excerpt?

3 A Yes, to the best of my ability.

4 Q There might be a word here or there that is
5 not exactly the same; is that right?

6 MR. BROWN: I object to that, your Honor.
7 That's gratuitous and improper.

8 THE COURT: Sustained as to form.

9 Q Is it absolutely word for word, Mr. Amoroso?

10 MR. BROWN: I object to that as leading,
11 your Honor. He can ask what his opinion is without
12 leading him, your Honor.

13 I beg your pardon.

14 THE COURT: Please, Mr. Brown.

15 MR. BROWN: Yes. I beg your pardon because
16 I suddenly realize what your ruling is.

17 THE COURT: Objection overruled.

18 Do you remember the question?

19 THE WITNESS: No.

20 THE COURT: Read it back.

21 Q Is the transcript exactly word for word of
22 the copy of the portion of the meeting?

23 A There could be minor errors in my interpretation
24 of a word.

25 MR. PUCCIO: I offer Exhibit 3 and 3-A into

1
2 evidence, your Honor.

3 MR. BEN-VENISTE: May I voir dire, your Honor?

4 THE COURT: Yes.

5 MR. BEN-VENISTE: May I approach the witness,
6 your Honor?

7 THE COURT: Yes.

8 VOIR DIRE EXAMINATION

9 BY MR. BEN-VENISTE:

10 Q Exhibit 3-A, Mr. Amoroso, the transcript,
11 does not include Mr. Meiler's name, does it?

12 A No, it does not.

13 Q And that's because in the excerpt Mr. Puccio
14 wants to put into evidence Mr. Meiler has already left the
15 meeting?

16 A That's right. He was not then present.

17 Q Now, on Exhibit 3-B, the first date that
18 appears on the evidence envelope is 8/7?

19 A That's correct.

20 Q That's the very day that you made the tape
21 recording?

22 A Correct.

23 Q And then there is a bunch of signatures on
24 the evidence sheet which shows the people who looked at the
25 tape, who handled it and the exact times and dates and their

1
2 names?

3 A Correct.

4 Q And this was, of course, according to this
5 strict FBI policy regarding the making of tapes?

6 A Correct.

7 MR. BEN-VENISTE: I have no objection, your
8 Honor, except to renew the objection which was made
9 yesterday as to certain names.

10 THE COURT: All right. That objection has
11 the same ruling, it is overruled.

12 MR. BEN-VENISTE: Thank you, your Honor.

13 THE COURT: Are there any other objections
14 to 3 or 3-A?

15 (No response.)

16 THE COURT: Both exhibits received in evidence.

17 MR. PUCCIO: May I circulate the books and
18 play the tape to the jury, sir?

19 THE COURT: Yes.

20 MR. PUCCIO: Your Honor, could we follow the
21 practice if anyone in the courtroom -- rather, anyone
22 on the jury has trouble hearing they could raise their
23 hand and we could adjust the equipment? Occasionally
24 there may be difficulty.

25 THE COURT: I assume that the jury if they

1
2 have trouble hearing any part of this proceeding.
3 whether on the tapes or in the courtroom, would
4 notify me immediately.

5 All that is happening here is for your benefit.
6 If you are not hearing it, you are wasting our time.
7 So if you don't hear it, let me know immediately.

8 Thank you.

9 (Whereupon the tape recording referred to is
10 played.)

Date: August 7, 1979
Time: 10:30 A.M.
Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey
Participants: HOWARD CRIDEN (HC)
MEL WEINBERG (MW)
ANGELO ERRICETTI (AE)
TONY DE VITO (TD)

HC: Can we talk about that other situation now?
AE: What's that?
HC: The candidates.
AE: No.
HC: No?
AE: I told him about Myers.
HC: Yeah, I know, I mean can we talk about that now?
AE: No, I talked to them last night.
MW: It's that already been taken care of. That we'll
have ah when we get the cash in.
AE: Alright.
MW: I don't want to take it out of a bank here.
HC: I've got what Feedoe (ph) as a backup.
MW: What, what do you mean by the backup.
AE: Two from Georgia.
MW: Yeah, who are the ones from Georgia?
HC: And you know there's a third guy.
AE: Lederer
HC: Hah
AE: Lederer from Pennsylvania.
HC: Yeah, I know but I mean the big guy.

AE: Talmadge

HC: Yeah

AE: I told them.

HC: Congressman Elliot Levitas L-E-V-I-T-A-S. Congressman Fowler, both out of Atlanta and Talmadge.

MW: That's no problem.

HC: Besides another guy by the name of Lederer, Congressman from Philadelphia, and the guy you know, first mentioned

MW: That will be in touch er, er if not next week, week after next we'll move on that - that's that's the easiest part. That that's no problem, that can be handled. We give you the O.K. on that now, its no problem with that. Our problem is Atlantic City.

* * *

HC: When you do that first candidate job, where you gonna do that. Up in your place?

MW: No, no, no I don't even want it in the office. We'll get a suite of rooms in a hotel.

HC: Down here?

MW: Ah yeh we'll

TD: We'll make it like convenient for everybody. In other words we'll take maybe near the, near the airport, near Kennedy or LaGuardia someplace.

AE: That's two hours driving, its driving easy.

TD: You know, this way, this way everybody's . . .

HC: Convenient.

TD: Nobody's got to drive four hours

HC: O.K.

TD: Or you know it makes it easy for everybody..

AE: Its excellent for us, excellent as far as time only because its two hours away but its the Garden State Parkway its right there, the turnpike's right there, it all comes together anyway you want.

HC: Alright.

MW: This, when he meets Yassir just tell him to come on strong.

HC: Well he's going to give em, give him a briefing.

AE: I'll give him . . .

MW: The stronger the better, Yassir probably won't even say word to him. He's very conscious how he speaks English. See Abdul is different. Abdul speaks perfect English because he was educated in England. Yassir wasn't.

TD: But they both know how to count.

MW: Oh yeah.

HC: And they both know when they're getting the right count, I'll bet, too.

MW: Oh yeah, there's two shrewdies. I think Yassir's a Jew. If you want to know the truth.

HC: (chuckles)

MW: He's a shrewdy. In his own way. He sat on the yacht there that day and he didn't speak to on one. The interpreter spoke, you know. But he understood every fuckin word they said. You hit it right on the head.

AE: Sure did.

TD: Well if tou want to get, to get a bite to eat

MW: Alright

TD: One o'clock or er do something.

AE: Its one o'clock already?

TD: Yeah. *

* * *

11 DIRECT EXAMINATION

12 BY MR. PUCCIO: (Continuing)

13 Q By the way, Agent Amoroso, was there any
14 mention at all of Congressmen or candidates while Mr. Meiler
15 was in the room?

16 A No, sir.

17 Q No one in the room mentioned a word about
18 Congressmen?

19 MR. BEN-VENISTE: Objection, your Honor.

20 THE COURT: Overruled.

21 Q No one in the room mentioned a word about
22 Congressmen or candidates while Mr. Meiler was present?

23 MR. BEN-VENISTE: Objection, your Honor.

24 It's been asked and answered. It's the same question
25 he just asked.

1 MR. PUCCIO: I will go on, your Honor.

2 Q Now, Mr. Amoroso, did you ever meet with
3 the Mayor of Camden after this meeting?
4

5 A Yes, I did.

6 Q And where did that meeting take place?

7 A That took place on August 8th, 1979, also
8 at the Hyatt House Hotel, Room 1028.

9 Q Who was present at that meeting?

10 A Myself, Mr. Weinberg and Mr. Errichetti.

11 Q Now, was a tape recording made by you of that
12 meeting?

13 A Yes, it was.

14 Q How?

15 A By the same means, using the Nagra in the
16 briefcase.

17 MR. PUCCIO: Can I approach the witness, sir?

18 THE COURT: Yes.

19 Q I show you Exhibit 4-B and I ask you to
20 identify it.

21 A Yes. This is the original recording that I
22 made on 8/8/79.

23 MR. PUCCIO: May I approach the witness?

24 THE COURT: Yes.

25 Q Now I show you Exhibits 4 and 4-A. First

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2 with respect to 4 and then 4-A, I would like you to identify
3 them.

4 A 4 is an excerpted copy of the original which
5 I made with Mr. Leonard.

6 4-A is a transcript which I completed from
7 both -- from number 4.

8 Q Now, have you listened to the original Nagra
9 recording and the cassette, that is, 3-B and 3?

10 A Yes.

11 MR. BEN-VENISTE: I thought we were talking
12 about Exhibit 4, your Honor?

13 MR. PUCCIO: I'm sorry.

14 Q 4-B and 4?

15 A Correct.

16 Q And is Exhibit 4 an accurate copy of a portion
17 of Exhibit 4-B?

18 A It is.

19 Q And is the transcript, Exhibit 4-A, an
20 accurate transcript of Exhibit 4?

21 A To the best of my ability, it is.

22 MR. PUCCIO: Your Honor, I offer Exhibits
23 4 and 4-A.

24 THE COURT: Any objection?

25 MR. BEN-VENISTE: May I voir dire, your Honor?

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2 THE COURT: Yes.

3 MR. BEN-VENISTE: May I approach the witness?

4 THE COURT: Yes.

5 VOIR DIRE EXAMINATION

6 BY MR. BEN-VENISTE:

7 Q Mr. Amoroso, Exhibit 4-B is the evidence
8 folder again?

9 A Yes.

10 Q And 4-B has your name on it as the first
11 entry and it says that the first date is 8/8/79?

12 A Correct.

13 Q Does that mean that you turned it in for
14 custody to the FBI safe on the same day that you made it?

15 A No. The date I relinquished custody is on
16 the right-hand side.

17 Q I see it was 8/8/79?

18 A That's the left-hand side. I had custody
19 and I relinquished custody on 8/10.

20 Q I see. You relinquished one of these
21 folders on 8/8/79?

22 A No. I retained the cassette in my custody
23 until that time.

24 Q So when it said 8/8/79, you wrote that on the
25 10th of August?

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A Possibly, yes.

Q Now, where it says the names of the persons intercepted, that means the people who were tape recorded?

A Yes.

Q Is that correct?

A Yes.

Q There is Errichetti, Weinberg, DeVito, that's you?

A Yes.

Q And Vincent Cuti.

Who is Vincent Cuti?

A Vincent Cuti is an attorney from Long Island, New York.

Q Was he participating in this investigation in some way?

A No. He was not present when this excerpted copy was done.

Q You mean he wasn't present --

A He wasn't present when the conversation was recorded. He had already left.

Q Was he working with you in the investigation or was he brought in for some other purpose?

A He was brought in for some other purpose.

Q Who brought him in?

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2 A Myself and Mr. Weinberg.

3 Q Wasn't Mr. Cuti Mr. Weinberg's lawyer?

4 A No, he was not.

5 Q You are sure of that?

6 A I am sure of that.

7 Not at the time I was involved there.

8 Q . And then after the 10th when you say you
9 released this tape from custody, everybody whoever saw the
10 tape signed this slip?

11 A Correct.

12 Q And that was in accordance with policy?

13 A Correct.

14 Q When is this policy set forth of how to
15 handle these tapes and how strict you have to be about it?

16 A That's a good question. I am not sure I
17 know the answer to that.

18 Q Well, who told you?

19 A Who told me?

20 Q Yes, how to do all this.

21 A I guess it just comes from experience. I
22 don't know.

23 Q But you knew it before this investigation?

24 A Yes. I participated before in making
25 recordings and in recording in such a manner.

1
2 Q And you went over that with Mr. Good who was
3 your boss in this investigation?

4 A Correct.

5 Q And Mr. Good is sitting here with Mr. Puccio?

6 A Correct.

7 MR. BEN-VENISTE: I have no further questions
8 and I have no objection, your Honor, to the
9 introduction of this evidence.

10 THE COURT: Is there any other objection to
11 4 and 4-A?

12 (No response.)

13 THE COURT: Received in evidence.

14 MR. PUCCIO: Your Honor, while we are doing
15 that, may we collect the books and put in the next
16 transcript?

17 THE COURT: Wouldn't it be easier simply to
18 pass out the transcript?

19 MR. PUCCIO: I'm sorry. Let's just pass out
20 the transcript. I'm sorry, Judge. We started
21 with a full book and I don't know what happened after
22 that.

23 (The transcripts were passed out among the
jury.)

* * *

17 MR. PUCCIO: May we play the tape, your Honor?

18 THE COURT: Yes.

19 (Whereupon, the tape recording referred to
20 was played.)

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22 (Continued on next page.)
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Date: August 8, 1979
Time: 4:30 P.M.
Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
TONY DE VITO (TD)
INAUDIBLE (IA)

MW: We'll try and push it as fast as possible alright
and on ah what's it Myers?
MW: The Congressman.
AE: The Congressman.
MW: Yeah. We'll see if we get that started as fast as
possible, too.
AE: He is ready, willing and able tomorrow morning, he
called me this morning.
TD: He'd have to introduce some kind legislation right,
some kind of bill or something
AE: Whatever you say
TD: Well I don't know, whatever I say, he's the guy that
knows more about what has to be done than I would,
I don't you know, I
AE: You mean in regards to Yassir
TD: Yeah
MW: Yeah let him tell Yassir whatever he had to tell him
TD: I mean what I'm saying is, yeah, but what I'm saying
is, he would know better what procedure . . .
MW: Well if it comes to pushing it up big people behind
him going to the right people saying, hey, let this
guy in, they can give him political whatever the hell
they call it.

AE: I will naturally talk to Ozzie first I just trying to grasp as to he will say. Ozzie's got balls, that's for openers.

* * *

AE: He represents all Italians, you gotta be a pretty decent guy, be Irish and be fucking Italian like him in South Philly, like Rizzo thinks he's the greatest thing since fuckin sliced bread, he's got fuckin balls.

MW: Alright, then who would be the next one after him

AE: I guess it would be Lederer.

MW: Lederer?

AE: Congressman Lederer, O.K. Next guess is the 2 from Georgia and Talmadge now I don't (IA) with Talmadge, Talmadge has already been talked to you can get

MW: That one I'm surprised at, that guy's gotta be

AE: Now he's reaching out to two, two in Florida and hopefully from California (IA), now the other one would be Frank Guarini the Congressman from New Jersey, Hudson County, he's been that will all be resolved basically after Memorial Day, Labor Day.

* * *

1
2 Q Mr. Amoroso, was there another meeting
3 on August 22, 1979?

4 A Yes, there was.

5 Q Where?

6 A At the Travel Lodge International Hotel,
7 room 381, John F. Kennedy Airport, Queens, New York.

8 Q Who was present?

9 A Myself, Mr. Weinberg, Mayor Errichetti
10 and Congressman Myers.

11 Q To your knowledge was that meeting tape-
12 recorded?

13 A Yes, it was.

14 Q By what means?

15 A Video tape.

16 MR. PUCCIO: Your Honor, I ask in the
17 absence of any stipulation at this point to excuse
18 Mr. Amoroso temporarily and call Mr. Kirk,
19 the technician on the video tape to establish the
20 appropriate foundation for our offer of this
21 recording.

22 THE COURT: Any objection to that
23 procedure or is there a stipulation?

24 "Answer: No objection, sir.

25 THE COURT: All right.

1
2 You may step down, Mr. Amoroso. Don't go
3 away.

4 MR. PUCCIO: We call Mr. Kirk.

5 N O R M A N T. K I R K, having
6 been first duly sworn by the Clerk of the Court,
7 testified as follows:

8 THE CLERK: Please state your full name
9 for the record.

10 THE WITNESS: Norman T. Kirk.

11 THE CLERK: Please spell your last name.

12 THE WITNESS: K-i-r-k.

13 THE CLERK: Please be seated.

14 DIRECT EXAMINATION

15 BY MR. PUCCIO:

16 Q Mr. Kirk, what is your occupation?

17 A A special agent with the FBI.

18 Q How long have you been so employed?

19 A Nine years.

20 Q Are you assigned to any particular office
21 within ghe FBI?

22 A Presently with the Philadelphia office.

23 Q Were you at any time assigned to the New
24 York office of the FBI?

25 A Yes, I was.

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Kirk-direct-Puccio

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Q During August of 1979 were you so assigned?

A Yes.

Q Now, what was your duties at that time with the FBI?

A I was on the technical service squad.

Q Now, on August 22, 1979 did you have occasion to be at the Travel Lodge International Hotel, Room 381 at John F. Kennedy Airport, in Queens, New York?

A Yes.

Q And can you explain to the judge and the members of the jury what you did at that room on that day?

A I operated the video tape recorder.

Q Well, prior to that did you make any installation in the room?

A Yes, I did.

Q What type of installation did you make?

A I made installations that would record audio and video on the video tape recorder.

Q So you installed certain electronic equipment in the room?

A Yes.

Q Microphone?

A Yes.

Q Cameras?

1 4 Kirk-direct-Puccio

2 A Yes.

3 Q Now, did you -- did there come a time when a
4 meeting took place in the room in which the equipment was
5 installed?

6 A Yes.

7 Q And I assume when the meeting took place
8 you were not in the room; is that right?

9 A That's correct.

10 Q Where were you?

11 A In the room next door.

12 Q And while the meeting took place what were
13 you doing in the room next door?

14 A Operating the equipment, the video recorder.

15 Q Can you explain to the members of the
16 jury what type of equipment you had in the next room?

17 A The room that I was in?

18 Q Yes, sir.

19 A We had the video recorder, had a back-up audio
20 recorder, and we had monitors which you have, similar to
21 which you have placed around the courtroom right now.

22 Q So you could watch?

23 A Yes.

24 And I also had the head sets so that you
25 could listen to what was being said.

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Kirk-direct-Puccio

Q Now, as a result of -- withdrawn.

Do you have any tape recordings with you today?

A Yes, I do, sir.

Q Do they have exhibit numbers on them that have been premarked?

A Yes.

Q What are the exhibit numbers in their appropriate order?

A One is marked Government Exhibit 5 and then under that it has a longer number.

Do you want that number also?

Q No. Just the government exhibit number is fine.

A Government Exhibit 5 and Government Exhibit 6.

Q All right.

And can you identify Exhibit 5 for us, please?

A Yes. It is an original video tape recording of a meeting at the International Hotel which took place on August 22, 1979.

Q And is that the recording that was made?

A Yes.

1
2 Q And what is the next exhibit?

3 A Government's Exhibit No. 6 is a second
4 recording on the same day at the same motel.

5 Q Did you make that exhibit?

6 A Yes.

7 MR. PUCCIO: I offer the two exhibits in
8 evidence, your Honor.

9 MR. DUFFY: Your Honor, has Mr. Puccio
10 completed his direct examination of this witness?

11 MR. PUCCIO: Yes, I have.

12 MR. DUFFY: May I cross-examine, sir?

13 THE COURT: You may.

14 CROSS-EXAMINATION

15 BY MR. DUFFY:

16 Q Mr. Kirk, who was in the room with you
17 when you were watching this conversation on the monitors?

18 A Special Agent John Good was with me.

19 Q Anyone else?

20 A There may have been. I don't recall.

21 Q Were there any lawyers there, any prosecutors?

22 A I don't specifically recall any prosecutors
23 with us at that time.

24 Q Was Mr. Puccio there?

25 A I don't recall him being there, no, sir.

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2 Q Did you, in connection with the two tapes,
3 5 and 6, prepare a log to show where the tapes went
4 from the time they were made?

5 Do you have that up there?

6 A Yes.

7 Q I'll check that in a moment.

8 There were two tapes made, two separate tapes,
9 were there not?

10 A Yes.

11 Q Was one tape made of a meeting involving
12 Congressman Myers?

13 A Yes.

14 Q And then the machine was shut off, was it not?

15 A Yes.

16 Q So there was a period of time in the room
17 when there was no video tape running, is that right?

18 A Well, there was nobody in the room.

19 Q Well, in any case, the video tape machine
20 was shut off?

21 A Yes, it was.

22 Q And then it was turned back on, is that
23 right?

24 A Yes.

25 Q And who was in the room when it was turned

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back on?

A It was Mayor Errichetti, Mel Weinberg and Anthony Amoroso.

Q As a matter of fact, when Congressman Myers left the room Mayor Errichetti left with him or shortly after him, did he not?

A Yes, I believe that's correct.

Q And the machine was shut off at that time, is that correct?

A Yes.

Q And Weinberg and Amoroso were still in the room, is that right?

They didn't leave?

A You may be correct on that. I am not absolutely certain.

Q I want you to tell the jury. I don't need to be correct. I want your recollection.

A My recollection is that that would be correct.

Q That two people, Mr. Weinberg and Mr. Amoroso stayed.

However, I am not certain. My memory is not positive.

1
2 Q Well, sir, if we can review -- I thought
3 you said a few moments ago that the machine was turned
4 off and there was nobody in the room.

5 A I did say that.

6 Q Do you want to retract that?

7 A Yes.

8 Q Now, who was in the room when the machine
9 was shut off?

10 A Mr. Weinberg and Mr. Amproso.

11 Q Are you sure Weinberg didn't leave with
12 Mayor Errichetti?

13 A No, I am not sure.

14 Q He might have.

15 A Yes.

16 He might have.

17 MR. DUFFY: May I approach the witness,
18 sir?

19 THE COURT: Yes.

20 Q Tell me, where is Exhibit 5, sir.

21 A Right here.

22 Q There is a custody control log on this
23 envelope, is there not, sir?

24 A Yes.

25 Q And your name is Norman T. Kirk and it

10

Kirk-direct-Puccio

1
2 indicates that on the 22nd you took the original from
3 the recorder and took it to the FBI office, is that
4 right?

5 A Yes.

6 Q And every move, would it be fair to say, I
7 don't want to waste the jury's time or the court's,
8 unless you have a quarrel with me, every more that this
9 tape made from that day to this is recorded on this
10 log, is that correct, and on the continuance sheet on the
11 back?

12 A Yes.

13 Q And even down to this very day?

14 A Yes, yesterday.

15 Q You didn't get today?

16 A I took custody of it yesterday.

17 Q Is the same true of Exhibit 6 which says
18 Norman T. Kirk, original removed from record and taken
19 to FBI office 8-22-79, is that your handwriting?

20 A Yes.

21 Q So that when you took this tape from the
22 record -- by the way, for the jury it did not have to be
23 developed, did it?

24 A No.

25 Q The tape -- you tape it and then you play it

11 Kirk-direct-Puccio

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right back, is that correct?

A Yes.

Q Like we do with the home movies?

A Yes.

Q And every move that this tape has made has been logged all the way down to yesterday, has it not?

A That is the 8-11 at 11:00, and this is the 12th.

Q Where it says trial evidence, is that right?

A Yes.

Q So we can rely on the continuity of possession, the FBI's policies, and you followed it every time that that tape makes a move there is some form of accountability, is there not?

A Yes.

Q And it became accounted for immediately almost after it was removed from the machine, isn't that right?

A Yes.

MR. DUFFY: Do you have any further questions?

THE COURT: Mr. Ben-Veniste, any questions?

MR. BEN-VENISTE: I will be very brief,
your Honor.

CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Kirk, you said you were with the technical services branch of the FBI?

A Yes.

Q Is that the official title?

A Well, they call it squad 14.

They are basically technical services.

Q And you are out of the Manhattan office?

A That was the Manhattan office, yes.

Q And that is the main Manhattan office in the city?

A Yes.

Q And the technical services squad now is basically involved in bugging and recording?

A Yes.

Q Do you have a manual that sets forth the regulation as to how to handle those kinds of bugs?

A I don't have a manual like that.

Q Is there a manual that talks how to handle the evidence, that is, once you make a tape recording or video tape as to what you ought to do with it in order to preserve it as evidence?

A I am not aware of a manual.

1
2 Q But there are some pretty strict instruc-
3 tions, are there not?

4 A There have been instructions that have come
5 out, yes.

6 Q And you followed those instructions in
7 connection with --

8 MR. BEN-VENISTE: May I approach the
9 witness, your Honor?

10 THE COURT: Yes.

11 Q -- in connection with Exhibits 5 and 6?

12 A Yes.

13 That is the back side.

14 Q When you made these recordings you had some
15 advance notice of where you were going to go to install
16 your equipment?

17 A Yes.

18 Q And were these cameras placed in air-
19 conditioning ducts in the rooms?

20 Is that how you did it on that occasion?

21 A No.

22 Q Where did you put your cameras?

23 A If I may --

24 MR. PUCCIO: Your Honor, we object unless
25 it is absolutely necessary.

1
2 THE COURT: Do you consider this, quote,
3 absolutely necessary?

4 MR. BEN-VENISTE: I don't know what Mr.
5 Puccio means by absolutely necessary, but I
6 think the jury may want to know where Mr. Weinberg
7 had to keep the conversation in order for it to be --

8 MR. PUCCIO: I object to this, your Honor.

9 MR. BEN-VENISTE: In order for it to be
10 recorded properly.

11 THE COURT: I don't have an objection unless
12 you are contending it is absolutely necessary.

13 MR. BEN-VENISTE: I think it is necessary
14 for the jury to understand fully what happened.

15 MR. PUCCIO: Then I will withdraw my
16 objection.

17 THE COURT: All right.

18 Where did you hide the cameras?

19 THE WITNESS: The camera was mounted in
20 the same room that I was in.

21 Q I don't understand.

22 You didn't take a picture of yourself. You
23 took a picture of the people in the next room.

24 A I said the camera itself was in the room I
25 was in.

1
2 Q Did you bore a hole in the wall or use
3 a fake mirror?

4 A There was hole in the door.

5 Q In the door?

6 A Yes.

7 Q And there was a little pinhole so that the
8 camera could look through the next room?

9 A Yes.

10 Q And when the room that the actors were in
11 was being photographed, that only covered a certain
12 area in the scope of the lens of the camera. Is that
13 fair to say?

14 A Yes.

15 Q And before you began filming did you
16 instruct Mr. Weinberg and Mr. DeVito as to where they
17 ought to sit?

18 A Yes.

19 Q So you were really the stage man insofar as
20 where they would be photographed?

21 MR. PUCCIO: I object, your Honor.

22 MR. BEN-VENISTE: The witness is nodding
23 his head, your Honor.

24 I don't know whether the--

25 THE COURT: I will overrule the objection.

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Is that a fair characterization of what you were doing, Mr. Kirk?

A Yes.

Q So you told him, look, you got to keep the conversation in this particular area, which the jury will see when they see the video tape, but keep it here in this area and that is where we will be able to get it on the camera?

A Yes.

Q And you told him -- where were the microphones?

You talked about the camera and where were the microphones hidden now?

A Underneath the rug, generlaly in the corner where the rug meets the wall.

Q Were there two separate microphones, one for the video and one for the audio back-up?

A Three microphones altogether.

Q There were three altogether?

A Yes.

Q So it is fair to say that you want to be exactly sure that there would be no way that you would miss any part of this conversation because of the possible malfunction of some equipment?

1
2 A There was a back-up system.

3 One microphone went into the video
4 recorder that would have been generally referred to as
5 a monitor type.

6 And then there were two microphones that fed
7 into a Cassette recorder. So not to be misleading,
8 there were two systems. One was the video and then
9 there was just an audio back-up.

10 Q There were two complete systems, so for some
11 reason if one malfunctions, then the words of the
12 actors would be caught on the other system.

13 A Yes.

14 MR. BEN-VENISTE: I don't have any further
15 questions.

16 THE COURT: Mr. Cacheris, any questions?

17 MR. CACHERIS: None, your Honor.

18 THE COURT: Mr. Brown, any questions?

19 MR. BROWN: If I may, your Honor.

20 CROSS-EXAMINATION

21 BY MR. BROWN:

22 Q Good morning, Mr. Kirk.

23 Mr. Kirk, is it customary for a special
24 agent to make a written report of a proceeding such as
25 you described for this court and jury?

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A Not necessarily.

Q Well, is there a form known as a 302?

A Yes.

Q Would you explain what a form 302 is, sir, if you will?

A A 302 is generally a typewritten document that reflects what took place on a certain day or certain time.

Q A particular type of incidence of importance. Would you accept that as the objective of a 302?

A Yes.

Q With respect to these procedures, they certainly were significant and important, were they not?

A Yes.

Q Is it not customary then for the bureau, referring to the FBI as the bureau, that is a common term, isn't it?

A Yes.

Q Is it not customary for the bureau to require a written report from agents who supervise or conduct such significant events such as these?

A I don't know that there is any requirement. I would think it would be up to the discretion of the

1
2 person or the agent.

3 Q Forgive me. I said, isn't it customary
4 was the word I used.

5 A Customary, yes.

6 Q It would be customary?

7 A Yes.

8 Q Now, with respect to this incident, I take
9 it that you never did prepare a 302 or any form of written
10 report, am I correct?

11 A No.

12 I did not prepare one.

13 Q I did not prepare one.

14 Q Does the material that you have before you
15 in any form reflect a recitation by you of the events that
16 occurred, let's say with respect to the Government's
17 Exhibit 5, that is the first video tape. Is that right,
18 sir?

19 A Yes.

20 You mean did I sit down and record the
21 events that took place as I saw them on the screen?

22 MR. BROWN: May I approach, your Honor?

23 THE COURT: Yes.

24 Q I take it and I am not certain, that the
25 one document in front of you to some degree recites what

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happened in terms of time.

Would that be correct?

A Yes.

Q And when I say documents, I am looking at two items and I don't know if they have been marked.

A Yes.

Q Yes, they are.

Exhibit 6 for example and Exhibit 5.

Exhibit 5 I am touching is a video tape with a covering on it that does have writing on it, is that correct?

A Yes.

Q And that relates to the video tape which will be known as 5A, is that correct? Or the transcript which is 5A pertaining to video tape 5?

A I assume.

Q Would that be your understanding?

A I don't know what the transcript is. This is Exhibit 5.

Q I think there is one standing there, staring at you there.

Would you lift 5 so the jury can see what we are talking about?

You have a book, right?

1
2 A Yes.

3 I didn't bring this up here.

4 Q You didn't?

5 A No.

6 Q I beg your pardon.

7 I show you an item in front of you and ask
8 you if you can identify that as anything familiar to you.

9 A This is a transcript dated August 22, 1979.

10 Q And I show you a tab which apparently conforms
11 to the government marking which is Government Exhibit 5A.

12 A Yes.

13 Q So when I say 5A, I would ask you to consider
14 this 5A.

15 A Yes.

16 Q Would you please?

17 A Yes.

18 Q May I put this aside some place where it
19 may be safe?

20 This is 5 here.

21 MR. BROWN: May he put it there, your Honor?

22 THE COURT: Yes.

23 Q So now we are dealing with video tape 5.

24 And you are familiar with Exhibit 5A to some
25 degree I suppose now that you have examined it, is that

1
2 right?

3 A Yes.

4 Q So that as we examine it together does that
5 SA, that is the book in here --

6 A Right.

7 Q Does that describe what happened in terms
8 of the events of August 22, 1979?

9 A Well, I see it as a transcript of the
10 conversation.

11 Q But there is at the top, is there not, some
12 data reflecting persons present and time and place, is that
13 right?

14 A Yes.

15 Q Now, with respect to 5, which is the
16 record that you made, I undersand, is that right, in
17 part at least?

18 A Yes.

19 Q There is a writing on here that refers
20 to the people whjo are prsent, and they name all except
21 I see -- they name everybody who is on 5A, is that
22 right?

23 A Yes.

24 Q Now, could you tell us, sir, in terms of
25 the time, August 22nd, at 12:13, whether or not that

1
2 is the time you first commenced the video tape, please?

3 A I don't know if that is the time it began or
4 not.

5 Q Now, looking at 5C, to some degree has a
6 made by you, would that tell us when you commenced the
7 video tape?

8 A No, it wouldn't.

9 Q Do you have any record, sir, which would
10 refresh your recollection as to the time the video tape was
11 actually started?

12 A Well, not here, no.

13 Q Well, is there a place where there is a
14 record which would indicate?

15 A Yes. It would be on the tape.

16 Q On the tape itself?

17 A Yes.

18 Q Now, then, if you look at 5A, it seems to
19 give a time, 12:13, and you say you can't affirm or deny
20 whether that is the accurate time?

21 A I cannot.

22 Q If you examine 5A and go down a bit
23 there is a preamble?

24 A Yes.

25 Q Would you examine that for a minute, please?

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A Look at the preamble?

Q Would you please, yes.

A Yes.

Q Now, Mr. Kirk, you had the opportunity to examine the preamble to the writing which is set forth on 5A, which is before you, is that correct?

A Yes, I have read it.

(Continued on next page.)

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Q Now, tell us whether or not from your recollection without referring to the tape if you can, whether or not the preamble describes action that was taken prior to Mr. Errichetti's entering the room, which I think is No. 381. Is that right?

A Yes.

Q You were in 380 or 379, one or the other?

A Yes.

Q Which one? Any recollection?

A I am not really sure.

Q Not your recollection, but one side or the other?

A Yes.

Q So when I talked about 381, you are aware of the preamble as I pointed it out to you, is that right?

A Yes.

Q Now, with respect to the preamble, can you tell us whether or not you photographed the happenings in the preamble? By photograph, excuse me, I will withdraw it, video tape.

Did you video tape the happenings in the preamble?

A I believe so, yes.

Q Now, was there an interval between the

1
2 video tapings of the happening in the preamble and the
3 happenings beginning with the conversation where it says
4 U.M. on Exhibit 5 before you?

5 A I don't specifically recall whether there was
6 or was not.

7 If I had to say yes or no I would say there
8 probably was.

9 Q I would not like you to say that, sir.
10 I think you can only give us your recollection.

11 A Probably.

12 Q It would be probable that ta first you
13 photographed that preamble, right?

14 A Yes.

15 Q And then there would be a time interval,
16 and then in would walk Mr. Errichetti and the other
17 persons who are subsequently recorded, would that be
18 right?

19 A I think that would be.

20 Q Now, is there any record made, either on the
21 tape or in writing, which would indicate the time span
22 between the preamble, the setting up the actions as
23 described to Mr. Weinberg -- the preamble describes Mr.
24 Weinberg, is that right?

25 MR. PUCCIO: Amoroso.

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Q I will stand corrected as you tell me, which would it describe?

A It would show the speaker was Mr. Amoroso.

Q Was Mr. Weinberg present, if you know, at the preamble now?

A I don't recall.

Q Would there be a record that would tell us whether or not he was present?

A Not to my knowledge, no, sir.

Q And would there be a record which would show us the time lapse between the preamble and the entrance of let us say Mr. Myers and Mr. Errichetti?

A Well, it would be on the tape.

Q It would show the actual time gap?

A Yes.

I had one piece of equipment and I guess I failed to mention it. We had a date-time generator.

Q That would show where? Where would that show, Mr. Kirk, so the jury can be guided, please.

A In other words, each second that lapsed, this would show on the tape, the date of the recording and the time down to the second.

Q Like a digital clock?

A Yes.

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2 Q So at the bottom as the jury looks at it
3 there would be these times turning over, is that correct?

4 A Yes.

5 Q So the only record we have would be that,
6 and that video tape would show if there is a gap between
7 the time Mr. Amoroso in that preamble does things with
8 an envelope, and the time when other people come in,
9 specifically Mr. Errichetti and Mr. Myers, is that right?

10 A Yes.

11 It would show the times.

12 Q Fine.

13 Now if there was a gap and if you can recall,
14 do you know whether the camera remained trained on the
15 objects which are within the preamble or whether it was
16 turned off or is there any record of that?

17 A There would be no record of it to my
18 knowledge.

19 Q I see.

20 Now, when the final -- you also testified
21 as to a second sequence which would have been somewhat
22 later on the same day, is that right?

23 A Yes.

24 Q And you testified that at that time as best
25 as you recall some people left the room and some remained?

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A Yes.

Q Would that be correct?

A Yes.

Q Do you have any recollection upon which you can rely as to what people left the room?

For example, did Mr. Errichetti, my client, leave the room after that first video session where Mr. Myers was present?

A I cannot be positive.

Q Could not be positive?

A No.

Q Is there any, sir, to your knowledge, any record like a 302 that would have described the events in any detail?

A I don't know if there are or not.

Q Can you tell me whether or not it is customary in such situation for one agent to be in charge so that he is responsible for any customary reporting like the 302s we talked about?

A Yes.

Q And if so who was the agent in charge during these two episodes, if you will?

A It was Mr. John Good.

Q Mr. John Good would have been in charge?

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2 A Yes.

3 Q And he was the gentleman in either 380
4 or 379, is that correct, with you?

5 A Yes.

6 Q And was Mr. Good directing the events which
7 transpired in these two episodes, sir?

8 A I don't particularly recall him directing
9 anything.

10 He was there with me in the same room.

11 Q Would it be customary to call him the agent
12 in charge at the time or whatever term there is?

13 A Yes.

14 Q You would call him that?

15 A Yes.

16 Q Now, I notice that at the beginning of --
17 well, let me withdraw that.

18 You will find in the book before you 6A, sir.
19 The tab will be 6A. You have testified to the video tape
20 relevant to that.

21 And the video tape relevant to that is on the
22 right-hand side marked 6, it is up on the left with
23 your Honor's permission.

24 Right?

25 A Yes.

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Q Did you notice at the beginning of this second episode, 6A, that there is a note that the telephone rings? You may examine it, if you will. I think it is reflected in the script, Mr. Kirk, at the top of 6A, sir.

A 6A?

Q Yes.

A I think it says that, does it not?

A On the first page I don't see anything to that effect.

Let's see, on page 2 it shows at the very top, page 2.

Q The phone rings on page 2.

A Yes.

Q Is that it?

A Yes.

Q Is that what you observed?

A Yes.

Q Tell me, was that Mr. Good calling in or you don't know?

A I don't know.

Q Well, did you observe Mr. Good calling or someone calling in to him from among the agents that were working on these episodes?

A I don't know. I have no idea.

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Q It could have been?

A I don't know who it was, no, sir.

Q To your knowledge --

A I don't know who called in or I don't know who answered the phone either.

Q Well, you are a special agent of the FBI, not just a technician, aren't you, sir?

A Yes, that's correct.

Q And you are rather famous in your training in powers of observation, aren't you?

I mean, the bureau, isn't that so?

A I don't know.

I suppose investigative matters, yes, sir.

Q Wasn't this investigative matters?

A Yes.

Q Well, sir, do you recall whether or not from one room, whethert it was 380 or the other room, 379, whether there were phone calls made back and forth with respect to directions or anything at that time?

A I don't recall any specific instructions one way or another.

Q Your job was just to keep that camera through that pinhole, right?

A That was my basic job, yes.

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Q Now, do you know if any effort was made or any equipment was installed to follow the actions of anyone who left the room of 381?

A No.

I don't know if there was or not.

Q Your cameras certainly didn't have the capability?

A No.

Q None of the equipment that you personally operated, is that right?

A That's correct.

MR. BROWN: Thank you very much.

THE WITNESS: Yes.

THE COURT: Does the camera show the entrance door into the room?

THE WITNESS: No, it did not.

MR. BROWN: Your Honor, would you permit me to -- have you finished, I'm sorry, sir?

THE COURT: I'll be through in a moment.

MR. BROWN: Thank you, sir.

THE COURT: With respect to Exhibits 5 and 6, are they the original tapes as you recorded them?

THE WITNESS: Yes.

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2 THE COURT: Have they been edited in any
3 way?

4 THE WITNESS: Not to my knowledge.

5 THE COURT: You may continue your cross-
6 examination, Mr. Brown.

7 MR. BROWN: Forgive me, your Honor. I
8 should have realized that you had not finished.

9 THE COURT: It's all right.

10 I don't think as quickly as trial lawyers do.

11 My questions don't come that quickly.

12 MR. BROWN: Apparently they are more
13 cogent that way.

14 THE COURT: I doubt that.

15 CROSS-EXAMINATION (continued)

16 BY MR. BRONW:

17 Q Mr. Kirk, forgive me, I have been permitted
18 to open my cross-examination. I have only one or two
19 questions.

20 Do you have any recollection of Mr.
21 Weinberg's movements during these episodes, that to say,
22 whether he went downstairs to talk to Errichetti during
23 the preamble or whether at any time he left the room
24 with Mr. Errichetti?

25 A I don't specifically recall that.

1
2 Q You don't. Thank you, sir.

3 THE COURT: Any redirect?

4 MR. DUFFY: May I ask one question, sir,
5 that is prompted by this cross-examination?

6 THE COURT: Normally I go right around
7 in circles. We have had four cross-examinations --
8 three crosses.

9 It is time for redirect and then we will
10 get to recross.

11 MR. PUCCIO: I don't have any redirect,
12 Judge.

13 MR. DUFFY: I can get Mr. Cacheris to ask my
14 questions.

15 THE COURT: You are on, Mr. Duffy.

16 CROSS-EXAMINATION

17 BY MR. DUFFY:

18 Q Mr. Kirk, Mr. Brown asked you from -- about
19 telephone calls made from the control room where you were
20 to the staging area, and I think you said you didn't
21 know if a call was made by agent Good into the room
22 where the actors were being filmed, is that right?

23 A I don't know.

24 Q Tell me this, sir:

25 If a phone call had been made from the room

1
2 where you were in to the stage area, did you tape it?
3 Was it recorded at all?

4 A No.

5 Q There is no record, no monument, nothing that
6 you can give me that records a phone call from your
7 room into the other room, is that right?

8 MR. PUCCIO: I object, your Honor.

9 THE COURT: What ground?

10 MR. PUCCIO: I object on the ground of
11 relevancy. There has been no -- and as to form.

12 THE COURT: Overruled on both grounds.

13 MR. PUCCIO: I will withdraw it.

14 THE COURT: You are too late.

15 Q Can you answer the question, if you understand
16 it?

17 A No, there would be no recording that I would
18 have made.

19 Q That anyone would have made. You were in the
20 room, is that right?

21 A Yes.

22 Q Did anyone make a recording of any phone
23 calls going into or out of the room in which you were
24 situated?

25 A Nobody in my room made a recording of such

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a call to my knowledge.

MR. DUFFY: Thank you.

MR. BEN-VENISTE: Only one other question,
your Honor.

BY MR. BEN-VENISTE:

Q With respect to the equipment that you are familiar with on the technical services squads, in addition to video tape of equipment that you testified about, and audio equipment --

MR. BEN-VENISTE: May I show the witness Exhibit 16, please.

Q Audio equipment put in a briefcase such as this, Exhibit 16, which included a Nagra recorder, there are other kinds of recording devices that are utilized, are there not, sir?

A With that particular briefcase?

Q In general, to record conversations.

A Yes.

Q For example, if I wanted to record my conversations with you right now, there are devices that can be hidden on my body which the average person would not be aware of that could do that?

A Yes.

Q And indeed one of those devices is a Nagra

1
2 recorder, a small self-contained recorder, a recording
3 device?

4 A Yes.

5 Q And you had those devices at your disposal
6 on the 22nd day of August of 1979, did you not?

7 A I didn't have any with me no, sir.

8 Q I am not talking about with you.

9 A I didn't have any at my disposal, no.

10 Q The FBI had them with them. It is not
11 something invented since then, is it?

12 A That's correct.

13 Q Do you know whether Mr. Weinberg used or asked
14 for one of these self-contained body recorders to use
15 when he went downstairs to talk to Mr. Errichetti?

16 A No.

17 MR. BEN-VENISTE: I have nothing further.

18 THE COURT: Any other questions for Mr.

19 z Kirk?

20 MR. PUCCIO: I have a couple of questions,
21 Judge.

22 THE COURT: All right.

23 REDIRECT EXAMINATION

24 BY MR. PUCCIO:

25 MR. PUCCIO: May I have this marked, sir?

1
2 THE COURT: How long will you be, Mr.
3 Puccio?

4 MR. PUCCIO: A couple of minutes.

5 THE COURT: All right.

6 THE CLERK: Nagra recording device marked
7 as Government Exhibit 17.

8 MR. PUCCIO: May I show it to the witness?

9 THE COURT: Yes.

10 Q I hand you this.

11 MR. DUFFY: May we get that number?

12 MR. PUCCIO: 17.

13 THE CLERK: 17.

14 THE COURT: 17.

15 Q Would you tell us what that is, sir,
16 please?

17 A It's a Nagra recorder.

18 Q Of the type that would go in the briefcase
19 that is on the table?

20 A Yes.

21 Q How long does that run before the reel on
22 it has to be changed with a new tape?

23 A You can get a maximum of two and a half
24 hours.

25 Q And is that the type of Nagra that would be

1
2 worn on someone's body?

3 A It is generally the type that is used, yes.

4 MR. PUCCIO: I have no other questions,
5 your Honor.

6 THE COURT: Any other questions?

7 MR. BEN-VENISTE: No, sir.

8 THE COURT: Any objection to Exhibits
9 5 and 6?

10 MR. BROWN: I was not fast enough for a
11 reason I think you are aware of, Judge. I wanted
12 to ask just one question about the Nagra, may I
13 from here?

14 THE COURT: Yes.

15 RE-CROSS-EXAMINATION

16 BY MR. BROWN:

17 Q Mr. Kirk, you said that that item before you
18 what is it marked?

19 A Government Exhibit 17.

20 Q Thank you.

21 Government Exhibit 17 is the kind that
22 is worn on a body apparatus?

23 Is there a technical word for that? What
24 is it called?

25 A I have heard it called a body recorder.

1
2 Q Would that be fair?

3 A Yes.

4 Q Now, with respect to a body recorder, could
5 a person put the same unit on, Government Exhibit 17, and
6 use it as a body recorder as convertible from the
7 unit that would be in the suitcase like this?

8 I am calling it a suitcase for lack of a
9 better term.

10 We have been told this is a unit commonly
11 used and has been used with that same Nagra.

12 A Yes.

13 Q Is that right?

14 S A Yes.

15 Q Would there be any problem for a person who
16 cannot take this with im for the purpose of concealment, of
17 course, to put that in a body unit and walk around with
18 it?

19 And when I say that I am talking about
20 Exhibit 17.

21 A If I understand what you mean, this could be
22 worn hidden on a person's body and be used to make
23 recordings, yes.

24 Q What I mean, to be more precise, is this --
25 would you know how to open this?

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You have probably used this particular one.

A I guess I can open it.

Q Thank you.

I didn't want to break the thing. I have an ability to do that.

THE COURT: You are referring now to Exhibit 16?

MR. BROWN: Yes, your Honor, Exhibit 16 for identification.

(Pause.)

Q Well, just forget it, Mr. Kirk. One of us may break it.

A You do it.

Q I will not do it.

A You are better on it than I am.

Q I will not.

In this thing we have been told, unit 17 -- which you have, was put in that thing and it picked up conversations.

A No.

Q And it was in here when it picked up conversations.

A I don't know that.

Q That is not within your technical field.

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A I could do it if I had to, but I was not responsible for anything like this being placed in that briefcase.

Q I am certainly not attempting to hold you responsible.

I said the best information we have today is that such a unit, No. 17, was in 16, and that it picked up conversations?

A I have no direct knowledge that it was.

Q Do you have knowledge that such equipment would work in that fashion?

A Yes.

This recorder should work in that one without any problem.

Q Now, could it also be put on your body if you could not walk around with this because this man might notice?

A Yes.

You could put this recorder in this briefcase and use it and you could wear it on your body.

Q Tell me this, if you know: Could you just shove it in your pocket or could you put it -- could you put it on your body with a special thing?

A It's up to the individual. You will want

1
2 to put it on the person so that it is best concealed
3 and also so that you can get a good recording.

4 Q Right, that could be in your hip pocket,
5 breast pocket or specially strapped, it would pick it up?

6 A If you have the microphone shoved in your
7 pocket, I don't know what recording you will get.

8 It will probably pick up the audio or the
9 conversation.

10 MR. BROWN: I am approaching for the
11 purpose of demonstration, your Honor.

12 THE COURT: Yes.

13 Q Suppose you and I are in conversation
14 and I guess we are lounging on a boat, wouldn't you pick
15 up what I am saying if you had that on you somewhere?

16 A Sure.

17 MR. BROWN: I have no further questions.

18 Thank you very much, your Honor.

19 MR. BEN-VENISTE: May I, your Honor, or
20 does Mr. Puccio have anything?

21 MR. PUCCIO: I have no further questions.

22 MR. BEN-VENISTE: Mr. Brown's mind is so
23 fertile.

24 MR. BROWN: Never mind, your Honor.
25

1
2 RECCROSS-EXAMINATION

3 BY MR. BEN-VENISTE;

4 Q This Nagra recorder is a Swiss-made
5 precision instrument, is it not?

6 A Yes.

7 Q It is extremely expensive, is it not?

8 A Yes.

9 Q In fact you can't buy something like this
10 in the United States, it is something that the Intelligence
11 Agency kind of have a corner of the market on?

12 A I don't think so.

13 Q Okay.

14 And the two and a half hour tape, the
15 capability, although it is a small recorder, you indicated
16 you could record a conversation for two and a half hours?

17 A Yes.

18 Q In terms of the pick-up and fidelity, it is
19 super, isn't it?

20 A It is pretty good, yes.

21 Q And if we are sitting here and there is some
22 noise going on over where Mr. Puccio is sitting or
23 somewhere in the courtroom, it is not going to drown out
24 what happens between you and I?
25

1
2 A That's a very iffy question. You could. It
3 all depdnds on how loud you are talking and how loud the
4 noise is.

5 Q If we are talking and say a motor is running
6 over there --

7 A It could make it tough to understand.

8 Q You have the ability to --

9 A Generally speaking if you ar standing
10 here talking and there is something going on in the
11 back of the room, generally it should be okay.

12 MR. BEN-VENISTE: Nothing further.

13 THE COURT: Any objection to Exhibits 5
14 and 6?

15 MR. BEN-VENISTE: No objection at all.

16 MR. BROWN:None except heretofore expressed,
17 your Honor.

18 THE COURT: All right. Those are over-
19 ruled.

20 5 and 6 are received in evidence.

21 I think byou propose to play them now?

22 MR. PUCCIO: I have a few more questions of
23 Mr. Amoroso, your Honor, and I would ask him to take
24 the stand again.

25 * * *

1 (After the recess.)

2 THE COURT: Bring in the jury.

3 ANTHONY AMOROSO, having been
4 previously sworn, resumes the witness stand and
5 testifies further as follows:

6 (The jury enters the courtroom.)

7 THE COURT: We had interrupted the direct
8 testimony of Mr. Amoroso in order to hear from
9 Mr. Kirk. We have now finished with Mr. Kirk,
10 and we are back to Mr. Amoroso.

11 You may proceed, Mr. Puccio.

12 DIRECT EXAMINATION

13 BY MR. PUCCIO, CONTINUED:

14 Q Mr. Amoroso, did you have anything in your
15 possession prior to the meeting on August 22, 1979 at
16 the International Hotel?

17 A Yes, I did.

18 Q What did you have in your possession?

19 A I had a briefcase containing \$50,000 in cash.

20 Q And did that remain in your possession through-
21 out the meeting?

22 A Yes, it did, until I turned it over.

23 Q Who did you turn it over to?

24 A Mr. Myers.

25 Q Now, was' a transcript prepared of this videotape

Amoroso-direct

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meeting of Congressman Myers, Mr. Weinberg, yourself and Mayor Errichetti?

A Yes, it was.

Q And did you participate in the preparation of that transcript?

A Yes, I did.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes.

Q I show you Government's Exhibit 5A. Would you identify that, please?

A This is the transcript that I participated in completing.

Q And is that an accurate transcript of the meeting?

A To the best of my abilities.

Q Now, after the meeting with Congressman Myers and Weinberg and you and Mayor Errichetti, there was another meeting?

A Yes.

Q Is that right?

A Yes.

Q Approximately how long after the first meeting was the second meeting?

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A I would say within fifteen to twenty minutes.

Q In any event, it would be indicated on the videotape; is that right?

A Yes. When one terminated and when one continued.

Q Now, was a transcript prepared of this second meeting?

A Yes, it was.

Q Was this second meeting held in the same room?

A Yes, it was.

Q And who was present at the second meeting?

A Myself, Mr. Weinberg, and Mr Errichetti.

Q Just the three of you?

A Yes.

Q Now, I show you -- I ask you to look at Exhibit 6A, Government's Exhibit 6A for identification. What is that, sir?

A This is a transcript that I participated in completing of that conversation.

Q Is it an accurate transcript of this second meeting?

A Yes, it is, to the best of my ability.

MR. PUCCIO: Your Honor, I offer into evidence Government's Exhibits 5 and 5A, 6 and

1
2 6A.

3 THE COURT: I think we have already covered
4 5 and 6 , and I have ruled on those. They are
5 received in evidence.

6 With respect to 5A and 6A, are there
7 any objections?

8 MR. BEN-VENISTE: I will defer to Mr.
9 Brown for voir dire on those.

10 MR. BROWN: May I?

11 THE COURT: Proceed.

12 MR. BROWN: Am I always required to go
13 to the podium or from here?

14 THE COURT: If you are there, it's all
15 right, or at the podium.

16 MR. BROWN: Thank you.

17 VOIR DIRE EXAMINATION

18 BY MR. BROWN:

19 Q Mr. Amoroso, with respect to 5A, you see
20 the preamble there, do you not?

21 A Yes, I do.

22 Q And you relate it to the videotape; is that
23 right?

24 A Yes.

25 Q When you told Mr. Puccio a few moments ago

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that you went there with a briefcase, the preamble describes that. Is that right?

A The preamble doesn't describe I went there with the briefcase. It describes that I was there and I placed an envelope in the briefcase.

Q Now, when you did all of that, was there a time gap between doing all of that and the greeting of your guests, Mr. Amoroso?

A Yes, there was.

Q What was the gap?

A I don't know. It should be recorded on the tape.

Q You have no knowledge either but it should be recorded?

A The exact time, no.

Q Now, you said between the meeting described in 5A?

A Yes.

Q The transcript?

A Yes.

Q And the meeting described in 6A, the transcript, there is a gap of approximately fifteen to twenty minutes; is that correct?

A I believe so, but the tape will show whether

Amoroso-voir dire-Brown

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2 one terminated and when the next one began.

3 Q I understand. And when did the 6A begin, according
4 to the transcript?

5 A 6A?

6 Q Yes, sir. That's the transcript, the script
7 of the second meeting?

8 A 12:49 P.M.

9 A All right. And you have no knowledge as
10 to when the script, the videotape --

11 MR. PUCCIO: Your Honor, this item has
12 been referred to as a transcript and if there
13 is a different word used, I will object to it.

14 MR. BROWN: Why? This is the English
15 language I am employing. It's a script, an
16 English language.

17 THE COURT: It is a script or a record
18 of what happened there?

19 THE WITNESS: it's the record of what
20 happened, your Honor.

21 THE COURT: The correct English term
22 is transcript, based on the evidence thus far
23 before the Court.

24 MR. BROWN: Yes, sir, your Honor, thank
25 you.

Amoroso-voir dire-Brown

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2 Q So this is a transcript as opposed to a script,
3 as to what was going to happen, an outline of what was
4 going to happen.

5 A That's a transcript.

6 Q That's your distinction.

7 THE COURT: It's my distinction.

8 A This is a transcript.

9 Q Why do you object to my calling it a script
10 and persist in calling it a transcript?

11 MR. PUCCIO: I object.

12 THE COURT: I don't recall the witness
13 making an objection.

14 MR. BROWN: It's he who corrected me
15 in calling it a transcript.

16 THE COURT: The objection is sustained
17 to the question.

18 MR. BROWN: Thank you, your Honor.

19 Q With respect to the writing you have before
20 you, FA, for example, it begins at 12:13. Is that right?

21 A Yes.

22 Q And is there any indication, sir, when it
23 ends, or do you have any knowledge?

24 A Not on the transcript, no.

25 Q So it would be the ending of that with a

1
2 delay in time and then the starting of 6A?

3 A Yes.

4 Q And you described that as fifteen to twenty
5 minutes, the ending of the first and the beginning of the
6 second?

7 A Yes, to the best of my knowledge.

8 Q With respect to this, sir, have you prepared
9 a 302 with respect to the times and circumstances?

10 A The time between one ending and one beginning?

11 Q Or reciting the events of these two episodes.

12 A No, I did not.

13 Q No written report whatsoever?

14 A No.

15 Q I see.

16 So with respect to the movements of Mr. Weinberg
17 and yourself and what happened, there is no 403 reports;
18 is that correct?

19 A No, sir.

20 MR. BROWN: Thank you, sir. With those
21 questions, your Honor, I have concluded my
22 examination.

23 THE COURT: Any objection, then to 5A
24 and 6A?

25 MR. BROWN: No, your Honor.

* * *

Date: August 22, 1979
Time: 12:13 PM
Place: Travelodge International Hotel, Room 381
John F. Kennedy Airport
Queens, New York

Participants: MEL WEINBERG (MW)
MICHAEL MYERS (MM)
ANGELO ERRICETTI (AE)
TONY DE VITO (TD)
Inaudible (IA)

TD: My name is Anthony Acoroso, Jr. The location is the Travelodge International Hotel at John F. Kennedy Airport, Room 381. In a short period of time I'm expecting, ah, US Congressman MICHAEL "OZZIE" MYERS and ANGELO ERRICETTI. Placed in front of me is fifty thousand dollars in one hundred dollar denominations - ten packages in all. Placing them in an envelope. I'm not sealing the envelope. Placing the envelope in briefcase to my immediate right.

MM: OK thats it. - Don't, don't move that -

TD: How ya been?

MM: OK how about yourself?

TD: Not bad, not bad.

MM: Good.

AE: Ozzie's the Congressman from Philly as I told you about.

TD: Right.

AE: The leader of the Philadelphia Delegation which consists of six Congressmen. Thats, thats six right there - you talk about yourself.

- MM: Well...
- AE: Your not bashful. (Laughter)
- MM: ...My position is, I'm now in my third term in Congress and because of two of our senior members were defeated, I'm now the leader of the delegation, and the delegation is four members actually in Philadelphia County and then we take in two Southeastern Counties - both Democratic seats in Southeastern tip of Pennsylvania, a six member delegation. And, uh, we're team players, ya know, we work together. We have very important committee assignments. One of our members is on the Ways and Means Committee. I will be going on the Appropriation Committee. We have another member on the Budget Committee. So we have influence. Ah, also, we have representation on the Judiciary Committee from our state, uh, which is very keen with immigration matters. And, uh, we work together. We have a twenty five member delegation from the state. Uh, we're about, now, I guess the sixth ranking member on the Democratic side. And, uh, we use our influence, uh, cohesively, unitly, we work together as a team. I'm basically the spokesman for the Southeastern region. And, we put together our deals on how we're cutting things and ah, you know, all we have to do with the administration or against the administration to get our point across. And that's basically where it comes down from you know.
- TD: Alright.
- MM: It's based upon overall power within the committee structure.
- TD: OK, what, what I'm really interested in is you tellin', explaining to me how, uh, through your position, OK, uh, we can insure - I'm sure the mayor's explained to you - in fact that's this all started is that, we, ah, ANGELO was down on, uh, on our boat and uh, we were discussing some of the world situations and how some of these, uh, political leaders, have, uh, you know, had to take off from their various countries and, he, ah. And what's, ah, what became very prominent was the fact that, uh, this government was talkin' about, at one time, or it appeared in the newspapers, lets say...

- MM: Um, haa.
- TD: ...that they were gonna expel the guy and send him back, right? We're talking about Sermoss (PH), right? They were talkin about sendin' him back. OK, now this, this creates, ya know, a lot, ah,
- MM: Well this is where, this is where...
- TD: Controversy.
- MM: Absolutely. Where I could be of assistance in this type of a matter, first of all, is private bills that can be introduced. Now, when you, when you're coming from a third world nation and you have no political support in this country - unless somebody's insane, you don't, need, uh you wouldn't introduce a bill to protect your interest if you had to go in exile somewhere. Now, what ya need is the influence to have that done. And, if, if nothin' more you could drag it out for years yust fuckin' with the bill. OK? As far as keeping somebody here if I wants keep somebody in the country, all I do is introduce a private bill. And then we go through a whole process of hearings and we drag it out as long as we want. And, suh, in that - first of all getting that done is, suh, just, it's, it's unheard of. When your talking about somebody of notoriety that, uh, you know, my make a splash when they come to this country. But you need friends in the right, in the right areas, and the way to do it is the way we do it with block, block strength.
- TD: OK.
- MM: Uh, as an individual I have one vote before that Congress. But, as a leader of the Philadelphia delegation I control four and then six when we go into state matters. So, that's where the importance is. And we tie up - our delegation ties up with Ohio and we have our own group that hang together. And, uh, that's where we use our influence.
- TD: OK.

- MM: Now, we got something special that we want here, some special consideration for - we take it right to the chairman of the, uh, Judiciary Committee on a matter like that. You, know, when, when the, the whole voice speaks, it's not like me goin' tryin' to make a deal as an individual. I include my whole group when I, when I move. You know, ah,...
- TD: And they'll, in other words...
- MM: They'll back me up one hundred...
- TD: These guys will back you up and they won't, the won't...
- MM: ...one hundred percent.
- TD: ...get you into any problems. OK. Now aside from introducing, ah, a bill like that, uh, are there any other moves that, that...
- MM: Sure.
- TD: ...You can, you know like, you know, I, if you wouldn't mind, you know, explain to me - I'm sure you, through the State Department, ah,...
- MM: We have very -
- TD: ...you have your connections.
- MM: Absolutely.
- TD: Through the State Department, and what not, but what would be the procedure that you, you know, you...
- MM: Well, you know, ah, each case of course is weighed upon its own merit. It's hard to talk a off - to - wall case. The circumstances certainly mean a lot on, on any case. But, the key is having the right people being able, in the right positions, to try to help you within the State Department. Now, we use all sorts of co, connections in the State Department. People that we deal with on a, on a other basis. You know, some delegations who have key members that are involved

MM:CONT'D: with State, ah, are interested in something from the Appropriations Committee. Where they need funding for a damn project in their state or where ever. There's a million deals, ya know, it's, it's a trading game down in Washington, and this is the way it's done. And that's ah, you know, being, going on the Appropriations Committee in January, this is, makes me very important.

AE: Strong position.

MM: So we got, we also got a Ways and Means member. Now the Ways and Means Committee is probably the most powerful committee in Congress. And it's my close colleague and one of our Philadelphians.

MW: We - then we can assure Yassir that he'll have no problems?

MM: Well, let me say this to you, I can, I'm gonna tell ya right now, without any quims (sic) about it. With me in his corner, his chances are one hundred percent better than they would be without somebody like me in his corner.

TD: In other words...

MM: First of all...

TD: ...that's a guarantee is what your tellin' me it's...

MM: Well, what I'm tellin' ya is...

TD: ...a hundred percent.

MM: ...its a hundred percent better than without me is the point I'm making to you. When I go to my colleagues, OK? And, uh, they respect me, OK? Knowing where I'm coming from, OK? We deal and that's, that's the what we got.

TD: Alright. So -

MM: But, ah, the point I'm making to you, without someone in my position, OK? Your in, believe me, you in, your, your in deep trouble. People wouldn't even want to deal wit' ya. You gotta use inside connections to make connections.

TD: Well, that's why we, that's why we're puttin' up this kind of money. Alright?

MM: Absolutely.

TD: Uh, if, uh, if we could do it without, you know, somebody like you, as my friend would say, that's, that's the end of that that...

AE: That's the end of the conversation. (Laughter)

TD: ...conversation.

AE: There's no fuckin around you know.

TD: You know. That would be the end of the conversation. But, uh, what your tellin' me is that you got the clout then to introduce legislation...

MM: I got the clout to introduce legislation.

TD: That...

MM: Let me just say this to you.

TD: That, apparently, that's no problem. You can introduce any kind of, any kind of bill.

MM: We can introduce the bill, sure. To, to grant somebody - but,...

AE: You've got a friend.

TD: Huh?

MM: The thing is, you got - Let me just say this to you - Until you could work some kind of an arrangement out. OK? If, lets say it was a hostile situation. And, uh, someone had to come to America to stay. And wanted to stay here.

- TD: Right.
- MM: Uh, first of all, to get into the country you'd have to have a bill introduced. Once you got here, you, you, you'd arrive on your own, then there'd be a bill introduced into the committee and the committee would hold hearings and go over this. Now one of the keys is time at, at this point of time. Until you can resolve the differences within the State Department. And time in these kind of situations usually heal all wounds. After the, the smoke clears and a year or eighteen months pass, your in a much better position to be dealing. And that's the point I'm making.
- AE: Well lets get the (IA).
- TD: Well, I don't, I'm not, yo-you know, we talked a little bit about it. But, I don't know of what the case is, that
- AE: Well, there is no case at this moment.
- TD: Uh, well, yeah, what were sayin is we're insuring that when, when...
- MM: When the time comes, if it comes...
- TD: When the time comes, yeah, when, when this thing occurs, OK? Gonna come to you and say, hey, here's, here's the guy. He'll, he'll be here. OK?
- MM: Yeah.
- TD: And, then, from what you, is your gonna introduce a bill, OK? To get him, once he's here, right?
- MM: Yeah.
- TD: He has to come from what I gather now, he doesn't need any kind of State Department clearance to come in here. Just a passport...
- MM: Well, uh, uh, he, let, let me just say this to you. There's a lot a ways he come, depending if you can get, if he's coming as a visitor and he wants to stay awhile, and he gets a he gets a State Department clearance and he...

TD: Right.

MM: ...comes into the country. All well and good. He can stay here, ah, probably up to three years with that. It's depending on how you arrive.

TD: OK.

MM: Now, if you arrive under, if, if the government collapses or something like this and you got, you know, depending on what our relationships are with that individual government, on how they treat it. Now, if it's, if it's not a, a volatile situation, it, it, it may not even be necessary to introduce a bill. But I'm saying to you - there's a lot of ways to get here. Once your here, then...

TD: What...

MM: ...they got to get you out.

TD: ...what, what I'm, what I'm getting at is let's take, let's take it as the worst possible situation...

MM: OK.

TD: ...that we can have it. Alright?

MM: Yeah.

TD: You know, I want, I want, I want it covered from the worst situation figuring that anything else, any other situation...

MM: Is (IA)

TD: ...is, is better. Is, suh, is in our favor. OK? whatever you could concieve...

MM: (IA) the worst.

- TD: ...of as bein' the worst possible situation for this guy comin' in, 'uh that's what I want to know how you would how you'd work that...
- AE: He has to put a bill in.
- MM: I'd have to put a bill in at that point. First of all, he'd have to arrive here.
- TD: OK.
- MM: Whether he did, uh, whether he snuck into the country - once he gets here. Now, you know, and, and the State Department moved to, to remove him. At that point in time is when I introduce a bill to stop that procedure.
- TD: OK.
- MM: And then we have to go through a hearing process and this is where we buy the time that we need to try to work out these problems. Now, I can't go into all details on problems because I don't know what they are at this point. It may be a simple thing. It may be more difficult. And, you know, we'd have to, we'd have to cross that bridge basically, when, when we get to it. But the initial step is...
- AE: Basically, what he wants from you the assurance that you're in the man's corner
- MM: I'll and uh, I'll be in the man's corner a hundred percent and I'll deliver a lot of other people in his corner - just because of me - as the leader of the Philadelphia delegation. And, ah, we would use our influence as a delegation, through me. Now, without this introduction to the delegation through a member, you would - they wouldn't even want to talk with ya first of all.
- TD: Right.
- MM: But, I'm here, you know, because I know the kind of people I'm dealing with...
- TD: Right.

MM: ...and that's the main reason I'm here.

TD: Yeah, well, hey -

MM: You know, and I'm looking to be, ah, be your freind. And that's the reason I made the trip up here today.

TD: Alright, well, you know, that's auh, that sounds, ah, very good. Now what, let me ask you something else. Is there, you say your, your delegation ...

MM: Pennsylvania delegation.

TD: O.K., will, will back anything...

MM: Well, let me just say this. I couldn't speak, you know, one hudred...

TD: For everybody, OK.

MM: ...exactly.

TD: Well, you must have a couple that you can...

MM: I can speak for the Philadelphia delegation...

TD: OK

AE: That's six

MM: ...and the southeastern regions. Now, we tie into the rest of the state delegation.

TD: Right.

MM: And we put together our own package and we move as a team. But, now, you may have defectors, depndng on the matter. You know, that, that's, there's no way to handle that.

TD: The only one I don't want to defect is you.

MM: Well, you don't have to worry about me defectin'.

TD: OK. (Laughs) that's the one we, I want to keep happy. Now - ahh, wo-would it be to our advantage, now you know more about it than I do, is to, ahh, possibly get together with another, ahh, another person in your position from another state to, ahh, you know to in other words, when, when you introduce it, to, to...

MM: Have another friend?

TD: ...to augment, ahh, your...

MM: Yeah, I think, sure.

TD: ...your end of, of this thing, and ahh, you know, and, and boost us along?

MM: Yeah. Let me...

TD: There, there's a lot of money in this, OK?

MM: Un hm.

TD: And, wa, I work for two different people right now. OK? Two different Arab groups. And, they're highly interested in this because of, you know. Listen, they got tons of money and they want to insure that, wherever they go

MM: I understand.

TD: They're goin' to make it right if, if it looks like a real promising thing there, uh, you know, we've got the promise of like eight or nine more of these people wanting to, to get involved in this thing.

MM: Un hm.

TD: OK? And, you know, your talkin' about a lot of money, OK?

MM: Tony? You goin' - let me just say this to you, your goin' about it the right way.

TD: OK.

MM: I'm gonna tell you somethin' real simple and short. Money talks in this business and bullshit walks. And it works the same way down in Washington.

TD: OK.

MM: And these guys, you know, once they know they're covered and they're comin' to deal with the right people, that's the key. I have all sorts of people comin' from the middle east and the OPEC countries that want to make deals and want to buy a little security here. But, who the hell knows who your dealin' with?

TD: Yeah.

MM: I can't deal with with, a, a, e, an average guy on the street or someone (IA)...

TD: No, hey, I don't, I don't blame you.

MM: ...unless they come high-highly recommended that's sh.

TD: Right, you'd only be an asshole if you were. Right? And I agree with you.

MM: As you know, as you know there's a lot of money over there and its controlled by small groups of people.

TD: Right.

MM: OK. These small groups of people are looking for the future and, and I don't blame them. They're tryin' to protect their own interest. And I, I know all sorts of little operations such as we're talkin' about now. But, the key is you got to deal with the right people. Because, in, in this day and age people are afraid to talk. And that's, uh....

AE: You're sittin next to one. (Laughs)

MM: I feel very comfortable here because he's here.
That's the only reason I'm here.

TD: I wouldn't, hey I wouldn't.

MM: Well I, I'm makin' a point, ya know, that, ya know,
there's a lot of, lot of action there if you know
how, if ya, have the right connections.

AE: We'll work together we'll work the rest. We'll
talk about it.

TD: Huh?

AE: We'll talk about it.

MM: The right connection. I got a lot of guys who is
willin' to do business...

AE: Different states.

MM: ...you know work with you. Different states. Guys
who keep committees. Guys right on the Judiciary
Committee. You know, key people, key staff guys
show ya how to stall things, lay things out. But
each case, ya know, you just have to have these
people there. And if ya have to call upon them,
you, ya wanna be able...

TD: Well...

MM: ...to, bingo.

TD: ...Uh, you mentioned the State Department. Uh, do
you have anybody in the State Department that we
could go to just to insure that when this guy's
ready to come or any of these guys would be ready
to come that, uh, we could go to them and, ya
know...

MM: Well, I's couldn't give ya a name right, today...

TD: OK.

MM: ...but, uh, I have people that, to send ya to,
sure.

TD: OK.

MM: Absolutely.

TD: Because, ya know, like I said, I want to cover...

MM: I got the best guy in the world.

TD: ...as many -

MM: I got, I got, I got some real key people in State.

TD: OK.

MM: I can, I can meet with them, see, ya know, I didn't, I haven't discussed this matter at all. But, we...

AE: It didn't go further than him and I.

MM: ...we're, we're goin' back...

TD: OK.

MM: ...we're goin' back into session right after the holiday, after Labor Day.

TD: OK.

MM: And I'll be back in Washington until somewhere around the end of October, we expect to adjourn for the year. Ah, hopefully. And in that period of time I will, uh, discuss further with State, with my connections there. And, line up some things. And I get you back and meet you and we can talk about it.

TD: Sure. Ah, we, we can.

MM: I can let you meet somebody from there, you know, if that's what your interested in and lay out -

TD: We, we were discussing, I don't know how this would tie in, but we were discussing at one time about green cards.

AE: Green cards.

TD: OK. Now if, if we.

AE: I've got the feelers out for that.

TD: If we could probably bring somebody in, one of these guys in, with, you know, with a green card, then, you know, through, maybe one your connections or one of Angelo's connections. And then, while he's here, then introduce that, you know, the legislation the way you were saying that you can do...

MM: Un hm.

TD: ...ah, to keep him, ya know, to keep him here. I, I don't know, see, you know more about this than I do.

MM: Well, what I'd like to do is, uh, uh, i-i-if you, will, as, as time goes on, we'll get more facts together...

AE: You, you...like a (IA)

MM: ...about the individual case. I'll lay it out.

AE: -th-then you can call him...

MM: ...tell you how it's

AE: ...Oh, you, you can call Ozzie directly...

TD: Yeah. Alright.

AE: There's no problem there.

TD: Alright. Well, what I'm sayin' is the facts, the facts are not, suh, the important thing right now. I think wh-what we need is, ah, the people lined up and then when the time comes just give 'em the name of the guy.

MM: OK.

TD: Where, ya know, where he's from and what not, and then, ya know, let them handle it. Because, wh-what I'm sayin' is what I'd want it covered for is the most volatile situation that we can imagine. OK? Y-you know, I mean, ah...

MM: Well, there's a lot of other ways - I don't know what kind of business interest, eh, that, that he has here.

TD: OK. Wh, wh, wah, heh, hopefully he's gonna have, oh, tons. We're, ya know, we're talkin' about Atlantic City and

MM: OK. I mean if your rollin'...

TD: ...ah, a (IA)

MM: ...that's, you know, a whole different avenue that we approach at that point. Because we use him as, ah, ah, for economic reasons we bring him in because he's invested his money here. And he is turn spinnin' off dollars into our economy and hiring American citizens back to work. And this is another avenue that we'd approach with Immigrations. That's a much easier avenue if you got that to go on.

TD: OK.

MM: That's a much easier avenue.

TD: Alright.

MM: You know or if he had some...

AE: Communicate

MM: If he had some real specialties in some area. You know, I don't maybe he does, I don't know. If he was a doctor or something like that.

TD: Well, he's, ah - specialty is money.

MM: Well -

TD: You know in, in, in ah...

MM: No I, I, I'm -

TD: In putting it out. That's ah...

MM: ...the point I'm making to you - these are 'all different, other avenues that you travel when your lookin' to...

TD: Yeah.

MM: ...become a permanent resident.

MW: He's got a lot of relatives he wants to bring over, too, when the time comes.

MM: Well, see, through the business venture would be the best way to handle that.

TD: OK.

MM: See, once your here established. The business. It's a, it pay, it's paying taxes into the United States Treasuries. It's employing American citizens. It's, it's a spinoff. Au, then, y-you rotate family members into business and bring 'em in.

MW: Well he,...

MM: Thats how...

MW: ...most of his money he puts into his mortgages.

MM: Well, that's even, you know, that's good.

AE: That's the best way.

MM: When you go into an inner city with mortgages - is that where he's got the mortgage companies at?

MW: Yeah.

TD: Well, we, we, we're takin' some property in, ah, probably Atlantic City.

AE: Uh Camden possibly.

TD: Uh, possibly in Camden.

AE: Even possibly in Philly (IA).

TD: Well, in fact, that's another thing we were discussing, uh, with the mayor, that uh, might be interested in somethin' in Philadelphia, uh,...

MM: That would even...

TD: ...you know.

MM: ...which is a great idea because, who, who you have something in Phil.

AE: If you go in his District with somethin'...

MM: If your in my District, you.

AE: ...now your in better shape.

TD: Well, aah...

MM: ...really gives me the opportunity then to go ahead...

TD: Right.

MM: ...in full full force and, ah, not that I won't otherwise...

TD: Right.

MM: ...but that gives me another reason.

TD: Well, that gives you a little, that gives you a little protection for yourself...

MM: ...gives me a little protection, and here,...

TD: Alright.

MM: ...hey, here's a resident in my District who's investing dollars here to help my community. Ya know, gives me the perfect opportunity to raise hell before Congress.

AE: You have, you have to sit down with Yassir and discuss these avenues. But Ozzie could become...

MM: See, we could

TD: See, now you, you've given me several alternatives as to how you can personally...

MM: Yeah.

TD: ...you know, manipulate things to to bring him in. And I, you know, this is what, this is really what I wanted to know...

MM: Yeah.

TD: ...because some of this shit - talkin' to a lot a other guys - Well, they don't know. Ya gotta talk to somebody that's on the inside.

MM: I'm, I'm down there.

TD: And, ah...

MM: We deal with these matters continually. Now, there's a million ways. Like I'm tellin' ya. It's depending on the individual circumstances. Uh, and this is how you handle each case. Like I'm sayin', if he had some specialty, other than money. Ya, know, if he was involved in somethin'. Veterinarian school. We may, we may put him into...

TD: Well, you, you -

MM: ...See, what I'm sayin'? There's a lot of ways...

TD: ...In other words, you, can come up with somethin'...

MM: Ch, yeah, we can...

TD: ...if you can come up with somethin', uh, ya know, we can make him be whatever he has to be as far as a, ah, you know, he started out at. at this, and uh,...

MM: We'll make him fit the scen-...

MM: Yeah.

TD: ...through his.

MM: Absolutely.

TD: Through his father's, ah, money he, he decided then just to be a financier. And, uh, you know, got away from, uh, this other specialty. You know, uh...

MM: And one of the best things, believe me, what your doin' is investin, uh, capital in, into our country. Ah, particularly in, ya go to the City of Camden - it's a hard pressed area. And ya go to the city of Philadelphia, we have pockets of poverty. And this is really something that gives me the kind of material that I need to go forth, ya know, and really demand that this men stay here.

TD: Right, well, 'cause I can see you bein' under fire, uh...

MM: Sure.

TD: ...maybe when this comes down and, uh, although your gonna, although your bein' taken care of for it.

MM: Yeah.

TD: But, us know, ah, ya know, I, I wanna put you in as good ah position, as we can...

MM: Sure.

TD: ...in order to, you know,

AE: Makes sense absolutely.

TD: To keep the relationship uh as tight.

MM: Well, uh...

TD: ...as possible.

MM: ...we'll talk about some, maybe, some things in Phila...

AE: He and I'll discuss some things.

MM: Ya know, somethin' that he may be interested in gettin' involved in in Philadelphia. Somethin' that's on the market there. I mean a good business deal.

TD: Yeah.

MM: Somethin' where he's got a piece of Philadelphia. Ya know, where he has an interest.

AE: (IA)

MM: And, we'll put it in my area. And, uh, you know, well mine's a (IA) a very big District as you all know. Uh, we'll put it somewhere in my area...

AE: South Philadelphia.

MM: ...that, that will make it no bullshit.

AE: He's got all the Italians.

MM: I got all of South Philadelphia.

AE: And some suwatzes (PH)

MM: And all of West Philadelphia (IA)

AE: (IA) ballpark (IA) what kind of lawyer he's got.

MM: Uh, that'll give me, really, a solid lock on the rest of the delegation. Hey, this is Philadelphia. This is jobs to our city. See what I'm saying to you?

AE: He can make a speech then.

MM: Oh, I, uh, you know, that gives me the cut that I need to go full guns. Somethin' like that. Without that I'm gonna do, ya know, I'm, I'm gonna...

TD: Yeah, your gonna work. Yeah, your gonna do it anyway, which, which, the thing that really impresses me is the introduce legislation to, ah, you know, that they can't kill. In other words you could stall that forever.

MM: Well, we can stall it and stall it, and then, see this where we can use our connections with the committee. The strength of the committee is the chairman of the, of the Judiciary Committee for instance. He has a pet - everybody's got a pet project.

AE: His friend and my friend. His name is Rodino.

MM: Peter Rodino from New Jersey.

AE: (Laughs) He's from New Jersey.

MM: He's right up the road from him. Next District up. And uh, he's a very influential guy, loaded down with power and respect. And he deals with us, continually. OK? He has to deal with us. It's survival down there is knowin' how to make deals. It's a big pie down in Washington. Each member's sent there to bring a piece of that pie back home. And if you go down there and you don - you come back without milkin' it after a few terms...

AE: Shame on you.

MM: ...you don't, go the fuck back. (Laughs)

TD: You don't go, you don't go back. Yeah. I know I don't blame you, yeah. Alright, ah, have you got a card or somethin' I can get a hold...

MM: Yeah.

TD: I'll give ya, mine. You got yours Mel?

MW: Yeah.

AE: Feel free to call on him.

TD: Yeah, well that's ah, you know.

AE: It's as simple as that.

MM: Feel free to call me and, you know, matter of fact, you can come down, we'll meet down in Washington if you want.

TD: Alright.

MM: We'll go over some strategies. I'll be happy to meet with ya.

TD: OK.

MM: You know, this is a... The more we, uh...

AE: We communicate that's the key.

MM: The more we communicate, the more I, I get a picture of what, what you really...

TD: OK, you probably get a hold of me down here. On, this is the boat. I'm gonna stay on the boat most the time.

AE: (IA)

TD: I got a boat down in Fort Lauderdale. Which I'd be happy to just stay on and never, never leave. Just,...

AE: Yeah, fuck you too.

TD: ...cruise up and down...(laughs)

AE: Mother fuckin' (IA)

TD: Eat your heart out.

MM: You have, ah, anything in the shipping industry?

TD: Well, they do some things. I don't handle that, that, end of it. What, what would be...

MM: The reason I say that...

TD: ...would be the...

MM: ...well the reason I say that is because right now in Philadelphia I'm on, I'm very active in the Port of Philadelphia. Ah, I'm formerly with the I.L.A.

TD: (IA)

MM: I'm formerly with the I.L.A., here (IA) involved. And right now we have, ah, Philadelphia Port Corporation. And the Executive Director - I made him the Executive Director Freddy Di Bonna (PH) you know the judges kid. And, uh, we're looking to expand the port. We have a lot of interesting deals available in the port, empty piers. We have, ah, International Foreign Trade Zone now. You know, a lot of things that y-you may be interested in.

AE: Both sides of the river.

MM: Do you have any trouble with the unions?

MM: Oh no, no trouble, no problem with the unions. You know we have to hire union people. That's all. But that's that would be no problem.

MM: How about anybody breaking his chops, you know, the boys?

MM: No.

MM: No?

MM: We won't have any problem with that. Don't worry about it.

- MM: We can that op-that operation without any problem.
- TD: You can handle those guys?
- MM: Handle that without any-that's the easy part. We - we got to get the right pier. Maybe he's interested in somethin' like that.
- MW: That's the thing that keeps him scared, you know. They read the newspapers.
- MM: Well, you don't, let me just say this to you. As far as the ILA's concerned, if I was going to be doing some, some shipping business I wouldn't go to New York City and fuck around in the Port of New York. Because that's where they really got the grip so tight. You go to one of the surrounding port areas Philadelphia's the, the second largest. You go to Norfolk. You go to Boston. You go to Savannah. You go along, anywhere along the eastern, eastern seaboard, other than the Port of New York, you don't have that kind of problems that you do here. This is the international base up here. They control the whole fuckin' operation. We get the fringes, but the fringes are healthy enough for us to keep five thousand Longshoremen workin'. That's the kind of, that's, throughout all (IA).
- AE: This, this is the Philadelphia Port. This is Philadelphia, Camden,...
- MM: Oh I'm talkin' about...
- AE: ...and Wilmington
- MM: A-and the Port of Wilmington. When I say Philadelphia we're based as one Port. It's all Philadelphia and ya got, actually, four, four Ports. Ya got the City of Camden, ya got (IA), Wilmington, Chester.
- MW: You see, if, well, one of our problems when we speak to him on that, he reads the newspapers and he -
- MM: He's afraid of too much involvement with the ILA up here with, sh, Scotto and them guys.

MW: Right. Now -

MM: Yeah, and I don't blame, I wouldn't come here.

TD: Yeah.

MM: But if, now, I'm talking about we got some old finger piers that are available. We could set up a lease arrangement at one of the piers if your interested in that. I can do all that. Now, we're lockin' for business. And we ha - we, we, we'd have a welcome, open, ah, open door policy with the IIA in Philadelphia and with the Port...

AE: I.L.A.

MM: ...Corporation. If I-well, it's the same. No, the I. - it's the same thing. The I.L.A. is the International Longshoremen Association. But, up here, in New York City, OK? You got, the Port of New York is controlled by, uh, Scotto is the, is the, is the legislative liaison is what his title is. But he, basically runs the operation up here. Now, Teddy Gleason is the President. And then, we have one of the international Vice President, eh, Jimmy Moke (PH) out of Philadelphia.

AE: (IA)

MM: And, eh, yeah. You know, but that's, we have our own little family (IA).

TD: Well, in other words, your tellin' me you can reach all these people and do anything you want and anything you want get done.

MM: Oh, yeah, we got, ah, no problem with anykind of a port operation.

MW: (IA)

MM: Now, the only problem, the only problem is, ya gotta, ya gotta use union men. You can't come in and start...

MW: Oh that's no, that's no...

MM: ...ya know, once ya get rollin' then you bring somebody in who's a shipping expert. Knows how to handle certain cargos that ya, certain commodities that's ya gonna be shipping in. So, there's a reason to bring him in.

TD: • Yeah.

MM: He's an expert in handling this cargo. We give the fuckin' thing, once ya pay, pay the his health and welfare benefits. No problem.

AE: You hear what he said, no union problems.

MM: This is the way to being him in. Now ya got some expert that handles certain stovage of cargos. We created a j-, we create a position for some sh, somebody that you want to bring into this country. That's, this is the way we do it. This is the easiest way...

TD: Alright.

MM: ...to do it.

TD: ...But were still...

MM: You have a legitimate business...

TD: ...we're still gonna have to kick somethin' into the union people, in, in order to...

MM: We can, let me just say this,...

AE: (IA)

MM: ...we can handle that kind of operation. All that can be handled.

TD: OK.

MM: All that can be handled.

TD: Alright.

MW: Lets stop down and see them maybe we'll be interested in that.

MM: Yeah, are, all, is, is, sh, we have a lot of space available right now. Philadelphia is the, sh, when I say Phill I'm includin' the whole, sh, metropolitan area. The whole metropolis there. Ya got, in the metropolis, I think, is around nine million people isn't it?

AE: Um, huh.

MM: Counting Philadelphia proper, Camden,...

AE: Mi - there's nine counties.

MW: See, his biggest worry, like I say, is in people, because we don't know...

MM: We, don't worry about that.

MW: ...the type of people...

MM: I can handle that. OK?

MW: Alright.

MM: I can handle that whole problem. Talkin' about Philadelphia now?

MW: Right.

MM: Now, we can deal with it in New York, but not the way we can at home. OK? New York is, ah, is a lot different - the way the operate up here.

MW: Well come down (IA)

AE: Call me or call Ozzie (IA).

MM: You give me some ideas, like, if your interested in the shipping business. If you want bring some - I don't care what it is. If you, if your in - involved with that, ya got products ya want to ship in, ya know, ya wanna bring 'em into Phili, we'll get ya set up into that. If ya wanna get into be an agent, ya know, there's a lot of avenues open there.

TD: Alright.

MM: He may even want to go into his own, uh, steamship business. I don't know. But that, ya know, we got that covered.

MW: Anything, ah, like, bein' an agent, we can go out on our own?

MM: Oh, sure.

MW: Yeah?

MM: You could do your own, you could be your own agent. Sure, in your own port.

MW: We'll get together with 'em down there.

AE: Positively.

MM: There's a lot in that, too, and that's a great area. And there's li- it's, it's legit. It's a good operation and it's a good way that your putting dollars into the economy of the city.

AE: And ya...

MM: And this what makes, believe me, this is so important to have them kind of operations.

TD: Well, it, it, what, what makes me, uh, feel good especially about it is, that, uh, by us coming there, even for some-something small, it's gonna help you out.

MM: Yeah.

TD: OK? I mean, I keep goin' back to this...

MM: No.

TD: ...that's the most paramount on my mind is, is protectin' these guys. OK? And then...

MM: Oh sure..

TD: ...secondly, is protectin' you because if I don't protect you, what the fuck good is it gonna be for them? Do you know...

MM: Absolutely.

TD: Do you know what I mean? I don't...I don't wanna...

AE: Two way street.

TD: You know, I don't wanna...

MM: That's the way to look at it. Your absolutely right.

TD: Alright? Because, uh...

MM: Your absolutely right.

TD: ...when, when one goes, uh, everything goes. So, I, I wanna make sure that, uh, that your, your taken care of as, as best as possible. Like I say, it'll be - we've got, I've got the two fellows that I'm really close to, I'm workin' for. OK? And their gonna be goin' that way. And, the way it looks, OK, we could probably get, ya know, some more of these people. And the money is gonna be there and, like I say, this, this is only, ah, ya know, part of it. We'll, we'll work out some more, ah, later on when, you know, when, when we have to make a moves. And, as long as, as I got your guarantee that, ah...

MM: You got my guarantee. Ya got problems at all with me.

AE: And ya got my guarantee.

MM: And we'll...

TD: You, I got your guarantee. I don't need your guarantee!

AE: Let's go bubby.

TD: Yeah let me, wait I've got a bigger envelope.

AE: Ozzie (IA) I think it might be wise, Cz while they're, what they're doin' (IA) on some port stuff that we could - the four of us could meet back in Phil.

TD: Spend it well.

AE: Yes, (IA)

MM: Pleasure.

TD: Listen, what I'll do...

AE: I'll, I'll see ya when I come back.

TD: Alright.

MM: I'll, ah, I'll have some meetings with the Philadelphia port people. It's called the Philadelphia Port Corporation. This is, ah, a non-profit corporation that's strictly involved with the operations of the port - the turnin' over dollars at the port.

TD: Right.

MM: It's supported by a state appropriation of one million dollars a year and then there's a lot ah local effort that goes into it.

AE: (IA)

MM: It's a million - it's two million dollar a year operation. Now, this is, ah, it's about sixteen or twenty total employees in the company. And they had in charge of all pier rentals, any lease space, any lease arrangements. They take care of all that. Now the Executive Director, whom the mayer knows well. I made him the Executive Director, of course. I didn't tell ya before. Whatever, whatever pier's available we could get it overnight. We get ya a week fuckin' lease.

AE: (IA).

MM: Ya know what I mean? Any way you want. I mean just to give you an idea of what we can do.

TD: Alright.

MW: We got like the goose that lays the golden egg. We all like to make a buck.

AE: Ok lets go I, I wanna see ya for a bit.

MM: Alright.

TD: See ya.

MM: We'll get together.

MW: Ya comin' back up, right?

AE: I'll be right back up.

TD: O.K.

AE: O.K.?

TD: Alright.

MM: See ya later.

AE: Hold the door for me.

MM: O.K., Ozzie.

(End of conversation)

Date: August 22, 1979

Time: 12:49 P.M.

Place: Travelodge International Hotel, Room 381
John F. Kennedy Airport
Queens, New York

Participants: MEL WEINBERG (MW)
ANGELO ERICETTI (AE)
TONY DE VITO (TD)

INAUDIBLE (IA)

(PHONE RINGS)

Hello?

(END OF CONVERSATION)

AE: This weekend or tomo, - tonight, whenever we get a chance on setting up some of your re - relatives - the key people he wants for a book. National, ah lo - a longshoraman's book. He wants to work on that in - insure his friends. I can open up a forwarding company, Ya can make Yassir, Ya know, whatever.

TD: Yeah -

AE: But he wants to start the, the books on family members or people he wants whatever. So -

TD: Well we got, with that we got no problem. We got time with that. Because he's - - ya know.

AE: These are things that I think they're important.

TD: Yeah

AE: To Yassir. I say, he's - Holy Christ, Longshoremans' book for someone that's gonna stay in the country - whatever, ok. What I, what I wanted to just, just, relate to you was, was, a, a matter that was brought to my attention. Got a phone call from the Chief Counsel to the Legislature in Pennsylvania. A very dear friend of mine. They called, he came over in reference to could I intercede as a Senator in Trenton on some EPA stuff statewide for a client of his that has some problems in Paulsboro (PH). Now Paulsboro is about fourteen, fifteen miles south of, of Camden and it's - there's, there's refineries, down there. There's ah, ah, big one. There's Texaco and there's also Mobil.

MW: That's Sunoco isn't it?

SE: There's Sunoco and there's also a Mobil - there's a small one. It has some, it has an EPA problem statewide. I said - positively and took care of it 'cause when the new woman took over - we started chatting, saying, who's your client, the oil business and so forth.... I said, ah, we're desirous, desirous of need of oil. He said, "positive you got oil?" I said maybe. Wait a minute. Called a guy in Houston, Texas. He's his client. The guy's name is Joe Pakhurst (PH) he belongs to that club. It's small in comparison to Mobil and others, but they're all part of the same club. He

said, "Man, we need oil desperately". He said "I'll buy it. OK, look let's get the parameters set so we don't fool one another. Number one - got 200,000 barrels a day, 300,000 barrels a day, fine. But I wanna know is the the lift point - there. Not FOB United States - there. So, if it's Aba Daba or whatever" -

TD: Yeah.

AE: "Now, if it's Saudi light. That's, wanna know if it's Saudi light and the grade that's all I have to know."

MW: Saudi light's the best oil out.

AE: "well, if it's, if it's Aba Daba crude, just give me the type.

MW: Well, that'd be a problem for us gettin' though Ange. I'll tell ya why. Being that we represent them, we're workin' 'im - everybody comes to us for oil. Now one of the things, Abdul put in right away is he don't wanna get involved with us dealing in oil.

AE: Uh, let them get involved with me.

MW: Alright we can speak to him. Alright?

TD: Alright.

MW: With the ----

AE: Let them pay me a commission.

MW: Because, no, no, the idea's he, he told us anyone comes for oil, see, 'cause all their oil is sold by the country. That's all by the er, uh, the country sells it, and ah. They sell it to other countries. See, they don't deal with the oil company. They buy it from country to country. They ship it to you. Like, like this country-

TD: Well, we can ask him

MW: We, we can ask 'im. And I think that bein' that - Yassir, we'll speak to Yassir, - that he likes you. See what he can do.

AE: That's where I was comin' from. I thought maybe Yassir'd be the guy that, hey, we're supposed to be friends.

MW: He, well he's the guy that can do it. We, we, we'll speak to him ah, and, ah, ask 'im to do us a favor for you.

AE: Just pay me a commission, like - (IA) you know off shore and all that kind of shit. Not, not, ya know noth-nothin', if it's legitimate people I'm dealin' with, not fuckin' bums or phoney's. He said he could put up a 1-letter of credit tomorrow morning for ten million dollars.

MW: Yeah. Everybody needs oil. Everybody need it.

TD: Alright.

AE: I know that. Look -

MW: They're all comin' down.

AE:So I, I, you know, I've heard 1-let's fact it, in the last year, uh, I've had many people comin' to me for oil. Fuckin' phoney's.

TD: Oh, I know.

AE: This person, I got on the phone with a guy from Houston, saying, you know, legitimate deal, no fuckin' around, no (IA) no games played. Put the money up, legitimate. I'll sit down and negotiate. It'll be done in a week. Thank you very much and goodbye (IA) (IA) Yassir say, well ok. Him - and I set a set, a corporation off shore. Get payed a commission. No exorbitant commission. Nothin', none of that kind of stuff. But the fuckin' numbers are unbelievable.

TD: Oh, heyI, can, I can believe it. No we'll talk to 'im.

MW: Let me - when ah, is Smith (PH) back yet?

AE: No, after Labor day.

MW: After Labor Day? Alright. What - who's the next guy?

AE: We got another Congressman - IA - we got, there's there's, there's two upstate. Pennsylvania possibly. and I say possibly they've been, see, up to this point he's not been able to - he won't and I won't, uh, go into the other guys and do, talk like we're talkin'.

TD: Yeah.

AE: OK? And I'm not, I'm not gonna jus' - dangle a little carrot and I get their reaction. And he's dangled the carrot. And it appears that there's two from Georgia that are ready to go. Plus Senator Talmadge (PH). But, that, that, that, but they haven't been pursued.

TD: Well OK.

AE: They all got the carrot and they all said, Mmm, yah sure! See, now

TD: Let me, let me ask ya. Uh, is he, he, I, is he a real close friend of yours or does, ah, Howie know him too?

AE: Howie knows him, but I....

TD: Oh, ok. I thought, I thought you, well I thought I remembered on the boat you sayin' that . OK? That the guy was a friend of yours but he was a good friend of Howie's too.

AE: Well Howie knows him 'cause he was a former District Attorney. Because he's.....

TD: Yeah

AE: ...been involved in Philadelphia - IA - former, ya know, with that bullshit from the prosecutor's side.

TD: OK.

AE: They know each other quite well and he's also, you know, Lou Johanson (PH) Lou Johanson (PH) the Councilman, you met, as a Councilman in Philadelphia

TD: Yeah. That's right.

AE: Who was, he's the, I'd say that guy's the ward leader Ozzie Myers. Congressman's Ward Leader is Johanson. He calls political shots too, ya know. The guy in Philadelphia.

MW: Oh, he does, huh?

AE: Oh positively, you mean Lou? Oh, fuckin' a.

TD: He's a, he's a quiet unobtrusive...

AE: Quiet.

TD:Kind a guy. You know, you know-

AE: German. Can I tell you somethin'?

TD: What?

AE: He's got fuckin' strength on the City Council of Philadelphia. You know, these are the guys we, we know, ya know. But OZZIE and I go back some because of the Port where I've been involved. He's, he's, he's, he's

before this, before he was a Congressman. He was in, one of the big shots in the I.L.A. That's how I knew him.

TD: Yeah

AE: When he says, when he sits here and says Mope (PH) ya know Mope (PH) the boss. I know Mope (PH) but not like he knows him because they were part of the same organization. They're unbelievable. Ya know that fuckin' I.L.A. That motherfuckers are all bad.

TD: Well that's how it happened wasn't it?

MW: That's why I asked him you know, uh, I would like, you know, for us to go in there even and then, uh, use Yassin's ships an things, and the planes. Use the port.

AE: Anything ya want.

MW: But, ya know.....

AE: Ya got both sides of the river.

MW:But ya, ya don't have the right people behind ya down there. Ya can get your fuckin' brains knocked in.

AE: What I been fuckin' tryin' to tell ya for fuckin' last seven, eight months that I got the fuckin' people...

MW: Let me tell ya what we're doin'.

AE:You know, but you're not you know you're not, you know, we got, we've gotta communicatin', clear. I don't know what the fuck you're doin'.

MW: We're makin' the application out for the check cashing places. That, that he made out.

TD: I'm gonna put it I'm gonna put it, I think, I'm gonna put it into Ernie (PH). I'm gonna make it a company and, and have Ernie be the guy - IA.

AE: IA

TD: Ya know.

AE: Before you file just give me the paper. I gave you the application.

MW: Yeah the guy's workin' on it now.

TD: Yeah

MW: The attorneys are on it. So we should have it ready by next week a week after at the latest.

AE: And when you're done with it, ah, when I got it, I'll get, I'll go see Tommy Smith (PH) personally. I'll go see Tommy Smith (PH) there.

TD: Yeah, well, in fact, what I'm - wanted to do is well...

AE: Want me to take it?

TD: I'm gonna fill it out. Yeah. Go down to see him talk to him about it, because, you get, one of the things we got to put in on the application is the location. OK? And go down and talk to him and find out what he feels the location should be. Remember you said that he, he may have Aja Alai already sold.

AE: Yeah.

TD: OK. You're lookin' at me as a question mark. Is that, isn't that what you told me?

AE: Hai Alai is a question mark - yeah.

TD: Oh, it's a question mark then? He hasn't, you don't know whether he's got it already promised to somebody else?

AE: Oh, eh, that part - two different things. Does he have it promised now to somebody? Yes. Is it gonna happen? I don't know. I don't think so.

TD: No, no. What I was gettin's at is well, ok, no, now what I was getting at is I'm still on the check cashing thing. Wha, what would be a good thing is to put the check cashing thing....

AE: In the City.

TD:in a closer location to where the Fronton is gonna be. Ya know what I mean? If they have an idea where the Fronton . . .

MW: He's, he's only speakin' to somebody in Aja Alai right?

AE: I'd say no. I'd say he, it's tie - locked in.

MW: You think it's locked in already?

AE: Uh hm. Yeah.

MW: Any chance of offerin' a bigger price for it?

AE: Don't know I'll talk to 'im. I'll talk to him when he comes back. But, I'm, I'm, you know, from my conversation I gotta feel it's locked in. You know, without, without specifics, you know

TD: Alright, well, we'll lay it, you know, find out. We'll if, somethin' can be done. Somethin', be done

AE: That's it, huh?

TD: So, Ozzie's ah happy?

MW: Well, as soon as we get that from Vince.

AE: (IA) Hey, oh, was happy with the conversation?

TD: Yeah.

AE: Oh, positively. He wants to move forward.

MW: Instead ah you comin' in here, we'll come out there.

AE: When's that?

MW: Soon as we see Vincent. We can - be there tomorrow.

AE: I'll be in the office.

MW: Yeah, well, as soon as we - we'll take a ride out and meet you out there.

AE: (IA) can I call my under-secretary?

TD: Yeah.

AE: Well I, I left this morning early, but I didn't go to the office. To get the fuck up here.

MW: Next time tell us, we'll send a plane for you. Isn't it easier for a plane to go....

AE: This, this, this....

MW:right into Camden?

AE:zero, eight or somethin'?

TD: Eight, then zero

MW: Eight, zero, IA

AE: No, I, I wanna call collect, area code...

TD: Put it on the credit card.

AE: No. Eight, zero-

TD: Eight, zero - zero, then your area code and number.

AE: IA zero, six...

MW: Want me to deal it for you? That's why he takes Dani (PH). He can't see.

AE: Mam, tryin' to call collect to Camden, New Jersey. What do I dial? Six, o, nine, seven, five, seven, seven, two, one, three. Mayor Errichetti. The Mayor callin'. This is a collect call from the Mayor. Yeah, me.

MW: Young guy do ya know him?

AE: Hello, Theresa. Hello, Theresa. Oh, Jesus Christ. Hello, Theresa.

MW: IA - IA

AE: OK. Dan. What are you doin'? Well, what's happening? Oh, you mean I'm gonna be honored by this, by the National Jewish Organization? Humanitarian of the Year, huh? Well that's terrific.

MW: We'll get you a yanica (PH)

AE: This is October 14. Um Hm. OK, what else? I gather that, but, I, I...that, son ah bitch didn't call, did he? What else? That' it? Anything in the mail? Nothin' important? OK, then I'll be seein' ya this afternoon. I'll come back, shortly. OK? OK - Bye, Bye.

MW: That's it?

AE: Yeah. Ah the Jewish Organizations's in there right now lining up ay, ya know, honor me.

TD: Ah, the fourteenth.....

AE: Hm.

TD: ...of October.

AE: Yeah

TD: You got a little while to get ready. Listen, if you can practice one of your speeches. I dont' ever want to hear another.....

AE: Thank you, that's all....

TD:One of your speeches.

AE:I'm gonna say.

TD: Oh, oh. Yeah.

MW: He don't say thank you. He curses the shit out of them.

AE: Well I just (IA) won't curse them because they've been very good to me, ya know, basically, they're very good supporters of mine. It's ah, it's ah, based in Philadelphia group basically.

TD: You don't have many in Camden do you?

AE: No, no, not in Cherry Hill.

TD: Cherry Hill?

AE: Oh. Loads of them

MW: Camden - (IA)

AE: Jewish Community? Used to be large years ago. (IA)

MW: So we should be out there toward the end of the week to see ya.

AE: Next week.

MW: This week.

TD: No, this week. If we're gonna pick that thing up from Vince, uh -

MW: Vince, he's called me up, I, spoke to him last night. In fact, he was gonna come down. And, uh, he said it'll be sipher today or tomorrow. Now he didn't give me a definite answer that bastard. When he calls here if you're not in your room, he won't even lets say who called.

AE: OK, I, I'll be in the office.

TD: Well we, we talked it over, OK? And you're outvoted. This is a, uh, group thing. You're outvoted as far as, ah...

MW: The split.

TD: There, there's no split. You get it all.

AE: I hate to, ah...

TD: Alright?

AE:I do't like to break the rules. Ya know? (IA) own set of rules.....

TD: No, no....

AE:I, I, I'm a very (IA). Ya know?

MW: We had to break the rule today, unfortunately. Ya gotta remember, he's got all his relatives and every relative's the same thing. We want insurance. Ya, Ya, ya know....

AE: Yassir, Yassir's right now is a king. As far as I'm concerned. He's got, he's got us.

MW: Right, but sometimes ya lose.

AE: What the fuck, you know, you hear what this guy said? There's lots a guys runnin' around. I ain't talkin' to nobody.

TD: I know.

MW: Yeah, sometimes.....

AE: 'Cause they're, they're afraid that....

MW:Ange. Sometimes you got to back down from 'im, let 'im have his way. Because there's more comin'.

AE: Ya, ya, yah, I understand what you're saying, but....

MW: And we did say....

AE: Yassir's also in a key spot now with us. He can be the-

TD: Oh I know

AE: The other guys can't -

MW:soon as he tells us- like say to work on it, alright? He comes up with the rest of the bread - no problem. - IA

TD: What are ya gettin' at?

AE: With, with, with or without 'im, ya know. Please' understand he's only one of the guys. We got other' people. Ya know, like the State Department. We got one of the fuckin' - When, when I get my guy set up, he's gonna be higher than his fuckin' guy. I'll guarantee you that. OK. Guarantee you that.

MW: When will you be settin' up?

AE: Well, right now, I, I, I gotta get the conversations goin' on my fuckin' track. I get a little spusted (PH) sometimes. You understand that?

TD: Yeah. Will I, you know, with all the rumnin' around I can understand that.

AE: These guys aren't easy to nail. In the summertime those are bc, fucked up months, we go on vacation and....

TD: But, I, I don't mind, you know, I feel a little bad because I wanted to make sure that you worked with, your workin' somethin' out with this guy. I know you well enough to know that, you know, you're, you're taken care of.

AE: No

TD: No?

AE: No.

TD: How come? Porque?

AE: I don't do that. You see, you see you, fuckin' guys don't - better understand. I tell ya, I play by fuckin' rules.

TD: Ya, you I know....

AE: Look at me in the eyeballs! I'm lookin' right in the fuckin' eyes.

TD: I know you....

AE: Ain't no fuckin' deas here.

TD: I know you look at me in the eyes.

AE: (Laughs) Well I'm tellin' ya. No!

TD: Alright.

AE: You don't know you don't know me well enough. You, I'm tellin' you, I play by the fuckin' rules. You get the rules up. That's the fuckin' name of the game. Now ya know what? I ain't gonna break 'em.

TD: Ah, eh, well I didn't know what, hey, I didn't know what

you were arrangin' with 'ia.

AE: I arranged one fuckin' thing. So, you fuckin' know.
You, cocksucker.

TD: Jesus Christ. You're so, too kind to me.

AE: When the guy said, when you said one, one big one. OK?

TD: He misunderstood.

AE: Wait a minute. Was I,.....

TD: Alright.

AE:let me finish my fuckin' speech so you fuckin' -
without even fucking prompting, so you understand.

TD: Alright.

AE: OK? One speech, was given to me. One bit one. I got
the guy. After I chatted with him he said, ya know, and
he said quote, "I feel s-feel sorry for Tony". We
should help Tony. Period. He didn't say help Mel
Weinberg didn't say help Angelo Errichetti - IA - ok,
fine. What did I say to you?

MW: Fifteen.

AE: Give him fifteen. I raised that fuckin' fifteen. OK?
Now, he tells me (IA) fifteen. I go ahh. What's the,
what's the first thing I said? I said to him. Ya got
fifteen out of the hundred for him. 'Cause I was gonna,
and I set up, was to say, OK I'll take the fuckin'
fifteen and you get the fuck out. Meet ya at the
airport. Give ya the fuckin' - ain't no need to be at
the airport. Give ya the fuckin' - ain't no need to be
at the airport. Here's the whole fuckin' package.
Goodbye. Ain't nothin' in there for Mel.

TD: Alright.

AE: For you. For Angelo Errichetti. OK?

TD: Alright.

AE: But the original intent was when we first set it up was
it was a hundred and this fuckin' clown comes to me and
says, "We gotta make a deal". Huh? I thought maybe I
thought maybe someday gonna say for me for a change..Hm,
Umm.

TD: Well....

AE: But the rules are....

TD:OK. I.....

AE: But you needed fifteen he said to me. Fine, OZ, the guy needs fifteen. I want fifteen out of ya. Positively. He didn't fuckin' bat an eyelash. And that's that was the fuckin' deal. So he's tellin' me it ain't even, it's fifty not a hundred.

MW: I told you, I gave you....

AE: You don't know how I'm gonna tell this guy.

MW: I gave you the good news downstairs.

AE: Ya know, you, yo could give me thirty-five seconds to fuckin' tell us, not you, that guy

TD: OK

MW: 'ember, remember when let me explain.

AE: And then, that's why I say don't mention no fuckin' money. Let me handle it.

TD: Well that's why I didn'tI didn't mention it.

AE: Well I know you didn't mention it.

MW: Now, can we make the rest for fifty? We'll hve no problem. Just for starters. And then when we tell 'em to go ahead they get the other fifty.

AE: You gotta give me ground rules.

TD: Alright.

MW: Alright? Leave it that, this way we don't have to argue with Yassir. It'll be alright.

TD: We'll leave it for the other, other people that we're gonna deal with.

AE: From here on in it's fifty, huh?

TD: Fifty.

AE: Not a hundred?

TD: No.

MW: Right

AE: OK, and I'm, I'm danglin' carrots of a hundred. You understand it.

TD: Alright. Alright.

AE: Now I gotta go, now I go fuckin' re-tread the whole thing.

MW: You do it.

AE: Well that's my speech.

TD: Alright.

AE: I, I gotta try to do it.

MW: As soon as they start, they get the other half. You know at least we know they're startin' it, they get it. Soon as we tell 'em to go ahead, we'll give 'em the other half.

AE: It is started

MW: Like, say we call him up tomorrow, right? Start makin' arrangements to get the, Yassir in. Alright?

AE: Yeah.

MW: Then.....

TD: And then they'll get more.

MW:They'll get the other half. You don't get the fifty - (IA)

AE: Just let me caution ya, please. Don't give anybody anything unless I know first.

TD: Oh, no.

MW: Hey

TD: Oh no..

AE: No, I'm just, you know, you wanna know why? You know why? You're gonna go down and fuck up yourselves.

MW: Hey, we're not not dealin', anything we deal is through you.

AE: I understand.

MW: We ain't callin' 'em direct.

AE: Wel, when you say to me a hundred. I say a hundred.

TD: OK

AE: And when you said to me, he needs fifteen, I went to the guy and say hey pal it's changed, the rules changed. What's the problem? I need fifteen for somebody, I got to ake care of my end. I didn't say you or him or anybody.

TD: Alright

MW: Alright let's get the new ground - it's fifty. Alright?

TD: Alright.

MW: And then when they start they get the other fifty. OK? This way....

MW: I ain't gonna tell 'em that. I ain't gonna tell 'em.

TD: Just tell 'em fifty. That's all.

MW: Hey, I'm not gonna metion nothin' about when we start. Ain't gonna say nothin' about what the fuck, I'll just hidin myself.

TD: Yeah, yeah.

AE: It's fifty.

TD: I, I agree with you. Fifty and that's -

AE: End of conversation.

TD: Yeah.

MW: Alright

: OK.

MW: Want a bite to eat?

AE: No, no.

TD: No, he's gotta go.....

AE: I gotta get back.

TD:He's gotta go be a Mayor now. Or a, er a State Senator. what are ya gonna do now?

AE: I don't give a fuck, they're (IA)

MW: You're a little confused today.

AE: You fucked me up. I.....

MW: Huh?

AE:The first thing tht I walk in, I get good news and bad news. Yeah, what the fuck's the good news? There's only fifty now. Gulp.

MW: That was the bad news. That wasn't the good news.

TD: That was the good news.

MW: I didn't give ya the good news yet. I'll walk down.

TD: Okay

AE: You....

TD: Alright, chief.

AE:you understand? Well you looked at me crosseyed. I say I'm sure that you- why don't you ever fuckin' believe that.

TD: Oh hey! OK, OK, alright. I don't I can't argue with ya.

AE: Don't argue

MW: He had a rough night. Last night (IA)

AE: It was you I was worried about. But I like to get that that thing straightened out.

TD: Hey you should ah seen me in action last night - (IA)

(END OF CONVERSATION)

* * *

6
7 ANTHONY AMOROSO, having been
8 previously duly sworn, resumed the stand and
9 testified further as follows:

10 THE COURT: Ladies and gentlemen, the
11 last thing we did before the luncheon recess was to
12 see the video tape, the records which were marked
13 in evidence as Exhibits 5 and 6.

14 I would like to remind you again of the
15 limiting instruction which you will recall I gave
16 you that limiting instruction both with respect
17 to the individuals who were saying things in the
18 particular conversation and that you should
19 consider it only with respect to them at that stage.

20 And further, that some of the matters that
21 were touched upon in the conversations were matters
22 that are not directly in issue before you and me
23 as being the particular crimes that are charged in
24 this case.
25

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2 So there are two levels of limitations
3 of your consideration there.

4 You should keep in mind always the
5 particular offenses that are charged against the
6 defendants. Some matters may have some peripheral
7 relevance on one or more aspects of the case,
8 and I assume that will be argued to you by counsel
9 in the summations.

10 But keep in mind that there are only the
11 three specific charges against each of the
12 defendants here, and also with respect to these
13 exhibits, 5 and 6. Exhibit 5 only involved the
14 defendants Myers and Errichetti. And Exhibit 6
15 involved only the defendant Errichetti.

16 So I ask you to keep those things in mind
17 and I will keep reminding you of that as we
18 proceed.

19 All right, Mr. Puccio.

20 MR. PUCCIO: No further questions at
21 this time, Judge.

22 THE COURT: All right.

23 Mr. Duffy, cross examination.

24
25 (Continued on next page.)

Amoroso-cross-Duffy

1
2 CROSS-EXAMINATION BY MR. DUFFY:

3 Q Mr. DeVito, I want to take you back -- Mr.
4 Amoroso, I want to take you back to when you first got
5 involved in ABSCAM.

6 Did you tell his Honor and the jury that
7 war around January of 1979?

8 A Correct.

9 Q In December of 1979, I don't necessarily
10 want to know the work that you were involved in, but were
11 you somewhere else?

12 A Yes, I was.

13 Q Where was your home base then?

14 A Washington, D.C.

15 Q And there came a time in January 1979
16 when you got orders to join Mel Weinberg in what was then
17 already characterized as ABSCAM, is that right?

18 A No.

19 MR. PUCCIO: I'm sorry, did you say December
20 '78 or '79?

21 MR. DUFFY: I thought counsel was to address
22 his remarks to the court, sir.

23 MR. PUCCIO: I will withdraw it.

24 THE COURT: You will leave the record
25 where it stands?

MR. DUFFY: I will make up a new question,

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sir.

THE COURT: I think you misspoke as to the year.

Q Did there come a time in January 1979 -- is that where I made my mistake -- where you were ordered to join Mel Weinberg somewhere and become involved in the ABSCAM?

A Yes.

Q And where did you actually go in January of 1979?

A Atlantic city, New Jersey.

Q Had you theretofore ever met Mel Weinberg?

A No.

Q Did you know anything about him before you joined forces with him?

A Vaguely a little background on him.

Q Tell the jury what you knew vaguely?

A Vaguely?

Q Yes.

A Vaguely I knew that he had been convicted of a felony and that he was a government informant working for the FBI.

Q Who briefed you on Weinberg's background?

A Mr. Good.

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Q That is the fellow seated, who was seated
at counsel table this morning?

A Correct, correct.

Q And is that all that he told you, that
you were going to work with Mel Weinberg who was
employed or affiliated with the bureau, and that Mel
had a felony background?

A No. That is not the way it occurred.

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Amoroso-cross-Duffy

Q Mr. Amoroso, to refresh your recollection, I questioned you about whether or not you discussed Mel Weinberg with John Good of the FBI.

Do you recall that?

A Yes.

Q And then I said, is that all that he told you, that you were going to work with Mel Weinberg who was employed or affiliated with the FBI and that Mel had a felony background, and your answer was no.

Do you recall that?

A Correct, correct.

Q And then I said, tell the jury the way it occurred. And that is when the fireworks started.

Can you tell the jury the way it occurred? What was it that Good told you?

A Well, I would have to back up as to how I got into this. If you want me to give you a chronology of my involvement.

Q I would like you to answer my question and then if you think there is something you think is pertinent and you want to volunteer, you can do that afterwards.

What did Good tell you?

A What I had already stated plus the fact

1
2 that Mr. Weinberg was a little nervous about working with
3 Mr. McCarthy because of his lack of experience in the
4 organized crime field.

5 Q Mr. McCarthy was your predecessor supervising
6 agent who worked with Mr. Weinberg, is that right?

7 A Correct.

8 Q Now, along that line -- I will come back
9 to this point of inquiry now.

10 Are you telling the jury that that was the
11 only difficulty between Weinberg and McCarthy?

12 A His lack of experience to my knowledge, yes,
13 sir.

14 Q Did you talk to Weinberg about his difficulty
15 with McCarthy, your predecessor?

16 A Yes.

17 Q What did Weinberg tell you was the difficulty?

18 A The same as I just stated.

19 Q Did he deny that he said McCarthy was a drunk
20 and a Jew hater?

21 A I deny that, yes.

22 Q What was it that you learned about him other
23 than he was satisfied with McCarthy because of McCarthy's
24 inexperience in organized crime work and that he had a
25 felony record?

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Did you learn anything else about him?

A That he was a con man.

Q Right.

I think it is a 137, an FBI 137, informant's
file is?

A Correct.

Q Was there one on Mel Weinberg?

A I believe so.

Q Do you know?

A I have never seen it.

Q You didn't look to it?

A No.

Q Can you tell the jury, a 137 informant file
is a file that is kept on an individual who works as an
informant for the bureau, is it not?

MR. PUCCIO: I object on the grounds that it
is irrelevant.

THE COURT: Overruled.

Q Is it not?

A Correct.

Q And every contact that the bureau has with
that informant is memorialized in that file, is it not?

A With Mr. Weinberg?

Q With any informant.

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A I don't follow your question.

Q The purpose of the 137 informant's file is to keep a record of bureau contacts and employment, contacts with and employment of informants, is that right?

A Correct.

Q Now, did you look at Mel Weinberg's 137 file?

A No.

Q Do you know if he had one?

A Yes.

Q How do you know?

A I was told since the trial started that there is one.

Q Have you looked at it since the trial started?

A No.

Q Were you ever told that there was one before the trial started?

A I ay have.

Q But you didn't look to it to find out what kind of man you were dealing with in this particular operation?

A No, I didn't examine his file.

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Q Now, as regards the felony record, were you told what kind of felony it was that Mel Weinberg had fallen for?

A He was convicted or if I remember right he pled guilty to being involved in some type of swindle.

Q It was mail fraud, was it not?

A If you say so.

Q I want you to say to the jury what you knew.

A Itold you that he was involved in some type of a swindle.

I didn't know until you just mentioned it that it was mail fraud.

Q That is the name of the crime, but you say the name of the game was swindle?

A Ys.

Q And were you aware that that swindle was in the amount of over \$200,000?

A No.

Q You didn't know that until this afternoon?

A Until you mentioned it.

THE COURT: Mr. Amoroso, just so that we are clear, just because counsel says something does not make it so.

He asks questions.

1
2 What we are trying to determine is what
3 you knew.

4 Did you know it?

5 THE WITNESS: No.

6 Q Were you ever --.strike that, please.

7 I'll come back to your original involvement
8 but along this line, your relationship with Mel Weinberg,
9 did you ever counsel or instruct Mel Weinberg to tell
10 people who were going to arrange for congressmen or
11 politicians, let's use the generic term, did you ever
12 tell Weinberg to tell the middle men who were going to
13 procure the politicians to come to you that he should
14 rehearse the middle men, the middle man, so as to get
15 them to the politicians.

16 MR. PUCCIO: I object to the form, your
17 Honor.

18 THE COURT: Do you understand the question?

19 THE WITNESS: Yes, sir.

20 THE COURT: Overruled.

21 THE WITNESS: No.

22 Q Did you ever tell Me. Weinberg that he should
23 tell the people who were going to bring in the politicians
24 that he should come on strong, the politicians?

25 A Did I ever tell him that?

1

2

Q Yes.

3

A No.

4

Q Did he ever say that in your presence?

5

A I believe it is in one of the transcripts.

6

Q Did you react to that? Did you talk to

7

Mel Weinberg when he said it?

8

A No.

9

Q Did that appear to you to be a digression

10

from what the game plan was in this ABSCAM operation?

11

A I don't understand the way you are phrasing

12

the question.

13

Q Well, let me get what was said.

14

We played some tapes for this jury and

15

you testified to authenticate those tapes at the outset.

16

MR. DUFFY: Your Honor, I will address

17

myself to Exhibit 3A, that is the August 7, 1979

18

tape involving Mr. Criden, Mr. Weinberg, Mr.

19

Errichetti and this witness and you can then tell

20

me the -- I'll point and direct the attention to

21

page 3 as it is redacted.

22

Can you examine that with me and since

23

it is in evidence I'll take the liberty to read it

24

aloud.

25

Errichetti says at the top of page 3,

1
2 it is excellent for us, excellent as far as time
3 only because it is two hours away but it is the
4 Garden State Parkway, it is right there, the
5 Turnpike is right there. It all comes together anyway
6 you want.

7 HC, Howard Criden says, all right.

8 MW says, that's Mel Weinberg, isn't it?

9 THE WITNESS: Correct.

10 Q Doesn't he say, this is when he meets
11 Yassir, just tell him to come on strong. Is that what he
12 says?

13 A Correct.

14 Q You were there, were you not?

15 A Yes.

16 Q And Criden says, well, he is going to give
17 him, give him a briefing.

18 About whom was Criden talking then?

19 Apparently two people, there are two
20 pronouns.

21 A I don't know who he is talking about there.
22 I know he is not talking about Mr. Weinberg.

23 Q Who was going to get the briefing?

24 A I would assume that the congressman was
25 getting the briefing.

1
2 Q And who was the he who was going to give the
3 congressman the briefing?

4 A I am assuming it is Mr. Errichetti.

5 Q All right.

6 Then Erichetti says, I'll give him. And
7 he is cut off by Weinberg who says, or at least he didn't
8 finish, by Weinberg, who says, the stronger the better.
9 Yassir probably wouldn't even say a word to him, he is
10 very conscious how he speaks English. See, Abdul is
11 different. Abdul speaks perfect English because he was
12 educated in England. Yassir wasn't.

13 That was said in your presence, correct,
14 agent Amoroso?

15 A Correct.

16 Q Did you then make inquiry of Mel Weinberg after
17 that meeting and say words like this:

18 Mwl, why are you saying he has to come on
19 strong?

20 A No.

21 Q You didn't think it was at all irregular
22 for WEinberg to say something like that to the people who
23 you folks in the FBI characterized as middle men, Criden and
24 Errichetti?

25 A No, I didn't.

1
2 Q All right.

3 Stay with me if you will to tape No. 1 or
4 Exhibit No. 1 at page 3.

5 About a third of the way down on that page,
6 TD, and that is Tony DeVito, right?

7 A Correct.

8 Q He is going to have to move that like through
9 somebody in the State Department.

10 AE, Angelo Errichetti saying, who? You,
11 TD, the congressman. Errichetti, he will do anything --
12 well, I'll skip that. He will do anything we want.
13 TD, Yeah, and Weinberg chimes in. All he has got is to
14 tell Yassir that he, when the time comes I'll sponsor
15 anything you want.

16 Weinberg said that in your presnce, is that
17 correct?

18 A Yes.

19 Q Did that prompt you to say again, Mel, after-
20 wards, what are you doing here? You are telling him that
21 he will have to sponsor a bill?

22 A No.

23 Q You didn't think that was at all irregular?

24 A No.

25 Q You didn't think that was at all improper?

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A No.

Q I see.

And you never told Weinberg to say things like that?

A No.

Q But it was all right with you if he did, is that right?

A Yes.

Q And part of the con, is that right?

A Part of the con?

Q Yes.

A I would say yes.

MR. DUFFY: May I have a moment, your Honor, I am a little clumsy with my notes.

THE COURT: All right.

Take your time.

(Pause.)

Q Tape No. 2A, the transcript, this again is a conversation that involves you and there is only one page in this one, it involves you with Errichetti and Weinberg.

Errichetti says he is all set, he is all set and you say he is all right.

Weinberg says, you understand I want to especially now extra double careful, all right?

1
2 What does that mean or don't you know?

3 A What I would assume he meant I can answer.

4 Q Do you know first of all?

5 A No.

6 MR. DUFFY: May I have a moment, sir?

7 THE COURT: Yes.

8 (Pause.)

9 THE COURT: What di you understand he meant
10 by that?

11 THE WITNESS: In our transaction in securing
12 the money and paying the money to the congressman.

13 THE COURT: With respect to that, that is what
14 is meant by being extra double careful.

15 THE WITNESS: Yes.

16 Securing the money as he stats here prior.

17 Q Were you afraid somebody would steal it?'

18 Is that what you meant?

19 A Afraid somebody would what?

20 Q Steal it.

21 A Steal the money.

22 Q Yes.

23 A No. The manner in obtaining the money.

24 Q Let's go to the first meeting so we can
25 put these others in context, Mr. Amoroso.

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A The first meeting?

Q The first meeting with the people involved here and specifically my client Lou Johanson.

Were you privy to the July 14th telephone call in which Errichetti, Johanson and Weinberg converse, 1979?

A No, I was not present.

Q All right.

But you became aware that a contact was made between Weinberg and Lou Johnanson, were you not?

A Yes.

Q Can you tell the jury what the focus of ABSCAM was at that time, July 14, 1979?

MR. PUCCIO: I object.

THE COURT: Relevance grounds?

MR. PUCCIO: Yes.

THE COURT: Overruled. I will permit it as a general background.

A At that time?

Q Yes.

A At that time we were involved in Atlantic City and organized crime and infiltration of the casinos.

Q I see.

Had you graduated, if that is the proper verb,

1
2 from dealing with the stolen paintings and security business
3 by July 14, 1979?

4 A I don't think I would say we graduated.
5 I think that if the opportunity presented itself at
6 any time and we could have effected a recovery, we would
7 have.

8 Q But in any case after your advent into this
9 operation the activities of Abdul Enterprises, ABSCAM, if
10 you will, started to move into some new areas.

11 Is that fair to say?

12 A Yes.

13 Q On July 14, 1979, were you or any of the
14 other people connected with ABSCAM working with, on or
15 about, politicians?

16 A I don't recall.

17 Q Well, you certainly know, do you not -- I
18 don't want to quarrel with you, Mr. Amoroso, but you
19 know from the tie you got into the operation when the
20 swing toward, to use your words, political corruption
21 occurred?

22 A We were involved with politicians in
23 relationship at the time to Atlantic City and the people
24 the mayor would introduce us to to effect the things that
25 we were interested in.

1 Q Answer my question.

2 A What politicians are you interested in?

3 Q I want to know and I want the jury to
4 know the politicians you were interested in.
5

6 A Anyone the mayor would bring to us.
7 Q Were there some in Florida?
8 A At that time, no.
9 Q Were there some in Florida in 1978, as early
10 as 1978?
11 A Not that I know of.
12 Q Do you know Joe Meltzer?
13 Q Have you heard of Joe Meltzer?
14 A Yes.
15 Q He was connected with the FBI in Florida,
16 was he not?
17 MR. PUCCIO: Objection.
18 THE COURT: Sustained.
19 Q Is it your testimony today that before July
20 1979 the ABSCAM operation was not directed at any
21 congressmen or politicians outside of Atlantic City?
22 MR. PUCCIO: I object to the form of the
23 question, your Honor.
24 THE COURT: Overruled.
25 You may answer it if you understand it.

16 Amoroso-cross-Duffy 852

1
2 A I understand it but I don't know if I can
3 answer it.
4 I don't recall if we were dealing with
5 any other politicians outside the State of New Jersey at
6 that time.
7 Q When was the house on W Street leased?
8 A I don't know.
9 Q It was September 1978, wasn't it?
10 A I don't know.

11 Q When was the first time you went to the
12 house on W Street?

13 MR. PUCCIO: Your Honor, I object to
14 this as being irrelevant.

* * *

18 Amoroso-cross-Duffy 854

2 MR. DUFFY: I'll withdraw the question.

3 THE COURT: Okay.

4 (The following occurred in open court.)

5 MR. DUFFY: Your Honor, I will withdraw
6 that question.

7 THE COURT: All right.

8 Q Mr. Amoroso, let me concentrate now on
9 after July 14th.

10 You became aware on that day or soon there-
11 after that Mel Weinberg had spoken with Mayor Errichetti
12 and with my client, Lou Johanson on the phone for the
13 purpose here of proposing a casino deal in Atlantic
14 City, is that correct?

15 A Correct.

16 Q And you became aware, too, that Mr. Weinberg
17 invited the mayor, Lou Johanson, at least his partner,
18 Howard Criden and some others down to the boat in
19 Florida, is that correct?

20 A Yes.

21 Q And you received them there on July 26th, is
22 that correct?

23 A Correct.

24 Q All right.

25 You gave some testimony this morning about

1 19 Amoroso-cross-Duffy

2 sort of a bifurcated meeting.

3 There was one on a lower deck and one on
4 an upper deck.

5 Do you recall that?

6 A Yes.

7 Q And you used G16 either today or yesterday
8 and you explained to the jury that you had that briefcase
9 with the Nagra tape recorder at the first part of the
10 meeting and that you recorded the first part of that
11 meeting.

12 Am I correct?

13 A Yes.

14 Q And before these two gentlemen arrived
15 that Mayor Errichetti, Johanson, Criden and Mr. Meiler,
16 had you formed a notion in your mind to talk about
17 the immigration problem?

18 A Before they arrived?

19 Q Yes.

20 A Yes.

21 Q Indeed, you talked to Mr. Best about it,
22 did you not?

23 A Mr. Best?

24 Q Yes.

25 A No.

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Q I beg your pardon. It is John Good; did you not?

A No.

Q You didn't talk to John Good about it?

A Not until later on.

Q Did you have video tape equipment on the boat that day?

A Yes.

Q But you didn't use it, did you?

A It was turned on.

Q We don't have any video tapes in court today; do we?

A It didn't come out, turn out.

Q Did you have a technician there to run it?

A No.

Q Let's go back -- my colleague, Mr. Ben-Venista, gives me some testimony that you gave in Philadelphia. Do you recall testifying there?

A Yes.

Q Did you talk with John Good who was then your supervisor about the immigration notion?

A Are you asking me a question?

Q Yes.

A Yes.

1
2 I talked to him after. I testified there
3 that I talked to him before Mr. Good refreshed my
4 memory and I didn't call him until after the meeting on
5 the boat.

6 MR. DUFFY: May I have a moment, sir?

7 THE COURT: Yes.

8 (Pause.)

9 Q Are you sure you talked to John Good about
10 it the day after the meeting?

11 A Yes.

12 Q Answer audibly.

13 A Yes.

14 MR. DUFFY: May I approach the witness, sir?

15 THE COURT: Yes.

16 Q I show you what I represent to be a
17 transcript of your testimony in Philadelphia on July 17,
18 1980, and ask you to read from the top down to about
19 halfway down the page to yourself.

20 (Handed to witness).

21 Q Have you read it?

22 A Yes.

23 Q Is that the testimony you gave under oath
24 in Philadelphia?

25 A Yes.

1
2 Q Wer you asked in connection with the sheik:
3 immigration deal:

4 "Question: Did you discuss that with
5 your supervisor?

6 "Answer: John Good, yes.

7 "Question: When did you discuss that with
8 John Good relative to the meeting you actually had?

9 "Answer: The day before."

10 Is that what you said in Philadelphia?

11 A Yes.

12 Q Her you say the day after, is that right?

13 A Yes.

14 Q Pick one for the jury, sir; which one?

15 MR. PUCCIO: I object.

16 THE COURT: Sustained as to form.

17 Q What is the truth as far as your recollec-
18 tion is concerned?

19 A It was the day after.

20 Q So in Philadelphia you were mistaken?

21 A Yes.

22 Q You were asked, too, where did that
23 conversation take place, and you sayd by teelphone between
24 myself in Florida and him in New York.
25

1
2 A Yes.

3 Q Is that right?

4 A Yes.

5 Q Was it your idea or Mr. Good's idea and
6 the answer was, it was my idea from reading it. The
7 para mount thing that worked in my mind, it appeared
8 in the morning of the 25th in the Miami Herald.

9 Is that right?

10 A Yes.

11 Q Isn't it so after you read that the morning
12 of the 25th in the Miami Herald you called Mr. Good?

13 A No.

14 Q You went ahead and promoted this new scheme
15 in ABSCAM on your own, is that right?

16 A Correct.

17 Q You didn't clear it with your supervisors at
18 all?

19 A Correct.

20 Q Just you and Mel?

21 A Just me.

22 Q Was Mel present during the conversation
23 on the yacht?

24 A On the 26th?
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24 Amoroso-cross-Duffy

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Q Yes.

A Yes.

Q Now, tell the jury who was present during the conversation that you say was the embryo of this involvement with the politicians that brings us here to court.

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q Tell us who was present when you had your conversation on the upper deck, the one that was not taped?

A Myself, Mr. Weinberg, Mr. Criden and Mr. Errichetti.

Q Johanson was not even there, was he?

A He was on another part of the boat.

Q The answer is yes, he was not there; is that correct?

A Yes, he was not there.

Q Criden had no part in that conversation, did he?

A No.

Q It was a conversation then limited to the conversants being you, Mel and Angelo Errichetti; is that right?

A I would limit it to Mayor Errichetti and

1
2 myself.

3 Q So Mel didn't even have anything to say?

4 A Correct.

5 Q Now, you had a Nagra recorder on the boat,
6 did you not?

7 A Yes.

8 Q And you could have, and I am not addressing
9 this question to your discretion at that time but more
10 to your ability.

11 You could have taken that Nagra recorder
12 up on the top deck with you, could you not?

13 A No.

14 Q You could not have brought the briefcase up-
15 stairs?

16 A No.

17 Q It would have, it is your position, looked
18 out of the ordinary?

19 A Yes.

20 Q You could have brought up the conversation
21 as you premeditated the day before about immigration
22 problems with these people in the area where the tape
23 recorder was on, could you not?

24 MR. PUCCIO: I object as to form, Judge.

25 THE COURT: Overruled.

1
2 A Could you repeat that? .

3 MR. DUFFY: I am not sure I an.

4 THE COURT: Do you want it read?

5 Q You could have brought this conversation
6 about immigration up when you were in the room where
7 the tape recorder was, is that right?

8 A Yes.

9 Q And you turned the tape recorder off, isn't
10 that right, after you had completed a conversation about a
11 legitimate deal?

12 A Yes.

13 Q Now, tell the jury about this deal that Lou
14 Johanson and Howard Criden proposed to you.

15 It was a legitimate business deal, was it
16 not?

17 A Yes.

18 Q No question about that, is there?

19 A Yes.

20 Q There is a question about that?

21 A No. It was a legitimate business deal.

22 Q You had a policy then in the Abdul
23 Enterprises endeavors, did you not, to dismiss out of hand,
24 as it were, people who came to you with legitimate deals,
25 isn't that right?

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A Correct.

Q Wasn't that the basis upon Me. Weinberg's old scam of taking people who needed to borrow money and milking them of money?

A I don't know.

Q You don't know what he did before you met him?

A I don't know how he handed himself before I met him, no.

Q Have you dealt with fraud in your experience in the bureau?

A Yes.

Q Do you know the old scam where the fellow says I can get you a loan, and he takes the person who needs money and he says, if you want to borrow \$100,000 give me \$5,000 up front and I'll get the money for you?

MR. PUCCIO: I object.

THE COURT: Overruled.

A Correct.

Q You know that scam, don't you?

A Yes.

Q And then the con man swallows the \$5,000, is that right?

A Yes.

1
2 Q And you were not aware that Weinberg had
3 indeed run that scam to the tune of \$200,000?

4 A No.

5 Q But you were certain or you took steps to
6 be sure that that would not happen in the ABSCAM, isn't
7 that right?

8 A Correct.

9 Q Because you put the word out to sharpies
10 and hustlers around about that Mel Weinberg was back
11 and that he had Arab money, that was part of your scam,
12 was it not?

13 A Yes.

14 Q And that was to attract hustlers and sharpies
15 and maybe criminals, isn't that right?

16 A Yes.

17 Q But you knew that you would have to attract
18 some decent law-abiding citizens, isn't that right?

19 A Correct.

20 Q And when you got that, your policy was to
21 dismiss them so as not to delay them unduly in their
22 business endeavors to borrow money legitimately, isn't
23 that correct?

24 A Yes.

25 Q And you had Lou Johanson come to you and

1
2 he was identified as a city councilman from Philadelphia,
3 is that right?

4 A Yes.

5 Q And Howard Criden came to you and he was
6 identified as Lou's law partner, is that correct?

7 A Yes.

8 Q And you looked at the deal they had to get
9 financed and you said, and so did Mel Weinberg, this is
10 legitimate, isn't that right?

11 A Correct.

12 Q But you didn't dismiss it as out of hand,
13 did you?

14 A There was some conversation concerning --

15 Q Answer my question, Mr. Amoroso.

16 You didn't dismiss it, did you?

17 A No.

18 Q As a matter of fact, from the 26th of July
19 of 1979 until the 2nd of February, 1980, you strung
20 them along, didn't you?

21 A Yes.

22 Q Now, tell this jury whether or not when
23 you plugged in with Mel Weinberg there were any rules or
24 regulations as regards his taping conversations.

25 A He was supposed to tape whatever he could

1
2 tape.

3 Q What do you mean by whatever he could?

4 A If he had the means and accessibility to
5 tape he was to tape.

6 Q Let's address ourselves to that for a
7 moment.

8 If Mel Weinberg was driving down Highway 95
9 and he stopped to a phone booth and dropped a dime to call
10 someone and had no tape recorder with him he could
11 not tape that one.

12 Is that what you are talking about?

13 MR. PUCCIO: I object.

14 THE COURT: What grounds?

15 MR. PUCCIO: It's irrelevant; hearsay.

16 THE COURT: Overruled.

17 Q Would that be one of the exceptions about
18 which you spoke?

19 A It could be.

20 Q If Mel Weinberg called someone and intended
21 to have a conversation that touched upon the ABSCAM,
22 was he directed in all cases to tape that conversation?

23 A Yes, he was.

24 Q And that was with out exception, was it not,
25 sir?

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A Here again, when he could.

Q Right.

We will put aside the cases when for example he had no tape recorder.

But if he had a tape recorder and he had tape and he had a mark that he was reaching on the phone, was it not mandatory that he tape the conversation?

MR. PUCCIO: I object as to form.

THE COURT: I take it it is the word mandatory that you are objecting to.

MR. PUCCIO: I always object to the word mark, Judge.

THE COURT: As to the word mark, overruled.

As to the mandatory, I am not sure what it means in the context of the relationship here.

Would you rephrase the question?

MR. DUFFY: Let me withdraw the question and ask a foundation question or two, your Honor.

Q In the hierarchy of ABSCAM, if we were to draw a table of the capacities, where would you have ranged as opposed to Mel Weinberg? Were you his boss?

A Correct.

Q You were his supervising agent?

A Correct.

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Q So you could give him orders, could you not?

A Yes.

Q Did you ever give him an order, Mel, tape any conversations you have with anyone with whom we are doing business in ABSCAM?

A Correct.

Q Did you say to him tape every conversation you have with anyone with whom we are doing business in ABSCAM?

A I left the discretion on a number of conversations of some of the things he was to do up to him.

Q Like what?

A Like what?

Q Like tell the jury, like what?

A Depending on whom he was dealing with at the time.

Q Like whom?

A I don't have the name.

Q Was he directed to tape every conversation that he had, not that he had with all of them, or any of them but with the four defendants in this case?

A Yes, he was.

1
2 Q If he ever called Errichetti the order was,
3 tape him?

4 A Yes.

5 Q If he called Ozzie Myers, tape him?

6 A Yes.

7 Q Lou Johanson, Howard Criden, tape them?

8 A Yes.

9 Q So if he didn't take them when he was able
10 to tape them then his failure to tape them would have been
11 a breach of your rule, is that right?

12 A Yes.

13 Q What was your instruction to Mel Weinberg
14 about care of the tapes or surrender of the tapes once they
15 were made?

16 A He was to care for them until such time as
17 I picked them up or other agents picked them up or he
18 traveled to New York and then to turn them over to
19 somebody in the Hauppauge Resident Agency.

20 Q Tell this jury, Mr. Amoroso, let's restrict
21 ourselves to allegations in this case, from the 14th of
22 July, 1979 until, let's run it up to November, 1979,
23 how much of that time did you spend on a day to day basis
24 with Mel Weinberg?

25 A It's difficult to say. I don't know.

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Q Do you have any records?

A Of how much time I spent with him?

Q Of your whereabouts, of Mel's whereabouts?

A No.

Q Can you give the jury an idea of how much time you and Weinberg spent together?

A Probably 50 percent of the time.

(Continued on next page.)

1
2 Q All right. He was busy during that four or
3 five-month period making tapes on a day-to-day basis, was
4 he not? Perhaps not every day.

5 A Correct.

6 Q When he made those tapes on the 50 percent
7 of the time that you were with him, did he always hand
8 them over directly to you?

9 A It could have been myself or another agent
10 who was present.

11 Q Was he allowed to hold on to them any longer
12 than it was necessary to take the tape out of the machine?

13 A When he was in my presence, no.

14 Q If he made a telephone call, let's say to
15 Mayor Errichetti, and I hate to keep picking on him -- but
16 if he made a telephone call to Mayor Errichetti and you
17 were not there, whose word would you have to go on as
18 to whether or not the conversation was taped?

19 A Mr. Weinberg.

20 Q We, you, the FBI, this jury would have to
21 rely on Mr. Weinberg's word, is that right?

22 A Correct.

23 Q Do you know whether Weinberg ever taped
24 conversations that he had with you?

25 A With me?

Amoroso-cross/Duffy

1
2 Q Yes.

3 A Not to my knowledge.

4 Q Except for the ones that were taped, the ones
5 that -- I do not want to offend Mr. Puccio -- the ones where
6 you had TV cameras set up, or bugs set up in advance, where
7 you were both participants with others --

8 THE COURT: Are you asking whether Mr. Weinberg
9 taped those?

10 MR. DUFFY: Yes, sir.

11 A No, sir, he didn't tape anything that I know
12 of.

13 Q Do you have any information you can tell the
14 jury about the four tapes that were lost?

15 A No, sir.

16 Q Do you know that Mel Weinberg says he lost
17 four tapes?

18 MR. PUCCIO: I object, Judge.

19 THE COURT: Do you intend to go into this in
20 any detail?

21 MR. DUFFY: No, sir. It was a witness who
22 was close to him and I thought we might find something
23 out, your Honor.

24 THE COURT: I assume that is the purpose of
25 every question. But it doesn't bear on admissibility.

Amoroso-cross/Duffy

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2 But I will overrule the objection for this
3 particular question.

4 Q Is there anything you can tell us to shed
5 any light on the missing tapes?

6 A No, sir.

7 Q Do you know of what they were tapes? What
8 conversations? With whom?

9 A No, sir.

10 Q On direct examination, either then or when
11 Mr. Ben-Veniste examined you on voir dire, you were asked
12 a question of whether or not you knew an attorney Cuti?

13 A Yes.

14 Q He was present during at least part of some
15 recorded conversation, was he not?

16 A Correct.

17 Q You said he was there on another matter?

18 A Correct.

19 Q Did you make inquiry of Mr. Weinberg about
20 his relationship with Cuti?

21 A Yes, sir.

22 Q Didn't Mr. Weinberg tell you that Cuti repre-
23 sented him in Pittsburgh when he got the FBI to help him
24 with the probation deal that led to ABSCAM?

25 A No.

Amoroso-cross/Duffy

1
2 Q Are you telling this jury that you don't
3 know that Cuti was Weinberg's lawyer?

4 A He represented him at that time. He did
5 not represent him at the time we had the meeting.

6 THE COURT: I don't understand your answer,
7 Mr. Amoroso, when you say "that time."

8 THE WITNESS: Well, Mr. Cuti, from what I
9 understand, represented Mr. Weinberg during the
10 time that he was in trouble after a period of time,
11 and then he got another attorney. And at the time
12 we had the meeting that was taped Mr. Cuti, to my
13 knowledge, wasn't Mr. Weinberg's attorney.

14 Q But what you do know and you are telling the
15 jury, that you knew then that Cuti had once, let us put it
16 that way --

17 A Yes, sir.

18 Q (Continuing) -- been Mr. Weinberg's lawyer?

19 A Yes, sir.

20 Q Now, we reviewed this morning a tape, or perhaps
21 some of it was even this afternoon, a tape depicting Congress-
22 man Myers and Mayor Errichetti both in a hotel room.

23 I have noted that there are some time gaps
24 on the tape, but I'm not going to quarrel with you about
25 that, but there were times when we were going from the

Amoroso-cross/Duffy

1
2 preamble to the arrival of the Congressman, and so forth.

3 And did you make -- excuse me -- did you
4 make a written report, a 302, for either of those two
5 meetings or both of them?

6 A No. The only thing I did was produce the
7 transcript.

8 Q What do you mean by that? You listened to
9 the tapes and dictated the transcript?

10 A I prepared the transcript of those two meet-
11 ings.

12 Q When did you prepare the transcript?

13 A I don't know. Subsequent to the meeting.
14 I don't know when.

15 Q Well, it wasn't the next day?

16 A No, sir.

17 Q Or ten days thereafter, or one month, or two
18 months, was it?

19 A No, sir.

20 Q It was months and months later, wasn't it?

21 A Correct.

22 Q You made the tape, it was on the left hand,
23 the audiotape, did you not?

24 A Yes.

25 Q You dictated a 302 of the events on the left

Amoroso-cross/Duffy

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hand on the 26th of July, did you not?

A Just the unrecorded portion.

Q But you didn't dictate any 302 about the meeting with Congressman Myers? There is no writing? No memorial?

A None other than the transcript.

Q So you don't have any explanation for the jury as to Mel Weinberg's whereabouts, for example, during the break in the two tapes, the end of the first meeting and the beginning of the second meeting?

A He was with me.

Q He was in the room? He stayed in the room?

A Yes, sir.

Q Did you see the videotape this morning?

A Yes, sir.

Q Did you see that you were the only one who was in the room, at least in camera range?

A He was there with me.

Q I am asking you what you saw. Did you see Mel Weinberg?

A Which video?

Q The video of the end of the first meeting.

A Yes, sir.

Q Did you see Mr. Weinberg in there? I didn't

Amoroso-cross/Duffy

1
2 see him. I am asking you.

3 A We walked both Mr. Errichetti and Congressman
4 Myers to the door.

5 Q Do you deny that Weinberg left the room?

6 A Yes.

7 THE COURT: Are you saying that he remained
8 in the room until the second video tape began?

9 THE WITNESS: Yes. During the five minutes
10 between videos he was with me.

11 MR. DUFFY: Just a few more questions.

12 Q You testified on direct examination that all
13 of the employees of Abdul Enterprises were FBI agents
14 except for Mr. Weinberg, and he was an employee of whatever
15 kind. He was a special employee of the FBI, is that right?

16 A He was an informant.

17 Q He was a what, sir?

18 A He was an informant.

19 Q He was called a special employee, wasn't he?

20 A Not by me.

21 Q He was paid regularly, was he not?

22 A Yes.

23 Q Up to -- he got up to as high as -- he was
24 making \$5,000 a month?

25 A Yes.

Amaroso-cross/Duffy

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2 Q Were the pay checks made out, Abdul Enter-
3 prises to Mr. Weinberg?

4 A I don't know. I didn't handle that.

5 Q Was yours?

6 A Was mine?

7 Q Did you get a pay check from Abdul Enter-
8 prises?

9 A No.

10 Q So Abdul Enterprises really didn't have any
11 employees, did it?

12 A Yes.

13 Q Was it ever incorporated?

14 A No.

15 Q Did it write any checks?

16 A I don't know. I wasn't -- I didn't handle
17 that. Another agent handled that end of it. Maybe --

18 Q Did you get a W-2 --

19 MR. DUFFY: Excuse me. I interrupted you.

20 I am sorry.

21 A (Continuing) -- I would assume that there had
22 to be some checking account or whatnot because we had to
23 pay the bills on the office we were renting, and what not,
24 so I assume that.

25 Q Did you get a paycheck every week from Abdul

Amoroso-cross/Duffy

1
2 Enterprises?

3 A No.

4 Q Did you get a W-2 form in January of 1980
5 or February?

6 A No.

7 Q From Abdul Enterprises?

8 A No.

9 Q Do you know anyone else who worked for the
10 government who did?

11 A No.

12 Q So if you were employees of Abdul Enterprises
13 you were pretend employees; is that what you are telling
14 the jury?

15 A Yes, that is right.

16 Q Because there really wasn't any company,
17 was there?

18 A No.

19 Q Now, on tape No. 3 at page 2 --

20 MR. PUCCIO: May I please have that again?

21 MR. DUFFY: Tape 3, page 2.

22 MR. PUCCIO: Thank you.

23 MR. DUFFY: Just a few little points that
24 I would like to accentuate for the jury.

25 Q (Continuing) Howard Criden says, just a

1
2 little north of the middle of the page:

3 "Q When you do that first candidate job,
4 where you gonna do that..."

5 Do you see that?

6 A Yes.

7 Q Candidate was the name that you folks used
8 for politicians to be brought in; is that right?

9 A That was -- during that first conversation
10 was the first time I heard it. It was brought up by Mr.
11 Criden.

12 Q I am not really concerned with who brought
13 it up.

14 Is that correct?

15 A Yes.

16 Q That word was used regularly to refer to
17 politicians who had to be brought in for meetings?

18 A Yes.

19 Q Or at least one as to whom there was potential?

20 A Correct.

21 Q Howard says: "When you do that first candi-
22 date job; where you gonna do that, up in your place?"

23 Do you know what he meant by "up in your
24 place"?

25 A Yes. I assume he meant at our office in

Amoroso-cross/Duffy

1
2 Holbrook.

3 Q Where is that?

4 A Out in Long Island.

5 Q And Weinberg says: "No, no, no. I don't
6 even want it in the office. We'll get a suite of rooms
7 in a hotel."

8 Then he goes on and says: "...we'll take
9 it maybe near the, near the airport, near Kennedy or
10 LaGuardia some place." Is that right?

11 A No, I said that.

12 Q Oh, you say that.

13 Had you talked about that beforehand with
14 anyone?

15 A Yes.

16 Q With whom?

17 A With Mr. Goode.

18 Q Was it Mr. Goode's idea to have it at Kennedy
19 Or at LaGuardia?

20 A No, it was a joint -- I don't know whether
21 it was mine or his. It was a joint decision.

22 MR. DUFFY: No, just a few final questions
23 about Lou Johanson.

24 Q You met him on the boat down in Florida where
25 he came to bring you a legitimate business proposal in his

Amoroso-cross/Duffy

1
2 role as a lawyer for a property entrepreneur?

3 MR. PUCCIO: I object. It has been asked
4 and answered, and also calls for a legal conclusion
5 as to what the word legitimate means, which this
6 witness is not qualified to say.

7 Q (Continuing) Isn't that right?

8 THE WITNESS: Will you repeat the question.

9 Q You met Lou in Florida on the 26th on the
10 boat in his role as a lawyer for a client who wanted to
11 get funding for a legitimate business deal to build a
12 hotel; is that right?

13 A Right.

14 Q He was there as a lawyer, wasn't he? There
15 is no question about that?

16 A Yes.

17 Q There was a conversation on the boat that
18 had to do with immigration and he wasn't even there; isn't
19 that right?

20 A Correct.

21 Q On that day when he left there and perhaps
22 even to this, have you ever seen him anywhere else?

23 A No, sir. Just today.

24 MR. DUFFY: That is all.

* * *

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WITNESS DIRECT CROSS REDIRECT RECROSS

ANTHONY AMOROSO	652			
NORMAN T. KIRK	675	685	711	713
ANTHONY AMOROSO	721			
JOHN F. GOOD	747			
ANTHONY AMOROSO		782		

GOVERNMENT' EXHIBIT NO.	DESCRIPTION	FOR ID.	IN EVID.
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3B, 4B	Articles	652	
3, 3A	Articles		660
4, 4A	Articles		667
5, 5A, 6, 6A	Transcripts		729
16, 17	Documents		887

DEPENDANT's EXHIBIT NO.	DESCRIPTION	FOR ID.	'IN EVID.
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NONE

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
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      -against-
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MICHAEL O. MYERS, ANGELO J. ERRICHETTI,
:
LOUIS C. JOHANSON, HOWARD L. CRIDEN,
:
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              Defendants.
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80 CR 00249

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

August 14, 1980
 9:45 O'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
 OFFICIAL COURT REPORTER

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17
18 * * *

* * *

15 THE COURT: Thank you. You may proceed.

16 MR. BEN-VENISTE: Thank you, your Honor.

17 Good morning.

18 Q Mr. Amoroso, you say the idea for the
19 immigration aspect of ABSCAM, that is, to try to see
20 whether you can get Congressmen, congressmen to take money
21 for doing something in connection with immigration
22 occurred to you on the 25th of July after you read
23 something in the newspaper?

24 MR. PUCCIO: Read it back, please.

25 (Record read.)

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THE COURT: Sustained as to form.

Q Do you remember saying that the idea about the immigration came to you when you read a newspaper on July the 25th?

A Correct.

Q Something about the dictator of Niagara, Samosa?

A Correct.

Q You invited Mr. Johanson to come down to the boat in Florida on July 14th, right?

A Correct.

Q So that was well before you even had the idea of embellishing this scam in this way?

MR. PUCCIO: I object.

THE COURT: What ground?

MR. PUCCIO: Form.

THE COURT: Overruled.

You may answer.

A Would you repeat it.

MR. BEN-VENISTE: Would you read it back?

THE COURT: Yes.

(Record read.)

A I don't know what you mean by embellishing a scam.

Q Adding the immigration side to ABSCAM.

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You invited Johanson down before you even had the idea about the immigration scam?

A Correct.

Q Now, the purpose of Mr. Johnanson coming down, he said he was going to bring his law partner, Mr. Criden was to discuss a legitimate hotel deal?

A Correct.

Q When they got down there did Mr. Criden turn over to you any kind of documents in connection with the hote deal?

A Yes, he did.

Q And do you remember what those were?

A I believe they were blueprints and schematics of what a casino would look like.

Q Was there also a feasibility study?

A I don't recall that.

Q Would you deny that he presented you with a booklet that was called a feasibility study?

A I am not denying it. I don't recall it.

Q Let me show you what we have pre-marked as Defendnat's B.

MR. BEN-VENISTE: I see we have the exhibit sticker upside down.

MR. PUCCIO: May I inquire if that is the

1
2 same document that he turned over to the defense
3 or is it another copy?

4 MR. BEN-VENISTE: We took it right from
5 that stack over there on your table, Mr. Puccio.

6 MR. PUCCIO: Thank you.

7 THE COURT: Is there a question about the
8 document?

9 MR. BEN-VENISTE: I asked the witness whether
10 he can identify that document, Exhibit B, your
11 Honor, as the feasibility study -- I am sorry,
12 as the blueprints which were turned over.

13 Q Turned over to you by Mr. Criden, Mr.
14 Johanson on the yacht?

15 A Correct.

16 MR. BEN-VENISTE: I would like to offer them
17 at this time, your Honor. .

18 MR. PUCCIO: No objection.

19 THE COURT: Received in evidence.

20 THE CLERK: Mr. Ben-Veniste, please.

21 (Handed to clerk.)

22 MR. BEN-VENISTE: Your Honor, may I exhibit
23 those to the jury?

24 THE COURT: Yes.

25 MR. BEN-VENISTE: It might be easier if --

1
2 Mr. Levy, would you come over here for a second
3 because these are all rolled up.

4 Just hang on to that edge and I'll look
5 less clumsy than I usually do.

6 There are several pages, your Honor, and
7 they are all contained within Exhibit B.

8 Can everyone see?

9 (Document exhibited to jury.)

10 MR. BEN-VENISTE: Thank you, your Honor.

11 Q Now, Mr. Amoroso, there was no question in
12 your mind that this was a real project, a real hotel project?

13 A Yes.

14 Q And indeed you knew that Mr. Criden and Mr.
15 Johanson in their law firm stood to make a substantial fee
16 of profit if in fact this proposed construction went through?

17 A I would assume so.

18 Q But you knew it, didn't you?

19 A If they got the funding from us.

20 Q Right.

21 And you encouraged them on that day and
22 subsequently as to the ability to obtain those funds?

23 A No.

24 I would say we didn't encourage them. We
25 told them that we would do what we could.

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Q Yes.

A But they --

Q Did you think that was encouragement or did you think that that was discouragement, to say that you would do what you could?

A I would say that it was both.

Q I see.

A A package --

Q Didn't you tell them that you would take the package, meaning these plans in the feasibility studies to London and to show it to the sheik?

A Yes.

Q Now, one of the principles of ABSCAM was to make it appear that these Arabs were fabulously wealthy, is that correct?

A That's correct.

Q Indeed, aside from the boat and down in Florida, and that was not supposed to be the only boat these Arabs owned, was it?

A Offhand, I don't recall.

Q They had airplanes, didn't they?

A Correct. You said boat.

Q Right.

In addition to that boat they had airplanes?

7 Amoroso-cross-Ben-Veniste

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A Correct.

Q They had limousines?

A Yes.

Q They had various businesses all over the world?

A Correct.

Q And you at the FBI took some precautions to make it look quite real that they had all this money, didn't you?

A Correct.

Q As a matter of fact, you convinced someone at the Chase Manhattan bank to say whether there was any inquiry made of these Arabs that they had some \$400 million just in the Chase Manhattan Bank on their account, isn't that right?

A That's before my involvement.

Q Did you know that, sir?

A I knew we had an account at the bank.

Q Didn't you know that there was a Mr. Elzay at the bank who was going to say if anybody made any inquiries about these Arabs that they had some \$400 million just on deposit in this bank?

A I knew about Mr. Elzay. I didn't know what the figure was.

Q You didn't know the figure?

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A No.

Q But you knew it was a stupendous figure?

A A substantial figure, right.

Q And the purpose of that was to lend further credibility to the fiction that these Arabs had a fabulous amount of money?

A Yes.

Q And here is just one bank account?

A Correct.

Q As a matter of fact you told Mr. Criden that a transaction of a couple of hundred million dollars was not a big deal as far as these Arabs were concerned, didn't you?

A Correct.

Q Now, I think the exhibit in evidence -- let me just check this to be sure -- the jury has been shown a portion of the transcript and heard a portion of the tape of August 7, 1979, which was the meeting in which you participated, Mr. Weinberg participated, Mr. Criden participated, and Mr. Errichetti participated.

Do you recall that, sir?

A Yes, I have it.

Q And of course that is not the whole conversation?

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A Correct.

Q Now, let me show you what has been marked
as Defendant's Exhibit A --

MR. PUCCIO: May I have the number?

MR. BEN-VENISTE: Page 100.

MR. PUCCIO: What document?

MR. BEN-VENISTE: August 7th.

MR. PUCCIO: Judge, I believe that is
already marked as a 3500 exhibit.

MR. BEN-VENISTE: Well, it's Defendant's
Exhibit A, your Honor, this one page, which I would
like to supplement the transcript of.

THE COURT: It is your intention to mark as
Defendant's exhibits all the 3500 material that
you are going to offer in evidence?

MR. BEN-VENISTE: No, sir. I don't know
whether -- I am going to only supplement at this
point, your Honor, with this witness, this document.
So the answer to your question as to this document
is yes, I thought it would be the easiest way
to mark it and offer it. If your Honor has a
different practice I am amenable to it.

THE COURT: I don't know why a document
should be marked with two identification numbers.

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2 MR. BEN-VENISTE: We are not putting in the
3 entire 3500 exhibit.

4 THE COURT: I have no problem with it.

5 MR. PUCCIO: Judge, if I may, there are
6 several for that date and I would like to, if I
7 can --

8 MR. BEN-VENISTE: If it helps it is the same
9 as your Exhibit 3, Mr. Puccio.

10 THE COURT: 3?

11 THE CLERK: 3500.

12 MR. PUCCIO: 3 is a portion.

13 MR. BEN-VENISTE: 3A, your Honor, is a
14 portion of the transcript of Exhibit 3, of the
15 full transcript of Exhibit 3. I cannot offer it as
16 a government's Exhibit, your Honor, so I am offering
17 it as defendant's Exhibit A.

18 THE COURT: I am confused as to what it is
19 now.

20 You say it is one page that is already in
21 evidence?

22 MR. BEN-VENISTE: It is not in evidence,
23 your Honor. It was not included in the selection
24 that Mr. Puccio made of the extract of the tape
25 recording of that day, sir.

1
2 THE COURT: This is one page of the transcript
3 of a conversation of which Exhibit 3 is another
4 portion.

5 Is that correct?

6 MR. BEN-VENISTE: Exhibit 3 is the tape
7 recording of the whole conversation.

8 THE COURT: This is a portion of Exhibit 3?

9 MR. BEN-VENISTE: Yes. I know it is a little
10 confusing.

11 MR. PUCCIO: Judge, it is 3500-105A in our
12 exhibit list.

13 MR. BEN-VENISTE: Her is what we are talking
14 about.

15 THE COURT: All right.

16 Now it has been triply identified.

17 Is it being offered in evidence?

18 MR. BEN-VENISTE: I have asked the witness
19 to identify it and see whether it appears to be
20 the transcript that he prepared of that portion
21 of the transcript that was prepared of that meeting.

22 THE WITNESS: Yes, it is.

23 MR. BEN-VENISTE: I offer it, your Honor
24 and I ask that the transcript be circulated to the
25 jury at this time.

1
2 MR. PUCCIO: Judge, I would like the
3 opportunity to have this compared by the witness
4 to the original tape before this page is offered
5 in.

6 MR. BEN-VENISTE: I believe this witness
7 testified that he made this transcript. It comes
8 from the transcript that you gave us, Mr. Puccio.

9 THE COURT: Is there a question of whether
10 this is a copy of the documents supplied by the
11 government?

12 MR. PUCCIO: Supplied by us, your Honor.
13 But the ones that we offered were checked directly
14 by this witness line for line.

15 These I would want to make a comparison.

16 MR. BEN-VENISTE: If there is any change,
17 your Honor, can we do that later?

18 MR. PUCCIO: Judge, that is acceptable.
19 If we have any problem after it is offered we will
20 offer the original tape for that portion, and if that
21 is agreed, no problem.

22 THE COURT: I don't know how much of this
23 sort of thing we are going to run into. But I
24 will instruct the defendants to give notice to the
25 government of what it is they are going to offer

1
2 so that the government will have an opportunity to
3 compare in advance and work out these problems
4 so they will not take the jury's time or money.

5 MR. PUCCIO: Thank you, Judge.

6 MR. BEN-VENISTE: Your Honor, to explain it
7 this is a page from the transcript that Mr. Puccio
8 gave to me so I don't understand what the comparison
9 would be, but we will do that.

10 THE COURT: There are degrees of examination
11 that I understand as to comparison. There may
12 or may not be problems that are reviewed by one side
13 with lesser importance and it may be intensively
14 examined by the other side.

15 In the interest of just expediting things
16 in general by lunch time today notify them what you
17 intend to use this afternoon and get ahead of the
18 game.

19 MR. PUCCIO: That will be fine.

20 MR. BEN-VENISTE: Thank you.

21 THE COURT: We will receive Exhibit A in
22 evidence subject to a possible qualification.

23 MR. BEN-VENISTE: Thank you, your Honor.

24 I apologize for the confusion. And I would
25 like to at some point be able to supplement the

1
2 jurors' books with this material. We don't have
3 a hole puncher but if it is acceptable, we would
4 like to do that.

5 May I circulate this to the jury, your
6 Honor?

7 THE COURT: Yes.

8 THE CLERK: Some jurors raised their hands.

9 MR. BEN-VENISTE: I thought we had twenty
10 copies.

11 THE COURT: Do all the jurors have copies now?
12 All right, proceed.

13 Q Now, does it appear the same, Mr. Amoroso,
14 starting in the middle of the page where Mr. Criden asked
15 you about --

16 A I don't have a copy. You took mine.

17 THE COURT: Take mine.

18 MR. BEN-VENISTE: If I can approach the
19 witness, I can ask the questions from here.

20 THE COURT: Yes.

21 Q Now --

22 THE COURT: I think it will be better if
23 he takes mine and you ask your questions from back
24 there.

25 MR. BEN-VENISTE: Yes, your Honor.

1
2 Q Do you recall Mr. Criden asked you around the
3 middle of the page, in the over-all scheme of things, how
4 big is this deal to you guys?

5 Is it a deal that they can handle without
6 sweat?

7 Now, the deal they were talking about, he
8 was talking about was this hotel construction deal; is
9 that correct?

10 THE WITNESS: Yes. I would assume so.

11 Q And your answer was yes.

12 And Weinberg says, money-wise?

13 And Mr. Criden says, money-wise, that's what
14 I figured. It probably is not a major transaction.
15 No, it is not a major transaction.

16 Mr. Criden said, I would assume a major
17 transaction to them is a couple of hundred million dollar
18 transaction.

19 Mr. Weinberg said, that is not even a
20 major transaction.

21 Is that correct, sir?

22 A Correct.

23 Q Thank you.

24 Incidentally, when you made the excerpts
25 from the tapes that you have testified about, you didn't

1
2 make the excerpts on your own, did you?

3 That is, someone told you what to excerpt
4 out of the major tape, the full tape?

5 MR. PUCCIO: I object.

6 THE COURT: What grounds?

7 MR. PUCCIO: Relevance.

8 THE COURT: Overruled.

9 Q You may answer.

10 A Yes.

11 Q Who told you what portions to leave in and what
12 to leave out?

13 A Mr. Puccio.

14 Q Now, you testified that you knew Mr. Johanson
15 and Mr. Criden were very serious about this hotel deal
16 and it meant a lot of them.

17 When you invited them down to Florida, is
18 it not a fact, sir, that you knew that you never intended
19 to go through with that hotel deal?

20 A Correct.

21 Q No question about that, is there?

22 A No.

23 Q Now, I have a note and we can go back to
24 it if you don't recall, but at the very beginning of the
25 tape that was played in the Myers' meeting of August 22nd,

1
2 the video tape, you were with someone else in the room.

3 Do you remember who else was on the camera
4 for just a moment with you?

5 A It was probably one of the other agents
6 involved. I would have to look at it again to see who it
7 was.

8 Q It was just testing the camera at that point?

9 A It could have been or he was just there -- or
10 he was standing there while they were testing.

11 I don't really know.

12 Q It was your practice, was it not, though,
13 that whenever you were alone or whenever you were with
14 Mr. Weinberg and Mr. Weinberg may have been telling you
15 something about what he had done, that you would not record
16 that?

17 A What he had done in relationship to what?

18 Q To the investigation.

19 For example, on August 22nd Mr. Weinberg,
20 while you were standing in front of the cameras, saying
21 I have here a briefcase and so forth, your prologue,
22 Mr. Weinberg was somewhere else, wasn't he?

23 A At that time I believe he may have been in
24 that room. Either that or in the adjoining room.

25 Q Didn't he leave before the meeting actually

1
2 started?

3 A Yes, he did.

4 Q Now, you never got a report from him that
5 you taped concerning what he did while he was gone, did
6 you?

7 That is the focus of my question.

8 A I never taped anything of Mr. Weinberg.

9 Q Okay.

10 Did I miss any of the things that you told
11 these individuals about the sheik's holdings, what kind
12 of businesses these Arabs were in?

13 They were in the oil pipeline business, weren't
14 they, according to what you are telling people?

15 MR. PUCCIO: I object as to form, Judge.

16 THE COURT: Sustained.

17 Q What business did you make up for this
18 fictitious sheik?

19 A Offhand, I don't recall. I think that you
20 mentioned most of them.

21 Q Well, the oil pipeline business, right?

22 A Yes. But I think we were not handling oil.
23 I think on one of the conversations Mr. Weinberg --

24 Q Obviously you could not produce any oil.

25 A We could not produce anything.

19 AMOROSO-CROSS-BEN-VENISTA

1 Q What other business? Did you say he was in
2 the shipping business at some point?
3

4 A Sure did.

5 Q And the coal business?

6 A I believe so.

7 Q And in the hotel business, that he owned
8 other hotels around the world?

9 A Possibly.

10 Q What else? Anything else that you can think
11 of?

12 A No.

13 Q Anything that basically came to mind to you
14 was in it.

15 Is that fair to say?

16 A Could possibly be.

17 Q Now, Mr. Weinberg was allowed to go up and
18 make tape recordings of conversations when you were not
19 physically present, correct?

20 A Telephone calls are you referring to?

21 Q Yes.

22 A Yes.

23 Q And I think Mr. Duffy elicited yesterday
24 the only way you would know whether he actually taped
25 a telephone conversation is if he told you he taped it?

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A Yes.

Q Did you listen to all those tapes of conversations at about the time he made them?

A No.

Q You didn't review them at that time?

A No.

Q But you have reviewed some of them since that time?

A Some of them, yes.

Q Is it fair to say that basically you took Mr. Weinberg's word at what had occurred in the conversations where you were not present?

A Of the ones I listened to or didn't listen to?

Q No, at the time, let's say, in July, August or September, et cetera, when Mr. Weinberg would tell you, I called Mr. Criden or I called Mayor Errichetti, and this is what happened, instead of listening to the tape you took Mr. Weinberg's word for what happened?

A Yes.

Q You sort of swapped information?

A No. I accepted information from him.

Q Okay.

When was the first time you started to listen to the tape recordings that Mr. Weinberg had made

1
2 on his own back in July and August of 1979?

3 A I don't think I personally listened to those
4 for quite some time.

5 Other agents from the resident agency --

6 Q I am talking about you.

7 A Possibly two weeks. I can't give you a time
8 factor.

9 Q Two or three weeks ago?

10 A No. Two or three weeks after he made them.
11 When we got back up to New York, if he made the phone calls
12 in Florida I didn't listen to them until perhaps we got back
13 to New York.

14 Q Did you listen to them all at the time?

15 A The pertinent ones I listened to, what I
16 consider to be pertinent.

17 Q How did you know they were pertinent unless you
18 listened to them?

19 A From what Mr. Weinberg says.

20 Q You took Mr. Weinberg's word for them?

21 A Yes.

22 Q Did you listen to the tapes from July 29th
23 and July 31st, 1979 at about the time they were made?

24 A I believe so.

25 Q Now, Mr. Weinberg told you -- strike that.

1
2 You instructed Mr. Weinberg to tape all
3 his conversations, right?

4 A Yes.

5 Q And he was certainly under that instruction
6 on July -- in July 1979?

7 A Yes.

8 Q Now, sir, you didn't give him permission to
9 only tape a portion of a conversation, did you?

10 A No.

11 Q He was supposed to tape it from the beginning
12 to the end?

13 A Correct.

14 Q Now, is it not a fact, sir, when you reviewed
15 these tapes you found with some frequency Mr. Weinberg
16 didn't record portions of the conversations?

17 A I don't think it is with some frequency.

18 What do you consider frequency?

19 Q Often, several?

20 A Often?

21 Q Yes.

22 A Several and often is different to me.

23 Q Weren't there several conversations where
24 you noticed that Mr. Weinberg didn't record the whole
25 conversation?

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2 A I disagree with what your terminology of the
3 entire conversation is.

4 Q Well, sometimes when you listen to the tape
5 you can tell that the beginning of the conversation was
6 not recorded, couldn't you?

7 A Yes.

8 Q And sometimes you could tell that the end
9 of the conversation was not recorded?

10 A I don't recall the end not being recorded.

11 Q Sometimes ybou heard a noise on the tape
12 and then they were on to some other subject; is that
13 correct?

14 MR. PUCCIO: I object, your Honor unless
15 we are dealing with specific tapes or conversations.

16 MR. BEN-VENISTE: We can do that.

17 THE COURT: In any event, sustained as
18 to form.

19 Q Were there times when you listened to a tape
20 and you heard a jump from one portion of the conversation
21 to something that seemed to be different?

22 A No.

23 Q You never heard any such tape?

24 A I never heard a jump from conversation to
25 conversation.

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Q Did you hear any noise on the tape that indicated to you that the taping had stopped and then restarted?

A I am not qualified to say whether it stopped or not.

Q Well, did it seem to you like there was an interruption in the tape?

A Yes.

Q Now, did you ask Mr. Weinberg, and let's deal with the conversations where they begin, the tapes where the beginning of the conversation was not on tape.

Did you ask him, Mr. Weinberg, or Mel, did you call him?

A Yes.

Q Did you say to him, Mel, what happened to you, why didn't you get the beginning of the conversation?

MR. PUCCIO: I object to form, your Honor.
I also object unless the conversation that we are talking about is specified.

THE COURT: Overruled on both grounds.

MR. BEN-VENISTE: Thank you.

A Can you repeat that?

MR. BEN-VENISTE: Would you read it back, please?

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THE COURT: Read it.

(Record read.)

A At that time, no. I knew why.

Q You were present when he didn't get the beginning?

A No.

Q Well, what did you know as to explain why he didn't get the beginning of the conversation?

A Well, you are referring to conversations with the mayor.

And what would happen in those conversations would be in order to get to the mayor you would have to go through maybe two secretaries, the initial operator, then a secretary and then possibly the mayor's secretary, and then to the mayor himself.

So on occasion what would happen was that Mr. Weinberg would not record that portion until the mayor actually got on the telephone himself.

Q I see

So what you were taking Mr. Weinberg's word for was the fact that he was saving the government some money in not using the tape at the beginning of that conversation?

A No.

1
2 I am not taking his word for it. It happened
3 on a few other times where the mayor's secretary had been
4 on and he had talked to her for a number of minutes
5 before the mayor had come in, come on, an innocuous
6 conversation that had no value.

7 Q But you told him to tape record the whole
8 conversation?

9 A With the mayor.

10 Q So the only way that you would know that Mr.
11 Weinberg didn't start taping at the beginning of the
12 conversation is what Mr. Weinberg told you?

13 A Correct.

14 Q And you were inclined to believe what he told
15 you?

16 A Correct.

17 Q Did you review the tape of July 29th, 1979?

18 A Did I review the tape?

19 Q Yes.

20 A Listen to it?

21 Q Yes.

22 A That is one of the tapes where the conversa-
23 tion doesn't begin right in the beginning of the conversation
24 on the tape?

25 A Yes.

1
2 Q Do you understand what I am saying?

3 A I understand.

4 Q And the very first words that are spoken
5 on that tape were spoken by Mr. Weinberg where he says,
6 beautiful, what is his name? And Mr. Errichetti says,
7 Myers.

8 Is that right?

9 A I would have to listen to the tape now.

10 Q Let me show you the transcript and see if
11 that can refresh your recollection.

12 THE COURT: What exhibit number?

13 MR. BEN-VENISTE: Would somebody help me out
14 on the 3500 list?

15 July 1979 and --

16 MR. PUCCIO: I hve it as 3500-91A. The
17 tape is 3500-91.

18 THE COURT: Thank you.

19 What page?

20 MR. BEN-VENISTE: This is page 1, your Honor.

21 THE COURT: All right.

22 MR. BEN-VENISTE: May I approach the witness.
23 I'm sorry, I have forgoteen his instruction.

24 Q Is that true, Mr. Amoroso?

25 A To the best of my knowledge, that is the way

1
2 it was.

3 Q The tape starts, beautiful, what is his
4 name, by Weinberg, and Mr. Errichetti says, Myers.

5 Now, the only way you would know what happened
6 before today, what Mr. Weinberg said to Mr. Errichetti
7 and what Mr. Errichetti said to Mr. Weinberg are what
8 Mr. Weinberg told you, right?

9 A Correct.

10 Q Okay.

11 Did Mr. Weinberg ever tell you that he was
12 going to prepare Mr. Errichetti with a script or proposal
13 for Mr. -- for what Mr. Myers should actually say when
14 the actual taped meeting occurred?

15 A No.

16 Q Did you know that Mr. Weinberg was going
17 to have some contact with Mr. Errichetti between the time
18 of let's say July 26th and August 22nd when the actual
19 tape production was made?

20 A Yes, we both did.

21 Q Now, did Mr. Weinberg ever tell you that he
22 had told Mr. Errichetti that the congressman would never
23 have to do anything but put on an act?

24 A No.

25 Q And you have been in the FBI how long, sir?

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A 16 years.

Q And prior to this case you worked in an undercover capacity, did you not?

A Yes.

Q And on many occasions?

A A number of occasions.

Q And have you ever had any acting experience?

A No.

Q Is that a part of how to be a good undercover agent?

You get some training, don't you?

A No.

Q You never do?

A No.

Q It is just what you pick up?

A Yes.

Q Kind of extemporaneous?

A (No response.)

Q On these tapes as compared to how you were really, you acted like a pretty tough guy.

Q Lecturn, please, Mr. Ben-Veniste.

MR. BEN-VENISTE: I'm sorry.

A That's your interpretation. I wouldn't say that.

1
2 Q Would you say you acted in a normal way
3 you would be in normal conversations?

4 A I only saw one tape here and I don't think I --

5 Q You have seen the tapes, haven't you?

6 A Which ones are you referring to?

7 Q You have seen all the tapes that you have
8 performed in?

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10 (Continued on next page.)
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2 A I don't think I have seen all of them but a
3 number.

4 Q If you disagree with me, say so. I suggest
5 to you that on those tapes you appear to be a pretty tough
6 guy and you use obscenities from time to time and
7 chomp on a cigar and so forth.

8 Is that your natural personality or is that
9 one you would do in playing a role?

10 A No. I like cigars.

11 Q And you like obscenities and you frequently
12 talk like that?

13 A No, not frequently. Occasionally.

14 A And you have a pretty rough demeanor normally
15 in general conversations?

16 A I think you have to give me a specific
17 as to what particular time you are referring to.

18 Q I'll drop that.

19 You said you spent about 50 percent of your
20 time from the time that you got involved with Mr. Weinberg,
21 and I think you said it was January of '79.

22 A Correct.

23 Q Until today?

24 A Correct.

25 Q And in that whole year and a half did you

1
2 ever discuss with Mr. Weinberg the nature of the fraud
3 that he was convicted of in 1977?

4 A Other than the fact that he was convicted for
5 being a swindler, okay, I think what we referred to
6 yesterday, his terminology, advance scheme, I never went
7 into depth with him about it.

8 Q Did you ever discuss with him the fact that
9 part of his swindle that he got convicted of was to say
10 that he had access to a large amount of Arab oil money?

11 A No.

12 I didn't know that.

13 Q You didn't know that until very recently?

14 A Correct.

15 Q And did you know whether he used the same
16 idea of a phony sheik in that swindle?

17 A To my knowledge I don't know what that
18 involved.

19 Q Where did the name of these two phony Arabs
20 come from?

21 Who made those up?

22 A There again I don't know. When I came into
23 the operation the names were already in existence.

24 Q One of them was Cambeer Abdul Romon?

25 A Yes.

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2 Q Did you know that this was basically the same
3 guy that Weinberg said he knew in the other swindle?

4 A No.

5 Q Had you heard that the names were made up by
6 Mr. Weinberg?

7 A No.

8 Q You had not heard that?

9 A No.

10 Q Did Mr. Weinberg ever tell you that he repaid
11 the \$200,000 that he swindled from people in connection
12 with the 1977 conviction?

13 A I don't know anything about \$200,000. I
14 have never discussed it with Mr. Weinberg. I have no
15 knowledge of it.

16 Q Did you -- did Mr. Weinberg ever tell you
17 that he had lied to the FBI throughout the 1970s to cover
18 up the illegal activities that he was involved in?

19 MR. PUCCIO: I object your Honor.

20 THE COURT: What ground?

21 MR. PUCCIO: On the ground that it assumes
22 facts not in evidence.

23 Also, your Honor, I would ask for a side
24 bar.

25 THE COURT: Before we have the side bar,

1
2 let me hear the question back again.

3 (Question read.)

4 MR. PUCCIO: I will withdraw it, your Honor.

5 THE COURT: All right.

6 You may answer.

7 A No.

8 Q Did Mr. Good or anyone else tell you that Mr.
9 Weinberg had lied to the FBI during the seventies to cover
10 up the illegal activities that he was involved in?

11 A No.

12 Q Did you know that Mr. Weinberg was working
13 with the FBI in some capacity in the 1960s and 1970s?

14 A I didn't know that Mr. Weinberg was working
15 for the FBI until sometime after I got into it. But
16 I didn't know for how long or what period or what the
17 details were.

18 Q Is it fair to say, Mr. Amoroso, that
19 you didn't ever know anything more than what you were told
20 about Mr. Weinberg?

21 A Not true.

22 Q Well, you never made any inquiry of him,
23 did you?

24 A When I was brought into this --

25 Q Answer that question if you can.

1
2 Did you ever make an inquiry into Mr. Weinberg,
3 the way he lived his whole adult life, how he supported
4 himself?

5 A No.

6 Q All right.

7 Q Now, you were questioned about your past
8 knowledge of Mr. Weinberg's past criminal activities on
9 July 17th when you appeared before Judge Fullam in Philadel-
10 phia.

11 Do you recall that, in a hearing related to
12 this case?

13 A Yes, I recall the hearing.

14 Q And I take it it was about July 17th, is that
15 right?

16 The middle of last month?

17 A Yes, correct.

18 Q Since that time when you answered basically
19 the same as you did here today, have you seen Mr.
20 Weinberg on any occasions?

21 A Yes.

22 Q When was the last time you saw Mr. Weinberg?

23 A This morning.

24 Q And when was the last time before that?

25 A Yesterday.

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Q How about last night?

A Yes.

Q And how about over the last couple of weeks?

A Continually.

Q Did you ever ask Mr. Weinberg what is all of this now about all this criminal activity that you have been involved in in the sixties or seventies?

A No.

Q Never did?

A No.

Q Isn't it fair to say that you don't want to know?

A I don't care. It has nothing to do with this case.

Q You don't care.

Now, incidentally, Mr. Weinberg is still under -- he is still on salary, isn't he?

A I assume so. I don't know that for a fact.

Q Really. I don't know that he is on salary, that he is being paid a salary?

A I don't know if he is still on. I assume he is.

Q When you left the courthouse last night you drove somewhere with Mr. Weinberg, didn't you?

- 1 37
- 2 A Yes.
- 3 Q Whose car was it?
- 4 A Whose car?
- 5 Q Yes.
- 6 A A government vehicle.
- 7 Q Was that the same government vehicle that was
- 8 used during the undercover operation?
- 9 A No.
- 10 Q What is it?
- 11 A It's a black, I believe, Mark V.
- 12 Q Mark V Lincoln Continental?
- 13 A Yes.
- 14 Q And that is the car you used to get around
- 15 in style?
- 16 A Whatever car they have available for me to use
- 17 I use.
- 18 Q And that one happened to be available?
- 19 A Yes.
- 20 Q The day before I had a Cadillac.
- 21 Q Now, in your experience as an undercover
- 22 agent in this case and before, you have worn a body recorder?
- 23 A Very few times.
- 24 MR. BEN-VENISTE: May I have Exhibit 17,
- 25 please, Mr. Puccio?

1
2 MR. PUCCIO: Yes.

3 May I have the Nagra, please?

4 THE COURT: Incidentally, ladies and
5 gentlemen, just for your information, after you left
6 the courtroom yesterday we had some business with
7 counsel, and part of that I admitted into evidence,
8 both exhibits 16 and 17.

9 They have been marked for identification
10 but they had been shown to you and so forth. They
11 are now officially in evidence. 16 is the briefcase
12 and 17 is the Nagra recorder.

13 (Pause.)

14 A I think they were in that metal case.

15 THE COURT: You'd better try something else,
16 Mr Ben-Veniste.

17 MR. PUCCIO: We are getting that, your
18 Honor.

19 MR. BEN-VENISTE: I can do that, your Honor.

20 Q Now, with respect to the procedures that
21 you employed concerning the tape recordings that have been
22 admitted into evidence, I think it's been established that
23 you were extremely careful and meticulous that there will
24 be notations as to when the tapes were logged in, logged
25 out, when they were first made, et cetera.

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A All but one that you had pointed out.

Q That one probably has two pages, and
the first page of it is somewhere else, I assume.

A Possibly.

Q Because it picked up, it was picked up several
months after the tape was made?

A Possibly.

Q Is that fair to say?

A Possibly.

Q Do you want to look inside and see which one
that was?

I think it's Exhibit 2.

(Handed to witness.)

A What happened is I neglected to sign the top,
the top one before it was entered.

Q Okay.

So that would show that it came in on or
about the date you made it, August 6th of 1979?

A Yes.

Q But that was just a slight inadvertence on
your part?

A Yes.

Q Nothing deliberate?

A No.

MR. BEN-VENISTE: Your Honor, I don't think

1
2 these envelopes have actually been offered, your
3 Honor, 1B, 2B, 3B and 4B.

4 AM I mistaken?

5 MR. PUCCIO: We have no objection.

6 Is the entire tape being offered as well?

7 MR. BEN-VENISTE: Just the envelopes, your
8 Honor, if we can have those to allow the jury to
9 see how these are logged in and out.

10 THE COURT: You are offering the envelopes
11 and not the contents of the envelope?

12 MR. BEN-VENISTE: Yes.

13 MR. PUCCIO: We have no objection to --

14 MR. BEN-VENISTE: I would like to be able
15 to show them to the jury properly and they should
16 not be shown unless they are in evidence.

17 THE COURT: Are the envelopes sealed?

18 THE WITNESS: Yes.

19 MR. BEN-VENISTE: Yes, sir.

20 MR. PUCCIO: No objection.

21 THE COURT: 1B, 2B, 3B and 4B are all
22 received in evidence, but only insofar as the
23 envelopes and those things attached to the envelopes
24 are concerned.
25

1
2 The contents at this time are not admitted
3 in evidence.

4 MR. BEN-VENISTE: May I just circulate them
5 to the jury for a moment, your Honor?

6 THE COURT: Yes, of course.

7 Ladies and gentlemen, for the purpose of
8 reviewing these and there may be other exhibits
9 that were handed to you to examine, keep in mind
10 that all the exhibits will be available to you
11 during deliberations.

12 This is not your only opportunity to view
13 them. I don't want to rush you in any way. You
14 take as much time as you want, but you will have a
15 further opportunity to examine them in the course
16 of your deliberations.

17 Proceed.

18 Q Now, isn't it true, Mr. Amoroso, that some-
19 times eight to ten days went by before Mr. Weinberg turned
20 the tapes that he was making in to you or in to some other
21 FBI agent?

22 A It's possible.

23 Q Didn't you testify that that was the case?

24 A I gave a rough estimation of that, yes.

25 Q And that's true, isn't it, to your knowledge?

1
2 A To the best of my knowledge eight or ten days
3 could be conceivable.

4 Q Now, there came a time, did there not, agent
5 Amoroso, when you heard from Mr. Weinberg a story of his
6 having lost some tapes?

7 A Correct.

8 Q And when did you hear that story for the first
9 time?

10 A I guess the same day that he lost the tapes,
11 when he came from Florida to New York.

12 Q What day was that?

13 A I believe it's January, the end of January
14 sometime in 1980.

15 Q And he told you -- was he with anybody on
16 this flight from the government?

17 A No.

18 I believe he came up from Florida alone.

19 Q And he told you that he had started out with
20 some tapes and when he got off the flight and got up to the
21 office they weren't there?

22 Is that what he told you?

23 A I don't know whether he told me directly or
24 someone else told me.

25 Q Did he come up and produce some tapes, but

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not others?

A I don't recall. I don't think I was there at the time that he was picked up or that he arrived at the office.

Q Well, as far as what you know now, was his story that he lost all the tapes that he had or just some of them?

A I don't know.

All I know is that he said three or four tapes had been taken out of his luggage.

Q He had checked them through as opposed to carrying them on the plane?

A Yes.

They were checked in his luggage.

Q And that is the only thing that was missing?

A No. Some cigars I believe were taken.

And I don't know if anything else was.

Q Some cigars and some tape recordings?

A Correct.

Q And you believed it?

A Yes, I did.

Q Now, do you know that Mr. Weinberg was paid about \$100,000 in total with this, in connection with this ABSCAM investigation?

1
2 A I don't think I knew that until the Philadelphia
3 hearing that you mentioned.

4 Q You didn't know that?

5 A Not until that hearing.

6 Q That was not as much money as you were making,
7 was it? .

8 A I wish.

9 Q We all do.

10 So the amount of money that Mr. Weinberg was
11 getting was not something he discussed with you in this
12 50 percent time that you were spending together?

13 A No.

14 Q Did you know that Mr. Weinberg refers to himself
15 as a special employee of the FBI?

16 A Not that I know of.

17 Q You never heard that?

18 A No.

19 Q You think he is or he is not?

20 A I said yesterday he is an informant, as far
21 as I am concerned.

22 Q Is there such a thing as a special employee?

23 A Yes. I believe we do have special employees.

24 Q So you could be wrong and he could be right
25 on that?

1
2 A No.

3 Special employees are paid by the government.
4 They actually work in our offices.

5 Q So if Mr. Weinberg gets a weekly check or
6 a monthly check then he is a special employee?

7 A Not in my terminology.

8 Q Well, if the government claims him on his
9 W-2 form as an employee, that would make him one?

10 A If the government claims him?

11 Q Yes. If the government claims he is working
12 for them then he is --

13 A As an informant.

14 Q I see.

15 You would not say he was a special employee
16 even though he might?

17 A Correct.

18 Q Now, there are special rules and regulations
19 concerning the use of informants by the FBI, are there not?

20 A In what sense?

21 I don't understand the question.

22 Q When you have regulations about how you are
23 supposed to supervise them, what they are allowed to do
24 and what they are not allowed to do; is that correct?

25 MR. PUCCIO: Judge, I object to this as

* * *

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Amoroso-cross-ben-Veniste

(The following occurred in open court.)

THE COURT: You may proceed.

BY MR. BEN-VENISTE: (continued)

Q Mr. Amoroso, is it not a fact that Mr. Weinberg prevailed on you to relax some of the restrictions that the FBI placed on the actions of informants?

A No.

Q And the reporting requirements?

A No.

Q So whatever latitude you gave him was our decision?

A Yes.

MR. BEN-VENISTE: Do we have that tape recording, Mr. Puccio, Exhibit 16 in evidence?

MR. PUCCIO: I believe it was in the items that were requested to be turned over.

MR. BEN-VENISTE: No, it was not, Mr. Puccio.

MR. PUCCIO: At least Mr. Good may have thought so and it was being turned over.

We might be able to get one that is similar in appearance, Judge and we are trying to do that.

THE COURT: All right.

The specific one, Exhibit 17, is not immediately in evidence?

Amoroso-cross/Ben-Veniste

1
2 Q Mr. Amoroso, you have worn a body recorder
3 from time to time; have you not, sir?

4 A Yes, on occasion.

5 Q And there are ways of secreting such a body
6 recorder on a person?

7 A Correct.

8 Q Sometimes it's taped to the small of your back?

9 A Correct.

10 Q Sometimes it's in different places, and you
11 have a little microphone, usually it's taped right onto
12 your chest?

13 A Correct.

14 Q Sometimes it can be hidden in a belt buckle;
15 depending on the ingenuity of the makers, you can hide
16 something like this; and the Nagra, of course, is much
17 thinner than this Dictaphone?

18 A Not much --

19 Q It is thinner --

20 A -- but basically about the same size.

21 Q Now, is it true that Mr. Weinberg wore a body
22 recorder from time to time in this investigation, or don't
23 you know?

24 A I don't recall.

25 Q Now, in your experience, sir, do you know

Amoroso-cross/Ben-Veniste

1
2 where the on-off switch is on the Nagra?

3 A Yes.

4 Q Where is it?

5 A It's on the top.

6 Q And once it's on, once it's taped to you
7 somewhere, it's usually underneath your clothing?

8 A Correct.

9 Q So that if you wanted to turn it off, it
10 would be awfully hard to do it, other than pulling the wire
11 out?

12 A No, not so. They usually have another --
13 another attachment which you can --

14 Q Which you can use, you can employ?

15 A Yes.

16 Q But isn't it a fact, sir, in your experience,
17 that when you're using an informer, not an agent, an informer,
18 that you can put the recorder on him, activate it and insure
19 that the recorder is locked into the "on" position so that
20 the informer cannot turn it off?

21 A Correct.

22 Q That was not done with Mr. Weinberg, was it?

23 A No. I don't even remember putting a Nagra
24 on him.

25 Q And specifically, it wasn't done when he went

Amoroso-cross/Ben-Veniste

1
2 downstairs on August 22nd to see Mr. Errichetti, outside
3 of your presence?

4 A On which day, now?

5 Q August 22, 1979.

6 A Correct.

* * *

* * *

4 THE COURT: (To the Witness) Have you any
5 agreement or have you been approached by Mr. Weirberg
6 to assist him, either currently, in the past, or in
7 the future, with respect to the writing of a book?

8 THE WITNESS: No.

9 MR. BEN-VENISTE: Thank you.

10 BY MR. BEN-VENISTE:

11 Q Did you pose with Mr. Weinberg in any photo-
12 graphs at the W Street undercover house, or any other under-
13 cover location?

14 A No.

15 Q Did you --

16 A I don't believe so.

17 Q Did you ever take a picture of Mr. Weinberg
18 in those surroundings?

19 A No.

20 Q Are you aware of such photographs being made
21 for the purpose of including them in some book?

22 MR. PUCCIO: Objection.

23 THE COURT: Sustained.

24 MR. BEN-VENISTE: I have nothing further,
25 your Honor.

1
2 THE COURT: All right, let's take a short
3 recess and then we'll take the next cross-examina-
4 tion.

5 Don't discuss the case, ladies and gentlemen.

6 (The jury left the courtroom.)

7 (Recess taken.)

8 (After recess.)

9 THE MARSHAL: Be seated, please.

10 THE COURT: You're going to be next, Mr.

11 Cacheris?

12 MR. CACHERIS: Yes.

13 THE COURT: How long do you anticipate?

14 MR. CACHERIS: Not long, your Honor. About
15 fifteen minutes, my usual fifteen.

16 THE COURT: All right, bring in the jury.

17 (Witness on the stand.)

18 (The jury entered the courtroom.)

19 THE COURT: All right, Mr. Cacheris, you may
20 proceed.

21 MR. CACHERIS: Thank you, your Honor.

22 CROSS-EXAMINATION

23 BY MR. CACHERIS:

24 Q Mr. Amoroso, in the course of this investiga-
25 tion, you contemplated a TV production, did you not?

1
2 A I don't know what you're referring to. If
3 you'd be more specific --

4 Q Well, when you had TV cameras set up on the
5 boat, you were trying to videotape a lot of these meetings,
6 weren't you?

7 A On the boat? Yes, but then we had a fire
8 and that was sort of not used any more.

9 Q But that was your contemplation, that was
10 your desire?

11 A Correct.

12 Q And you also had the contemplation of photo-
13 graphing Mr. Myers on August 22nd; isn't that correct?

14 A Correct.

15 Q And you wanted to do that?

16 A Correct.

17 Q And you know that the room was set up for
18 that purpose?

19 A Correct.

20 Q And you were a participant in that?

21 A Yes.

22 Q And you were to be one of the principal actors;
23 weren't you?

24 A Yes.

25 Q And you were, indeed, a principal actor?

Amoroso-cross/Cacheris

1
2 A Correct.

3 Q In fact, when you used the name Tony DeVito,
4 you were acting?

5 A Correct.

6 Q When you said you were working for a sheik,
7 you were acting?

8 A Yes.

9 Q So when Mr. Myers came in, you had a script
10 that you were following, didn't you?

11 A Not a script; just -- just how I felt the
12 thing was going.

13 Q You didn't have any idea what you were going
14 to ask him?

15 A Basically, I knew what I wanted from him.

16 Q That's correct. You knew what you wanted
17 from him.

18 A Correct.

19 Q And so that you asked him about the introduc-
20 tion of private bills; didn't you?

21 A Correct.

22 Q And that's what your suggestion was, wasn't
23 it?

24 A Offhand, I'd have to look at the transcripts.

25 Q You don't have any doubt about it, do you, sir?

Anoroso-cross/Cacheris

1
2 A I don't know who brought it up. That was
3 what I was referring to.

4 Q That's what you were referring to. And you
5 also asked him about the State Department; you brought that
6 up?

7 A Correct.

8 Q Isn't that correct?

9 A Sure.

10 Q And that was part of your script, wasn't it?

11 A Correct.

12 Q And you also asked him if he knew any key
13 people in the State Department; didn't you?

14 A I don't think I mentioned key people. I
15 just --

16 Q Well --

17 A -- I just mentioned the State Department, I
18 think.

19 Q You brought up the State Department?

20 A Yes. I said I just mentioned the State De-
21 partment.

22 Q And he said he had some key people, didn't he?

23 A I guess so.

24 Q Did you investigate to determine whether there
25 were any key people in the State Department that Mr. Myers

Amoroso-cross/Cacheris

1
2 knew?

3 A No.

4 Q As a matter of fact, when you asked him on
5 August 22nd, "Give me some names," what did he tell you?

6 A He didn't have any.

7 Q That's right, he didn't know any names; did
8 he? Correct?9 A Yes. I didn't know whether he wanted to give
10 them to me or he didn't know --11 Q He just said, "I can't give you any"; is
12 that correct?

13 A Correct.

14 Q And you, in your subsequent investigation,
15 found no key people in the State Department --

16 A I didn't do any subsequent investigation.

17 Q That's right. And in fact, no private bills
18 were introduced?

19 A Correct.

20 Q When you went through this TV drama, you were
21 not surprised at the answers Mr. Myers was giving you --22 MR. PUCCIO: I object to the form of that
23 question.

24 THE COURT: Sustained as to form.

25 Q When you went through this August 22nd meeting,

1
2 you proposed to him certain things; didn't you, like the
3 ones I've just discussed?

4 A Yes.

5 Q A private bill, State Department, and things
6 of that nature; isn't that correct?

7 A Yes.

8 Q As a matter of fact, you wanted to insure that
9 Mr. Myers would give you the answers that you wanted to
10 hear; didn't you?

11 A No, I wanted to know what he thought he was
12 there for.

13 Q Well, on August 8th, in a conversation at the
14 Hyatt House -- you may refer to Exhibit 4-A --

15 MR. PUCCIO: May I have the page, please?

16 MR. CACHERIS: Page one.

17 MR. PUCCIO: Thank you.

18 Q (Continuing) -- didn't you say to Mr. Erri-
19 chetti, "He'd hve to introduce some kind of legislation,
20 right, some kind of bill or something"?

21 A Correct, that was --

22 Q And didn't Errichetti say, "Whatever you say"?

23 A Correct, that's what he said.

24 Q And didn't Weinberg say, skipping on down,
25 "Yes, let him tell Yassir whatever he had to tell him"?

Amoroso-cross/Cacheris

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A That was the conversation, yes.

Q Is that right?

A Yes.

Q And that was what you subsequently wanted to get on TV?

A Correct.

MR. CACHERIS: No further questions.

THE COURT: Thank you, Mr. Cacheris.

Mr. Brown?

MR. BROWN: May I, your Honor, may I in part conduct my examination from this position, sir? I have some books, and that's my only problem.

THE COURT: All right, if you remain there.

MR. BROWN: Yes, sir; I shall.

THE COURT: Or go over to the lectern.

MR. BROWN: I shall go from here over to the lectern when that becomes necessary.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, why did you adopt the name Tony DeVito in this enterprise?

A Just a name.

Q No reason why?

Amoroso-cross/Brown

1
2 A I had used it before.

3 Q You had used it in other undercover operations?

4 A Yes.

5 Q I see. Now, were you in on the inception of
6 this operation known as ABSCAM?

7 A No, sir.

8 Q Do you know when it began or when it was pro-
9 jected in the direction which it took here, resulting in
10 this indictment?

11 A I think you'd have to clarify that for me.

12 Q Surely.

13 A I don't know when it began. I know when I
14 entered it.

15 Q You told us you entered in January '79?

16 A Correct.

17 Q Do you know how long it had been functioning
18 or under way prior to that?

19 A No, I don't.

20 Q You did replace another agent, you said?

21 A Yes.

22 Q A man named McCloud?

23 A Yes.

24 Q What was his pseudonym or false name?

25 A That was McCloud.

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Q What was his real name?

A McCarthy.

Q McCarthy was the real name. Now, you were aware that McCarthy had represented himself as a friend of the Kennedys in Massachusetts; isn't that right?

A I don't know what he had said his background was, no. I'm not familiar with it.

Q So you weren't briefed as to what he had done in the past?

A Not to what he said his background was.

Q You don't know in what way he presented himself, for example, to Mayor Errichetti, saying, "I am McCloud" -- which was a false name, right?

A Correct.

Q "I'm Mr. McCloud; I have certain connections"; and so forth. You know nothing of that?

A I don't recall, no.

Q Isn't it a fact that in January you met, along with McCloud and others, somewhere in New Jersey, at which time you were introduced to Mayor Errichetti?

A Yes.

Q Could you tell us who was present on that occasion and when it was, if you will?

A I don't think I can give you a date. I know

1 Amoroso-cross/Brown

2 it was the beginning of January '79 sometime, and I believe,
3 maybe, Mr. Rosenberg and Mr. Eden might have been present.

4 I'm not really sure who was present.

5 Q How about McCloud and a Margo Kennedy?

6 A Oh, yes, you had mentioned them. I was just
7 referring to others.

8 Q All right. Margo Kennedy was a person whom
9 you came to know about; is that right?

10 A Yes, I knew she was an agent.

11 Q And do you know why she was represented as
12 Margo Kennedy? Unless in fact that was her true name, of
13 course.

14 A No, I don't know why she was represented as
15 Margo Kennedy, no.

16 Q It was not her true name?

17 A No.

18 Q Do you know as a fact that she was represented
19 as a cousin of Ted Kennedy, the senator? Isn't that a fact?

20 A No, not to my knowledge.

21 Q And as you said heretofore, you don't deny it,
22 you just don't know anything about it; is that right?

23 A I don't know anything about it, no.

24 Q So you don't know anything about the manner
25 in which Agent McCloud and Margo Kennedy conducted their

1 Amoroso-cross/Brown

2 activities vis-a-vis my client, prior to January of '79;
3 is that right?

4 A Correct.

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6 (Continued on next page.)
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2 Q Is it or is it not customary for an agent
3 who takes over -- I'll withdraw that.

4 Were you in effect substituting for McCloud
5 in the operation?

6 A Eventually, yes. It took a couple of months
7 to do that but I did subsequently substitute.

8 Q Is my recollection correct that he was
9 substituted because for some reason he was instituted for the
10 operation?

11 A I don't know if I'll say unsuited. His
12 capability I guess in the field that the thing was going into
13 was of concern and that is why I was brought in.

14 Q Well, what was his shortcomings? What was
15 the field in which he lacked the requisite capacity to
16 function in the operation?

17 A Well, my understanding is that it was in the
18 organized crime area.

19 A I had been involved in it for a number of
20 years.

21 Q I see.

22 How long had Mr. McCloud and Ms. Kennedy
23 been functioning in this operation?

24 A I don't know.

25 Q Had Weinberg been functioning with them in the

1
2 operation?

3 A I assume so, yes.

4 Q Is it to your knowledge a fact that Weinberg
5 recommended or suggested that McCloud be replaced with you
6 or someother agent?

7 A I don't know whether he suggested it. I
8 know he was uneasy with Mr. McCloud because of the new
9 area they were going into.

10 Q So that in fact Weinberg did have in terms of
11 his reporting to the agents at least something to do with
12 McCloud being replaced, to that extent?

13 A To that extent, yes.

14 Q To the extent that he felt McCloud was not
15 an appropriate or proper agent to carry out the function?

16 A Experienced enough.

17 Q Appropriate I would assume would include
18 that, right?

19 A Yes.

20 Q Do you know what McCloud's experience was;
21 do you to this day?

22 A Not really. I think he worked a lot of
23 security work at one time. Iam not really sure about that.
24 I don't have to ask him about that.

25 Q Well, is it customary when there is such a

1
2 replacement for an agent such as yourself, newly come into
3 the picture, to make a report or 302 explaining the exchange
4 of responsibilities?

5 A No.

6 Q You did tell about the \$50,000 which you put
7 in an envelope at a certain time as shown on TV here
8 yesterday, is that right?

9 A That's right.

10 Q And you said at one time you were either
11 sealing or unsealing the envelope.

12 It was unclear. Can you tell us what you did?

13 A I sealed it.

14 Q You did seal it?

15 A Yes.

16 Q So if the script says unseal it, that is
17 incorrect?

18 A Correct.

19 I think you saw me licking the envelope.

20 Q Are you familiar with the fact that the
21 script does say something as to whether you sealed or
22 unsealed it?

23 A I don't know.

24 Q Let's look at it.

25 MR. PUCCIO: Judge, I object to the use of the

1
2 word "script."

3 Your Honor sustained my objection yesterday.

4 THE COURT: Sustained again.

5 I think it was established, Mr. Brown, that
6 the correct term is transcript.

7 MR. BROWN: Yes, your Honor.

8 Q Transcript 5A in evidence would be available
9 to you I think in the book that you have; is that right?

10 A That's correct.

11 Q And is it not a fact that in 5A, which
12 you are reading now --

13 A Correct.

14 Q It says that you did not seal the envelope?

15 A From what I see it is a typographical error.

16 Q Please bear with me. All I am asking you
17 is this:

18 Is it not a fact you are looking at 5A which
19 is the transcript of the proceedings of August --

20 A Yes.

21 Q Can you tell the jury what that transcript
22 before you says with respect to sealing or unsealing an
23 envelope?

24 A It says I am not sealing an envelope.

25 Q And that is of course contrary to the fact;

1
2 is that correct?

3 A Yes.

4 Q But I understood you to say that you did
5 participate in preparing these transcripts.

6 A Correct.

7 Q And in that one of course it could have been
8 an oversight or an error?

9 A Yes.

10 Q And that is exactly what it is?

11 A Correct.

12 Q And with respect to that occasion you did
13 have in your possession \$50,000 of government money, I
14 think?

15 A Correct.

16 Q Is that right?

17 A Yes.

18 Q Did you make a note in a 302 about obtaining
19 the money and what you did with it and what happened to it?

20 A Did I make a notation?

21 Q Yes.

22 A No.

23 Q You were not responsible as an agent to make
24 a precise report as to what happens with the money that
25 is turned over to you?

1
2 A What I did is when I received it I counted
3 it and then I placed it in that envelope.

4 Q Do you sign out for that money or do they
5 just give it to you?

6 A No. Another agent probably signed for it.

7 Q What agent would probably have signed?

8 A I have no idea.

9 That would be the responsibility of Mr.
10 Good.

11 Q But as far as you were concerned the money
12 would not be accounted for in writing or in any receipt
13 of any kind?

14 A Not by me. By someone.

15 Q I am asking, as far as you were concerned
16 you would not have accounted for the money by a writing
17 or a receipt of any kind?

18 A No.

19 Q So the \$50,000 given to you with respect
20 to that envelope, and of course it is an error as to whether
21 you did not seal it, is that right?

22 A Yes.

23 Q Now, it is an hour or so before the program
24 began after you sealed that envelope, is that right?

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A Yes.

MR. PUCCIO: I object to the form.

THE COURT: As to the program?

MR. PUCCIO: Yes.

THE COURT: Sustained.

Q You seem to accept the words -- I will withdraw that.

THE COURT: Ledturn, please.

MR. BROWN: Yes, sir, I'm sorry I advanced two feet.

Q With respect to the performance that came on later on which was an acting performance, was it not?

A Correct.

Q And you were not offended when I used the word program, were you?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q With respect to that activity which came on later, about an hour elapsed between the time you had the money and the time you went through the prologue which was the sealing or not sealing of the envelope and the time of the actual activity which came on an hour later.

Would that be correct?

A Correct.

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Q And in that interim who was in the room with you?

A Myself, Mr. Weinberg, possibly Mr. Good, possibly one or two other agents.

Q Some other persons that you don't particularly remember?

A Yes.

Q And after this, when the performance was finished, you then made no report whatsoever, is that right, in writing, to anyone?

A No.

Q Did you make an oral report to anyone, a supervisor or superior of yours?

A What tyhpe of oral report?

I don't know what you are getting at.

Q Is Mr. Good your supervisor or was he at that time?

A Yes.

Q Are you required to report to him the activity or did you assume that the video tape was sufficient report?

A Sufficient.

Mr. Good was in the other room.

Q I see.

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2 And in the course of this performance you did
3 as you say play a role; you had a false name and you had
4 certain activity which was not exactly proscribed but went
5 into a pattern.

6 Would that be correct?

7 A A pattern of what?

8 Q You said when you came into the room and
9 when others entered including my client, while you had nothing
10 in writing you did expect certain things to happen, is that
11 right?

12 A I did not expect things to happen. I was --

13 Q Well, I'll withdraw the question.

14 Isn't it a fact when you undertook this
15 performance that you had some expectations as to the way
16 things would go, otherwise it would make no sense, would
17 it?

18 A Otherwise I would not make a payment.

19 Q It would not make any sense otherwise; you
20 had expectations how it would go?

21 A No.

22 MR. PUCCIO: I object to the form of the
23 question, your Honor.

24 THE COURT: Overruled.

25 Q You had expectations as to where it would go?

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THE COURT: He answered it no.

Q You didn't have? You had no purpose in the meeting?

A I had a purpose. I didn't have an expectation, I don't think.

Q Well, what was your purpose?

A My purpose?

Q Yes.

A My purpose was to elicit from Mr. Myers the necessary material to insure me in my own estimation of what his idea of that meeting was.

Q So that was your design?

A Yes.

Q And this had been set under way while previous to that actual performance on the 22nd of August, isn't that right?

It started as early as July 26th, I believe it was, isn't that correct?

A With Mr. Myers, no.

Q Well, isn't it a fact that as of July 25th you had read an article in the Miami Herald about dictator Somoza of Nicaragua which caused a germ of an idea to form in your head?

A Correct.

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2 Q So as of July 25th, 1979 after you read the
3 paper, you then formed in your head a design to attempt
4 to project the same idea about the sheik?

5 A Yes.

6 Q Is that correct?

7 A Correct.

8 Q And the idea was that a dictator or foreigner
9 who might be expelled from his homeland might come to the
10 United States for sanctuary and may have indicated the
11 attaining that presence here, is that correct?

12 A Yes.

13 Q This evolved in your head on the 25th, is that
14 right?

15 THE COURT: You have now moved six feet.

16 MR. BROWN: I'm sorry, your Honor. I am
17 a very mobile person. And I would put this where
18 I can get around it.

19 THE COURT: That would be fine. But I
20 think you can get around most anything.

21 MR. BROWN: That is a substantiated rumor,
22 your Honor.

23 THE COURT: Proceed.

24 Q With respect to the idea that formed in
25 your mind when you read the newspaper, you testified

1
2 in Philadelphia as a result of improper recollection that
3 was called on that very day the 25th and discussed it with
4 your supervising agent, agent Good, right?

5 A Yes.

6 Q But that was an error?

7 Q Yes.

8 I understand. So actually you did not discuss
9 it with Good until the 27th, is that right?

10 A Yes.

11 Q And is it not so that as a result of this
12 idea that formed in your mind on the 25th you then projected
13 this idea on the 26th, advanced it, right?

14 A Correct.

15 Q And you advanced it for the purpose of
16 advising someone to respond to it, is that right?

17 A Correct.

18 Q And you advanced it specifically for the
19 purpose of inducing Errichetti to respond to it, is that
20 right?

21 A Correct.

22 Q Now, then, when you --

23 MR. BROWN: I will use this word very
24 carefully subject to your censorship.

25 Q Now that you have baited the trap with your

1
2 idea -- that is a correct statement, isn't it?

3 A Yes.

4 Q You expected my client to bite?

5 A It could be, yes.

6 Q Well, that would be the purpose of your doing
7 it I would assume?

8 A Yes.

9 Q Again a part of a design.

10 Now, as a matter of fact, is it not so, byou
11 even enlisted the services of the special agent who was
12 acting as the captain of the yacht?

13 A No, I didn't.

14 Q Was it accidental then that he commented
15 that there is a yacht that Somoza was on, they wiped their
16 hands on the curtains, they are pigs?

17 A He happened to overhear the conversation and
18 he happened to be passing that way and that is exactly
19 what happened.

20 Q He fell in without knowing about the design?

21 A He heard the conversation and as he went by
22 the boat he pointed it out.

23 Q He was helping out?

24 A Not by design.

25 Q Not by design.

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2 So it happened that Somoza really wiped his
3 hands on the yacht that you were passing accidentally going
4 down the river?

5 A That is what the press reported.

6 Q You did too?

7 A No.

8 I am talking about the article he had read.

9 Q The agent was stimulated by an article he had
10 read?

11 A Yes.

12 After he heard the conversations, yes.

13 Q After he heard the conversation his mind
14 reacted to the article he had read?

15 A Yes.

16 Q So this agent then perceived what you were
17 doing and said, I remember that article, I'll help.

18 Did you discuss it with him?

19 A I never asked him. He just heard the
20 conversation and pointed out the yacht.

21 Q Did you ever discuss it with the agent as
22 to how he came in so beautifully on that design?

23 A No.

24 Other than he had heard it and he figured
25 out who pointed out the yacht.

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Q He must have said that to you later?

A Yes.

Q You discussed it with him later?

A Yes.

Q And he said I heard you saying that -- I guess he addressed you as Tony in your role then?

A Yes.

Q But your name is Anthony anyway, is that correct?

A Yes.

Q And he said Tony, I heard you say it and I fell right in?

A I don't know if he used those words, but I guess you can say it, yes.

Q It is a paraphrase of course, I don't have any tapes, I assure you, and neither did you, by the way?

A Yes.

Q Because you left it downstairs.

And you know when you left the tape downstairs that you were going to pursue this design in another part of the boat, isn't that right?

A Yes.

Q o that, after taping what you have described as "a conversation on legitimate," legitimate purposes

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downstairs, that is true, isn't it?

A Yes.

Q And you then by design moved to another section of that boat where you would not have the taping and pursued your design and asked the bait-in question, is that right?

A At the time it was a very insignificant thing I threw out to the mayor.

Q But it was important enough for you to have formulated a design to do so, isn't that right?

A Yes.

Q And it was so significant that not only did you realize the importance of it, but the agent, without conference with you realized the importance of what you were doing, is that right?

A I don't know if he realized the importance of it.

He just picked up on what I said and expounded on it.

Q Thank you.

I will not characterize it.

That is the fact and that is what happened, is that right?

A Yes.

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Q So it was important for you to have a design and to move into position to at least throw out the bait even though it was not a big bait, but just a minor piece of bait?

A Yes.

Q Is that correct?

A Yes.

(Continued on next page.)

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2 Q And it just halpened that there was the
3 conversation with Mr. Errichetti?

4 A Yes.

5 Q Right?

6 A Correct.

7 Q And there are other persons present on the
8 boat from the first boarding, I assume, is that right?

9 A Yes.

10 Q And I think you have in your 302 --
11 you did make a 302 of this, is that not so?

12 A Yes.

13 Q Do you have a copy or I will question you
14 and would you like my copy?

15 A I believe there is a copy here.

16 Q I will get it for you.

17 MR. BROWN: May I approach the witness with
18 it, your Honor?

19 THE COURT: Yes.

20 MR. BROWN: This is Exhibit 3500-256.

21 THE COURT: Thank you.

22 MR. BROWN: It is indicated 7-30-79, your
23 Honor.

24 THE COURT: All right.

25 (Handed to witness.)

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MR. BROWN: May I proceed, sir?

THE COURT: Yes.

Q Mr. Amoroso, you have before you as I have, a copy of the 302, is that right?

A Yes.

Q The 302 is generally considered a report for the benefit of your superiors as to activities that take place at a certain time.

Would that be correct? Would I be correct in stating that?

A Correct.

Q Now, with respect to this particular 302, the date of transcription is July 30th of 1979, is that correct?

A Correct.

Q And if I may follow from what I call the inception of the design on the 25th, there was the idea in your head on the 25th, the implementation on the 26th on the boat, right?

A Yes.

Q And you have so indicated that this relates to the 26th, right?

A Correct.

Q Down on the bottom?

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A Yes.

Q And in fact it was typed out, that is what a transcription is, I assume, on the 30th, right?

Was that transcribed down in Florida?

A No.

Q Is there any custom, regulation, as to how long it would take you to properly record conversations, for example, we have a four-day lapse here; would that be within the range, general practice?

A Four or five days.

Q Excuse me?

A Four or five days.

Q And what one does I assume is dictate it to someone and that person in the employ of the FBI types it out, is that right?

A Yes.

Q And in this instance I will remind you that you have not even signed this.

So I will ask you since there is no signature you do accept it as a reliable version of what you dictated?

A The original should have my signature.

MR. BROWN: May I approach, your Honor, and show my copy?

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THE COURT: Yes.

Q Is that the original?

A No, it is not.

I would have initialled this copy right there.

Q I see.

A The original should have it. These are
copies.

Q That is quite all right. I have no questions
with respect to that.

I don't question that. I merely want to make
certain when I ask you a question about it it is that
which you accept as being accurate and correct.

A Yes.

Q So perhaps if you would examine it since
I don't have a signature on it I think I am required to
ask you if that copy reports properly of what you had
prepared?

A I think so.

Q Now, with respect to the 302, if you read
the third paragraph, I suggest to you it would be
reasonable to assume that Captain Allison, the agent, first
talked about Somoza and the group of pigs prior to your
conversation, but that is an error in the way it is
dictated?

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A No. Because in the next paragraph I said during this period I just put one ahead of it.

Q And you would not be that precise about the conversation, I am sure.

You do indicate however, that Mr. Criden was present during the general conversation?

A Correct.

Q And you do indicate that Mr. Criden neither spoke nor participated in that phase of the conversation, correct?

A Correct.

Q You don't indicate whether or not Mr. Weinberg participated.

Can you tell us whether he did?

A No, he did not.

Ge was just present.

Q Mr. Weinberg was aware, was he not, of the design that you were about to put into effect?

A No.

Q He was equally innocent as Mr. Errichetti was of your design?

A Yes.

Q And you have reported, have you not, that you went into a speech which dealt with -- Ill withdraw that.

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2 You have reported, have you not, that you
3 spoke in terms which included your employer's concern with
4 the situation in Afghanistan, where government troops
5 and rebels were fighting, and Ethiopia, and of course in
6 Nicaragua, is that right?

7 A Right.

8 Q And you also stated that the United States
9 government had told the Nicaraguan revolutionary government
10 that it would consider returning Somoza to Nicaragua.

11 I am referring to your 302. Is it a fact
12 that you so stated?

13 A I stated that the news media so stated it.

14 Q Is that a fact that the news media so reported?

15 A That is the article of the 25th.

16 Q I see.

17 And you also stated that your employers
18 anticipated that they would have to leave the country
19 in the near future?

20 A Correct.

21 Q And that they were deeply concerned as to
22 whether or not due to unfavorable news media publicity
23 that they would be accepted permanently in the U.S.
24 and once here there would be pressure to put them out,
25 is that right?

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2 A Yes.

3 Q All of that was a fabrication or a lie. I
4 don't like to say that.

5 A I like fabrication.

6 Q You like fabrication?

7 A Yes.

8 Q Yes. I understand.

9 However, it was a statement manufactured by
10 you to induce or trap Errichetti into making certain
11 statements, is that right?

12 A Yes, to induce him.

13 Q And what did he say when you went to this
14 presentation about the problems that your employer had
15 and that there was concern whether he would be accepted
16 permanently into the United States and there was pressure
17 to return him to his country?

18 A Do you want me to read it?

19 Q No.

20 If you want to -- if you recall it, fine.
21 There is a rule that says you may refresh
22 of course and that is why I put it in front of you.

23 A He stated there was nothing to worry about
24 because he had connections with the right politicians.

25 Q Who could handle these problems?

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A Yes.

Q Such as trying to help a man to stay in a country where he had assylum?

A Yes.

That's the way he phrased it.

Q In other words, that is nothing, I can introduce you to a politician who can help with this problem?

A That was --

Q And what you presented was a very legitimate problem, wasn't it, whether a man could continue in assylum if he were thrown out of Ethopia or Nicaragua or any other place?

A Yes.

Q And what he said is I think there are politicians who can help with respect to that, is that right?

A It's right there.

Q Okay.

Now, the fact is that he did not say to you, what is the problem, which of your employers -- I believe you used the plural, employers, is that correct?

It is written down here but it may not be accurate.

A I probably would refer to both.

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Q Both.

A Yes.

Q He didn't refer to which one, did he?

A No.

Q He didn't ask you what the situation was with respect to their possible rejection?

A No.

Q And as a matter of fact he didn't even ask you what country they came from, is that correct?

A Correct.

Q And as a matter of fact, throughout this entire series of episodes up to this point, the sheik's country had not been identified, had it?

A Correct.

Q So that when he replied to you his reply was as general as yours was fictitious?

A Correct.

Q So that one charade was being answered by another?

A I know what I was doing. I don't know what he was doing.

Q Well, you knew he was answering something that had no substance and had no specific purpose or designation, is that right?

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2 A Yes.

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5 Q So if you would have said my employers want
6 to go to Mars it would be as fictitious as what you said,
7 is that right?

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10 A It could be, yes.

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13 Q And if he said I can get politicians to help
14 you, it would have been as fictitious as what you said,
15 is that correct?

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18 A Correct.

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21 Q And that is in effect what he said, correct?

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24 A Right.

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27 Q Now then, you then asked him to see if we
28 can't get in touch with these people that he referred to?

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31 A Yes.

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34 Q And to see if you could get something started
35 along those lines, right?

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38 A Correct.

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41 Q I am reading again, referring again to the
42 samepaper you are looking at, correct?

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45 A Yes.

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48 Q I am using the language from there.

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51 Now, when you say get started along these
52 lines, did you go into any specifics or details as
53 to what lines you are talking about?

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A No.

Q Did you go into any specifics or details as to what people you wanted contacted?

A No.

Q Did you go into any specifics or details about what kind of people, whether they be agency people, immigration specialists, or whatever?

A No.

Q And when you talked about what it would cost you you didn't make any distinctions as to legitimate costs to attorneys, to specialists or anyone else, is that right?

A Well, reading the statement here, Mr. Errichetti was the one who first indicated the figure or money.

He stated that with all the money the Arabs had they could afford to cover all the necessary expenses.

Q When you say figure, I would ask you to reconsider, is not a figure a precise amount in the language of the street or of the drawing room in America?

When you say figure you mean a precise amount of money?

A Yes.

Q And Errichetti never mentioned a precise amount?

A No.

Q And as a matter of fact, what he did say was expenses, is that right?

A Yes.

Q Okay.

Now, when he said expenses he didn't refer to the fact that as to whether these would be legal expenses or consultive expenses or anything else, is that right?

A In the context he gave it to me at that time it meant payment.

Q It meant payment?

A Yes.

Q Well, what was the language that was used that said when you get people to take care of this if you can pay their expenses, what word did he use that this is payment?

A In the way he used expenses.

Q That was your interpretation?

A Yes, it was.

Q Let's take the precise word so the jury can interpret it.

The precise words were, as you have recorded them and as best you recall them from your testimony, that Errichetti said, that with all the money the Arabs

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have they can afford to cover all the necessary expenses.

Is that right?

A Yes.

Q He never said fee?

A Correct.

Q Never said pay-off?

A Correct.

Q Never said contribution?

A Correct.

Q Never said gratuity?

A Correct.

Q He said expenses?

A Yes.

Q And that's all?

A Correct.

Q And when you said find out what it cost, you did not specify, did you, as to whether it would be fees, pay-offs, contributions, gifts, you didn't, did you?

A No.

I know what I meant by it.

Q I understand that you knew what you meant, but the language which was proposed is the language which you have stated so that others can consider what the expense was, right?

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A Right.

Q So I want to make sure of one thing, if his Honor will indulge me, and that is this:

At no time did you or Errichetti say this is the specific thing I want done?

A Correct.

Q That was not said?

A Correct.

Q These are the specific people I want to do it?

A Correct.

Q No categories were mentioned of lawyers or specialists or immigration types or anything else?

A Correct.

Q Not one cent in terms of coin mentioned in a figure?

A Correct.

Q Not one statement other tahn the Araba have money and they can pay the expenses to get this help, is that correct?

A Yes.

Q And your statement was to try to contact people and see if you can't get something started and find out what it would cost?

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A Yes.

Q End of conversation?

A Yes.

Q Correct?

A Correct.

Q Now, byou are aware, are you not, that in the time, whatever time period it was prior to your coming on board the operation, that McCloud, known as McCarthy, and Margo Kennety and others had been talking with Mr. Errichetti and visiting him as his guests, is that right?

A Correct.

Q And in fact you too visited him as his guest, is that right?

A Correct.

Q Now, during the time of certain of the tapes which are proposed here and offered and accepted in evidence, like 2, 3 and 4, or 1,2 and 3 relating to August 6th, 7th and 8th of 1979, you in effect were a guest of Errichetti, were you not?

A (No response).

Q I will remind you of this if I may. Look at the first one, 1A and tell us where the meeting was held.

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2 When he came to Florida or sometimes over to
3 New York we paid for his --

4 Q Well, now, when he came to Florida on one
5 occasion he paid for a lot of things, didn't he?

6 A When he came to Florida on one occasion?

7 Q Were you present when he first went to visit
8 the Left Hand, that's the name of the boat?

9 A Yes.

10 Q The Left Hand?

11 A Yes.

12 Q Were you present on the first occasion when
13 he visited the Left Hand?

14 A That was on the 26th of July.

15 Q Who paid for food and liquor?

16 A You are talking about the prior time?

17 Q The first time.

18 A Yes, yes.

19 Q So either --

20 A You are talking about March?

21 Q Yes, yes.

22 A Yes.

23 Q And on those occasions that was before your
24 coming on board?

25 A I was on board.

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Q You were on board the operation?

A Yes.

Q And who paid for the food and liquor on the first occasion -- on that occasion?

A I believe he paid for the liquor and another individual paid for the food.

Q Was he responsible for the payment, do you know, whether or not someone else paid?

A I think someone gave him a blank check.

Q To write out for the food?

A Yes.

Q But in that instance he paid, the instance in March I am referring to?

A Yes.

Q And then again we discussed it in these dates, the 6th, 7th and 8th of August, of course he paid?

A Yes.

Q How many people did he pay for then that were on the government payroll as undercover operators? Do you have any recollection?

A Offhand I don't know.

Q Could I try to refresh your recollection?

A Sure.

Q Wasn't McCloud there?

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A No.

Q Wasn't Bradley there, a special agent named Bradley?

A I believe so.

Q So there would have been at least three special agents there, Mr. Bradley, Mr. McCloud and yourself?

A Yes.

Q And perhaps other syou can't recollect at this time?

A Correct.

Q And of course Errichetti paid for everything?

A Well, he paid I believe for some of the liquor.

Q He paid for food and lodging, didn't he?

A He didn't pay. He had a check from somebody else. I didn't consider him paying.

Q Well, what would you consider if his credit card reflected that?

You know they have been subpoenaed by the government, do you not?

A No, I didn't?

Q You did not?

A No, I didn't.

* * *

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2 (Following occurred in open court.)

3 MR. BROWN: Your Honor, I will defer that
4 line of questioning with your permission.

5 THE COURT: All right.

6 Q Mr. Amoroso, you had indicated that you had
7 not made any special -- you had indicated during examination
8 that -- this morning in playing your role you were just
9 plahing yourself, you did not make any special differences in
10 your personality or act differently?

11 A I didn't say that.

12 Q You did not say that, I'm sorry.

13 A I asked for a specific point or time that
14 he was referring to.

15 Q I see.

16 Well, is it true then that you did in the
17 course of this operation act out of your true self and
18 in the sense be an actor or a character?

19 A Yes.

20 Q As a matter of fact, I strongly believe and
21 I will show you an example without --

22 THE COURT: Mr. Brown, your beliefs have
23 nothing to do with this case.

24 MR. BROWN: May I show you what I am doing,
25 your Honor?

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THE COURT: Rephrase what you are saying.
It is not proper for an attorney to say to the jury I believe or I think.

Lawyers are not supposed to think.

MR. BROWN: I never have to make that decision, your Honor.

MR. BEN-VENISTE: Sometimes that is apparent.

MR. BROWN: May I approach the witness with this transcript, your Honor?

THE COURT: Yes.

Q For example, if I may show you an extract from a transcript of 3500-24, which is related to Saturday, March 24th, which is outlined by me in yellow.

I would ask you to examine that before I ask you the question.

A Yes.

Q Now, the extract that I have shown you was certainly an instance on your part where you were acting out a part contrary to your true personality, isn't that right?

A I don't know.

I may have said that in my true personality.

Q Are you sure when they ask you, what are you

1
2 laughing at, and Weinberg says good morning, and you said,
3 so I had a good party last night after that huge party,
4 that that's you?

5 A Yes.

6 Q What did that mean?

7 A That the party before was terrible, which is
8 an expression.

9 Q Huge party means good?

10 A No, it was terrible.

11 Q I see.

12 Q You are a facile in more than one language,
13 apparently.

14 Were you ever present at a time, and I will
15 show you the portion of the transcript without identifying
16 it any further.

17 MR. BROWN: This is another one here.

18 (Mr. Brown confers with Mr. Puccio.)

19 MR. BROWN: May I approach, your Honor?

20 THE COURT: Yes.

21 Q I show you 3500-22 and I have selected from
22 a paragraph a phrase and I want to make sure that you see
23 it in its whole context.

24 A This is not me.

25 Q I am going to ask you about what he is saying,

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whether it fits and a pattern.

Do you see what I mean? No, you didn't say that.

MR. PUCCIO: May I have the page, please?

THE WITNESS: 13, page 13 of the transcript.

MR. PUCCIO: Thank you.

MR. BROWN: 3500-22.

THE WITNESS: Just where it is marked?

Q Were there ever occasions in the course of this operation when Mr. Errichetti said to you as a person, I can write the script better for this thing.

A You just pointed it to me.

Q I just pointed it out to you?

A Yes.

Q There were such occasions when he said things like that, is that right?

A Yes.

Q And he also said, is it not true, give me the script, tell me what to say; is that true?

A I don't know.

You would have to give me the instance and I will agree with you if you have it.

I just can't recall.

Q I see.

1
2 But in this one instance that I showed you
3 he said in effect I can write the script better than you
4 can?

5 A Not in effect. It is whatever was said.

6 Q I will withdraw the in effect. You said
7 you object to the phrase, is that right?

8 A Whatever is there is what was said.

9 He says I can write the script better.

10 Q And what was he referring in that instance
11 where he says I can write the script better, what was he
12 referring in that instance as to you or members of your
13 agent party?

14 A He was referring to a meeting from what you
15 showed me there between McCloud and Mr. McDonald.

16 Q So he was referring to McCloud?

17 A Correct.

18 Q Now, then, McCloud then continued in the
19 operation up through '79, is that right?

20 A Yes.

21 Q Well, now, I understood and please correct
22 me, that you replaced McCloud in January of '79?

23 A Yes.

24 Q Am I correct?

25 A Well, there was a phasing out period there.

1
2 He was still involved, I believe, for a
3 couple of months between January and February and March.

4 Q I am not asking about what he was involved
5 in. I am only asking if he was still involved in the
6 operation.

7 A Yes. It was a phasing out from him to me
8 during the phasing out period.

9 Q And this reference then was to Mar. McCloud,
10 I could write the script better, is that correct?

11 A Yes.

12 Q Now, it is true, then in terms of -- I'll
13 withdraw that.

14 Was this operation, these activities, given
15 a particular name, the activities that involved you, Mr.
16 McCloud, Mr. Bradley, Margo Kennedy and others for the
17 government, with respect to my client and others in this
18 indictment?

19 Was the entire indictment given a name?

20 A I don't know what you refer to as a name.

21 Q I have heard the name ABSCAM, I don't know
22 if it was given a name by the bureau or the operatives
23 or not, ~~or~~ I don't know if that is a media term.

24 MR. PUCCIO: I object, your Honor.

25 THE COURT: Overruled.

1
2 A I believe the title of the case was Abdul
3 scam and they shortened it to ABSCAM.

4 As far as the title of communications being
5 sent from office to office.

6 Q So in fact, the FBI did have a nom de guerre,
7 a code word for this, and there was a code name for it.

8 A It was not a code name. It was just the
9 shortening of the entire name.

10 Q Was there a code name for this operation
11 employed by the bureau which denominated a sting
12 operation.

13 MR. PUCCIO: I object to this, Judge.

14 THE COURT: What ground?

15 MR. PUCCIO: On the ground of relevancy as
16 to what the bureau characterized it as.

17 THE COURT: Overruled.

18 -Q You have known it to be referred to as a
19 sting operation, have you not?

20 A From the news media and not from within.

21 Q No one including Mel called it a sting
22 operation?

23 A Not that I know of.

24 Q Do you know or can you tell this jury whether
25 or not this entire operation, whatever it was called, was

1
2 originated or suggested by Mr. Weinberg?

3 MR. PUCCIO: I object.

4 THE COURT: Overruled.

5 You may answer it.

6 A I stated before that I don't know. Bu the
7 time I got it, into it, it was already in existence.

8 Q Did you not research the history about the
9 operation that you were about to supervise?

10 A No.

11 Q You were not concerned about its genesis, how
12 it began and what its central theme was?

13 A No. Because I was starting a new theme.

14 Q So the central theme of this operation
15 changed when you came in?

16 A Correct.

17 Q And was Mr. Weinberg the one who suggested
18 the change?

19 A Not to my knowledge, no.

20 Q Isn't it a fact that this operation was
21 at least in part based on his recommendation as to how
22 to con people?

23 A Not to my knowledge.

24 I don't know.

25 Q Well, you don't say yes, and you don't say no.

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You don't know?

A I don't know.

Q Well, how often were you with Mr. Weinberg
from January '79 up to should I say February of '80?

A I would say probably fifty percent of the
time.

Q That would mean almost every other day, every
other night, something like that?

(Continued on next page.)

1
2 A It would work probably in periods of a two-week
3 run and a two weeks off, a week on and a week off.

4 It would depend on what we were doing and where
5 we were going.

6 Q And your testimony despite this intimacy
7 of January to February of '80, when you were with him half
8 of the time, which is half of about 400 days which I
9 counted quickly, you were with him about 200 days and you
10 never asked him about his past activities as a con man?

11 A No, I was not interested.

12 Q Wasn't his value to the bureau the fact that
13 he was a superb con man?

14 A Yes.

15 Q Wouldn't you then be concerned as to what
16 his qualification was as a con man since that was essen-
17 tial to his utility to you?

18 A No.

19 He never asked me what my qualifications were.

20 Q Was he your supervisor?

21 A No.

22 Q You were his supervisor?

23 A Correct.

24 Q And now in the course of this procedure,
25 these activities, did you observe him as a con man?

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Wasn't that your job?

A To observe him? Not to observe him, no.

Q Didn't you observe him conning people,
working his particular talent?

A Working with me, yes.

Q Wasn't the bureau paying him \$3,000 a
month to execute a con, a skillful con operation?

A Yes.

Q Didn't you observe him in the performance
of this duty he was being paid for?

A Yes.

Q Was the superb con artist?

A Yes.

Q Was he the best you have ever seen?

A Close.

Q And he conned everybody but you, is that
right?

A I can be conned just like everybody else.

Q Did he con you?

A I don't think so.

He conned everybody else though?

Q By everybody else, whom do you mean?

Let's take my client. He conned my client,
didn't he?

1
2 A I would say so.

3 Q He conned him in a superb fashion, is that
4 right?

5 A Yes, I would think so.

6 Q So I will just deal with my client without
7 referring to the other gentlemen at the table.

8 He was good enough to con my client into
9 seeming to do something that was never carried out,
10 to wit, having congressman of the United States interfere
11 with the business of government, is that right?

12 Wasn't that the purpose of the design that
13 is embodied in this indictment?

14 A In this indictment.

15 But that is not originally what we were
16 involved in.

17 Q Let's deal with this indictment.

18 With respect to this indictment, wasn't there
19 a con which flowed only from the total operation right into
20 this indictment?

21 MR. PUCCIO: I object to the form of the
22 question.

23 MR. BROWN: I'll withdraw it.

24 Q Isn't it a fact this indictment is only
25 one of several facts of the operation called ABSCAM?

MR. PUCCIO: I object, your Honor. Irrelevant.

THE COURT: Sustained.

Q Well, you were working on Errichetti from January on, weren't you, to con him into doing something that he could be arrested for?

A We were involved with Mr. Errichetti to see from the beginning as I stated, involved with organized crime, in casino gambling, in Atlantic City, but it just spread out into other areas.

Q It was the same con, that was your technique?

A Yes, the technique.

Q Your technique was con all the way through no matter which episode we are talking about, it was con all the way, is that right?

A Yes.

Q So the con was designed to con or trick my client into doing something that would be unlawful; isn't that right?

A No, I don't think so.

Q Well, in whatever area it was, you were going to con him to do something, you just said so.

A If he didn't want to do it he could have walked right away.

Q Tell me this:

14 Amoroso-cross-Brown

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2 Were you trying to confidence him into doing
3 something?

4 MR. PUCCIO: I object to the terminology
5 used, confidence.

6 MR. BROWN: He has answered already,
7 your Honor.

8 THE COURT: No need for response to the
9 objection.

10 Objection overruled.

11 Q Your whole operation from the day you got
12 into it and before, was to exercise a confidence technique
13 on Errichetti to confidence him into doing certain things,
14 is that right?

15 A I disagree with the way you are doing.

16 Q Didn't have to fool him or confidence him?

17 A Yes.

18 Q And wasn't the total operation designed to fool
19 him or confidence him?

20 A Yes.

21 Q And wasn't the object of the fooling or
22 confidnece technique to have him doing certain techniques
23 that you had designed?

24 A If he so desired.

25 Q I understand what you just said. But you

1
2 wanted to confidence him into doing something. Is that
3 right?

4 A Correct.

5 Q Let's take this indictment and the naturaliza-
6 tion concept of immigration.

7 That sprang from your head, didn't it?

8 A Yes.

9 Q And that was initiated by you, wasn't it?

10 A Correct.

11 Q And in effect it was to have somebody doing
12 something unlawful concerning the immigration of your
13 fictitious superiors, is that right?

14 A If he was disposed to.

15 Q If he was disposed to, but you didn't tell
16 him specifically what you wanted.

17 You were going to con him into doing anything,
18 is that right?

19 A I didn't have to. He did it.

20 Q You were the one who asked him to do it,
21 were you not?

22 A Yes.

23 Q And Weinberg was the one who continued
24 to work with you to ask him to do it, is that right?

25 A Yes.

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Q And without your having asked him to do it, you don't know if there would have ever been such genesis of any idea, such idea in his head, do you?

A Correct.

Q So you were responsible for the genesis, is that correct?

A Yes.

(Continued on next page.)

1
2 Q And you were responsible for the continuing
3 technique of con and fool?

4 A Yes.

5 Q And you knew in the first place that there
6 would never be any influence exercised on the government
7 of the United States with respect to immigration and
8 naturalization, isn't that right?

9 A Correct.

10 Q So that from the very beginning you not only
11 had fictitious prsons, fictitious idea, ideas to con,
12 but you even knew there would never be anything carried
13 out pursuant to these objects?

14 MR. PUCCIO: I object.

15 It's been asked and answered.

16 Q Well, now, at the time that you obtained
17 the money in order to carry out the activities that were
18 filmed as to August 22nd, who was it that suggested the
19 money, the amount of money?

20 A At that time?

21 Q With respect to the filmed events of
22 August 22nd which were shown here yesterday, can we
23 zero in on that?

24 A Yes.

25 Q Who suggested the amount of money to be

1
2 involved.

3 A Mayor Errichetti.

4 Q How much did he say would be involved?

5 A \$100,000.

6 Q Is that what you did?

7 A No.

8 Q You modified that, is that correct?

9 A Yes.

10 Q You injected your own ideas, is that correct?

11 A Yes.

12 Q Were you aware of the number of conversations
13 that Mr. Weinberg had with Mayor Errichetti throughout
14 that period at that time?

15 A Yes.

16 Q How many conversations did Weinberg have with
17 Mayor Errichetti from, I'll start from January when you
18 first came into the picture until August 22nd, do you have
19 any idea?

20 A From January?

21 Q You first came into the picture in January?

22 A Yes.

23 Q Until August 22nd, which is the film we
24 had.

25 A I don't know.

1
2 Q You didn't dictate when those conversations
3 would be held?

4 A No.

5 Q You don't know whether all those conversations
6 were taped or not?

7 A Correct.

8 Q You don't know which portions of the
9 conversations were taped, do you?

10 A Are you referring to specific conversations?

11 Q Well, let's take the conversations where you
12 said -- which was shown to you, the tape--referred to this
13 morning, when you said, well; who cut it off when the
14 secretary was on so he would not waste the tape, is that
15 right?

16 A It was not that he would cut it off.

17 He would not turn it on until the mayor got
18 on the phone.

19 Q I see.

20 So you didn't supervise those activities?

21 A No.

22 Q So everything he did he did on his own?

23 A Not everything. Taping those conversations
24 he did on his own.

25 Q How many conversations did you actually

1
2 supervise in which Mayor Errichetti had with the master
3 con man?

4 A I don't know.

5 If I was present then I would take the
6 tape at the time or one of the other agents who was
7 present.

8 If we were not present and he was alone at
9 home he would maintain custody.

10 Q Are there no FBI records who -- that would
11 show who supervised him on these various occasions?

12 A No.

13 (Continued on next page.)
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1 21 Amoroso-cross-Brown

2 Q Are there any FBI records that would show
3 how many tapes he actually acquired and how many he
4 later delivered to you?

5 A I believe there is a list right there of the
6 tapes that we have.

7 Q Of the tapes that you have.
8 Do you know whether or not he taped anybody
9 without using those particular tapes?

10 A Are you referring to the ones that are
11 missing?

12 Q Right.

13 A I would say then that there are some that
14 are missing.

15 Q Did you supply him with the tapes?

16 A At times I did, at times other agents did.

17 Q Is there any record of those that are
18 supplied him?

19 A No.

20 Q Is there any record that would indicate how
21 long he talked in terms of a particular tape, any tape that
22 he did?

23 A Any record?

24 Q Yes.

25 A From the telephone records I imagine you could

1
2 determine that.

3 Q Beyond that any of them that are taped by
4 telephone, do you have any knowledge of that?

5 A I don't know what you are referring to.

6 Q Any tape other than by Mr. Weinberg the
7 con man?

8 A Are you referring to Nagra recordings?

9 Q Any type of tape recordings, any kind
10 whatsoever.

11 A I believe every time he used a Nagra he was
12 supervised by an agent.

13 Q What would be the difference between the
14 supervision of a tape recording denominated Nagra
15 because of equipment and the supervision of a tape
16 recording whatever the name of the item?

17 A Because at the time the Nagras were made
18 we were meeting with individuals.

19 At the time the tapes were made at his
20 residence he was home in Florida by himself awaiting the
21 next trip out of town but maintaining contact with the
22 various people we were dealing with.

23 Q Carrying out the con?

24 A Yes.

25 Q So it is true that the majority of the time

1
2 that Weinberg contacted persons like my client, Mr.
3 Errichetti, he was totally unsupervised in the sense of
4 anybody monitoring what he said or being a party to the
5 act, is that right?

6 A No.

7 I wouldn't say the majority of the time.

8 Q Well, do you know how many Nagra conversations
9 he was privy to when you and others were present?

10 A I don't have a count, no.

11 Q You know he made well over fifty of the other
12 Cassettes that you did not monitor, is that right?

13 A Correct.

14 Q You know he never made nearly fifty Nagras?

15 A Yes.

16 Q So the vast conversations of the people he was
17 conning was unsupervised then in the sense of whether
18 it was taped or not?

19 A You are talking about the taped conversa-
20 tions as opposed to the timing of the jurisdiction of the
21 agent, within the jurisdiction of an agent?

22 A Within the jurisdiction of an agent?

23 Q Yes.

24 An agent being with him. We had somebody
25 with him as I said before, approximately fifty percent

1
2 of the time.

3 A Sometimes those phone calls are five minutes
4 long , made at his house, very innocuous conversations
5 that are recorded.

6 Q That is your interpretation, innocuous.

7 A Okay.

8 Q With respect to the agents, how many phone
9 calls that he made, whether on tape or in person, were
10 actually under the supervision of a special agent?

11 A I don't know.

12 Q Well, the majority you say were not under
13 the supervision of an agent?

14 A Of phone calls, yes.

15 Q And how many meetings were there when an
16 agent was present, if you have any knowledge?

17 A I would say most of them. I don't want
18 to say all of them.

19 I would say most of them.

20 (Continued on next page.)

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Amoroso-Cross-Brown

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2 Q Now, is there anywhere an outline, a script
3 and a count of what this man did which shows what each
4 agent's report was when they supervised him?

5 A No.

6 Q There is no such log?

7 A No.

8 Q If I may call it that?

9 A No.

10 Q So this master conman was allowed to go
11 unsupervised in many of the details of the operation; is
12 that right?

13 A I don't agree.

14 Q Well, he was off on his own, wasn't he?

15 A He was off on his own at home.

16 Q What does home have to do with it?

17 A Home has to do with being in Florida and out
18 of the proximity of the people we were dealing with at the
19 time, only by the telephone calls we have referred to.

20 Q Well, the telephone calls put him in close
21 electronic proximity, didn't they?

22 A As far as telephones, yes.

23 But the way you phrased the question I was
24 led to believe that you were talking about personal contacts.

25 Q Even personal contacts, were you with him on

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all personal contacts or some agents?

A Not on all, no.

Q Well, you know ether was a great many in which he was not personally supervised by any agent; is that right?

A I don't believe so.

Q Do you know of occasions that he went to Mayor Errichetti's office unsupervised by people?

A Mayor Errichetti's office?

Q Yes.

A Not to my knowledge.

Q You don't know about that?

A No.

Q Do you know about the gifts he received, such as Beta Max, tape recorders, other items, microwave ovens? Do you know of that?

A No, I don't.

Q Do you know of any other occasions where other than the Mayor's office you say that there were no other occasions, including the Mayor's office where Mr. Weinberg was alone with Mayor Errichetti, unsupervised by an agent?

A I didn't say that. I said I didn't know of any.

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2 Q Would you state then -- have you ever asked
3 him that?

4 A I believe Mr. Weinberg met with Mr. Errichetti
5 on a number of occasions alone. How many, I don't know.

6 Q But you do concede that you know that he met
7 with him on a number of occasions alone unsupervised by
8 agents?

9 A Yes.

10 Q And you do also know that they had many
11 conversations unsupervised by agents, whether or not from
12 home; is that correct?

13 A You are referring to telephone?

14 Q Yes, telephone, yes.

15 A Yes.

16 Q So that, to the degree you have described,
17 the numerous occasions they have met alone, the telephone
18 conversations this man was not supervised by any
19 representative of the United States Government; isn't that
20 right?

21 A Correct.

22 MR. BROWN: Excuse me just one moment, your
23 Honor.

24 THE COURT: All right.

25 (Pause.)

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2 Q Do you know where the Elan Club is in
3 Philadelphia?

4 A Elan?

5 Q Yes.

6 A I think I do, yes.

7 Q Do you recall in the course of this operation
8 going to that club for the purposes relevant to the operation
9 to show what kind of guy you were?

10 A Offhand I don't recall. I may have, yes.

11 Q Part of your purpose was to show that you
12 were a swinger, a guy who was with it, is that right, your
13 part in this thing?

14 A I guess, yes.

15 Q And you used to -- were you to be observed
16 to flash your money and talk about women as you did in the
17 Elan Club on a number of occasions, to show your character?

18 A I don't recall being there a number of times.
19 I just recall one time.

20 Q You did these things to enhance the character
21 that you were supposed to be playing; isn't that right?

22 A I would like you to rephrase the question or
23 make it clearer.

24 Q Sure.

25 You don't customarily in your true character

Amoroso-cross-Brown

1
2 as an FBI Agent talk about women and flash money and that
3 sort of thing, do you?

4 A Talk about women.

5 Q Well, since Mr. Hoover's death rules have
6 changed.

7 How about flashing money?

8 A I don't have that to do.

9 Q Well, you have plenty of that in this
10 operation, right?

11 A I wouldn't say I had plenty.

12 Q You had money for expenses?

13 A Yes.

14 Q Particularly related to the type of character
15 you were supposed to be?

16 A Okay.

17 Q Which was swinging Tony; is that right?

18 A Not really. I don't know that I portrayed
19 that image.

20 Q McCloud was an old stiff and didn't understand
21 an old stiff, and you were the kind of guy who was with it;
22 is that right?

23 A If you say so.

24 Q You recall occasions where Errichetti would
25 say, what is the speech I am going to make, when he was with

Amoroso-cross-Brown

1
2 you, and Weinberg and you had him ready to go in a con?
3 Do you recall any such instances?

4 MR. PUCCIO: I object, your Honor.

5 Q I show you 3500-37, which is page 4.

6 THE COURT: Is there an objection?

7 MR. PUCCIO: Yes, to the form of that
8 question.

9 MR. BROWN: I withdraw the question.

10 THE COURT: All right.

11 Q I show you for your information April 9th,
12 '79, page 4. It is denominated 3500-37.

13 MR. PUCCIO: Thank you, Mr. Brown.

14 Q I am referring to this here, and I will ask
15 you a question which relates to this.

16 MR. PUCCIO: May I have the page, please?

17 MR. BROWN: Page 4. I thought I said
18 page 4. Had I not?

19 THE WITNESS: Three lines from the bottom.

20 MR. BROWN: Right.

21 Q Were there occasions such as the one set forth
22 in the script -- in the transcript I have shown you, where
23 Mayor Errichetti would say, here, well, what is this speech
24 I am supposed to make?

25 A I am trying to take it in context.

1 Amoroso-cross-Brown

2 Q Of course, absolutely.

3 And may I amend my question to say that what
4 I showed you was not stated in the course of the total
5 operation, and if you say so I will amend it.

6 By the way, I am reminded of something,
7 Mr. Amoroso. It says AA. And if that's not you, I will
8 withdraw it.

9 A It's circled here AE.

10 Q Yes. But AA indicates you were present?

11 A Yes.

12 Q It is true then on the transcripts from time
13 to time you are called TD, which is Tony DeVito, and sometimes
14 AA, which is Amoroso?

15 A Correct, correct.

16 THE COURT: Now what is the question?

17 Q The question is this: Isn't it a fact
18 within the context of the total con that Errichetti at least
19 on one occasion would turn to you and say, what is the script?
20 What am I supposed to say?

21 A That's what it says here.

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24 (Continued on next page.)
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Amoroso-Cross/Brown

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Q That's what I'm asking you.

A He says what is the topic, what is the speech that I make. That's what he says here.

Q That would be within the context of the con?

A Unrelated to this matter here.

Q Yes. Unrelated to the matter before us. I'm talking about his attitude in the course of the total con.

So there were times as demonstrated by that incident where he says, what is the speech, what am I supposed to say; is that correct?

A Yes.

Q And I am talking not about that particular instance, but I am talking about attitude and response to coaching.

A Yes. However, no response was made to him here.

Q Was that though in the course of the kind of remark he would make when he was to be coached from time to time?

A I don't know if he ever had to be coached the way you put it.

MR. BROWN: I am just walking up to get the book, Judge.

Amoroso-cross/Brown

1
2 Q Do you deny that within the context of the
3 total scheme he was not coached as to what he was to say
4 to certain people?

5 A He knew from what we probably would have
6 said to him what we expected from the people that came to
7 see us. If you call that coaching, then that's coaching.

8 Q Let me put it this way: Was he coached in
9 the sense of told what to say to certain people so that
10 they would say what you wanted them to say?

11 A No. He was coached the way you are putting
12 it in the sense that he was told anybody that he brought
13 to us would have to know what they were coming there for
14 and why they were there.

15 Q They would have to say certain things?

16 A To know why they were there, yes.

17 Q For example, with respect to the August 22nd
18 television show yesterday, it was understood that Mr. Myers
19 would be told what to say when they went on camera in order
20 to impress the sheik; isn't that right?

21 MR. PUCCIO: I object, your Honor.

22 THE COURT: Sustained as to form.

23 You can refer to it as a videotaped meeting,
24 if you wish.

25 Q With respect to the videotaped meeting of

Amoroso-cross/Brown

1
2 August 22nd, it was part of the con that through Errichetti,
3 he was to be told what he would say in order to meet the
4 standards of this sheik's approval; isn't that right?

5 A Excuse me, Mr. Errichetti was told what we
6 were looking for. It was then whatever he said to Mr.
7 Myers to then get him to meet with us is unknown to me.
8 He knew what we were asking for. And what he told Mr.
9 Myers, I have no knowledge of.

10 Q You don't know, you don't know what to ex-
11 pect --

12 MR. BROWN: The videotape episode, may I
13 call it that?

14 THE COURT: That seems reasonable.

15 Q With respect to the videotape episode, are
16 you telling this jury that there was no preparation made
17 so that when he came before the audience, before the
18 cameras, that matters would proceed within the design that
19 you had anticipated?

20 MR. PUCCIO: I object, your Honor.

21 THE COURT: Strike the audience.

22 Q When you came before the camera, isn't it
23 a fact that you had so arranged matters and either so conned
24 Errichetti or told him directly that when the person came
25 before the cameras that he would act in a way designed as

AMOROSO-CROSS/BROWN

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2 you put it to come on strong to convince the sheik; isn't
3 that right?

4 A Well, he was told what we wanted.

5 Q For what purpose, Mr. Amoroso?

6 A For what purpose?

7 Q Yes.

8 A So the party that we brought there before
9 he got there had understood what the meeting was all about

10 Q What was the meeting about in terms of the
11 video episode of August 20th, what was the meeting about,
12 or 22nd?

13 A I think it's self-explanatory.

14 Q I ask you the question and you were the
15 designer. Would you be good enough to tell us what the
16 meeting was all about.

17 A I will read it to you.

18 Q Just tell me, what was the subject of the
19 meeting? What was it all about?

20 I will withdraw the question if you have a
21 problem.

22 It is a fact that what it was all about was
23 is that you wanted there to appear on these video cameras
24 and ultimately on tape for some future jury a scene which
25 would depict people like my client performing, supposedly

Amoroso-cross/Brown

1
2 for the sheik, but actually so that you could say that he
3 committed a crime; isn't that right?

4 A Yes.

5 MR. BROWN: I have no further questions at
6 this point.

7 THE COURT: Any redirect?

8 MR. PUCCIO: Yes, your Honor. We may have
9 a few -- may I have a few minutes on that?

10 THE COURT: It's five minutes of one. Why
11 don't we break for lunch. I have a couple of
12 matters I have to handle during the luncheon hour.

13 We will resume at quarter after two. During
14 the recess please do not discuss the case.

15 (The jury leaves the courtroom.)

16 (Luncheon recess.)

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MR. PUCCIO: I call Ellis Cook, Judge.

E L L I S C O O K, having been first
duly sworn by the Clerk of the Court, took the stand
and testified as follows:

THE CLERK: Please state your full name for
the record.

THE WITNESS: Ellis Cook.

THE CLERK: Please spell your last name.

THE WITNESS: C-o-o-k.

MR. PUCCIO: May I proceed?

THE COURT: Proceed.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Cook, are you married?

A Yes, sir.

Q Do you have any children?

A Yes, sir.

Q How many do you have?

A Two.

Q What is your occupation, sir?

A I am an attorney.

Q Are you a member of the Bar of the State of

1
2 Pennsylvania?

3 A Yes, sir.

4 Q And when were you admitted to the bar?

5 A I think it was January, 1968.

6 Q And have you been a practicing lawyer in the
7 State of Pennsylvania ever since?

8 A Yes, sir.

9 Q Now, you know the defendant Howard Criden?

10 A Yes, sir.

11 Q How did you make his acquaintance?

12 A I met Mr. Criden I think it was in December,
13 1968 while we were negotiating opposite sides of a sale
14 of a restaurant. At that time we were negotiating and he
15 asked me if I was looking for other employment. I was just
16 a new attorney at that time. And I said if it's a good
17 job, yes.

18 And at that time he made me an offer and I
19 went with him in his firm at that time.

20 Q And in what year was that, sir?

21 A I think that would be in the end of December
22 or beginning of January, 1968 -- I think it was the end of
23 1968.

24 Q And have you remained -- well, did you remain
25 in association with Mr. Criden from that time until on or

Cook-direct

1
2 about February 2nd or February of this year?

3 A Yes, sir.

4 Q Now, do you know the defendant Louis Johanson?

5 A Yes, sir.

6 Q And how did you make Mr. Johanson's
7 acquaintance?

8 A At the time I originally met Mr. Criden in
9 1968 he and Mr. Johanson were partners. And, of course,
10 when I went with Mr. Criden I was also with Mr. Johanson.

11 Q What was the name of the law firm, do you
12 recall?

13 A Fine, Criden & Johanson.

14 Q What were the successor names?

15 A Fine, Criden, Johanson, Dolan and Morrisey;
16 and then Criden, Johanson, Dolan, Morrisey and Cook.

17 Q And what is the name of your present firm
18 with which you are associated?

19 A Romiser, Cook & Richman.

20 Q And these gentlemen were previously associated
21 with you, Mr. Cook?

22 A Yes.

23 Q They were part of the former law firm?

24 MR. BEN-VENISTE: Objection, your Honor.
25 Relevance.

Cook-direct

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2 MR. PUCCIO: I will withdraw it.

3 Q Now, Mr. Cook, what type of work have you
4 done at the -- have you done at the Criden, Johanson law firm?

5 A The first year I did personal injury work
6 with Mr. Fine. Thereafter I became really under Mr. Criden
7 doing real estate and corporate and commercial law.

8 Q For how long a period of time did that
9 continue, sir?

10 A I would say from the latter part of 1969 to
11 February of this year.

12 Q Did you ever do any legal work with or for
13 Mr. Johanson?

14 A Certainly.

15 Q What type of work did you do with him or for
16 him?

17 A Well, Louis -- most of the work I would do is
18 not with Lou but for him. Let's say his schedule is busy
19 and I would take a hearing for him or that type of thing.
20 I didn't work day-to-day with Lou or anything in that regard.

21 Q Would you be able to describe your relationship
22 between you and Mr. Criden during the period of time that
23 you were associated with him?

24 A It was more like a father and son than a
25 partner and associate. I love the man.

Cook-direct

Q And what was your relationship to Mr. Johanson?

A Fine. I really liked Mr. Johanson.

Q Was it the same kind of relationship you had with Mr. Criden?

A No, sir.

Q Now, sir, did you ever hear of a man named Neifeld?

A Yes, sir.

Q Who is Mr. Neifeld?

A Mr. Neifeld is I guess the best term is an investor. He buys and sells real estate.

Q Where is he located?

A I think it is the Warwick Hotel in Philadelphia.

Q When for the first time, if you recall, Mr. Cook, did you hear of Mr. Neifeld?

A It may have been a few years ago. I don't recall how I heard the name.

Q Do you recall how you heard Mr. Neifeld's name?

A Mr. Criden knew him. I think he had either done some work with him or he knew him.

Q Now, Mr. Cook, during the year 1979 did there come a time when you heard Mr. Neifeld's name in connection with a piece of property in Atlantic City?

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A Yes, sir.

Q When did that occur?

A To the best I could say is the spring of 1979.

Q And who did you hear about this from?

A Mr. Criden.

* * *

Cook - direct

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2 Q To get back to my question, Mr. Cook, I direct
3 your attention to the first conversation that you had with
4 Howard Criden and try to place the day, if you can, at
5 least the month, about the Neifeld property in Atlantic
6 City, and tell us the best you can recall what you said
7 to him and what he said to you.

8 A I would say Mr. Criden had indicated sometime
9 in the spring of 1979, and that's the best I can put as
10 the date, that Mr. Neifeld had a property that's a square
11 block on the boardwalk in Atlantic City, New Jersey, had
12 an option to purchase it. And he was looking to finance
13 it so he can build a hotel casino on that site. And we
14 discussed -- and this was Howard and I, Mr. Criden and I --
15 different ways of possibility financing the hotel casino.
16 There was no specific conversation. It was more a dis-
17 cussion, not a sitting down -- it was more a discussion.

18 Q Was this at your office?

19 A Yes, sir.

20 Q Where is your office located?

21 A 1424 Walnut Street, Philadelphia.

22 Q Downtown Philadelphia?

23 A Yes, sir.

24 Q Now, did there come a time when some arrange-
25 ment took place concerning the Neifeld property?

Cook - direct

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2 A Yes, sir. I guess it would be the early part
3 of July 1979 that Mr. Johanson came back to the office
4 and indicated he had been down the shore, I guess the
5 Atlantic City area, over the weekend and he had met a
6 fellow by the name of Meiler -- I don't remember his first
7 name -- who indicated he knew somebody who knew somebody
8 who had money who would be interested in financing a hotel
9 casino down in Atlantic City...

10 Q And whom did Mr. Johanson tell this informa-
11 tion to?

12 A I believe it was to Mr. Criden and myself.
13 Or it might have been to Mr. Criden who then told me.
14 I'm not sure, sir.

15 Q In any event, you found out about it; is
16 that right?

17 A Yes, sir.

18 Q And would you have heard about it in your
19 law office in Philadelphia?

20 A Yes, sir.

21 Q Now, prior to the time that Mr. Johanson said
22 that Meiler had a friend who had a friend, as you described,
23 did you, Mr. Criden or any member of the law firm, the law
24 firm itself, have any arrangement with Mr. Neifeld concern-
25 ing the sale or financing a casino on that property?

Cook - direct

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2 A Prior?

3 Q Prior to the time that Mr. Johanson talked
4 about Mr. Meiler's friends.

5 A At that time I think it was pretty tentative
6 with nothing in writing. It is just that someone would
7 be able to finance it and there would be a fee. I don't
8 think there is anything reduced more definite to that at
9 that point.

10 Q Did you understand there was a fee involved
11 if the property was sold or financing was obtained for
12 Mr. Neifeld?

13 A Certainly, sir.

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15 (Continued on next page.)
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Cook-direct-Puccio

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Q Now, in that conversation wherein Mr. Johanson had advised what he found out from Mr. Meiler, was there any mention of whom Mr. Meiler's friend was?

A I think it was Mayor Errichetti. It was either mentioned that day or a day or two later.

Q So you learned in any event that it was Mr. Errichetti; is that right?

A Yes, sir.

Q And according to your testimony Mr. Errichetti was Mr. Meiler's friend; is that right?

A He knew him. I don't know if "friend" is a proper word, sir.

Q And according to your testimony you heard that Mr. Errichetti in turn had a friend who had money for the Neifeld property possibly; is that right?

A . Yes, sir.

Q And during his first conversation with Mr. Johanson or Mr. Criden were you told who this friend of Mr. Errichetti's was?

A I think it was just some Arabs who had a lot of money and were interested in this type of thing.

Q Were the Arabs identified by name at that time?

A I would say no, sir.

Cook-direct-Puccio

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2 Q Now, was there any further conversation
3 about these friends of Mr. Errichetti?

4 A When?

5 Q After your very first conversation was there
6 another conversation about them?

7 A I think the next thing that happened was
8 that there was a meeting arranged. I think Mr. Criden
9 and Mr. Johanson and Mr. Errichetti met with Mr. Meiler.
10 I am not sure, but that seems to have happened.

11 MR. BROWN: I ask that it be stricken, your
12 Honor. He mentioned my client and he isn't sure,
13 so I object.

14 THE COURT: Read it back, please.

15 (The Court Reporter reads back as requested.)

16 THE COURT: You said it seems to have happened?

17 THE WITNESS: Sir, I remember there was a
18 meeting set up and I don't remember -- I think what
19 I was saying is I don't remember Mr. Meiler. There
20 was a meeting with Mr. Johanson and Mr. Criden where
21 they were supposed to meet with Mr. Errichetti. I
22 am not sure Mr. Meiler was there or not.

23 THE COURT: Did that meeting occur?

24 THE WITNESS: The best I know they went for
25 that meeting and we left a letter agreement to have

Cook-direct-Puccio

1 signed with Mr. Neifeld if we were successful to
2 have the property sold or financed.
3

4 THE COURT: Motion to strike is denied.

5 Q Let me take you back, Mr. Cook.

6 Was there a time after you first heard of
7 Mr. Errichetti in this context that you were advised
8 by Mr. Johanson or Mr. Criden or both that there
9 would be a meeting with Mr. Errichetti and Mr.
10 Meiler?

11 A Yes, sir.

12 MR. BROWN: I object to that as leading,
13 if your Honor please. All he has to say is yes
14 or not. It's a classic response.

15 THE COURT: Overruled.

16 A Yes.

17 Q Approximately or to the best of your
18 recollection when were you advised that this meeting with
19 Mr. Meiler and Mr. Errichetti and Mr. Johanson and Mr.
20 Criden was to take place?

21 A Either the day before or the day the meeting
22 was to take place.

23 Q And would you be able to give us some point
24 of time as to when this occurred?

25 A My best recollection would be the second week

Cook-direct-Puccio

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2 of July.

3 Q Of last year?

4 A Yes sir, 1979.

5 Q All right.

6 Now, did there come a time after you were
7 advised that this meeting was to take place that you met
8 with Mr. Criden and Mr. Johanson again?

9 A I don't think so.

10 Q Well, you certainly met with them after they

11 MR. BEN-VENISTE: Objection, your Honor,
12 to the form of the question.

13 THE COURT: I haven't heard the question yet.

14 Strike the "well".

15 Rephrase the question.

16 Q After you were advised that the meeting
17 with Mr. Meiler and Mr. Errichetti was to take place,
18 did you have a further conversation with Mr. Johanson and
19 Mr. Criden about it?

20 A The answer is, I think only with Mr. Criden,
21 not with Mr. Criden and Mr. Johanson.

22 Q All right.

23 What did you say to Mr. Criden and what did
24 he say to you? And place the time if you can.

25 A The best I can do, sir, is just between the

Cook-direct-Puccio

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2 second week of July and the 25th of July. That's the best
3 I can identify it timewise.

4 Q All right.

5 Where did the conversation take place?

6 A It would be in our office.

7 Q Go ahead. Tell us as best as you can recall
8 what you said and what Mr. Criden said.

9 A Mr. Criden and I prepared a letter agreement
10 to be signed by Mr. Neifeld embodying what our law firms
11 fee would be in the event we were successful in having
12 the hotel site either sold or financed.

13 Q And what were the terms of this agreement,
14 if you recall?

15 A The sales agreement I remember. It stated
16 that any sum in excess of 12 million dollars that we got
17 from Me. Neifeld would be ours. However, the person who
18 bought it would also have to pay 8 million dollars, which
19 was the least purchase price to the owners of the property.
20 So that actually meant that anything in excess of 20
21 million dollars the buyer actually came up with would be
22 our commission or fee.

23 As to the financing arrangements, it's a
24 staggered fee and I just remember it was a percentage of
25 the financing and some other conditions. I don't remember

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2 that as well, sir, because it started to be at all times
3 talking about a sale. Financing went out of the picture
4 very quickly.

5 Q In any event, there were two agreements with
6 Mr. Neifeld; is that right?

7 A Yes, sir.

8 Q And you participated in the drafting of
9 these two agreements?

10 A Ys, sir.

11 Q And was there any conversation before these
12 agreements were drafted concerning what had happened at
13 the meeting with Mr. Meiler and Mr. Errichetti?

14 A They had arranged a meeting to take place
15 in Florida and that's the reason we wanted one of the
16 agreements for Mr. Neifeld we wanted to be prepared and
17 signed.

18 Q Were you told by Mr. Criden or anyone who
19 was to be met with in Florida?

20 A It was these representatives of a Sheik.

21 Q Now, were any names furnished at that point
22 to you?

23 A No, sir.

24 Q And do you know where in Florida this
25 meeting was to take place?

Cook-direct-Puccio

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2 A It was Fort Lauderdale.

3 Q Now, Mr. Cook, did there come a time when
4 Mr. Neifeld to your knowledge signed these two agreements?

5 A Well, they were amended by his counsel and
6 redrafted and then eventually I think on July 25th they
7 were both signed by Mr. Neifeld and his partner.

8 Q Did there come a time when you were advised
9 by Mr. Criden or Mr. Johanson that they would travel to
10 Fort Lauderdale?

11 A I would say everybody in the office knew
12 at least a week before they went down that there was going
13 to be a meeting. We were very excited about it.

14 Q Do you know what date they would travel,
15 they traveled to Fort Lauderdale?

16 A I think they left the 25th because I think
17 the meeting was the 25th.

18 Q Do you know if anyone else was going to
19 Fort Lauderdale?

20 A Well, Mayor Errichetti was supposed to be
21 there and I don't remember whether Mr. Meiler was supposed
22 to go or not.

23 Q Now, Mr. Cook, did you have occasion to
24 speak to Mr. Criden and Mr. Johanson after that trip to
25 Fort Lauderdale?

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A Yes, sir.

Q And how long after they returned did you speak to them?

A I would say immediately. They were both very excited. The deal looked good.

Q Okay.

And was that during July that you spoke with them?

A It had to be a few days after the meeting. I don't know if they came back then or after the weekend, but it would have been in a few days.

(Continued on next page.)

Cook-direct-Puccio

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2 Q So within a few days of the meeting you
3 spoke to them?

4 A Yes.

5 Q Where was it that you spoke with Mr. Criden
6 and Mr. Johanson after their return?

7 A It would have been in the office, sir.

8 Q All right.

9 Now, tell us as best you can recall what
10 you said, what Mr. Criden said and what Mr. Johanson said
11 during that meeting?

12 A Well, most of the meeting he had indicated,
13 that's Mr. Criden, I believe he would have done all the
14 talking, most of the talking, that they met with the
15 representatives of the Sheik, they took down with them
16 blueprints, prospectus, a report of the contract and
17 the estimated cost of the hotel casino. The entire package
18 was taken down.

19 They indicated they met on a yacht, that they
20 met a Mr. Weinberg and a Mr. DeVito; that Mr. Weinberg
21 was the financial advisor for the Sheik and Mr. DeVito
22 was like his right hand man, like in his stead when he is
23 not around.

24 They explained the entire package and the
25 casion deal and they said, I believe that Mr. DeVito is the

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2 man who said it and that it looked very good and he was
3 going to take the package to London with him because that's
4 where the Sheik was, but he said almost definitely that's
5 the deal the Sheik would want and we could almost start
6 counting the money already from our commission on the sale
7 price.

8 The sale price to be taken down to Florida
9 was 25 million dollars, so there was a five million
10 dollar commission in the deal for the sale of the hotel.

11 Q Who was to split the five million dollar
12 commission?

13 A It was predominantly our firm because we
14 had the deal with Mr. Neifeld. But I think it also had
15 to be split, as I remember Mr. Criden saying, with Mayor
16 Errichetti and Mr. Meiler, because they introduced us to
17 the Sheik. And I also understood that Mel and Tony would
18 get a piece of the commission.

19 Q And how many different ways is that?

20 A As I understood it, we would get half and
21 everybody else would split the other half.

22 Q So you would get --

23 A Two and a half million dollars.

24 Q Two and a half million dollars?

25 A Yes, sir.

1
2 Q And Mayor Errichetti and Mr. Meiler and
3 Tony and Mel would split the rest?

4 A Yes, sir.

5 Q This is what you were told?

6 A Yes, sir, by Mr. Criden, yes, to the best
7 of my recollection.

8 Q Was there any mention during this conversa-
9 tion, Mr. Cook, of Mr. Criden's plane trip back from Fort
10 Lauderdale?

11 A Yes. Mr. Criden indicated that on the way
12 back he sat with Mayor Errichetti on the airplane and they
13 got to talking and Mayor Errichetti also indicated that
14 the Sheik was very interested in meeting with various
15 Congressmen and we could make some fees if we introduced
16 him to Congressmen.

17 Q Did Mr. Criden tell you that Mr. Errichetti
18 had said anything else?

19 MR. BEN-VENISTE: Objection, your Honor,
20 to the form of the question. Leading.

21 THE COURT: I didn't get the last part of
22 the question. It wasn't leading up to the part I
23 heard.

24 Read me all of it, Mr. Rapaport.

25 (Court Reporter reads back as requested.)

1 Cook-direct-Puccio

2 THE COURT: Overruled.

3 A Yes, sir.

4 Q Tell us, please, Mr. Cook?

5 A He indicated that Mayor Errichetti had told
6 him that he had already introduced I believe Senator
7 Williams to the Sheik.

8 Q Yes.

9 A And he had received \$100,000 for that.

10 Q Who had received \$100,000 for that?

11 A I don't know, sir.

12 Q What did Mr. Criden tell you?

13 A He just said that they introduced Senator
14 Williams to the Sheik and received \$100,000. I don't
15 know who was at the meeting, sir.

16 Q Mr. Cook, Mr. Criden told you that Mayor
17 Errichetti told him; is that right?

18 MR. BROWN: I object, your Honor. I object.
19 That's an improper recapitulation and obviously
20 leading. The question has been asked and answered
21 on two separate occasions.

22 THE COURT: Overruled.

23 Q Mr. Criden told you that Mayor Errichetti
24 told him what about Senator Williams?

25 MR. BROWN: That's why I object, your Honor.

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2 It's been asked and answered and, therefore,
3 a leading question.

4 THE COURT: Overruled.

5 MR. BROWN: It's irrelevant.

6 A He had indicated that he had introduced
7 Senator Williams to the Sheik. They had received \$100,000
8 at that time.

9 Q And who is the they?

10 A I would assume Senator Williams.

11 MR. BROWN: Objection.

12 Q What were you told?

13 MR. BROWN: He has already said that three
14 time already.

15 A To the best I recall, sir --

16 MR. BROWN: I object for the repetition.

17 THE COURT: Overruled.

18 A The best I recollect is he said they
19 introduce^d Senator Williams to the Sheik and \$100,000 was
20 passed and received at the meeting. I can only assume
21 it was the people at the meeting.

22 MR. BEN-VENISTE: Objection, your Honor,
23 to the presumption.

24 THE COURT: Was anything more said as to
25 who, quote, they, unquote were?

Cook-direct-Puccio

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2 THE WITNESS: No, sir. There were no other
3 names that I can recall.

4 THE COURT: Mr. Cook, so that I understand
5 what you are saying, were Mr. Criden's words to
6 you that they received \$100,000?

7 THE WITNESS: Let me think for a second,
8 sir.

9 THE COURT: Yes.

10 (A pause in the proceedings.)

11 THE WITNESS: Just that there was a meeting
12 and there was \$100,000 passed. It wasn't definite
13 that I remember as to who received it or was handed
14 the money. It was just that there was \$100,000
15 paid for meeting with the Sheik, sir.

16 THE COURT: All right. Proceed.

17 Q And, Mr. Cook, were you told by Mr. Criden
18 what the \$100,000 was paid for?

19 A No, sir.

20 Q Now, was there any discussion during this
21 conversation about Congressmen?

22 A He had said that Mayor Errichetti had told
23 him that if we knew any Congressmen and we could introduce
24 them to the Sheik, we could make some fees.

25 Q And what did you say at this meeting?

Cook-direct-Puccio

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A I didn't know anybody. I -- we --

Q Did Mr. Johanson say anything?

A Basically it was just that he would see around if there was anybody who wanted to meet with the Sheik.

Q Do you want to finish? I'm sorry.

A I was just going to say he was active in politics and knew a lot of people.

Q He was a City Councilman at that time; isn't that right?

A And still is, sir.

Q And he was a Ward leader at the time; is that right?

A He still is and he was, yes.

Q What is a Ward leader, Mr. Cook? Do you know?

A That's somebody who in this case is a democratic chairman who is a chairman of a certain political area which encompasses 200,000 people, I believe is the amount.

Q Did Mr. Johanson say at this meeting that he would attempt to contact any Congressman?

A I think he indicated that he would see if anybody he knew was interested in meeting with the Sheik.

Cook-direct-Puccio

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- 2 Q Did he mention any names?
- 3 A I don't think so at their first meeting, sir.
- 4 Q Now, you used the word, "fee"; is that
- 5 right?
- 6 A Yes, sir.
- 7 Q When describing what Mr. Criden told you;
- 8 is that correct?
- 9 A Yes, sir.
- 10 Q And were you told who was to receive this
- 11 fee?
- 12 A Well, the Congressman was to get the money.
- 13 and we were to get a portion of it for delivering him,
- 14 taking him to the meeting wherever it would be, whatever
- 15 would happen.
- 16 Q So everybody was to get a fee; is that right?
- 17 MR. BEN-VENISTE: Objection, your Honor.
- 18 MR. DUFFY: Objection.
- 19 THE COURT: Sustained.
- 20 Q Well, what was the Congressman going to get?
- 21 A He was going to receive money, as I under-
- 22 stood.
- 23 Q How much?
- 24 A At that time I had no idea, sir.
- 25 Q And what was the Congressman going to get the

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money for Mr. Cook?

A At that time I had no idea, sir.

Q Well, didn't you ask Mr. Criden what the Congressman was going to get the money for?

A Are we still at the first meeting?

Q Yes.

A At that time, to be honest, we thought it was a fantasy, a war story. We didn't think anybody would pay money.

Q You already heard that \$100,000 was paid; is that right?

MR. BEN-VENISTE: Objection, your Honor.

Argumentative with his own witness.

THE COURT: Sustained.

Q Well, during this conversation, Mr. Cook, were you told what you receive money for?

A At that time it was indicated that if we could have some Congressmen meet with the Sheik we could make some money and at that point that was it at that meeting, sir.

There was nothing further about it.

Q And this would be a fee; is that right?

A That's what we work for, a fee, in our law office; yes, sir.

Cook-direct-Puccio

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Q Have you ever done anything like this before?

A No.

We had never been offered anything like this.
It seemed to be very easy.

(Continued on next page.)

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2 Q And as you understood it, what were you to
3 do for this fee, Mr. Cook?

4 MR. BEN-VENISTE: Objection.

5 A We had to introduce the Sheik to Congressmen
6 because he wanted to meet Congressmen and explain his
7 position and what he wanted to do and his theories and what
8 he wanted.

9 At that point it was too early -- what I am
10 saying, sir, at this meeting it was nebulous. We didn't
11 think there was anything real here.

12 Q I see.

13 But you learned through later meetings what
14 this was all about; is that right?

15 A Yes.

16 Q And when was the next such meeting that you
17 had, Mr. Cook, concerning this matter and with whom?

18 A I can't give you days, sir, but sometime --

19 Q As best you can recall.

20 A I would only say between the meeting in
21 Fort Lauderdale and the latter part of August is the best
22 I can do, sir.

23 Q Did you have occasion to discuss this matter
24 with Mr. Criden and Mr. Johanson again?

25 A At a later time, and I would say within

1
2 week or so Mr. Johanson had indicated he had talked with
3 Congressman Myers and he would be willing to meet with the
4 Sheik or the Sheik's representatives, I don't remember which
5 one it was.

6 Q And did Mr. Johanson say anything else?

7 A At that point, no, sir.

8 Q Now, at this point were you advised by anyone,
9 Mr. Cook, of the specific reason why the Sheik's
10 representatives wanted to meet with the Congressman?

11 A Yes.

12 Prior to the end of August we were told that
13 the Sheik was concerned that there may be a revolution in
14 his country and he would have to seek asylum in the United
15 States or he felt he may have to anyway.

16 Q I see.

17 And who told you this?

18 A Mr. Criden, sir.

19 Q And did he tell you anything else about the
20 Sheik's concerns?

21 A Just that he wanted to be able to leave his
22 country if a revolution happened and bring his family with
23 him.

24 Q And do you remember anything else about this
25 matter, the Sheik's concern, that is?

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2 A I know he was interested in investing in
3 this country also. That's one of the reasons we met with
4 him on the yacht.

5 Q Were you ever told at this time that the Sheik
6 and his representatives were willing to pay money to alleviate
7 certain concerns that you have?

8 MR. BEN-VENISTE: Objection to leading, your
9 Honor.

10 THE COURT: Overruled.

11 A He had indicated, we were told that the Sheik
12 would pay to meet with the Congressmen and explain his
13 position that he wanted to come into this country if there
14 was a revolution in his country.

15 Q And in this connection you were told that the
16 Sheik or his representatives wanted to pay the Congressman
17 money to do something; is that right?

18 MR. DUFFY: Objection to form, sir.

19 MR. PUCCIO: I would submit I am permitted
20 some latitude at this point.

21 MR. DUFFY: Objection to the commentary,
22 your Honor. We were instructed not to.

23 THE COURT: The jury will disregard the
24 comment.

25 Objection is overruled.

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2 A Would you reread the question, sir?

3 THE COURT: Yes.

4 (Record read.)

5 A It was never said to do something, sir.

6 What was indicated is that he wanted to have
7 the meeting, pay the Congressman so in the event anything
8 happened he would have a friendly face here in this country
9 if he had to come here quickly.

10 Q What would this friendly face do?

11 MR. BEN-VENISTE: Excuse me, your Honor.

12 I object to the form of the question.

13 If we are asking for conversations, I think
14 we should identify the participants in the conversation
15 and who said what.

16 MR. PUCCIO: I can rephrase that, Judge.

17 THE COURT: Clear that up, if you will,
18 please.

19 Q What were you told?

20 A I was told by Mr. Criden that the Sheik
21 wanted to meet with Congressmen so that he can explain
22 his position, that he was willing to invest in this country.
23 But he wanted to be able to come into this country with
24 his family in the event there was a revolution or he had
25 to leave his country. And he wanted to meet with various

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2 Congressmen so there would be a friendly face, if this event
3 ever occurred.

4 That's what I was told.

5 Q Were you told by Mr. Criden how the
6 Congressman's face would become friendly?

7 A It's just that there was somebody he could
8 approach that he had already met, somebody that wasn't a
9 stranger in the event of a revolution when he wanted to come
10 to somebody that sort of owed him a favor, was my understanding.
11 It was somebody who had done something for him, explaining --

12 MR. DUFFY: Your Honor, I object. This
13 witness is characterizing in a critical area, sir.

14 MR. BEN-VENISTE: May we have only the
15 conversation, your Honor, and we move to strike the
16 characterization. I believe he has given the
17 conversation.

18 THE COURT: Is what you have told us what
19 you were told by either Mr. Criden or Mr. Johanson?

20 THE WITNESS: Yes.

21 I was going into some more of what I was told,
22 sir.

23 THE COURT: The objection is overruled.
24 The motion is denied.

25 THE WITNESS: It was indicated to me by

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2 Mr. Criden that Mr. Errichetti told him that the
3 Sheik had like 100 million dollars in a safe deposit
4 box and he would pay 50 or \$100,000 like you or I
5 giving a \$5 tip to somebody in a restaurant, and
6 this was his way of transacting some business.

7 Q Who was the Sheik going to pay the money to
8 according to your conversation?

9 A The Congressman, sir.

10 Q And were you told by Mr. Criden or Mr. Johanson
11 what the Congressman was to do for this money?

12 A All it was is that he would help the Sheik
13 come into this country. And the expression was if he was
14 going to invest in this country and do this sort of thing,
15 could the Congressman help him if it was necessary to come
16 into this country.

17 Q Were you told by Mr. Criden and Mr. Johanson
18 that the money would be paid so the Congressman would be
19 beholden to the Sheik?

20 A That's the word I used with you, yes.

21 MR. BEN-VENISTE: I object, sir. Whether
22 it's the word Mr. Cook used is irrelevant in this
23 conversation with Mr. Puccio.

24 The question is what Mr. Cook was told by
25 someone else. If that is what Mr. Criden said,

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2 that's one thing. If that's what Mr. Cook is
3 characterizing, it's another.

4 THE COURT: Mr. Cook, counsel's comments
5 are at least partially correct.

6 Is that a term that Mr. Criden used in
7 describing this with you?

8 THE WITNESS: No, sir. That's my term.

9 THE COURT: That is your interpretation
10 of what it is Mr. Criden told you?

11 THE WITNESS: Yes, sir.

12 THE COURT: As long as the jury understands
13 whose term it is, I will let it stand.

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Cook-direct

CONTINUED DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: You may proceed, Mr. Puccio.

Q Now, was it your understanding, Mr. Cook, from your conversations with Mr. Criden that the sheik was willing to pay money so that the congressman or men would be beholden to him?

MR. BEN-VENISTE: Objection, your Honor. Irrelevant.

THE COURT: I have problems with the question, Mr. Puccio. His understandings are a very broad concept. Can you narrow it down a bit?

MR. PUCCIO: Yes.

Q Was it your understanding, based upon your conversation with Mr. Criden that the sheik would pay a congressman so the congressman would be beholden to him?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

A Is that my understanding?

Q Yes.

A Yes, sir.

Q And that was based upon your conversation with Mr. Criden; is that right?

1 Cook-Direct

2 MR. BEN-VENISTE: Objection, your Honor.

3 Repetitive.

4 THE COURT: Asked and answered.

5 Q Now, did there come a time, Mr. Cook, when
6 any specific figure or number was mentioned as the amount
7 of money that was to be paid in connection with this matter?

8 A Yes. Mr. Criden indicated it was to be \$100,000,
9 sir.

10 Q And did he indicate who was to receive that
11 \$100,000?

12 A No. That was never talked about. Do you
13 mean divided? When you say "received," I don't know what
14 you mean, sir.

15 Q All right. Did Mr. Criden indicate to you
16 who would be the recipient ultimately of that \$100,000?

17 A No.

18 Q Were you told that anyone in your law firm
19 would receive part of that?

20 A When we discussed \$100,000, sir, I could
21 never remember any split-up being discussed, because we
22 still didn't think it was really even after the meeting
23 was set up.

24 Q Now, you said you didn't think it was really
25 even after the meeting was set up?

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2 A Yes, sir.

3 MR. BEN-VENISTE: Objection, your Honor,
4 as repetitive.

5 THE COURT: I will permit it.
6 Overruled.

7 Q And what meeting are you referring to?

8 A The meeting where Congressman Myers was to
9 meet with the sheik's representatives.

10 Q And did Mr. Criden ever say anything to you
11 about the meeting with the sheik's representatives not
12 being real?

13 A Yes. It had been cancelled a few times and
14 we just thought it was a story, a meeting would be set
15 up, cancelled, set up, cancelled. We just felt somebody
16 would be -- was talking, blowing smoke.

17 Q Had Mr. Johansen, to your knowledge by that
18 time contacted Congressman Myers?

19 A Yes, sir. There was a meeting set up, yes,
20 sir, there was.

21 Q And are you saying the meeting with Myers
22 was set up and cancelled a few times?

23 A To the best of my recollection, it was cancelled,
24 I believe twice, sir.

25 Q Well, Mr. Cook, do you remember the day

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in which -- withdrawn.

Were you told by Mr. Criden who was to attend this meeting with Congressman Myers?

A Yes, sir.

Q What were you told?

A I was told Mayor Errichetti and Congressman Myers would meet with the sheik's representatives.

Q And were you told anything else concerning this meeting with Congressman Myers and Mr Errichetti and the sheik's representatives?

A That it was going to be in New York, I think.

Q Were you told where it was going to be held?

A The only thing that sticks in my mind, sir, is that it was at Kennedy Airport.

Q Now, Mr. Cook, do you know or do you recollect whether or not Mr. Criden or Mr. Johanson were to attend this meeting?

A They were not to attend the meeting, sir.

Q Did either one or both of them tell you whether or not they were going to travel to New York?

A They were going to travel to New York , but they were not going to go to the meeting.

Q How did you learn that they were going to travel to New York?

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2 A Mr. Criden and Mr. Johanson told me.

3 Q What did they tell you they were going to
4 do?

5 A That Mr. Criden was going to go to New York,
6 that Mr. Johanson and Congressman Myers were going to drive
7 up to New York together. They were going to meet Mayor
8 Errichetti there, and then Congressman Myers, Mayor Errichetti
9 were going to meet the sheik's representatives.

10 Q Were you told how Congressman Myers and Mr.
11 Johanson were to go to travel to New York?

12 A Particularly from Longport, New Jersey,
13 where they both live.

14 Q By what means of transportation?

15 A I think it was car, sir.

16 Q Were you told?

17 A I am certain they said they were driving up
18 to New York from Longport.

19 Q Who told you that?

20 A We had discussed it, Mr. Johanson, Mr. Criden
21 and I had discussed the meeting going on, how they were
22 going to get up there.

23 Q So you discussed the actual travel arrangements,
24 is that correct?

25 A Yes, sir.

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2 Q And did you discuss Mr. Criden's travel arrange-
3 ments?

4 A I just knew at that time prior to the date
5 of the meeting that he was going to go up to New York.
6 That was all.

7 Q And do you know how he was going to go up
8 to New York?

9 A Not until the day he left for New York.

10 Q And you learned on that day how he was to
11 travel to New York?

12 A Yes. He left from the office, sir.

13 Q And did he leave with anyone?

14 A I am certain he left with his son, Michael.

15 Q Prior to the time that Mr. Criden -- withdrawn.
16 Did you learn whether or not they were to
17 travel by automobile to New York?

18 A He said --

19 Q That is the son of Mr. Criden and Mr. Criden
20 himself?

21 A They said they were going to drive to New
22 York.

23 Q All righth.

24 Did you learn Mr. Errichetti's travel arrangements
25 at this meeting?

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2 A I think he was told that he was going to
3 drive up separately in New York and meet them there.

4 Q From where?

5 A Camden, I would assume, sir.

6 Q Who told you that?

7 A It would either be Mr. Criden or Mr. Johanson.

8 Q Now, as I understand it, you were told that
9 Criden or Mr. Criden and Mr. Johanson were not going to
10 be in the actual meeting; is that right?

11 A Yes sir.

12 MR. BEN-VENISTE: Objection, your Honor.

13 Asked and answered.

14 THE COURT: Overruled.

15 A They were not to be at the meeting, no, sir.

16 Q Did either one or both of them explain where
17 they were going to be or where the meeting would take place?

18 A Wherever they were to meet Mayor Errichetti,
19 wherever that was.

20 Q Did either one or both of them, that is Mr.
21 Criden or Mr. Johanson, explain to you why they were going
22 to be at the actual meeting?

23 A That's what Mayor Errichetti and the sheik's
24 representative had arranged.

25 Q That's what you were told?

Cook-direct

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2 A Yes, sir.

3 Q Now, let's turn to the day in which you said
4 you remember Mr. Criden leaving the office to attend the
5 meeting.

6 Did he say anything, that is, did Mr. Criden
7 say anything to you upon his departure?

8 A He said he was going to the meeting, he would
9 be back and hang around.

10 Q He told you to hang around; is that right?

11 A Yes, sir.

12 Q Did he tell you where to hang around?

13 A The office. He thought he would be back
14 about five, six o'clock. We would probably be there anyway.

15 Q Now, did you hang around the office that
16 day?

17 A Yes, sir.

18 Q Do you remember the day?

19 A No, sir.

20 Q Would you agree that the date was August
21 22, 1979?

22 A That sounds right, sir.

23 Q Did there come a time on that day, August
24 22, 1979, when any of the people who you were told attended
25 that meeting or went to New York returned to the office?

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A Yes, sir.

Q And who was the first person to return, if you recall?

A Mr. Criden and his son.

Q Where were you when Mr. Criden and his son came through the door?

A I was working at my desk.

Q And when Mr. Criden and his son, Michael Criden, that is, entered the office, were either of them carrying anything?

A Yes, sir.

Q Were they both carrying something or one of them?

A Michael Criden had an expansion folder on -- under his arm and I think a paper bag.

Q Was Mr. Criden carrying anything?

A I don't think so, sir.

Q Tell us, Mr. Cook, as best you can recall, what happened when they both returned to the office on that evening?

A Mr. Criden, that's Howard Criden, walked into my office, took the envelope from his son, and was walking with me.

Q What did he say?

Cook-direct

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2 A His son walked away at that point and I didn't
3 stay there. He said the meeting had taken place and there
4 wasn't \$100,000, it was only \$50,000. He then said he
5 had \$35,000, Mayor Errichetti had taken \$15,000, and left
6 \$35,000 there. And he didn't know what he was going to
7 tell Congressman Myers, because originally it was to be
8 \$100,000. It was like what do we do at this point type
9 of situation.

10 Howard and I then discussed if there was supposed
11 to be one hundred and there is only thirty-five left, when
12 Congressman Myers came back, we probably would get nothing.
13 And at that point we decided and took out \$10,000 and put
14 it aside and said we would tell Congressman Myers there
15 was \$25,000 left, and he should do with it whatever he
16 considered fair.

17 Q Then what happened?

18 A Congressman Myers came back in with Mr. Johanson.
19 They introduced me to Congressman Myers and I went back
20 to my own office. I was in Mr. Criden's office at that
21 time.

22 A few minutes later they called me in. Apparently
23 Congressman Myers had left. And they called me back into
24 Mr. Criden's office, and there was \$10,000, plus the \$10,000
25 I had in my office.

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2 Q Well, after Congressman Myers left and you
3 walked into Mr. Criden's office, are you saying you observed
4 \$10,000?

5 A I don't know if I observed it or if they
6 told me it was \$10,00, but I did see it, I don't know
7 if it was that moment, or a few moments later.

8 Q Who was standing in the office at that time?

9 A Mr. Criden, Mr. Johanson and myself.

10 Q Was there a conversation?

11 A He said, Congressman Myers said if that's
12 all there was, it was fair that he took fifteen and left
13 ten.

14 Q Who said that?

15 A I think Mr. Criden.

16 Q What happened to the \$10,000 that had been
17 withdrawn from the thirty-five before Congressman Myers
18 left?

19 A I put it on Mr Criden's desk and he put it
20 with the other \$10,000. So he then had \$20,000.

21 Q What happened next?

22 A They gave me \$4,500 as my share and I left.

23 Q Were you advised, Mr. Cook, of the disappearance
24 of the rest of these moneys?

25 A As best I remember, Mr. Criden indicated

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2 he got \$9,000, or \$9,500, and Mr. Johanson got either \$6,000
3 or \$6,500?

4 Q And that was indicated to you by Mr. Criden
5 and Mr. Johanson; is that right?

6 A I think by Mr. Criden. I don't think it
7 was Mr. Johanson.

8 Q Now, so you left that evening with \$4,500
9 in cash; is that right?

10 A Yes, sir.

11 Q Do you remember the denominations of the
12 bills, Mr. Cook?

13 A I think they were one hundred dollar bills,
14 sir.

15 Q What did you do with that money when you
16 left the office?

17 A Took it home with me, sir.

18 Q What did you do with it when you got it home?

19 A I put it in a metal lock box I have in the
20 house. Then I eventually put it in a safe deposit box.

21 Q Where is your safety deposit box located?

22 A Trevoise Federal Savings and Loan.

23 MR. PUCCIO: May I have a moment, your

24 Honor?

25 THE COURT: Let's all take a moment.

1 Cook-direct-Puccio

2 (After recess.)

3 THE MARSHAL: Please be seated.

4 THE COURT: Bring in the jury.

5 (Jury entered the Courtroom.)

6 THE COURT: All right, Mr. Puccio, you may
7 proceed.

8 BY MR. PUCCIO:

9 Q Mr. Cook, after the \$4500 that you had received
10 was placed in that box in your house, did you then begin
11 to believe that this matter was real?

12 MR. BEN-VENISTE: Objection, your Honor.

13 THE COURT: Sustained.

14 MR. DUFFY: That's a rhetorical question,
15 your Honor. I object.

16 THE COURT: Sustained.

17 Q What happened to that \$4500?

18 A I eventually put all or most of it into
19 my savings account.

20 Q And -- that's your savings account?

21 A Yes, sir. It went to a savings account,
22 yes, sir, Bell Savings and Loan.

23 Q Well, Mr. Cook, did you have a safety
24 deposit box?

25 MR. BEN-VENISTE: That's already been asked !

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2 and answered, that he put it first into the safety
3 deposit box, next into the savings account.

4 THE COURT: I'm not sure that the "first"
5 and "next" is accurate; but he has testified that
6 he did put it into a safety deposit box.

7 MR. PUCCIO: I'm sorry, Judge.

8 Q Where did you maintain this safety deposit
9 box?

10 A Prevost Federal Savings and Loan, sir.

11 Q And when did you put the \$4500 into that
12 safety deposit box?

13 A Sometime thereafter. I don't think too
14 long.

15 Q Well, on the 22nd, you put the \$4500 in the
16 box, in the locked box in your house; is that right?

17 A Yes, sir.

18 Q How many days after you put the \$4500 in
19 the safety deposit box at Prevost Savings and Loan?

20 A Number one, I don't know if I put it all
21 in, sir; and secondly, I would have to see the card from
22 the bank. I think it was sometime shortly thereafter.

23 MR. PUCCIO: May I approach the witness,
24 sir?

25 THE COURT: Yes.

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2 Q (Handing documents) I show you Government's
3 Exhibit 13 and I direct your attention to this blue card
4 and this yellow slip, and I ask you to take a look at that.

5 A Yes, sir.

6 Q Do either one of those documents refresh
7 your recollection as to when in point of time you visited
8 that box after the August 22nd meeting?

9 A It appears to be August the 25th, sir; so
10 it would be a few days thereafter.

11 Q And to the best of your recollection how
12 many of these dollar bills did you put in that box on that
13 day?

14 A I would say most of it, sir.

15 Q What did you do with the rest of it?

16 A I know I paid some expenses with it, and I
17 don't remember exactly when that occurred?

18 Q Well, what type of expenses?

19 MR. BEN-VENISTE: Your Honor, I object
20 only as to the relevance of this in taking --

21 THE COURT: Is there some special element
22 to it, Mr. Puccio?

23 MR. PUCCIO: I'll move on.

24 THE COURT: All right.

25 Q Now, does your signature appear on those two

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documents from that Exhibit that I showed you?

A Yes, sir.

Q And do you know what those two documents are?

A One is the initial contract entered into by and between myself and my wife, and Prevost Federal Savings and Loan, for a safe deposit box, dated October 14, 1978; and the other is a record of a vault visitation signed by myself, dated August 25, 1979.

Q And your signature appears on those two documents, sir?

A Yes, sir.

MR. PUCCIO: Your Honor, I offer those two documents into evidence.

THE COURT: Any objection?

MR. BEN-VENISTE: No objection, your Honor.

MR. DUFFY: No objection.

THE COURT: Received in evidence.

MR. PUCCIO: May I approach the witness, sir?

THE COURT: Yes. Is that Exhibit 13?

MR. PUCCIO: Yes, Judge. But at the present time I'm only asking for part of it to be received. Perhaps we can --

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2 THE COURT: Just the blue card and the yellow
3 card you referred to?

4 MR. PUCCIO: Yes. Maybe we can mark these
5 as 13A, or some --

6 THE COURT: They are now referred to on the
7 record as Exhibit 13. We will mark those two
8 documents. You can staple them together or clip
9 them together. They will be Exhibit 13. If you've
10 got other parts --

11 MR. PUCCIO: I'll remove the others --

12 THE COURT: -- then you can designate those
13 by letters as well.

14 MR. PUCCIO: Thank you, Judge.
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1
2 BY MR. PUCCIO:

3 Q Now, in the days after the August 22nd
4 meeting, was there any conversation that you had with any-
5 one about another safety deposit box?

6 A Yes.

7 Q And who did you have the conversation with
8 and when, to the best of your recollection?

9 A I would say shortly after the meeting with
10 Mr. Criden.

11 Q Shortly after the August 22nd meeting?

12 A Yes, sir.

13 Q You had a conversation with Mr. Criden?

14 A Yes, sir.

15 Q About another box?

16 A Yes, sir.

17 Q And what did you say and what did he say
18 to the best of your recollection?

19 A Mr. Criden said to me that Mr. Johanson did
20 not have a safety deposit box, and I should get the card
21 so Mr. Johanson could be added to the safety deposit box
22 that Mr. Criden and I had together.

23 Q And where was the safety deposit box that
24 you and Mr. Criden had together?

25 A Bell Savings and Loan Association.

Q Where was that located?

Cook-direct-Puccio

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2 A 15th Street, Philadelphia.

3 Q And as a result of this conversation with
4 Mr. Criden, did you do anything?

5 A I went to Bell Savings and Loan and got
6 another signature card.

7 Q And on what date did you do that, do you
8 know?

9 A No idea, sir.

10 Q About how long after the August 22nd meeting
11 with Congressman Myers did you do that?

12 A I guess it would be a week, sir, within a
13 week.

14 Q And what did you do with those signature
15 cards after you got them from the Bell Savings and Loan?

16 A I signed them, Mr. Criden signed it, Mr.
17 Johanson signed it and I took it back.

18 Q Now --

19 MR. PUCCIO: May I approach the witness,
20 sir?

21 THE COURT: Yes.

22 Q (Continuing) -- I show you a document which
23 is contained in Government's Exhibit 11 for identification.

24 I ask you to look at it and tell us if it
25 refreshes your recollection as to when you obtained the

Cook-direct-Puccio

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2 signature cards from Bell Savings and Loan?

3 (Document handed to the witness.)

4 A It appears to be August 27, 1979, sir.

5 Q And is that the date, to the best of your
6 recollection?

7 A That's the date on the cards, sir. I would
8 presume it's correct.

9 Q And does your signature appear on that card?

10 A Yes, sir.

11 Q Does Mr. Criden's signature appear on that
12 card?

13 A Yes, sir.

14 Q Does Mr. Johanson's signature appear on that
15 card?

16 A Yes, sir.

17 Q That's the very card you obtained; is that
18 right?

19 A I would presume so.

20 MR. BEN-VENISTE: Objection, your Honor.

21 We have no objection to the offer into evidence
22 of this card; but these questions are repetitive,
23 your Honor.

24 THE COURT: Are you offering it in evidence?

25 MR. PUCCIO: Yes, I am, sir.

Cook-direct-Puccio

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2 THE COURT: There is no objection. Received
3 in evidence.

4 THE COURT: May I approach the witness, sir?

5 THE COURT: Yes. You say this is part of
6 Exhibit 11?

7 MR. PUCCIO: Yes, Judge. They were premarked.
8 Could we receive this, then, as Exhibit 11,
9 if we -- to be consistent with the other one, or
10 however you wish.

11 THE COURT: That's fine with me. Exhibit 11.
12 (So marked.)

13 MR. PUCCIO: May I have a moment, your Honor.

14 THE COURT: Yes.

15 (Pause.)

16 BY MR. PUCCIO:

17 Q Now, Mr. Cook, were you ever told anything
18 by anyone about a script that Congressman Myers would have
19 to read for the Sheik's representatives?

20 A No, sir.

21 Q Were you ever told by anyone that at the
22 August 22nd meeting, Congressman Myers would put on an
23 act for the Sheik's representatives?

24 A What I was told is, he had to meet with
25 Mayor Errichetti beforehand, where they would prepare him

1
2 for what he would have to say; and then he would meet.

3 Q Were you ever told that he would put on an
4 act and say things that he really didn't mean?

5 Were you ever told that?

6 A No, sir.

7 Q Mr. Cook, did you ever meet with Mayor
8 Errichetti?

9 A Yes, sir.

10 Q When for the first time did you meet with
11 Mr. Errichetti?

12 A Sometime in September, I think the middle of
13 September.

14 Q And where did you meet with him?

15 A His office in Camden.

16 Q And prior to that time had you had any
17 conversations with anyone about other Congressmen?

18 A Yes.

19
20
* * *

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
 :
 UNITED STATES OF AMERICA, :
 :
 -against- :
 :
 MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
 LOUIS C. JOHANSON, HOWARD L. CRIDEN, :
 :
 Defendants. :
 -----X

80 CR 00249

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

 August 15, 1980
 9:45 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
 OFFICIAL COURT REPORTER

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* * *

* * *

14 DIRECT EXAMINATION

15 BY MR.. PUCCIO:

16 Q Mr. Cook, when for the first time did you meet
17 Mayor Errichetti?

18 A I think it is in the middle of September,
19 1979.

20 Q And can you give us the date, please?

21 A No, I cannot, sir.

22 But I would say it is a few days before
23 September 19th.

24 Q September 19th was the day in which you took
25 a trip to Washington, D.C., is that right?

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A Yes.

Q And about how many days before that trip to Washington, D.C. did you meet with Mr. Errichetti?

A Within a few. I don't recall exactly.

Q This was the very first time you met with him, is that right?

A Yes.

Q Where did the meeting take place, Mr. Cook?

A His office in Camden, New Jersey.

Q Would that be the mayor's office?

A Yes.

Q Do you know where in Camden that was located?

A I guess they call it City Hall.

Q And do you know what time of the day the meeting took place?

A I have no recollection, sir. It was during the day though.

Q Was anyone with you at the time you met with Mr. Errichetti?

A Mr. Criden.

Q Now, tell us as best you can recall, Mr. Cool, what was said by you, Mr. Criden and Mr. Errichetti at this meeting?

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2 A Basically what was said was in order to
3 invdst in the hotel casino, the sheik wanted to make
4 sure that this investment wanted to help get him in the
5 country, in other words, if he invested \$100 million to
6 build a hotel casino, he wanted to make sure he can
7 come into the country and live here and bring his family.

8 Q Tell us, please, who said that.

9 A It would be either Mr. Criden or Mr.
10 Errichetti.

11 Q Try if you can to identify, if you can, who
12 said what as you recount this.

13 MR. BROWN: I object, your Honor, as leading.

14 He said either one.

15 THE COURT: Overruled.

16 Q Go ahead.

17 A I said I can't remember which one it was, sir.

18 Q What else was said, if you recall by whom?

19 A I really -- other than certain quotes, sir,
20 I probably only would be able to say almost everything
21 was either Mr. Criden or Mr. Errichetti, I can't remember
22 specifically who said what things at the meeting.

23 Q Go ahead.

24 A However, it was indicated that the sheik's
25 relatives wanted to meet with a member of the immigration

1
2 department to meet with a member of the immigration
3 department to satisfy the sheik that his investing in the
4 casino would allow him to get into this country with
5 his family.

6 And that Mr. Errichetti and Mr. Criden
7 didn't know anybody, if you have anybody to meet with.

8 And therefore I should go down as a member of the
9 immigration department and satisfy the sheik that by
10 investing in a casiono hotel would allow him a verhicle
11 to come into this country with his family, if it would.

12 Q Was there any money mentioned?

13 A Yes.

14 Originally it was said the sheik through
15 this representative would pay \$25,000 to the representative
16 of the immigration department.

17 Q That would be with you, is that right?

18 A At that time they were talking about a real
19 member of the immigration department at that time.

20 It eventually became me. But I indicated
21 I would not take any money because I was afraid to.

22 Q Why were you afraid to?

23 A I was concerned that if the sheik found out I
24 was not a member of the immigration department I would
25 be killed.

1
2 Q Did you tell that to Mr. Errichetti and
3 Mr. Criden, Mr. Cook?

4 A As best I recall I think I told it to
5 Mr. Criden who indicated he told it to Mr. Errichetti.

6 Q Did you agree to do this, Mr. Cook?

7 A I agreed to go to Washington, yes.

8 Q Who did you go to Washington with?

9 A Mr. Johanson.

10 MR. BEN-VENISTE: I wonder whether we have
11 the whole conversation in Mr. Errichetti's office.

12 Mr. Puccio elicited I think only a portion
13 of the conversation. I thought the original
14 conversation before he cut off Mr. Cook was --

15 THE COURT: Mr. Ben-Veniste, that is what
16 cross-examination is for, and it is not to argue
17 the case now before the jury.

18 Please sit down.

19 MR. BEN-VENISTE: I'm sorry, your Honor.

20 THE WITNESS: I'm sorry, I forgot the
21 question.

22 Q I'll ask you another question. You have
23 talked to Mr. Ben-Veniste about this matter, isn't that
24 correct?

25 A Talked to him one time, sir, for about

20 minutes.

Q Now, you went to Washington with whom, Mr. Cook?

A Mr. Johnanson and Mr. Criden.

Q And when you arrived in Washington you met with whom, Mr. Cook?

A Mayor Errichetti and his nephew.

Q His nephew Joe?

A His nephew.

Q His nephew Joey is his driver, is that right?

A I understand it was his driver, yes.

Q And there came a time when you went to a house in Washington, is that correct?

A Yes.

Q On W Street, is that correct?

A Yes.

Q And was this the 19th of September, 1979?

MR. BROWN: Judge, I do object to the leading. It's become profound. I know you ruled otherwise heretofore, but this is going into specifics, if you will, sir.

THE COURT: I think it would be appropriate, Mr. Puccio, if you would attempt to elicit the information by usual direct examination techniques.

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2 If there are difficulties I'll give you
3 some latitude but let's first see if there will be
4 difficulties.

5 Q What happened in Washington, Mr. Cook?

6 A I went with Mayor Errichetti to the house on
7 Washington Street.

8 Q Do you mean on W Street?

9 A Excuse me, what did I say?

10 Q Washington Street.

11 A W Street, I'm sorry, sir.

12 Q All right.

13 A And Mayor Errichetti reminded me not to be
14 nervous, that there was nothing to be nervous about because
15 I knew I was not really the immigration person so why was
16 I so nervous and uptight about it.

17 And I said I am afraid. And he said not to be
18 afraid about it because they know you are not whom you are
19 supposed to be. Just go in and assure them that investing
20 in the hotel casino would allow the sheik to come into this
21 country.

22 At that time we drove to W Street, went
23 into the meeting. We met for a few minutes. They said
24 after I talked to them, you are now who you are supposed
25 to be. And the meeting was very short because apparently

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2 it appeared at the meeting that they didn't expect
3 somebody who was not whom he was supposed to be.

4 MR. BEN-VENISTE: Objection, your Honor.

5 I would like just the conversation and not
6 the witness' characterizations.

7 THE COURT: At this point, Mr. Cook, please
8 tell us as best you can recall who said what, who did
9 what.

10 A Sat down at the meeting, introduced myself
11 as Mario Noto, who is the immigration official.

12 They asked me some questions about did I
13 have a card, and I said, no, I didn't.

14 And this is Mr. Amoroso doing most of the
15 talking, if not all of it at that point.

16 They said do I have any forms. I said no,
17 because there are many different forms. And then the
18 conversation got on into -- I talked about if he built
19 a hotel casino, he can come into this country as a
20 treaty merchant and under the immigration laws he is allowed
21 to and there would be no problem at all about emigrating
22 to this country and bringing his family as long as he had
23 an investment and a business here.

24 At that point either Mr. Amoroso or Mr.
25 Weinberg said to me, you are not as old as we expected,

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2 or we sent somebody over to immigration and you are not
3 Mr. Noto.

4 And then the meeting broke up and about five
5 minutes later I left. I was told the meeting was adjourned
6 and I left.

7 Q Would it be fair to say that you were thrown
8 out, Mr. Cook?

9 MR. BROWN: Objection to that.

10 MR. DUFFY: Objection and move to strike
11 and ask for a cautionary instruction, sir.

12 THE COURT: Overruled.

13 A I was not thrown out but I was asked to
14 leave. They said the meeting was adjourned.

15 Q Who said that?

16 A Either Mr. Amoroso or Mr. Weinberg. I
17 don't remember, sir.

18 Q How long did this whole thing take?

19 A My best recollection is less than ten
20 minutes. I may be wrong.

21 Q Now, prior to your appearing here as a
22 witness, Mr. Cook, you enter into an agreement with
23 the United States Government, isn't that correct?

24 A Yes.

25 MR. BEN-VENISTE: Objection, your Honor.

* * *

Cook-direct-Puccio

(The following occurred in open Court.)

E L L I S C O O K, having been previously duly
sworn, was examined and testified further
as follows:

DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: All right, Mr. Puccio, you may
proceed.

THE WITNESS: Sir, if I remember something
different may I state it?

THE COURT: Mr. Cook has told me that he would
like to correct an answer that he gave a moment
ago?

What is it?

THE WITNESS: I met with Mr. Ben-Veniste
twice. After that very evening I met with him
in the park for about 20 minutes. And prior to that
I had met him in my lawyer's office, I guess about
a month ago, for about 45 minutes.

Q When did this meeting in the park take place?

A Wednesday afternoon, was it?

Q Was anyone else present?

A Yes, Mr. Fryman, my attorney. Mr. Duffy
came out a little later. Then I think it is Mr. Cacharis

1
2 came out and then left.

3 Q And that was about 20 minutes?

4 A I would think maximum, yes sir.

5 MR. BEN-VENISTE: If this is in the nature
6 of impeachment, your Honor, I object to it. If he
7 is impeaching the witness with this supposedly.

8 THE COURT: Overruled.

9 Q Now, Mr. Cook, this agreement that you
10 obtained with the Government provided that you would not
11 be prosecuted, is that right?

12 A Not be indicted or prosecuted, yes sir.

13 Q And that was in exchange for your providing
14 testimony, is that right?

15 A Yes, sir.

16 Q And, Mr. Cook, was it also part of this
17 agreement that you would return the money that you received
18 in connection with this matter?

19 A Yes, sir.

20 Q Did you in fact do that?

21 A Yes, sir.

22 MR. PUCCIO: No further questions at this
23 time.

24 THE COURT: All right.

25 Cross examination, Mr. Duffy.

1 Cook

2 MR. DUFFY: Yes, your Honor, but I think --
3 may we go out of turn this one time, sir?

4 THE COURT: Any time. As long as counsel
5 can agree to it. Who wants to go first?

6 MR. DUFFY: I don't know if he is prepared
7 to do it, but Mr. Ben-Veniste has been mentioned
8 as having met with this witness. I think he ought
9 to go first.

10 THE COURT: If that is agreeable with counsel
11 it is all right with me.

12 MR. BEN-VENISTE: Yes, it is.

13 THE COURT: If you don't agree then you have
14 to go in order.

15 CROSS EXAMINATION

16 BY MR. BEN-VENISTE:

17 Q Well, let's start with that, Mr. Cook.

18 I made the request to interview you sometime
19 ago of your attorney, did I not?

20 A Yes, sir.

21 Q And your attorney was present when I
22 interviewed you in Philadelphia?

23 A Yes, sir.

24 Q And that interview took place in your
25 attorney's office?

Cook-cross-Ben-Veniste

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2 A Yes, sir.

3 Q And that lasted about 45 minutes?

4 A That is my recollection, yes.

5 Q If there is any suggestion by reason of
6 Mr. Puccio's questions that I encouraged you to say anything
7 different from the exact truth in this case, you tell that
8 jury?

9 A No. You asked me what happened; what I
10 would testify.

11 Q And prior to that time that I interviewed you,
12 had you already testified before a Federal Grand Jury?

13 A I think three times, sir.

14 Q You had met with Mr. Puccio how many hours?
15 Can you estimate it?

16 A Twenty-four, thirty hours. I am not sure,
17 sir.

18 Q Thirty actual hours of talking to Mr. Puccio,
19 and I talked to you for forty-five minutes?

20 A No, I wouldn't say thirty hours of talking,
21 but thirty hours in his office.

22 Q Since the time I talked to you in Philadelphia,
23 you have spent some more time with Mr. Puccio?

24 A Last week, sir, yes.

25 Q And how many hours were you here in Brooklyn

Cook-cross-Ben-Veniste

1
2 last week?

3 A I was here from I think it was either 8:30
4 or 9:00 o'clock until about seven in the evening.

5 Most of that time wasn't spent, although,
6 with Mr. Puccio.

7 Q Whenever Mr. Puccio has asked you to come
8 in to talk to him about this case you have?

9 A Yes. I cooperate with him.

10 MR. BEN-VENISTE: I would ask the Court to
11 instruct the jury that that was perfectly okay,
12 and it was okay for me to talk to the witness,
13 your Honor.

14 THE COURT: I think that is fair advice to
15 be given to the jury. Nobody "owns" a witness.
16 Any attorney is permitted to interview any person
17 that they think is in some way related to a matter
18 that is in litigation whether or not he expects him
19 to be a witness. It is up to a witness as to whether
20 or not he wishes to talk to an attorney. And it
21 is only under certain supervised circumstances that
22 witnesses are compelled to talk to attorneys. There
23 is no impropriety on either side, either on the
24 Government's or defense counsel side, in their
25 talking to witnesses and trying to find out what the

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2 particular witness' recollection is concerning the
3 events that are in question. All cases get prepared
4 for trial. There is nothing unusual about it on
5 either side.

6 MR. BEN-VENISTE: Thank you very much, your
7 Honor.

8 BY MR. BEN-VENISTE:

9 Q Now, Mr. Cook, you mentioned that Mr. Criden --
10 you love Mr. Criden; he was like a father to you; he
11 took you into his law firm and he trained you to be a lawyer?

12 A Yes, sir.

13 Q And obviously when all of the publicity about
14 this case came out it was apparent that you had evidence
15 relating to these transactions?

16 Correct, sir?

17 A Obvious to who?

18 Q Obvious to you?

19 A Yes, sir. Yes, sir.

20 Q And Mr. Criden told you, did he not, "Ellis,
21 you go in there and you tell the truth," did he not?

22 A Of course. Yes, he has.

23 Q And he never told you anything different?

24 A No. He said, "I understand your position.
25 Tell them what you have to tell them."

Cook-cross-Ben-Veniste

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2 Q And you have attempted here in this Courtroom
3 yesterday and today to tell the truth as you know it?

4 A I think I did more than attempt. I think
5 I did, sir.

6 Q Now, let's talk about the law firm, the law
7 firm of which Mr. Criden and Mr. Johanson were partners,
8 and you became a partner, is a small law firm in Philadelphia?

9 A Yes, sir.

10 Q And, however, you are aware, are you not,
11 that the law firm has the highest rating, the AB rating,
12 that a law firm is granted under the Martindale Hubbel --

13 MR. PUCCIO: I object to this.

14 THE COURT: Sustained.

15 Q With respect to the hotel casino deal,
16 had the firm ever been able to make an anticipated profit
17 like the one which was discussed in connection with the
18 New Jersey hotel deal? I mean before that?

19 A Do you mean the magnitude of this?

20 Q Yes.

21 A No, sir.

22 Q This was an extremely exciting opportunity,
23 was it not?

24 A It was, well, what I guess a lawyer calls
25 a once in a life time case.

1
2 Q It was a dream come true?

3 A Yes. It was all our retirement fund, yes
4 sir.

5 Q And if this was a real deal, if this Sheik
6 was real, and you had some question at the beginning, I
7 think you testified in believing that it was real, you stood
8 on th basis of this legitimate hotel casino construction
9 to make a great deal of money, a once in a life time
10 opportunity?

11 A Yes, sir.

12 Q Let me show you defense exhibit, I think,
13 B.

14 Have you ever seen that (indicating)?

15 A Yes, sir.

16 Q Do you recognize it as the architectural
17 drawings for the proposed hotel casino?

18 A Yes, sir.

19 Q And were there other documents that Mr.
20 Criden took down to Fort Lauderdale when he was meeting
21 the Sheik?

22 A I think there was two other documents. I
23 think they were in like blue backers. One was a cost
24 projection done by, I think, a New York construction
25 company as to what it would cost to make various parts of

Cook-cross-Ben-Veniste

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2 the casino as a cost prospectus.

3 There was another document, I think, smaller.
4 I don't know what it was. But it may have been of
5 anticipated revenues of the casino, how it would make a
6 profit, and cash flow projections.

7 Q So there were more documents than just
8 these extensive drawings?

9 Is that correct?

10 A I think it was three sets of documents, yes
11 sir.

12 Q And all the parties concerned were very
13 serious about being able to build a hotel on the boardwalk
14 in Atlantic City?

15 This was an appropriate location, was it
16 not?

17 A Yes. It is vacant ground on the boardwalk,
18 sir.

19 Q And feasible in respect of this booming
20 new industry in New Jersey?

21 A The financial projection showed that it was.

22 Q Now, Mr. Criden -- I think I misspoke myself
23 when I said that Mr. Criden and Mr. Johanson were to meet
24 with this supposed Sheik -- they were supposed to meet with
25 his representatives according to what you were told?

1
2 A Yes, the Sheik's representatives, yes sir.

3 Q As a matter of fact, there was no suggestion,
4 was there, that there was anything whatsoever improper about
5 the reason that they were going down to Florida to make
6 this presentation?

7 A No. We, after a lot of searching and going
8 to a lot of financial sources that turned up empty thought
9 that there really was a real thing this time.

10 Q Now, as a matter of fact, when they came
11 back, Mr. Johanson and Mr. Criden, they were pretty
12 excited, weren't they?

13 A Yes, sir.

14 Q They told you, did they not, that the Sheik's
15 representatives were very positive about the presentation
16 that had been made to them?

17 A Yes, sir.

18 Q Their reaction was positive?

19 A Like I testified yesterday, they indicated
20 that Tony was going to take the documents over to the
21 Sheik in London so he could review them personally.

22 But it had their primary approval.

23 Q So that the representatives had approved of
24 it, Tony and Mel, Tony was going to make a recommendation
25 to the Sheik in London?

Cook-cross-Ben-Veniste

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2 A Yes.

3 Q A favorable recommendation?

4 A Yes. That is what I was told, yes sir.

5 They said it was the type of thing that looks good, the
6 type of thing that the Sheik would be interested in.

7 Q Now initially I think you said that while
8 Mr. Criden and Mayor Errichetti were discussing matters
9 on the airplane back, according to what Mr. Criden told you,
10 Mayor Errichetti said that the Sheik wanted to meet political
11 figures in the United States?

12 A Yes, sir.

13 Q And that there was some concern that this
14 Sheik who apparently was in some sort of country --
15 incidentally did they describe what country it was?

16 A Howard had mentioned to me -- Mr. Criden,
17 United Arab Emirates was the country he always indicated to
18 me.

19 Q And did you ever get that from anyone other
20 than Mr. Criden?

21 A No, sir.

22 Q That there was going to be a revolution in
23 that country?

24 A He was concerned that there may be.

25 Q And possibly the Sheik would then have to seek

Cook-cross-Ben-Veniste

1
2 asylum?

3 A Well, he was concerned, he said to me, he
4 was a member of the ruling class and if the peasants were
5 to revolt he probably would be executed or made prisoner
6 or something.

7 Q Did he indicate this was a Government that
8 at this time was very friendly to the United States?

9 That is was a non-communist country?

10 A Well, what it was said was, that in talking,
11 that they didn't think there would be any problem with the
12 Sheik coming into this country if he was going to invest
13 money. I think it was a conversation talking about as
14 long as he wasn't a murder or a communist.

15 Q He wasn't a communist, he wasn't a terrorist?

16 A Yes, sir.

17 Q He was just a fat rich Sheik?

18 A Yes.

19 As a matter of fact it was stated to me
20 he owned ground that oil went over, and he received royalties
21 for the oil going over his land.

22 MR. BEN-VENISTE: Okay.

23 I think we can save time, Mr. Cook, if you
24 respond to my question with a yes or no if you
25 can.

1
2 THE WITNESS: Yes, sir.

3 MR. BEN-VENISTE: And then we will be able
4 to proceed.

5 THE WITNESS: Yes, sir.

6 BY MR. BEN-VENISTE:

7 Q Now, at that time I think you testified nobody
8 knew any Congressmen who would be appropriate to meet the
9 Sheik?

10 A No one was discussed at that time.

11 Q And then at a later time Lou Johanson said,
12 "Well, gee, I know Ozzie Myers. He is a Congressman in my
13 district. I think Ozzie Myers could meet with the Sheik"?

14 A I don't know if it happened that way or
15 he came in one day and said that Congressman Myers would
16 meet with the Sheik. I don't know.

17 Q Now, is it not a fact, Mr. Cook, and I want
18 you to be very careful about your answer, is it not a fact
19 you were told that there would never be any quid pro quo
20 for the Congressman receiving money from the representatives
21 of the Arab?

22 A Mr. Criden always used the term no quid pro
23 quo in describing the meeting with the Sheik's representa-
24 tives.

25 Q And quid pro quo means that the Congressman

Cook-cross-Ben-Veniste

1
2 would never have to do anything?

3 Is that correct?

4 MR. PUCCIO: I object to that as irrelevant.

5 Q Do you know what quid pro quo means?

6 A Something in return for doing something.

7 I do this; you do that.

8 Q Okay.

9 Are you absolutely clear that that was the
10 case, Mr. Cook?

11 A Mr. Criden has always said --

12 Q Yes or no?

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15 (Continued on next page.)
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Cook-cross-Ben-Veniste

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A I would say that would be it, yes sir.

Q Now, let me move on to something that was brought at the end of Mr. Puccio's questioning, and that is your first meeting with Mayor Errichetti.

At that meeting I think Mr. Puccio elicited a part of the conversation and I would like you to tell the jury the whole conversation, Mr. Cook.

MR. PUCCIO: I object to the statement, your Honor.

THE COURT: Sustained as counsel's comment.

You are supposed to ask question, Mr.

Ben-Veniste.

Q I would like you to tell the jury, Mr. Cook, whether Mayor Errichetti didn't say at that meeting that when you were being asked to impersonate this Immigration official that Mel Weinberg was going to know that you wouldn't really be what you said you would?

A That is correct.

It was said to me they know you aren't who you are supposed to be.

And I thought I testified to that. If I did not, I am sorry.

MR. BEN-VENISTE: Well, it is not for you to be sorry, sir. I think you testified about it

1
2 in terms of a later conversation with Mr. Errichetti,
3 Mr. Cook.

4 You are here to answer the questions.

5 MR. PUCCIO: I object to these statements,
6 Judge.

7 THE COURT: Sustained.

8 I do not want to warn you again, Mr.
9 Ben-Veniste.

10 MR. BEN-VENISTE: Very well.

11 THE WITNESS: The conversation was, sir --

12 THE COURT: There is no question.

13 THE WITNESS: Very well, sir.

14 Q Mayor Errichetti and Mr. Criden told you,
15 did they not, that Mel Weinberg would know when you came
16 in there that you were not who you were going to say you
17 were, that you were going to put on an act?

18 A Yes, sir.

19 Q And that act was going to be for the benefit
20 of Mr. DeVito?

21 Correct?

22 A No, sir.

23 Q That that act was to convince Mr. DeVito
24 who was the hard guy, and Mr. Mel Weinberg was the easy
25 guy?

1
2 Isn't that a fact?

3 A That is party true, sir.

4 Q You were surprised when Mr. DeVito walked
5 out of the room, were you not?

6 A Yes, sir.

7 Q Because you thought this was going to be
8 easy?

9 A Yes, sir.

10 Q Now, the name Mario Noto was supplied to
11 you by whom, sir?

12 A Mayor Errichetti, sir.

13 Q And do you know now at the time there was
14 no such person as Mario Noto at the Immigration Service,
15 that is, in September of 1979 when you went to the
16 Williams Street House in Washington; that Mario Noto didn't
17 even work for the Government any more?

18 A I was told that now; I didn't at that time.

19 MR. BEN-VENISTE: Now, your Honor, at this
20 time I would like the jury to see a video tape
21 recording. And it has been marked as Exhibit 3500-143,
22 I believe. I would like to have that Exhibit,
23 please, and mark it as Defense Exhibit.

24 MR. PUCCIO: We have no objection to having
25 it played your Honor.

1
2 THE COURT: Very well. That is 3500-143
3 which is received in evidence.

4 MR. BEN-VENISTE: Well, I would like to mark
5 it as a defense exhibit.

6 THE COURT: It doesn't matter how it is
7 marked in evidence. The record shows you are
8 offering it.

9 MR. BEN-VENISTE: Thank you, your Honor.

10 MR. PUCCIO: Your Honor --

11 MR. BEN-VENISTE: May I ask whether there
12 are any transcripts prepared by the Government
13 relating to that?

14 We haven't received any if there are.

15 MR. PUCCIO: Your Honor, we have a copy
16 here. We don't have the original in Court.

17 THE COURT: You have a copy of it?

18 MR. PUCCIO: Yes. If there is a problem
19 we can get the original.

20 THE COURT: Well, do you want a copy or the
21 original?

22 MR. BEN-VENISTE: Well, I don't know.

23 I think probably the original has probably
24 the best fidelity. I would like to get that played
25 to the jury if there is not any delay. I don't want

Cook-cross-Ben-Veniste

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2 to delay the proceedings. I thought that the
3 originals were here in Court.

4 THE COURT: Well, you do what it is you have
5 to do.

6 We will take a ten minute recess while
7 they put things together, ladies and gentlemen.

8 (The jury thereupon retired from the Courtroom
9 at 11:35 o'clock P.M.)
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13 (Continued on next page.)
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5 (whereupon, the video tape recording
6 referred to is played.)

7 THE COURT: All right, Mr. Ben-Veniste,
8 you may proceed.

9 MR. BEN-VENISTE: Would it be more
10 convenient if we removed those?

11 THE COURT: No. We don't have that much
12 to go before lunch.

13 MR. BEN-VENISTE: Very well, your Honor.

14 CROSS EXAMINATION BY

15 MR. BEN-VENISTE: (Continuing)

16 Q Mr. Cook, the person that said, I am the one
17 who is very friendly with the Mayor, got very friendly with
18 the Mayor, that was Mr. Weinberg; is that right?

19 A Yes, sir.

20 Q And he was the one who stayed behind?

21 A He was to the right of the camera.

22 Q He stayed behind after Tony left after a
23 short period and then Mr. Weinberg followed?

24 A Yes, sir.

25 Q Okay.

1 Cook-Cross-Ben-Veniste

2 Now, is it not a fact, sir, that you were
3 told before that meeting that Tony is the straight one, he
4 is the one who has to go back and report to the Sheik?

5 A Yes, sir.

6 Q And who told you that?

7 A Mr. Criden, sir.

8 Q Did Mr. Errichetti tell you that, too?

9 A I don't recollect. I know Mr. Criden did,
10 sir.

11 MR. BEN-VENISTE: I have nothing further,
12 your Honor.

13 THE COURT: Who is next?

14 MR. DUFFY: I am, your Honor.

15 THE COURT: All right, Mr. Duffy.

16 CROSS EXAMINATION BY

17 MR. DUFFY:

18 Q To take it up from there, Mr. Cook, didn't
19 the Mayor tell you and Howard Criden that not only did
20 Mel know that you weren't going to be the person that you
21 represented to be, but that he was in on it and he could
22 handle Tony? Didn't he use those words?

23 A He said he could take care of Tony.

24 Q Take care of Tony, all right.

25 Let's let the jury know about this fellow

Cook-cross-Duffy

1
2 supposedly from immigration.

3 I noted on the tape that in the early
4 portion Mr. Amoroso said there was going to be a fellow
5 arriving whose name, as he put it, was Mario Thomas Moto.
6 I heard it as M-o-t-o, Moto. And then I heard you in
7 your masquerade characterize yourself as Nopo, N-o-p-o,
8 and you spelled it.

9 Am I correct up to there?

10 A Yes, sir.

11 MR. PUCCIO: I object to the form of that
12 question.

13 THE COURT: It's a compound question. I
14 don't know that the witness' observations as to what
15 was on the tape are any better than the rest of us
16 as to what occurred when he was not in the room.

17 As to what the witness said, that's something
18 else.

19 MR. DUFFY: Maybe I can break it down, sir.

20 THE COURT: Break it down and we can address
21 it separately.

22 Q Did you conceive what was on the tape as I
23 did that the agent spelled the expected visitor -- not
24 spelled, pronounced the expected visitor's name as Moto?

25 A Yes, sir.

1 Cook-cross-Duffy

2 MR. PUCCIO: I object to that.

3 THE COURT: It can only be replayed.

4 Overruled.

5 Q And then when you came in in your masquerade
6 and then I think it was Weinberg who asked you your name,
7 didn't you think the name you were supposed to give was Nopo
8 and then you spelled it N-o-p-o?

9 A Yes, sir.

10 Q And haven't you found out since that the
11 fellow that you were supposed to be impersonating was Mario
12 Noto, N-o-t-o?

13 A That's what I have been told, yes, sir.

14 Q So they even gave you the wrong name; isn't
15 that right?

16 A Yes, sir.

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18 (Continued on next page.)
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2 BY MR. DUFFY: (Continuing)

3 Q Now, before you went down to conduct this
4 impersonation did you do a little research on immigration
5 law?

6 A Yes.

7 Q Before then did you know anything at all
8 about immigration law?

9 A No, sir.

10 Q Did you know anything about, for example,
11 what it would take to sponsor a private immigration bill?

12 A No, sir.

13 Q Have you ever heard that even discussed in
14 connection with any of these proceedings?

15 A No, sir.

16 Q Up until then?

17 A No, sir.

18 Q So you came on with this, if he invests
19 here he can be a treaty merchant?

20 A Yes, sir.

21 Q Did you know what a treaty merchant was?

22 A Yes.

23 It was explained to me if you make an
24 investment in this country under certain treaties we have
25 with foreign countries, such as the United Arab emeritus,

1
2 a person can come in with a visa by making certain
3 investments in this country.

4 Q The question is: Did you know what a treaty
5 merchant was?

6 A Yes, sir.

7 Q Then you mentioned something about navigation
8 in commerce.

9 Did you know really what you were talking
10 about?

11 A A small amount, sir.

12 Q I had you clocked on the tape, and we can
13 disagree or not, as having been virtually frozen for three
14 minutes and 26 seconds by the clock on the tape.

15 How did you feel during that time? Is that
16 when you were frightened?

17 A I was frightened the entire time, but I was
18 more frightened than.

19 Q Because you thought somebody would do away
20 with you, behead you, perhaps?

21 A I think the word I used before was petrified,
22 and that probably describes it.

23 Q If they ever found out that this was going
24 on, this masquerade --

25 A If the Sheik found out, yes, sir.

1
2 Q By the way, this came up about two weeks
3 earlier in the very beginning of September, did it not?

4 A I know it came up prior to this --

5 Q Would you answer my question yes or no.

6 A Sir, I know it came up before that. I
7 don't know if I can answer it yes or no. I know it was
8 somewhat prior, within a week or two.

9 MR. DUFFY: I will accept that, your Honor.

10 THE COURT: All right.

11 Q What I want you to tell this jury is this:
12 Isn't it so that Howard Criden came to see you and said,
13 Mayor Errichetti has got a deal going with these Arabs,
14 they got all this money, all we got to do is bring down
15 a body to impersonate an immigration man? Am I right
16 up to there?

17 A Yes.

18 Q And he said, you can impersonate a guy from
19 immigration and we can get 25 grand to split up? Weren't
20 those his words?

21 A Yes, sir.

22 Q And then did you talk about that to Louis
23 Johanson?

24 A Yes, sir.

25 Q And didn't he veto it?

A Yes, sir.

Q Didn't he say that's crazy, that's going too far?

A I don't know if those were his exact words, but he vetoed it, sir.

Q All right.

Then you had another conversation with Criden who assured you that the Mayor had set it up with Weinberg and all they wanted to do was that they would file a report with the Sheik and for that you can get \$25,000?

A Yes, sir.

Q And Weinberg was in on the scam; is that right?

A I wasn't whom I was supposed to be, yes, sir.

Q Didn't he tell you that money was going to be cut up with Weinberg?

A No, sir.

Q He didn't tell you Weinberg was going to get part of the \$25,000?

A No, sir.

MR. DUFFY: I don't have any more questions.

THE COURT: All right.

Mr. Cacheris.

MR. CACHERIS: Yes, your Honor.

1
2 CROSS EXAMINATION BY

3 MR. CACHERIS:

4 Q Mr. Cook, you were asked about a term, quid
5 pro quo.

6 A Yes, sir.

7 Q You are an attorney, aren't you, sir?

8 A Yes, sir.

9 Q And you explained that to mean what, sir?

10 A Get something for giving something.

11 Q Now, in this case you know nothing could be
12 given didn't you?

13 A Assurances of a friendly face I think was a
14 term used to me, sir.

15 Q You were told earlier in the game that the
16 meeting that was set up for Ozzie Myers was for the purposes
17 of blowing smoke?

18 A Yes, sir.

19 Q Is that correct?

20 A Yes, sir.

21 Q For doing nothing?

22 A No, sir.

23 That's not what I think I said.

24 Q You said blowing smoke?

25 A We said we didn't know, didn't think there

1
2 would be a meeting.

3 Q You were also told if there was to be one
4 it was talk and blowing smoke?

5 A No, sir.

6 Q You never said that?

7 A No, sir.

8 MR. CACHERIS: May I have the transcript,
9 if your Honor would forgive me?

10 (Pause.)

11 MR. CACHERIS: Page 1144.

12 Q Yesterday on your direct examination, and
13 I am reading from page 1144, you were asked these questions:

14 "Question: And did Mr. Criden ever say to
15 you about the meeting with a Sheik's representative
16 not being real?

17 "Answer: Yes. It had been cancelled a
18 few times and we just thought it was a story, a
19 meeting would be set up, cancelled, set up,
20 cancelled. We felt somebody was, would be talking,
21 blowing smoke."

22 A If that's my testimony, yes, sir.

23 Q Now, when you went down to Washington and
24 became an imposter, you, too, were blowing smoke, weren't
25 you?

1
2 A Yes, sir.

3 MR. CACHERIS: Thank you.

4 THE COURT: Mr. Brown, any questions?

5 MR. BROWN: Very few, your Honor.

6 CROSS EXAMINATION BY

7 MR. BROWN:

8 Q Did you know Mayor Errichetti prior to the
9 events you described?

10 A No, sir.

11 Q Did you meet him other than on the occasion
12 that you described where you talked to him in his office
13 about Mario Noto?

14 A Just the next day after that or a few days
15 thereafter in Washington.

16 Q And then you went down to the episode
17 described on the screen?

18 A Yes, sir.

19 Q Is that right?

20 A Yes, sir.

21 Q Did you know from the very beginning that
22 this was a total charade?

23 A No, sir.

24 Q Did you think it was serious, that you were
25 going to carry it out as being the real Mario Noto?

1
2 A No, sir. I thought you meant the entire
3 transaction. I misunderstood your question.

4 Q Let's talk about what happened on the TV
5 screen.

6 A I'm sorry, I misunderstood your question.

7 Q You knew from the beginning it was a total
8 charade?

9 A Yes, sir.

10 Q And it was your understanding that
11 Mr. Weinberg was aware of the fact that you were not indeed
12 Mario Noto?

13 A Yes, sir.

14 Q And when he sat and talked to you did he
15 give you any indication that he was aware of the fact that
16 you weren't Mario Noto except for your age?

17 A No, sir.

18 Q And he was the one who remained with you?

19 A Yes, sir.

20 Q That person we were referring to was off
21 screen?

22 A Yes, sir.

23 Q You watched the play here on the screen?

24 A Yes, sir.

25 Q He was off screen, wasn't he?

1
2 A Yes, sir.

3 Q Now, what was he doing?

4 Can you tell us physically, was he standing,
5 sitting, was he giving you any signals or anything?

6 A He was sitting in a chair talking to me.

7 Q Just talking to you straight?

8 A Yes, sir.

9 Q And did he tell you that there would be any
10 consequences of your not being the Mario Noto in question,
11 the difference in age?

12 A No, sir.

13 Q Did he say anything to you about the fact
14 that your purpose was to come there to put on this act?

15 A I never talked to him other than on the tapes.

16 Q That's all?

17 A Yes, sir.

18 Q And we saw Amoroso on there and you know he is
19 the other agent?

20 A Yes, sir.

21 Q The man with the cigar?

22 A Yes, sir.

23 Q Did he say anything to you off screen?

24 A Afterwards I remember talking with Mr. Weinberg
25 outside, but I don't remember Mr. Amoroso, whether he came

1
2 out or not.

3 Q What did Mr. Weinberg say -- that's off screen,
4 outside; is that right?

5 A Yes, sir.

6 Q Can you tell us what Mr. Weinberg said to
7 you?

8 A He said he is sure we can work this out, get
9 it all straightened out, that Tony is just afraid that you
10 are not whom you said you are?

11 Q He never said, look, you are not Noto, you
12 have tried to pull a game on us, he never said that to you,
13 did he?

14 A No, sir.

15 Q In fact he had said it's going to be okay,
16 we will work it out; is that right?

17 A Yes, sir.

18 Q Was that in keeping with the concept given
19 you that he knew all about it and was going along with it?

20 A Yes, sir.

21 Q Did Mr. Weinberg ever at any time do anything
22 that was out of character as one of those hoping to set this
23 thing up?

24 A No, sir. He said he was trying to work it
25 out.

1
2 Q Which was in character with him being in
3 league with everybody; is that right?

4 A Yes, sir.

5 Q Now, when you went to Mayor Errichetti's
6 office you went as a result, I suppose, of conversations
7 with someone?

8 A Yes, sir.

9 Q Was it Errichetti, Criden or somebody else?

10 A Mr. Criden, sir.

11 Q Now, as far as the comment that you had made
12 on the stand about some money and a Senator, did you have
13 any direct knowledge as to whether or not that information
14 was correct or not?

15 A No, sir.

16 Q As a matter of fact, did you ever hear from
17 anybody that Mayor Errichetti was supposed to get any of the
18 money that was mentioned in connection with the Senator?

19 A No, sir.

20 Q Do you have any knowledge or proof that
21 Mayor Errichetti received any money with respect to the
22 information you gave as a result of Mr. Puccio's direct
23 examination of you?

24 A No, sir.

25 Q Is it not true that you said in fact that as

1
2 far as you know the Senator received it, as to whether he
3 received it you don't know what Mr. Errichetti's part was
4 in it?

5 A Yes, sir.

6 Q Is that not true?

7 A Yes, sir.

8 Q And I call to your attention something you
9 discovered -- withdrawn.

10 You have had an opportunity to read your
11 Grand Jury minutes?

12 A Yes, sir.

13 Q Did you discover in there something which
14 apparently is a typographical error as to the amount
15 involved in the senatorial transaction?

16 A No, sir.

17 Q I don't want to press the issue, and I
18 want to make sure --

19 MR. BROWN: May I approach the witness, if
20 your Honor please?

21 THE COURT: Yes.

22 MR. BROWN: 3500-263 happens to be at page
23 22.

24 Q I am sure you will recognize this document
25 as 3500-263 at the top?

1
2 A Yes.

3 Q And it purports to be your Grand Jury testimony?

4 A Yes, sir.

5 Q And I ask you to examine page 22 and if that's
6 indeed a typographical error I will not even mention it in
7 front of the jury.

8 A It's not a figure I ever said, sir.

9 Q It's wrong?

10 A It's wrong.

11 MR. BROWN: I have no further questions and
12 thank you, your Honor.

13 THE COURT: Is there any redirect?

14 MR. PUCCIO: Yes, your Honor.

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16 (Continued on next page.)
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Cook-redirect-Puccio

1
2 REDIRECT EXAMINATION

3 BY MR. PUCCIO:

4 Q By the way, that figure Mr. Brown showed
5 you correctly appears later on down the page; is that
6 right?

7 A Yes, sir.

8 Q Now, Mr. Cook, with respect to the meeting
9 on the boat in July, I think you testified that you under-
10 stood that money was going to be split as a result of this
11 casino matter; is that right?

12 A Yes, sir.

13 MR. BEN-VENISTE: Objection, your Honor.

14 Improper redirect.

15 THE COURT: I don't recall any cross on this
16 subject.

17 MR. PUCCIO: May I pursue it, your Honor.

18 MR. BROWN: We object.

19 MR. PUCCIO: I will ask another question,
20 Judge.

21 THE COURT: All right.

22 Q You testified, did you not, Mr. Cook, that
23 there was nothing improper about the casino transaction
24 to your knowledge?

25 A The hotel casino, that's correct.

Cook-redirect-Puccio

1
2 Q And you also testified that it was your
3 understanding that Tony and Mel, the representatives and
4 the employees of the Sheik were themselves to receive
5 some money in the casino matter; is that right?

6 A They indicated they wanted a part of it,
7 yes, sir.

8 Q It was your understanding, was it not, that
9 the Sheik was going to supply the money for the casino
10 venture?

11 A Yes.

12 Q And the money transaction was to be negotiated
13 for the Sheik by Tony and Mel; is that right?

14 A Yes.

15 Q Now, wouldn't it be in your view improper
16 for Tony and Mel to receive some money as a result of this
17 transaction?

18 MR. BROWN: I object, if your Honor please.
19 Improper redirect and an improper conclusion drawn
20 by the question.

21 MR. BEN-VENISTE: I must differ with Mr.
22 Brown on this one. I don't mind that the witness
23 answers this.

24 THE COURT: We have a split in the defense.

25 MR. BEN-VENISTE: Slight.

1
2 MR. DUFFY: I may never live it down, but I
3 am with Mr. Ben-Veniste, sir.

4 MR. CACHERIS: May I join with Mr. Brown,
5 sir?

6 THE COURT: Well, the votes are even and I
7 guess the Chairman has the deciding vote.

8 MR. BEN-VENISTE: Always.

9 THE COURT: I will overrule the objection.

10 THE WITNESS: May the question be repeated,
11 sir?

12 THE COURT: Read it.

13 (The pending question is read by the Court
14 Reporter.)

15 THE WITNESS: Improper for them, yes.

16 Q You know that as a lawyer; is that correct?

17 A Yes.

18 Q Now would it be against the law for them to
19 do that?

20 MR. DUFFY: Objection.

21 MR. BEN-VENISTE: Objection.

22 MR. DUFFY: That calls for a conclusion,
23 sir.

24 THE COURT: Overruled.

25 A I don't think so under certain circumstances,

1
2 sir.

3 Q Well, under what circumstances would it be
4 proper under the law, Mr. Cook?

5 MR. DUFFY: Objection, again, sir.

6 THE COURT: Overruled.

7 A I think the price was the same no matter
8 whether they received a portion or not. So number one, it
9 did not change what the Sheik was paying. Number two,
10 if they would have left his employ before it happened,
11 I think it still would have been improper. They still
12 were employees at the time or if the price changed because
13 of their position, yes, I think it would have been then
14 wrong, sir.

15 Q Well, wouldn't it have been fair to say that
16 the Sheik would have gotten a better price if his own
17 employees weren't getting part of --

18 MR. BEN-VENISTE: Excuse me, your Honor.

19 I object to leading questions on redirect
20 into areas that were not gone into on cross.

21 MR. BROWN: And I object to the assumption
22 of fact.

23 THE COURT: I will sustain the objection
24 on th ground that it's argumentative.

25 Q Mr. Cook, have you ever been involved in a

1
2 transaction on behalf of a client where you have gotten
3 a kickback?

4 A No, sir.

5 Q Or any other fee not known to the clients?

6 MR. BROWN: Objection.

7 THE COURT: Sustained.

8 MR. BROWN: I ask the answer be stricken,
9 your Honor, and ask for a mistrial as a result
10 of the improper question and the imprudent answer.

11 THE COURT: The motion is denied.

12 Ladies and gentlemen, disregard the question.

13 Q In any event, Mr. Cook, when you were informed
14 by Mr. Criden and Mr. Johanson that the Sheik's representa-
15 tives would be receiving part of the money you weren't
16 troubled by that; is that correct?

17 A No, sir. It was coming from us, from our
18 share and not the Sheik's, sir. It was reducing our fee.

19 Q Now, you testified on cross examination
20 that you had a conversation about a quid pro quo; is that
21 right?

22 A Yes, sir.

23 Q And who did you have this conversation with?

24 A Mr. Criden and Mr. Johanson.

25 Q In your office?

1
2 A Yes. Mr. Criden's office, yes.

3 Q What did you say, what did Mr. Criden say,
4 what did Mr. Johanson say about quid pro quo?

5 A When all this was happening, sir, and we
6 talked about introducing Congressmen to the Sheik's
7 representatives, we had a discussion, the three of us,
8 whether there was anything wrong with it or whether they
9 thought it was improper. We talked about the deal. At
10 that time Howard said his understanding, there was no quid
11 pro quo, they wanted to meet the different Congressmen,
12 have friendly faces in the event he wanted to come to this
13 country. And we discussed what may have been improper if
14 we had to register as a foreign agent and if we had to
15 report income. That's the only things we thought was improper.

16 Q In this conversation you decided -- withdrawn.
17 What you are saying is --

18 MR. BEN-VENISTE: I object to the form of the
19 question now, your Honor.

20 THE COURT: Sustained as to form.

21 Q Well, Mr. Cook, was there any mention of the
22 word illegal during this conversation?

23 A I don't think the word illegal was used, no,
24 sir.

25 Q It was never discussed that this might be

1
2 illegal; is that right?

3 A We discussed whether we thought it was
4 improper under the circumstances. And that's when it came
5 about that we thought the only things we thought might
6 be wrong is not reporting the income for the non-registration
7 as a foreign agent.

8 Q And you did not intend to report any of the
9 money you received on your income tax; is that correct?

10 MR. FRYMAN: Objection.

11 MR. BEN-VENISTE: Objection.

12 MR. DUFFY: Objection.

13 THE COURT: Sustained.

14 MR. BEN-VENISTE: I ask that the jury be
15 instructed that this is not an issue in the case.

16 THE COURT: This is not a tax case, ladies
17 and gentlemen. I try lots of those, but this is
18 not one of them. Tax issues so far have no
19 bearing on the case. Disregard it.

20 Q Now, was it your understanding that the
21 Congressman, let us say Congressman Myers, was not to say
22 that he would do anything for the Sheik at the proposed
23 meeting? Is that your understanding?

24 A It was not disclosed to me. We didn't know
25 at the meeting what was going to happen.

1
2 Q Now, you testified on redirect examination,
3 on cross examination that Mr. Weinberg, you were told, was
4 aware that you were an imposter at this meeting in Washington;
5 is that correct?

6 A Yes, sir.

7 Q Now, were you told about Mr. Amoroso's
8 knowledge of your identity?

9 A I didn't think anybody cared who I was, sir.

10 Q What were you told about Mr. Amoroso's
11 knowledge?

12 A The only way I can answer that, and I am
13 sorry it's not yes or no, I was just told that they knew
14 I wasn't whom I was supposed to be. It was just me. It
15 was never really defined in particular as to who it was.

16 Q Well, who would they refer to?

17 A The only people I knew was the two people
18 I met, sir, Mr. Weinberg and Mr. DeVito.

19 Q So you believed that both of them knew that
20 you were an imposter; is that right?

21 A What was explained to me, sir, is that as
22 far as Mel Weinberg was concerned, there didn't have to be
23 a meeting and Mr. Amoroso was straighter and he felt that
24 somebody would have to come to a meeting before he could
25 send a report. He couldn't send a report without somebody

1
2 being present. That's what was explained to me.

3 Q So you were told that both Mr. Amoroso and
4 Mr. Weinberg knew that you were an imposter; is that right?

5 MR. BROWN: Objection.

6 MR. BEN-VENISTE: I object to form and to
7 repetitiousness.

8 THE COURT: Overruled.

9 A That was my understanding, sir.

10 Q Well, Mr. Weinberg knew you were an imposter?

11 A Yes, sir.

12 Q Mr. Amoroso knew you were an imposter?

13 A Yes, sir.

14 Q And obviously Mr. Errichetti knew you were
15 an imposter, is that right?

16 A Yes, sir.

17 Q So everyone at the meeting knew you were an
18 imposter?

19 A Yes, sir.

20 Q Why did you go to the meeting, Mr. Cook?

21 A Because it was explained to me that they needed
22 a report sent to the Sheik of why he should invest or what
23 would be the benefits of him investing in the hotel casino.
24 We wanted the hotel casino built because we have a five
25 million dollar fee riding on it. They said if you show him

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1
2 he being Mr. Criden, meaning Mr. Weinberg, showing Weinberg,
3 if you could show him why it would be a benefit to him
4 to build the hotel casino, then he would be more interested
5 in doing it. And that's how the Immigration thing came
6 about, so the casino could be built and we would make a
7 fee, sir.

8 Q What was your understanding of you walking
9 into a room and presenting to three people who knew who
10 you were that you were somebody else, Mr. Cook?

11 A Mr. Criden told me that Mr. Weinberg told
12 him he didn't care if there was no meeting or not. He
13 would send a report and Mr. DeVito was straighter and he
14 had to actually meet with somebody to send a report in.
15 That's what was told me.

16 Q He technically wouldn't be lying to the Sheik
17 if he met somebody who said he was Mr. Moto?

18 MR. BROWN: Objection. This is not redirect.
19 It's repetitive and argumentative and not redirect.

20 THE COURT: Overruled.

21 A That's what was told to me, sir. You are
22 asking me and I am telling you.

23
24
25 (Continued on next page.)

1 Cook-redirect

2 Q So it was told to you that Mr. Amoroso --

3 MR. BROWN: Objection. Here we go again.

4 THE COURT: Who made that comment?

5 MR. BROWN: I did.

6 THE COURT: You should apologize, Mr. Brown.

7 MR. BROWN: I do.

8 THE COURT: Don't let it happen again.

9 MR. BROWN: I apologize, but --

10 THE COURT: I said I don't want it to

11 happen again.

12 MR. BROWN: But, your Honor.--

13 THE COURT: I don't want it to happen again.

14 MR. BROWN: I understand, sir, and I

15 apologize.

16 THE COURT: Proceed, Mr. Puccio.

17 Q So it was told to you, Mr. Cook, by Mr. Criden,

18 that Mr. Amoroso didn't want to lie to the Sheik and you
19 had to go to that meeting; is that right?

20 A Yes.

21 Q Were you informed, Mr. Cook, of any efforts
22 made by Mayor Errichetti or anybody else to get the real
23 Mario Noto to go to that meeting?

24 A I understood they tried to get somebody
25 from immigration to go, but they didn't know anything about

1
2 it.

3 Q Were you told that they attempted to get
4 Mr. Mario Noto to go to that meeting?

5 A No, sir. I don't have any such recollection.

6 Q Who is Mr. Tetrizzini that you mentioned,
7 the so-called Mayor's man?

8 A I think it's somebody the Mayor knows in the
9 Immigration Department.

10 Q And who told you to use that name?

11 A Either Mr. Crigen or Mr. Errichetti.

12 THE COURT: Do you have much more, Mr. Puccio?

13 MR. PUCCIO: I am just about finished.

14 (Pause.)

15 MR. PUCCIO: I have no further questions.

16 THE COURT: Is recross desired by anybody?

17 MR. BEN-VENISTE: Very short, your Honor.

18 MR. DUFFY: I have one or two, your Honor,
19 but he may touch upon them, sir.

20 THE COURT: Well, we will hope that he does.

21 RECCROSS EXAMINATION

22 BY MR. BEN-VENISTE:

23 Q It was absolutely clear to you and it was
24 explained to you that Tony was the straight one, that's
25 the language that was used?

1
2 A Yes, sir.

3 Q And after the meeting when Mel came outside
4 Mel said we will try to square it with Tony?

5 A Yes, sir.

6 Q Now, about this Mr. Tetrazzini, aside from
7 there being a dish called Chicken Tetrazzini, do you have
8 any idea whether there is any such real person in
9 Immigration or anywhere else?

10 A No, sir.

11 MR. BEN-VENISTE: That's all.

12 MR. DUFFY: I have a couple, sir.

13 THE COURT: Yes.

14 RECROSS EXAMINATION

15 BY MR. DUFFY:

16 Q You got scared, as you put it, Mr. Cook,
17 you said non-registration as a foreign agent. By that
18 do you mean that you thought you might have to register
19 as a representative of a foreign government?

20 A Yes, sir.

21 Q You went and looked up the law on that,
22 didn't you?

23 A Yes, sir.

24 Q And you found out that if you represented
25 Abdul Enterprises and that was a corporation, there would

1
2 be no requirement to register because you wouldn't be
3 representing a foreign government or the head of a foreign
4 government; isn't that right?

5 A Yes, sir.

6 Q You looked up the law?

7 A Yes, sir.

8 Q But you didn't know it before you looked it
9 up?

10 A No, sir.

11 Q Now, to go back to Howard Criden, you are
12 not pretending to say or you are not saying to this jury
13 that Howard Criden told you everything that was going on
14 between him and Mayor Errichetti, are you?

15 A No, sir.

16 Q So you only knew what he chose to tell you;
17 isn't that right?

18 A Yes, sir.

19 Q And he was a father figure to you; isn't
20 that right?

21 A Still is, sir.

22 Q He took care of you, didn't he?

23 A Yes, sir.

24 MR. DUFFY: That's all, sir.

25 MR. BROWN: I have one or two, Judge.

1
2 THE COURT: All right, Mr. Brown.

3 RECROSS EXAMINATION

4 BY MR. BROWN:

5 Q You recall the television photo that you just
6 watched?

7 A Yes, sir.

8 Q Now you had originally talked about \$25,000;
9 is that right?

10 A Yes, sir.

11 Q And I believe in examination Mr. Puccio
12 mentioned the fact that there would be \$25,000, or whatever
13 addition or division, whatever it was, it involved \$25,000.

14 Do you recall on that box that he said he
15 was putting \$50,000 in there?

16 A Yes, sir.

17 Q Now, if \$50,000 was going into the case, was
18 it ever explained to you whether or not Weinberg and/or
19 Amoroso were to get the extra \$25,000?

20 A No, sir.

21 Q Did you ever have any knowledge that \$50,000
22 was involved until you watched it on the box?

23 A Last Thursday, sir, when I saw the tape,
24 that's the first time.

25 Q That's the first time?

1
2 A Yes, sir.

3 Q All the conversation was \$25,000?

4 A Yes, sir.

5 Q But Amoroso and Weinberg had \$50,000?

6 A It appeared so, sir.

7 Q So whatever was promised for this false
8 performance, Amoroso and Weinberg had another \$25,000 on
9 top of that in that box, is that right, this television box?

10 A Yes, sir.

11 MR. BROWN: No further questions.

12 MR. PUCCIO: One further question.

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 BY MR. PUCCIO:

16 Q Mr. Cook, were you aware that impersonating
17 a federal official was against the law?

18 MR. FRYMAN: Objection.

19 MR. BEN-VENISTE: Objection.

20 MR. DUFFY: Objection.

21 MR. BEN-VENISTE: It's moot in this case.

22 There was no such official.

23 THE COURT: I will sustain the objection.

24 Q One final question, Mr. Cook.

25 If you knew or if you were told that

1
2 Mr. Amoroso and Mr. Weinberg and Mr. Errichetti obviously
3 all knew you were an imposter, why were you so petrified
4 at the meeting?

5 A I think I already testified, number one, I
6 was afraid not because of that. I was just afraid.

7 Q What were you afraid of if everyone in the
8 room knew you were an imposter?

9 A Because the Sheik may eventually have found
10 out and I think I testified to that before.

11 Q Did you realize something when you walked
12 into that room about Mr. Amoroso and Mr. Weinberg's knowledge,
13 Mr. Cook?

14 A I realized that somebody cared at that meeting
15 that I wasn't whom I was supposed to be, yes, sir.

16 Q And that was Mr. Amoroso and Mr. Weinberg;
17 is that right?

18 MR. BEN-VENISTE: Objection.

19 MR. BROWN: I object. It's an improper
20 recapitulation and it's argumentative in tone and in
21 form.

22 THE COURT: Overruled.

23 A I thought mainly Mr. Amoroso and Mr. Weinberg
24 had indicated to me he could work it out, we could go over
25 to Immigration and work it out. So he thought we would

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1
2 work it out, but Mr. Amoroso gave no impression of working
3 things out.

4 THE COURT: Is that all?

5 MR. PUCCIO: Yes.

6 MR. BEN-VENISTE: One question.

7 FURTHER RECROSS EXAMINATION

8 BY MR. BEN-VENISTE:

9 Q When you were afraid, it was Mr. DeVito you
10 were afraid of? Isn't that right, Mr. Cook?

11 A I was afraid for my life, sir.

12 THE COURT: All right.

13 You are excused, Mr. Cook.

14 We will recess for lunch, ladies and
15 gentlemen.

16 Don't discuss the case during the luncheon
17 recess.

18 We will resume at ten minutes after two.

19 (The jury left the courtroom.)

20 (Luncheon recess.)

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22 * * *

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2 ANTHONY AMOROSO, called as a witness,
3 having been previously duly sworn, resumed
4 the stand and testified further as follows:

5 THE COURT: Ladies and gentlemen, you may
6 recall that yesterday we interrupted Mr. Amoroso's
7 testimony in order to take Mr. Cook. We are now
8 back to Mr. Amoroso, who if you perhaps have forgotten
9 is the first witness in this case.

10 The cross examinations have been concluded.
11 We are at the point of redirect examination.

12 Mr. Amoroso, will you resume the stand.

13 THE CLERK: Mr. Amoroso, please be advised
14 that you are still under oath.

15 MR. PUCCIO: May I proceed, your Honor?

16 THE COURT: Yes, proceed.

17 REDIRECT EXAMINATION

18 BY MR. PUCCIO:

19 Q Mr. Amoroso, you indicated, did you not, that
20 prior to July 26, 1979, you had met with Mayor Errichetti
21 on several occasions, is that right?

22 A That is correct.

23 Q Now, with relation to one of those occasions
24 which you met Mayor Errichetti, I show you a document which
25 is marked Government's Exhibit 18 --

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2 MR. PUCCIO: May I approach the witness,
3 sir?

4 THE COURT: Yes.

5 Q (Continuing) Will you examine that document,
6 please?

7 A Yes, I have.

8 MR. BEN-VENISTE: Now, your Honor, may we
9 have a cautionary instruction with respect to the
10 defendant Criden as to this area?

11 THE COURT: Yes. I am not sure of the date
12 that is involved here. But I believe the incident
13 we are speaking of involves only the defendant
14 Errichetti and not any of the other three defendants.

15 MR. PUCCIO: That is correct, sir. I will
16 place a date on it.

17 THE COURT: There is a limiting instruction
18 that you are to consider this only with relationship
19 to Mr. Errichetti, subject to any further instructions
20 I may give you later.

21 MR. PUCCIO: May I proceed, sir?

22 THE COURT: Yes.

23
24 (Continued on next page.)
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Q Now have you seen that document before?

A Yes, I have.

Q And would you be able to tell us on what date you first observed that document?

A Yes, March 3, 1979.

Q Where was it that you first observed that document?

A In the parking lot of the Holiday Inn in Hauppauge, New York.

Q When you first observed that document who had it in his possession?

A Mayor Errichetti.

Q And who else was present, if anyone?

A Myself and Mr. Weinberg.

Q And what is that document, Mr. Amoroso?

A It is a legislative index of the State of New Jersey.

Q It is a book with a number of pictures in it of legislators in the State of New Jersey?

Is that right?

A That is correct.

Q And was there any conversation on March 3, 1979 had between you, Mayor Errichetti and Mr. Weinberg concernin this document, and if there was, tell us what you

1
2 said, what Mr. Errichetti said, and what Mr. Weinberg
3 said as best you can recall?

4 A As best I recall, the conversation was mainly
5 directly between Mr. Errichetti and Mr. Weinberg. And
6 Mr. Errichetti gave Mr. Weinberg this index and indicated
7 that the people that were checked off, and I believe he
8 was going through the pages and pointing to several of them,
9 the people that were checked off would be with us in our
10 Atlantic City endeavors.

11 Q Was there anything else said about these
12 people?

13 A Yes, that the indication was -- well, not
14 the indication -- he said that they would be with us.

15 Q And how many pictures are there in that book?

16 A Shall I count them?

17 MR. BROWN: If your Honor please, the number
18 we have no objection of course because your Honor
19 has given a direction as to the general testimony --
20 but the number we would object to as irrelevant.

21 THE COURT: Overruled.

22 A Approximately a 120.

23 Q All right.

24 Was there any mention during this conversation
25 by the Mayor or anyone else about buying those people?

1
2 MR. BROWN: I object to that.

3 A Well --

4 THE COURT: Wait just a moment.

5 There is an objection. But before we get to
6 that. You said 120?

7 THE WITNESS: Approximately. That is the
8 total number in the book.

9 THE COURT: That is not the number of people
10 that you said would be with you?

11 THE WITNESS: No. I was asked about the
12 total number that were in the book.

13 THE COURT: Then the objection to the latter
14 question is overruled.

15 Q Would you answer it?

16 A Would you give me the question again.

17 Q Was there any mention by anyone in this
18 conversation about buying any of the people in that book?

19 A Yes, there was.

20 Q Well, what was said?

21 A Mr. Errichetti indicated that we could buy
22 these people.

23 Q Which people did he indicate you could buy?

24 A The people that were checked off.

25 Q How many people were checked off? Please

1
2 count them.

3 A I count 13.

4 Q 13 out of the total number?

5 Is that right?

6 A Yes, correct.

7 Q Is Mayor Errichetti's picture in that book?

8 A Yes, there is.

9 Q Is there a check mark next to his name?

10 A Yes, there is.

11 Q Now, Agent Amoroso, with respect to the
12 meeting on the boat about which you have testified and
13 with respect to the use of electronic equipment, I ask
14 you this question, how were you dressed on July 26, 1979
15 at the meeting of course with the defendants?

16 A In casual clothes, meaning a pair of slacks
17 and a shirt.

18 Q Now, you indicated that you had the attache
19 case which is marked as Government's Exhibit 16 with you,
20 is that correct?

21 A Yes.

22 Q There was a Negra concealed inside that
23 attache case?

24 A Correct.

25 Q Now, you have indicated that you have worn a

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2 Negra on certain occasions?

3 A Not I believe on this occasion?

4 Q But on other occasions you have worn a Negra?

5 A Yes.

6 Q And you did not attempt to put the Negra
7 on your body on that day, is that right?

8 A Correct.

9 MR. DUFFY: I object to the leading, sir.

10 THE COURT: I will let that question and
11 answer stand. But I do not think that is necessary
12 to lead at this stage.

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15 (Continued on next page.)
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2 Q How long would it normally take to outfit
3 yourself with a Negra worn on your body?

4 A Probably 15, 20 minutes.

5 Q And is that something that you would do alone
6 or with the assistance of someone else?

7 A You usually do it with the assistance of
8 someone else, depending upon where you want to conceal
9 the apparatus.

10 Q And where would it normally be concealed?

11 A Well, that varies with the individual who
12 is wearing it.

13 He could conceal it in the small of his back,
14 against a thigh. I think it is just a matter of choice,
15 depending upon the looseness of the clothing that you are
16 wearing.

17 Q Well, what clothing were you wearing on that
18 day?

19 A Well, I was wearing a pair of slacks and
20 a pullover shirt, in fact, a banlon shirt.

21 Q Was it a short sleeve or a long sleeve shirt?

22 A Yes, short sleeved.

23 Q In your view would you have been able to
24 successfully have concealed the Negra on that day?

25 MR. BROWN: I object to that as a leading

1
2 question and calling for a conclusion.

3 THE COURT: Overruled.

4 MR. BROWN: I beg your pardon?

5 THE COURT: Overruled.

6 MR. BROWN: Thank you.

7 A No, I don't think I could have.

8 MR. PUCCIO: I have no further questions,
9 your Honor.

10 THE COURT: Any recross?

11 MR. BROWN: I have one or two brief questions,
12 your Honor.

13 I am sorry. I didn't understand they were
14 involved in this.

15 (Addressing the Court and defense counsel.)

16 MR. PUCCIO: Oh, if I may, your Honor, I
17 have one additional question.
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20 (Continued on next page.)
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2 Q Mr. Amoroso, did you attend a meeting on
3 September 19, 1979 with an individual who at that time
4 represented himself to be someone with immigration service?

5 A Yes, I did.

6 Q And before the meeting who were you under
7 the impression that you would meet with?

8 A The number 2 man for immigration and
9 naturalization service, I believe his name was Mario
10 Noto.

11 Q Prior to --

12 MR. BEN-VENISTE: I didn't hear that name,
13 your Honor.

14 A Mario Noto.

15 Q Prior to September 19th meeting Mr. Amoroso,
16 had you had in your possession or had you seen a
17 photograph of Mr. Mario Noto?

18 A Yes, I had.

19 Q And approximately how long prior to the
20 meeting had you seen that photograph?

21 A At least the day before.

22 Q To your knowledge had Mr. Weinberg seen that
23 photograph?

24 A Yes, he had.

25 Q Do you know how he saw the photograph?

1
2 A Yes, I showed it to him.

3 Q And when did you show it to him?

4 A At least a day before when we got it.

5 Q By the way, with respect to Exhibit 18, does
6 it have a received stamp on it?

7 A Yes, it does.

8 Q What does it say?

9 A Received January 16, 1979, mayor's office,
10 City of Camden, New Jersey.

11 MR. PUCCIO: Thank you.

12 THE COURT: Mr. Duffy, any recross?

13 MR. DUFFY: I pass to Mr. Brown, sir.

14 MR. BEN-VENISTE: I have one question in
15 the in-between.

16 THE COURT: You got it.

17 MR. BEN-VENISTE: Because I think we have
18 that Nagra here in court.

19 THE COURT: Proceed.

20 MR. BEN-VENISTE: May I have it, please.

21 It is Exhibit 17.

22 RE-CROSS-EXAMINATION

23 BY MR. BEN-VENISTE:

24 Q Would you show the jury, please, Mr DeVito,
25 where you would put the machine if you were secreting it

1
2 in the small of your back.

3 A Do you want to turn around and I'll show
4 it?

5 Q Why don't you show it on you if you can.

6 A Strap it behind here with a belt, a band
7 belt, depending on your clothes, you could lock it in here,
8 down in here.

9 There are many, many areas depending on the
10 size and shape of the individual wearing it.

11 Q And you have worn it before in which places?

12 A I have worn it in the small of my back and
13 I have worn it just in a jacket pocket.

14 Q And you didn't have a jacket that day and
15 it would have looked kind of silly to wear a suit jacket
16 on a boat, but you dressed yourself that day, didn't
17 you?

18 A Correct.

19 Q Nobody told you what you were supposed to
20 wear other than yourself?

21 A Correct.

22 Q And it is fair to say if you wanted to
23 wear the Nagra that day you could have worn loosely-
24 fitting clothes and worn it in the small of your back or
25 in your thigh or in your trouser leg?

1
2 A Correct.

3 Q Isn't that true?

4 A Correct.

5 Q Okay.

6 Q Now, who did you send over to get a picture
7 of Mario Noto?

8 A I didn't. Mr. Good would have been responsible
9 for that.

10 Q Where were you on the 18th of September?

11 A I would have been there.

12 Q Where were you, in Washington?

13 A In Washington.

14 Q And where were you staying?

15 A At the town house.

16 Q You actually lived there in the town house?

17 A Yes, when we were utilizing there we lived
18 there.

19 THE COURT: That is the house on W Street?

20 THE WITNESS: On W Street, yes.

21 Q Did Mr. Weinberg live there?

22 A Yes, he did.

23 Q Who else lived there?

24 A Who else lived there?

25 Q Yes.

1
2 A Who would have been staying there?

3 Q Yes.

4 A Probably anyone driving for me at the
5 time, possibly Mr. Good. It depended.

6 Q Was Mr. Haridopolos staying there?

7 A Yes.

8 Q When you say driving for you he was the
9 chauffeur?

10 A No.

11 Mr. Bradley or Mr. Burse probably would
12 have been.

13 Q And were they staying there too?

14 A I don't recall.

15 Q Would you tell this jury whether it is the
16 regulation of the Department of Justice that the FBI tell the
17 informant everything that the FBI knows about a case?

18 MR. PUCCIO: I object to that.

19 THE COURT: Overruled.

20 A Would you repeat the question?

21 MR. BEN-VENISTE: Would you read it back.

22 (Record read.)

23 A Is it regulation? No, it is not.

24 Q Now, are you familiar with the regulations
25 of the FBI regarding informants?

1
2 A I believe so.

3 Q And did you review them and apply them
4 in connection with this case?

5 A I did not review them, no.

6 Q Did you remember them in sufficient detail?

7 A In respect to what?

8 Q In terms of the control over the informant.

9 A I still don't follow what you are getting at.

10 Q Did you review -- what regulations are you
11 speaking of so that the jury understands?

12 A We have regulations on reporting information
13 you receive from them. Basically I would say that is what
14 the area is.

15 Q Are there regulations which cover the charac-
16 ter and motivation of the informatn?

17 A Not that I know of.

18 Q Are there regulations which measure, which
19 cover the ability of the FBI to control the informant's
20 activities so that his conduct would be consistent with
21 the instructions that are given to him?

22 A Yes. We attempt to do that.

23 Q And are you familiar with the regulations
24 concerning an informant violating the instructions set
25 forth in furthrance of his assignment, what he is supposed

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to do?

A Have I read them?

Q Yes.

A No.

Q Do you know what they are?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Do you know about any regulations regarding
the reliability and truthfulness of the informant?

A I don't believe there are any regulations
regarding that.

* * *

* * *

21 | RE-CROSS-EXAMINATION

22 | BY MR. BROWN:

23 | Q Mr. Amoroso, you referred in the course
24 | of your redirect examination by Mr. Puccio as to 3500-18.

25 | A Yes.

1
2 Q You said it was shown to you in a parking
3 lot in Hauppauge, is that correct?

4 A Yes. Holiday Inn.

5 Q Holiday Inn?

6 A Yes.

7 Q On or about March 31st of '79?

8 A Correct.

9 Q Am I right?

10 A Yes.

11 Q And you stated Mr. Weinberg was there?

12 A Yes.

13 Q Right?

14 A Correct.

15 Q Did Mr. Weinberg participate in this?

16 Do you know whether it was not he who checked
17 off the names physically?

18 A No.

19 The book had already been checked off. Mr.
20 Errichetti handed the book to Mr. Weinberg and as he did
21 he opened the book and he pointed to various photographs,
22 and referred to some of them by title.

23 Q Rather than name?

24 A Rather than name.

25 Q And he also said in effect that these people

1
2 will be with us in Atlantic City?

3 A Correct.

4 Q And Atlantic City referred to the project
5 which was then under way, which had been described I believe
6 as a legitimate project, and attempts to finance a
7 casino?

8 A No.

9 It was in relationship not only to the
10 funding of the casino, but the securing of the people
11 to insure that the casino licenses and any problems we might
12 incur.

13 Q I see.

14 So that these people were all members
15 of the legislature.

16 Were there any of them -- and this just a
17 general reference to the 19th?

18 A Yes.

19 Q They will be with us in Atlantic City with
20 all of the background that you have just explained?

21 A Yes.

22 Q But nothing specific about they will do
23 this or that, just the 19 out of 120 will be with us
24 when we go to Atlantic City.

25 A I believe I said 13.

1
2 Q I wrote down 19, I beg your pardon.

3 So it would be 13 out of 120?

4 A Yes.

5 Q No reference what they will do, just they will
6 be with us in Atlantic City?

7 A That they can be bought.

8 Q That they can be bought?

9 A Yes.

10 Q And that was the end of that reference I
11 take it?

12 A Correct.

13 Q And for the future that was the end of the
14 reference, is that correct, as far as 3500-18 is concerned?

15 A I don't know if any of the other names were
16 mentioned because I haven't gone over the names again.

17 Q But that was the end of the refernce insofar
18 as the use --

19 A That is that then.

20 Q Was 3500-18 ever brought out again at any
21 future day?

22 A No.

23 Q I am talking about the actual book.

24 A No, the actual book, no.

25 Q So the episode in the parking lot would be

1
2 the beginning and the end of any reference to 3500-18.

3 Am I correct?

4 A Yes.

5 Q And that took perhaps five minutes, ten
6 minutes?

7 A Maybe less.

8 Q And no prices named, no places of arrangement
9 to buy these folks?

10 A No.

11 Q And that is literally and practically the end
12 of the reference?

13 A Correct.

14 Q Now, it is also true, isn't it, that subse-
15 quently when we come to the Mario Noto meeting, the
16 episode of September 19th, I believe?

17 A Yes.

18 Q That you had had some information prior
19 to the--

20 MR. BROWN: Your Honor, I am approaching him.

21 May I?

22 THE COURT: Go ahead.

23 Q It is also true that you had obtained
24 certain information that prompted you to make inquiry the day
25 before the 19th?

17 Amorosso-recross-Brown

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It would be on the 18th you made inquiry?

A As to wht?

Q As to the identity of Mr. Noto.

A It was a practice in any transaction to obtain a photograph and to find out who the individual we were dealing with was.

Q Now, I am showing you a draft of 3500-122.

You may refer to all of it but if I may call your attention to the part I will be concerned with, it relates to this, which I am pointing to, and that.

Examine it all if you please, but that is what I am concerned with.

A Just the first two pages?

Q My examination, if the court will allow me to say this, will be restricted to the first few pages.

THE COURT: All right.

Q You have access to all of it but my examination will be restricted to that.

THE COURT: Ask him some questions and if he wants to look at it again he can.

Q With respect to the date on it it is the 14th, you will notice, September 14th.

A All right.

1
2 Q We are now five days before the actual
3 meeting.

4 A Yes.

5 Q Isn't it a fact the name that was conveyed
6 to you as the name of the person who was going to appear
7 would be Mopo?

8 A It is listed here as Nopo.

9 Q N-o-p-o?

10 A Yes.

11 Q And that is not the name you said you checked
12 out, is it?

13 A No.

14 Q The name you checked out as I recall on
15 September 18th was Moto?

16 A Yes.

17 Q Now, the name that you got as far as you
18 personally were concerned was given to you by Mr. Weinberg?

19 A Correct.

20 Q And what name did Weinberg convey to you as the
21 name of the chap who was going to show up on the 19th?

22 A From this I would indicate, Mario Noto,

23 Q So that would be this name by you got from
24 Weinberg?

25 A Yes.

1
2 Q And that would be the name that had been
3 given to Weinberg by Errichetti, is that right?

4 A Yes.

5 Q Now, you said you checked out the man
6 on the 18th and found he was -- I will withdraw it.

7 What did you say the title was of the Noto
8 that you checked on the 18th?

9 A I didn't do the checking. The name was given
10 to the supervisor.

11 Q I'll withdraw it. I'm sorry.

12 What was the name -- Noto was the name.

13 What was the position of that man when you had
14 it checked out for your benefit?

15 A He indicates here, commissioner --

16 MR. BROWN: My objection is it is not
17 responsive, your Honor, excuse me.

18 THE COURT: I understand.

19 Q On the 18th you had it checked out, am I
20 correct about that?

21 A Correct.

22 Q What was the information you received after
23 you had the name Noto checked out?

24 A I believe it was Noto, N-o-t-o, Mr. Mario T.
25 Noto was the number two man of immigration and naturaliza-

1
2 tion service.

3 Q If that document before you refreshes your
4 recollection, may I ask you if it is not a fact when Mr.
5 Weinberg reported the name to you as he allegedly got
6 it from Mr. Errichetti, that it was Mopo, and he was
7 the commissioner of immigration; is that right?

8 A That is the way it appears here, yes.

9 Q So we have two differences, one was when you
10 checked it out it was a gentleman named Noto and he was a
11 deputy of some sort.

12 A I can't answer that.

13 I didn't check it out.

14 Q Again I misstated, I beg your pardon.

15 When you received the result of the check,
16 it came back to you as Noto, N-o-t-o, as some sort of
17 deputy?

18 A Correct.

19 Through our office we could have -- we would
20 have cross-checked the name with various cross-checks, and
21 come up with Mario Moto.

22 Q I understand you were not testifying from
23 direct experience.

24 A Yes.

25 Q So you are testifying indirectly that someone

1
2 checked out a deputy named Noto?

3 A Yes.

4 Q And the fact is that Weinberg reported
5 to you the man to appear was Commissioner Nopo, N-o-p-o,
6 is that correct?

7 A Yes.

8 Q Now, then did you ever check to find out
9 if indeed there had been a commissioner named Nopo as
10 opposed to Noto?

11 A Myself, no.

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13 (Continued on next page.)
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2 Q Did anyone report to you with respect to that?

3 A I was only given Noto. I don't know if there
4 was anybody named Nopo.

5 MR. BROWN: I will propose to receive it,
6 your Honor.

7 THE COURT: All right.

8 MR. BROWN: Thank you.

9 May I take this?

10 THE COURT: Yes.

11 Q Now, with respect to the Nagra recorder
12 which is G-17, you said that you didn't make any attempt
13 to put this on your body on July 26th, the date of the boat
14 ride?

15 A Correct.

16 Q Correct?

17 A Yes.

18 Q And you have stated you believe you could
19 not have in view of the clothing that you wore, but you
20 don't say absolutely that you could not, correct?

21 A Also the heat conditioners.

22 Q The heat conditioners would deter you from
23 using this?

24 A Yes.

25 In that heat the clothing sticks to you and

1
2 it would oueline the instrument so someone might be able to
3 see it.

4 And Ithought it was not worth being put in that
5 position.

6 Q Is this the only kind -- is the FBI immobilized
7 in hot weather as far as using body equipment?

8 A That type, what was accessible to me, that
9 was it.

10 MR. BROWN: Thank you.

11 I have no further questions.

12 THE COURT: Any other questions for Mr.

13 Amoroso?

14 MR. DUFFY: I am not knocked out of the
15 box, am I, sir?

16 I only passed.

17 THE COURT: No.

18 It sounds like a convention when you say you
19 pass.

20 MR. DUFFY: I am a politician, your Honor.

21 THE COURT: For late consideration.

22 Proceed.

23 RECROSS-EXAMINATION

24 BY MR. DUFFY:

25 Q Forgive me, please, Mr. Amoroso, I have

1
2 to go back to Nopo, Noto. I will be brief.

3 You told this jury, and I am really not
4 interested when you learned it, but sometime before
5 the 19th you got a picture of Mario Noto, the deputy
6 commissioner, is that right?

7 A Correct.

8 Q Now, what did you get, an eight by ten glossy
9 or something from a book like Government's 18?

10 A Something approximately that size, yes.

11 Q Did it tell you anything about him?

12 A We just knew how old he was and what his name
13 was.

14 Q Answer my question, please. Did it tell you
15 anything about Noto, the picture that you got?

16 A What way are you referring to?

17 Q Was there any writing connected with it?

18 Was it a thing out of that book which said
19 Mario Noto, father of six, lives in Pennsylvania and
20 so forth?

21 A I don't recall it right now.

22 Q There was some indication on the video tape
23 we saw, and I confess I think it came from Mr. Weinberg,
24 that you -- that would mean plural, you, expected someone
25 older?

1
2 A Correct.

3 Q Did you too expect someone older?

4 A Correct, from the photograph.

5 Q Do you have that photograph?

6 A I don't, no.

7 Q Did you turn that photograph in with a 302
8 in connection with that meeting?

9 A No.

10 Q Did you prepare a 302 report in connection with
11 that aborted attempt to scam you?

12 A No.

13 The film was the report.

14 Q Is there any way we could get our hands on the
15 picture that you got?

16 A I don't know if it is still an exhibit. I
17 am not sure.

18 Q When you got the picture you had asked for
19 some check-out, as it were, on a man named Mario Nopo, p-o,
20 is that correct?

21 A Yes.

22 Q And you got back a picture of a man and
23 you were told that his name was Noto, correct?

24 A Correct.

25 Q Now, how did you get the information that

2 his name was Noto?

3 Was it written on the picture?

4 A Mr. Good gave me the picture and gave me the
5 man's name.

6 Q You are holding your hand out.

7 Did he give you a piece of paper?

8 A Gave me a photograph of Mr. Noto.

9 Q Right.

10 THE COURT: How did he give you his name?

11 Did he say this is Mario Noto?

12 A His name was on the photograph.

13 Q Was there any biographic data on the
14 photograph?

15 A Not that I recall.

16 Q So you had a photograph on the 18th of
17 September that said, on the front there was a picture of
18 Mr. Mario Noto, correct?

19 Q I see.

20 And you discussed that with Me. Weinberg?

21 A As far as discussing, no. Just showing the
22 photograph of whom we were expecting.

23 Q I see.

24 When you did the predicate to the tape,
25 when you sat in that front room in the house on W Street

1
2 in Washington --

3 A Correct.

4 Q You knew from the day before that the man's
5 name was Mrio Noto, is that correct?

6 A Yes.

7 Q That is what you want this jury to believe,
8 is that right?

9 A Yes.

10 Q And why did you ay Mario Moto?

11 A I mispronounced his name.

12 MR. DUFFY: I have no further questions.

13 THE COURT: Any other questions?

14 MR. BEN-VENISTE: Yes, sir.

15 FURTHER RE-CROSS-EXAMINATION

16 BY MR. BEN-VENISTE:

17 MR. BEN-VENISTE: Just a second, byour Honor.

18 THE COURT: All right.

19 (Pause.)

20 MR. BEN-VENISTE: May I ask the question from
21 here?

22 THE COURT: Surely.

23 Q Mr. Amoroso, when did Mr. Weinberg provide
24 the name Mario Nopo to you as the person who Mayor
25 Errichetti mentioned?

1
2 A I don't recall.

3 Sometime within that time frame, from the
4 time he got it within a day.

5 Q Where were you during that week? The
6 meeting occurred on the 19th.

7 Where were you?

8 A I don't recall. I would have to look at some
9 of the exhibits.

10 Q What would you like to look at that might
11 help refresh your recollection?

12 A Possibly the list of exhibits might.

13 MR. BEN-VENISTE: May I approach the witness,
14 your Honor?

15 THE COURT: Yes.

16 A I would believe I was in that area, I was
17 in Washington at least a couple of days ahead of that
18 meeting.

19 I am not sure. Looking at the list I don't
20 see my name on any of the other exhibits within a few
21 day period.

22 Q Was Mr. Weinberg with you during let's say
23 the week before the meeting?

24 A For part of the time, yes.

25 THE COURT: Mr. Amoroso, would you look at

1
2 the September 14th entries.

3 THE WITNESS: September 14th?

4 THE COURT: The second page they appear on,
5 the second one from the top.

6 THE WITNESS: Yes, correct.

7 14 is Cherry Hill, New Jersey.

8 Q You were with Mr. Weinberg in Cherry Hill,
9 New Jersey?

10 A Yes.

11 I see my initials here on one of the exhibits.

12 Q And were you with him on the 15th?

13 A From this I can't tell.

14 Q But it is quite clear to you that you were
15 with him on September the 14th?

16 A I would imagine I was because we show a
17 telephone call from him in New York to Mr. Errichetti in
18 New Jersey.

19 Q And you remember that telephone call?

20 A No. Not without --

21 Q But in terms of your recollection in terms
22 of Cherry Hill reference it is quite clear that you were with
23 him on the 14th, quite clear to you?

24 A Yes.

25 Q May I have that, please?

1
2 Now, are you aware that Mr. Weinberg
3 on the 14th obtained the name Mario Nopo from Mr.
4 Errichetti.

5 A Only since my memory has been refreshed.

6 Q I see.

7 Did Mr. Weinberg tell you that he had had
8 a conversation with Mayor Errichetti that day on the
9 telephoen that he had tape recorded?

10 A I don't recall.

11 Q Do you remember reviewing a tape recording
12 relating to Mayor Errichetti and Mr. Weinberg setting up
13 that meeting?

14 A I don't recall.

15 Q Have you since reviewed those relevant tape
16 recordings?

17 A I have been reviewing tape recordings during
18 a period that is ahead of this.

19 Q Okay.

20 Is it not a fact, sir, that on September the
21 14th, the same day you were presnt with Mr. Weinberg,
22 that Mr. Weinberg made a tape recording that you were
23 not a party to between him and Mayor Errichetti?

24 A I don't recall.

25 Q Let me show you Exhibit 3500-132.

1

2

A That is the same one I just saw.

3

Q Does that refresh your recollection, sir?

4

A As to whether I was present when it was made?

5

Q Yes, sir.

6

I don't recall. I don't recall where it was

7

made from. It was made from New York.

8

I would have to see the location from which

9

it was made.

10

I don't know.

11

Q You don't know?

12

A Correct.

13

Q Is it not a fact, sir, that this conversation,

14

the tape recorded version of it, does not begin at the

15

beginning of the conversation, and that the first words

16

that are recorded are the words, commissioner of

17

naturalization in that conversation.

18

A I haven't listened to the tape. Based

19

on your transcript I see it starts with commissioner.

20

MR. BEN-VENISTE: If I may your Honor --

21

THE WITNESS: Our transcript.

22

Q This is your transcript?

23

A Yes.

24

Q And you have no reason to doubt that your

25

transcript is an accurate transcription of the material

1
2 that is contained on the tape recording such as it is?

3 A Yes.

4 Q And does it strike you odd that the conversa-
5 tion that is tape-recorded begins with not hello, how
6 are you, but with the word only commissione?

7 A No, it doesn't.

8 (Continued on next page.)
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2 Q It doesn't strike you odd?

3 A No.

4 Q Do you think maybe there was some conversations
5 between Mr. Errichetti and Mr. Weinberg that it is
6 not contained on that tape recording?

7 MR. PUCCIO: I object.

8 THE COURT: Sustained.

9 Q On the basis of your investigative abilities,
10 and your experience, sir, is it not true that
11 conversations do not normally begin in the way that this
12 conversation appears to begin on this tape recording?

13 MR. PUCCIO: I object.

14 THE COURT: Isn't that fairly obvious, Mr.
15 Ben-Veniste?

16 MR. BEN-VENISTE: I think so, sir.

17 THE COURT: I don't know if it takes expertise
18 of the FBI to determine that Ben-Veniste if it is
19 conceded I'll accept the concession of the
20 government.

21 THE COURT: Concession does not mean a thing.
22 It is for juries to determine based on their
23 practical common sense.

24 MR. BEN-VENISTE: I have no questions of
25 this witness.

1
2 THE COURT: Any other questions?

3 MR. PUCCIO: May I just examine Exhibit 18
4 for a moment?

5 THE COURT: Yes.

6 MR. PUCCIO: I may have another question,
7 your Honor.

8 THE COURT: Just a moment, Mr. Amoroso.

9 MR. BEN-VENISTE: I'm sorry, your Honor,
10 may I ask one or two more questions while Mr.
11 Puccio is leaving through that?

12 THE COURT: Proceed.

13 Q You have spoken to Mr. Weinberg recently
14 about his practice of tape recording, haven't you, sir?

15 A Recently?

16 Q Yes.

17 I mean, you have seen him every day and you
18 have testified that you have spoken to him every day?

19 A I have spoken to him.

20 Q Do you know, not that there are some questions
21 about these tape recordings as I pointed them out, at
22 least some of them --

23 MR. PUCCIO: I object.

24 THE COURT: Overruled.

25 I'll let him answer it.

1
2 A Can we have that again?

3 Q You know that there are some questions about
4 some of these tape recordings that either don't begin where
5 they would logically appear to begin as far as the taped
6 version is concerned, don't you?

7 A Your question?

8 Q Yes.

9 You don't have any question apparently?

10 A No.

11 Q And you know also there are some questions
12 about tape recordings that appeared to have been stopped
13 at some point and started again?

14 A Correct.

15 MR. PUCCIO: I object, your Honor.

16 THE COURT: You are objecting to the
17 argument being made about the tape recorders through
18 these questions?

19 MR. PUCCIO: I am objecting to these tape
20 recordings being asked through this witness,
21 your Honor.

22 THE COURT: Overruled.

23 Q You are aware of that, aren't you?

24 A Yes.

25 Q You are shaking your head yes?

1
2 Q Did you ever visit --

3 MR. BROWN: Your Honor, excuse me, may I
4 approach Mr. Puccio for just one minute?

5 (Mr. Brown confers with Mr. Puccio.)

6 THE COURT: Proceed.

7 Q Did you ever visit Mr. Weinberg's residence
8 in Florida?

9 A Yes, I have.

10 Q And did you know where he had his tape machine
11 set up down there?

12 A Yes, I did.

13 Q Where?

14 A Where he would normally have it set up?

15 Q Yes.

16 A In an outside screened area.

17 Q What is called a Florida room? Inside the
18 house or outside the house?

19 THE COURT: A screened-in porch?

20 A If I say much more I could possibly give
21 away the location of the residence.

22 Q I don't think a porch in Florida is doing
23 to give away too much, Mr. Amoroso.

24 A I have to add to that. It is not a porch.

25 Q Could you just describe the room for the

1
2 jury, please?

3 A No, I don't think I could.

4 THE COURT: How about the interior of it?

5 THE WITNESS: The interior would have a glass
6 top table where the recorder would have been placed.

7 Q And how high a table is that?

8 A Breakfast-type table.

9 Q About as high as this table or lower, more
10 like a coffee table?

11 A About that height.

12 Q All right.

13 And where was the telephone located?

14 A The telephone would have been located about
15 five or six feet to the right of it.

16 Q And was there an easy chair or some kind of
17 chair next to the table?

18 A I believe that there was, plus the chairs
19 that went with the table.

20 Q And did you ever observe Mr. Weinberg tape
21 record a conversation?

22 A Yes, I did.

23 Q In that room?

24 A Yes.

25 Q And would you describe for the jury where

1
2 he would sit while he was tape recording?

3 A He would sit possibly on the easy chair
4 or on one of the other chairs.

5 Q And where would he put the tape recorder?

6 A It would be on the glass-top table.

7 Q And how far is the chair from the table?

8 A It could be as close as he wanted to pull
9 it.

10 Q And how far was the telephone from the glass-
11 top table?

12 A It was approximately five feet. It had an
13 extension cord so that he could bring it over to the table.

14 Q When he was tape-recording the conversations he
15 basically used the table as his base of operation and put
16 everyting on it?

17 A Correct.

18 Q The phone, the tape recorder next to the
19 phone?

20 A Correct.

21 Q And what was the floor of that room? Was it
22 carpet or linoleum or what?

23 A I would say it would be concrete with an indoor-
24 outdoor type of carpet.

25 Q It was carpeted?

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A Yes.

MR. BEN-VENISTE: I have no further questions.

MR. DUFFY: Just one, sir.

FURTHER RECROSS-EXAMINATION

BY MR. DUFFY:

Q Was the tape recorder up against the wall
or in the middle?

A It was close to the wall but not the middle.

Q Tell me how close.

A It was close to the side but not in the
middle of the room.

Q Could you walk all the way around the table?

A No.

Q Because you would bump into the wall?

A You bump into the wall.

MR. DUFFY: Thank you.

THE COURT: Thank you, Mr. Amoroso, you
may step down.

MR. PUCCIO: Judge, I have some questions.

THE COURT: I'm sorry.

MR. PUCCIO: I'll be very brief.

THE COURT: Proceed.

FURTHER REDIRECT EXAMINATION

BY MR. PUCCIO:

1
2 Q You testified you received that book on the
3 31st of March 1979, is that correct?

4 A Yes.

5 Q Would you look through it, please and tell
6 us whether you met with any of the checked individuals
7 after that date?

8 Don't tell us the names, jut how many you
9 met with, other than Mayor Errichetti, of course.

10 MR. BROWN: My only objection would be of
11 course not in the context of Mayor Errichetti
12 introducing him or -- may I come to the side
13 bar? Perhaps I am going too far.

14 THE COURT: Could you focus that question a
15 little bit, Mr Puccio?

16 Q Mr. Amoroso, did Mr. Brown -- Mr. Brown ask
17 you if anything was done with respect to this book after
18 the 31st or whether it was over and done with as of that
19 date?

20 Do you recall those questions?

21 A Yes.

22 Q I ask you, did you meet with any of the people
23 who were checked?

24 A Yes.

25 MR. BROWN: I object, your Honor, for this

1
2 reason.

3 May I, your Honor?

4 THE COURT: Yes.

5 MR. BROWN: I asked him if it was over and
6 done with, with respect to this book and Mayor
7 Errichetti, and he said no.

8 Now, I submit it is improper redirect if there
9 are other areas. And that is why I know your
10 imitations on argument and I am trying to be very
11 careful.

12 THE COURT: The objection is overruled.

13 Q Did you meet with any of those people after
14 that day?

15 A Yes.

16 MR. BEN-VENISTE: I would have an objection
17 and ask for a cautionary instruction insofar as
18 Mr. Criden is concerned.

19 MR. BROWN: Would you permit a side bar,
20 please? I think there is one matter I should call
21 to your attention.

22 THE COURT: It gets deeper and deeper.

23 Side bar.

* * *

1
2 (The following occurred in open court.)

3 MR. PUCCIO: I will not pursue that line of
4 inquiry any further, your Honor.

5 No further questions.

6 THE COURT: Step down, Mr. Amoroso.

7 MR. PUCCIO: We call Michael Criden.

8 M I C H A E L C R I D E N, having been
9 first duly sworn by the Clerk of the Court,
10 testified as follows:

11 THE CLERK: Please state your full name
12 for the record.

13 THE WITNESS: Michael Elliot Criden.

14 THE CLERK: Please spell your last name.

15 THE WITNESS: C-r-i-d-e-n.

16 THE CLERK: Please be seated.

17 DIRECT EXAMINATION

18 BY MR. PUCCIO:

19 THE COURT: All right, Mr. Puccio, you may
20 proceed.

21 MR. PUCCIO: Thank you, Judge.

22 Q Mr. Criden, you are the son of the
23 defendant Howard Criden, is that correct?

24 A Yes.

25 Q Now, I direct your attention to August of

1
2 of 1979, more specifically August 22nd.

3 Did you have occasion to take a trip to New
4 York with your father on that day?

5 A Yes, I did.

6 Q And tell us how you and your father traveled
7 to New York and from where you traveled?

8 A We drove to New York from Philadelphia.

9 Q Who drive the car, do you recall?

10 A I did.

11 Q And about what time did you arrive in New
12 York and where?

13 A We arrived roughly about 12:00 at Kennedy
14 Airport.

15 THE COURT: Twelve noon?

16 THE WITNESS: Twelve noon, yes.

17 Q And was it just you and your father
18 in the automobile?

19 A Yes.

20 Q And where at Kennedy Airport did you first
21 arrive?

22 Can you recall?

23 A I think it was the Pan Am Terminal.

24 Q And what happened when you arrived at the
25 Pan Am Terminal?

1
2 A We parked the car up front and went into the
3 terminal.

4 Q And what took place then?

5 A We waited there for a few minutes.
6 Then we went upstairs -- we waited for a
7 few minutes.

8 My father was supposed to meet someone. And
9 we didn't see whom he was supposed to meet. And then
10 we went upstairs and I think we had a soda or something,
11 just to wait.

12 And he said we had to wait a few minutes.

13 Q And what happened next?

14 A A little time elapsed and we went back
15 downstairs and my father saw the people he was supposed
16 to meet with.

17 And he went over to speak to them.

18 Q And how many people were there?

19 A I don't recall exactly. There were a few.
20 Three or four.

21 Q And you recognized some of these people,
22 is that right?

23 A Yes, that's correct.

24 Q Whom did you recognize?

25 A I recognized Mayor Errichetti and Mr.

1
2 Johanson.

3 Q And there was another gentleman, is that
4 right?

5 A I think so, yes.

6 Q And you were introduced to him, is that
7 right?

8 A Yes, briefly.

9 Q Who was that, Mr. Criden?

10 A They introduced him as Congressman Myers.

11 Q Anyone else present at that time?

12 A Not that I recall, no.

13 Q What happened after you and your father
14 observed Mr. Johanson, Congressman Myers and Mr.
15 Errichetti?

16 A I stepped aside and I think they all
17 talked privately for a few minutes. And then Congressman
18 Myers, Mr. Johanson, and Mayor Errichetti left and
19 my father and I waited in the terminal.

20 Q Do you recall where you waited in the terminal?

21 A We waited up on the first floor again.

22 We had gone down to the basement to meet
23 them and we were up on the first floor again.

24 Q And for how long did you wait?

25 A I would say it was about an hour or so, maybe

1
2 an hour and fifteen minutes, hour and a half.

3 Q And what happened then?

4 A We were waiting in the front lobby there of
5 the Pan Am terminal, and Mayor Errichetti came back in
6 by himself and motioned for my father.

7 And my father went over to speak to Mayor
8 Errichetti. And I waited inside.

9 Q Then what?

10 A Then I am not positive. I think I went
11 outside. My father told me to go outside. Mayor
12 Errichetti's father was outside.

13 And he said go talk to him and say hello.
14 His name is Joey. He said go introduce yourself.

15 So I went outside.

16 Q And you went outside and you left your
17 father and Mayor Errichetti in the terminal?

18 A Yes.

19 Q Did you introduce yourself to Joey?

20 A Yes, I told him I was Michael Criden and we
21 introduced ourselves and just talked about things.

22 Q And then what happened?

23 A Then my father and Mayor Errichetti came
24 back out and we went in our car and Mayor Errichetti got in
25 his car and went home or wherever he was going to go.

1
2 Q Now, when you got back in your car to leave,
3 Mr. Criden, did you and your father have anything
4 in your possession?

5 A My father had given me his briefcase. As
6 usual I usually carry his briefcase.

7 And when we walked out of the terminal I
8 took his briefcase and put it in the car.

9 Q And did he have his briefcase when he left
10 that morning?

11 A Yes.

12 He always had it.

13 Q And did he carry it with him when he left the
14 car when you first arrived at the Pan Am Terminal?

15 A Yes, yes.

16 I brought it out of the car and we were
17 standing there.

18 Q The briefcase was taken out of the car?

19 A Yes. He always takes it.

20 Q When you prepared to leave the briefcase
21 was put back in the car, is that right?

22 A Yes.

23 Q And any other packages or envelopes?

24 A No. Just the briefcase.

25 Q Did you look in the briefcase on that day?

1
2 A No. I never looked in the briefcase.

3 Q Excuse me?

4 A I never looked in the briefcase.

5 Q Tell us what happened after you and your
6 father got back in the car at the Pan Am Terminal with the
7 briefcase?

8 A I asked where we were going and he said he had
9 to go back to his office.

10 So we drove back to his office in Philadelphia.

11 Q Now, about what time was it that you departed?

12 A I would say somewhere between 1:30 and 2:00.

13 Q By the way, had your father told you what
14 the purpose was for your trip to New York?

15 A No, he didn't.

16 Q Well, did he say that he was going to meet
17 with anyone or that anyone was going to meet with anyone?

18 A He said he had to meet some gentlemen.

19 When I saw them that is the first time I
20 knew --

21 Q Excuse me?

22 A That is the first time I knew who it was.
23 When we got there I didn't know.

24 Q Had he told you -- you knew Mr. Johanson
25 for years, is that right?

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A For many years, yes.

Q And you had met Mayor Errichetti before, is that right?

A Once, yes.

Q And had he told you, that is, he, your father, told you when you left Philadelphia that morning that ou would be meeting with Mr. Johanson and Mayor Errichetti?

A Not that I recall, no.

Q Did he tell you that you would be meeting with Congressman MYes?

A I never heard Congressman Myer's name mentioned before I met him.

Q Did your father tell you, before your left or before you arrived in New York that day, that he would be meeting with Tony and Mel?

A No. I neve heard their name.

Q Now, how long did it take you to drive back to Philadelphia?

A It take only about two hours.

Q Tell us what happend upon your arrival in Philadelphia.

First when you arrived and what happened.

A We parked the car in my father's garage around

1
2 the corner and went into his office.

3 Q And was anyone present up in the office when
4 you arrived?

5 A Yes.

6 Mr. Cook was present.

7 Q Anyone else that you recall?

8 A No, no. I just remember Mr. Cook.

9 Q What happened after you arrived?

10 A We came into the office and Mr. Cook motioned
11 for my father that he wanted to talk to him privately.

12 Q Then what happened?

13 A My father and I, we went into Mr. Cook's office
14 where Mr. Cook and my father had a private, a quiet
15 conversation between the two of them.

16 Q And did you overhear any of this conversation?

17 A A few words.

18 I really didn't -- I kind of feigned myself out
19 of it because it really is none of my business.

20 Q What few words did you hear?

21 A I heard Mr. Cook say something that there was
22 some kind of problem, something or another, and something
23 with money, there was a problem with money.

24 Q Did you hear that there was less money
25 than they expected, something to that effect?

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A No, not in those words, just that there was a problem with the money.

That's all I heard.

Q Did you hear that there was not as much as expected?

A Not in those words. Something maybe to that effect.

Q Did you hear anything about giving someone fifteen?

A Yes. I recall Mr. Cook saying he had figured out a way to alleviate the problem. I think those were his words, that they would give fifteen, that's correct.

Q Mr. Cook said he had a way to alleviate the problem?

A Yes.

Q And they would give someone fifteen?

A Yes.

Q And did you take that to refer to money?

A Would I take it?

Q Yes.

A I would imagine so, yes.

Q And do you know who was to receive the fifteen to alleviate the problem?

1
2 A No, it would not. It would be unfair to say.
3 I would not.

4 MR. PUCCIO: May I have one moment, your
5 Honor?

6 THE COURT: Yes.

7 Mr. Criden, how old are you?

8 THE WITNESS: Twenty.

9 THE COURT: Thank you.

10 MR. DUFFY: I am not sure everyone heard
11 that answer. Maybe I am butting in.

12 THE COURT: The answer was twenty.

13 Q Now, do you recall testifying before the grand
14 jury -- perhaps let me -- first, would you answer that
15 question.

16 Do you recall testifying before the grand
17 jury?

18 A Yes, I do.

19 Q Let me show you --

20 MR. PUCCIO: May I approach the witness?

21 Page 32 --

22 Q Let me show you page 32 of the grand jury
23 minutes, Mr. Criden, and ask you if you look at that
24 and see if it refreshes your recollection to Mr. Cook's
25 conversation with you father.

1
2 MR. BEN-VENISTE: I'm sorry, I didn't hear the page
3 number.

4 MR. PUCCIO: 32.

5 MR. BEN-VENISTE: Thank you.

6 (Handed to witness.)

7 MR. BEN-VENISTE: Is there a pending
8 question that this is to refresh on?

9 THE COURT: With respect to something
10 to the conversation between Mr. Cook and Mr. Criden,
11 Sr.

12 Q Have you looked at it, Mr. Criden?

13 A Yes, I have.

14 Q Does that refresh your recollection as to
15 whether or not it was mentioned that there was not as
16 much money as expected?

17 A Yes, I think so, yes.

18 Q Tell us what you recall now.

19 A Basically like I said there was a problem
20 with money, and I guess the fact that there was supposed
21 to be more and that it turned out to be less.

22 Q Now, what happened after you overheard
23 this conversation? What was the next thing that happened?

24 A My father left Mr. Cook's office, which is
25 adjoining to his office, and he went into his office and

1
2 shut the door and left Mr. Cook and myself in his office.

3 Q When your father opened the door to go
4 into his office, did you see anyone?

5 A Yes, I did.

6 Q Whom did you see?

7 A I saw Mr. Johanson and Congressman Myers.

8 Q And after that the door was closed, is that
9 right?

10 A es, yes, sir.

11 Q And did there come a time when that door
12 opened up again?

13 A Not that door, no.

14 The other door in my father's office that meets
15 the hallway, and he called for me and asked me to get the
16 key and open the door and let Congressman Myers out.

17 Q And how long was it that you first saw
18 your father say to get the key and let the congressman
19 out?

20 A How long was the conversation?

21 Q How long was it that they were inside the
22 room?

23 A 20 minutes, maybe.

24 Q After your father told you to let Congressman
25 Myers out, did you do that?

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A Yes.

Q What happened next with Congressman Myers after this day?

A We, my father and I and Mr. Johanson -- Mr. Johanson asked if my father can drop him off, he had a speaking engagement or something.

And we left the office and we drove to drop Mr. Johanson off.

Q And where was it -- withdrawn.

Did ou drop Mr. Johanson off somewhere in the City of Philadelphia?

A Yes, we did.

Q And do you remember whereabouts it was that you dropped him off?

A Yes. It was in the West Oak Lane section of Philadelphia.

Q And he had a speaking engagement in that vicinity?

A I think it was.

Q At least that is what he said?

A Yes.

Q Prior to you and your father dropping Mr. Johanson off and while the three of you were in the car together, did anything happen?

1
2 A Yes.

3 The West Oak Lane SEction of Philadelphia
4 is a little bit of a dangerous section so Mr. Johanson,
5 he gave me some money to hold for him. He didn't want to
6 take all his money with him.

7 And he handed me some money and said if I was
8 coming into the office the next day would I bring it in
9 because he didn't want to carry his money with him.

10 Q And how much money did Mr. Johanson give you?

11 A I don't know. It was wrapped up in a
12 rubber band.

13 Q About -- was it a stack of bills?

14 A Well, it was folded over in two.

15 Q With a rubber band?

16 A Yes.

17 Q About how thick was the stack?

18 A I don't really remember. It's hard to say.
19 I didn't really pay attention.

20 Q Did you count the money?

21 A No.

22 Q What did you do with it, Mr. Criden?

23 A I put the money in my pocket and when I
24 got home to my father I said it was ridiculous for me to
25 have to come in. I gave him the money. I said, if you are

1
2 going to the office you take the money.

3 Q You take it and give it to Mr. Johanson?

4 A Yes. I didn't understand why he gave it to
5 me in the first place.

6 Q And what were the denominations of the
7 bills that Mr. Johanson gave you?

8 A I don't really remember. It was large. It was
9 either a fifty or a hundred, I think. The outside bill
10 is the only bill I saw.

11 (Continued on next page.)
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Q Was the outside bill a hundred?

A It was folder over.

Q Was that a \$100 bill?

A It was eigher a fifty or a hundred. It's hard to say now.

Q Now, shortly after this date, Mr. Criden, did you have occasion to have a discussion with your father about a safe deposit box?

A Yes.

Q And as best you recall -- well, first, when did this conversation take place in relation to August 22nd?

A That would be real hard to say. I really don't remember.

Q Was it a few days?

A I can't rememer. A week maybe.

Q Excuse me?

A A week or so maybe. I can't really be sure.

Q Well, as best you can recall what did your father say to you about the safe deposit box?

A Just to the effect that he wanted to open a safe deposit box and he wanted me to go with him and sign it so I can enter the box along with him.

1
2 Q Where did he want to open the safe deposit box
3 up?

4 A At Provident National Bank.

5 Q At the time he said this to you he already
6 had a safe deposit box, is that correct?

7 A He had one himself. I never had any.

8 Q And where did he have the one himself?

9 A I think it was at Girard BANK.

10 Q And is that a box with your mother?

11 A Yes.

12 MR. PUCCIO: May I have a moment, your
13 Honor?

14 THE COURT: Yes.

15 Q Now, did you have occasion to go with your
16 father to the Provident National Bank to open up a
17 safe deposit box?

18 A Yes, I went with him to open the box, yes.

19 MR. PUCCIO: Your Honor, I would like to
20 show the witness some records which have been
21 marked as Government's Exhibit 12 for identification.

22 THE COURT: Proceed.

23 Q First I show you a card that is marked
24 as Government's Exhibit 12 or as part of Government's
25 Exhibit 12 for identification.

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Do you recognize that?

A Yes, I do.

Q Can you tell us what it is, please?

A It is the slip for opening the box with the signatures of my father, myself and my younger brother.

Q And is that the card pertaining to the Provident National Bank box that you spoke of?

A Yes.

Q And does that card refresh your recollection as to the date on which this box was opened up?

A Yes.

Q What was the date?

A August 24th.

THE COURT: Mr. Puccio, did I misunderstand you as to the number of that exhibit?

Is it 12 or 13?

MR. PUCCIO: I'm sorry, Judge. It's No. 12.

MR. BEN-VENISTE: We have it as 13..

THE COURT: The list that you gave us identifies the Provident Bank records as 13.

MR. PUCCIO: I'm sorry, Judge, we'll change it.

THE COURT: Change what to what?

1
2 MR. PUCCIO: Since this is marked we
3 will change the list. It might be easier.

4 THE COURT: 13 was referred to yesterday
5 in connection with Mr. Cook's testimony. That
6 I think would have been the Trevoze Bank records.
7 Would that be correct?

8 MR. CACHERIS: Yes, your Honor.

9 THE COURT: All right. So 12 and 13
10 are reversed on that exhibit list.

11 MR. PUCCIO: 13 would be Bell Savings and
12 12 would be Provident.

13 THE COURT: I didn't write down the name
14 of the bank. Yes, Bell Savings & Loan.

15 So it is 11 and 13 that is reversed.

16 We have them all mixed up then. 11 is
17 Bell -- no, 13 is Bell. You said 12 is
18 Provident -- not it is worse than that.

19 11 is Bell. I didn't write down the name
20 for 13.

21 And you say now 12 is Provident. And it
22 leaves Trevoze?

23 MR. PUCCIO: Right.

24 THE COURT: Which must be No. 13.

25 MR. PUCCIO: I'll just verify it, Judge.

1
2 MR. BEN-VENISTE: May I examine the proffered
3 exhibit?

4 THE COURT: Yes. This is the one the witness
5 has.

6 MR. PUCCIO: Yes, Judge, 13 is Trevoze.

7 THE COURT: All right.

8 That straightens me out and I guess everyone
9 else is clear.

10 11 is Bell. 12 is Provident and 13 is
11 Trevoze.

12 MR. DUFFY: It may not be important, but
13 down our way that first Tis a long one and
14 it's Trevoze.

15 THE COURT: Trevoze?

16 MR. DUFFY: Yes.

17 THE COURT: It sounds like an upstate pronun-
18 ciation.

19 MR. DUFFY: The Philadelphia reporters are
20 here.

21 MR. BEN-VENISTE: May I ask a question on voir
22 dire?

23 THE COURT: It is not offered.

24 MR. PUCCIO: Yes, I am.

25 THE COURT: Yes, you may ask.

1
2 VOIR DIRE EXAMINATION

3 BY MR. BEN-VENISTE:

4 Q On this card your name appears, your father's
5 name appears and there is another name which appears as
6 well?

7 A Yes.

8 It is Arthur Criden, my younger brother.

9 MR. BEN-VENISTE: I have no objection,
10 Judge.

11 THE COURT: All right.

12 Exhibit 12 is received in evidence.

13 That is one card, Mr. Puccio?

14 MR. PUCCIO: Yes.

15 I also have an access slip dated the
16 24th, Judge, which I would offer, but in the absence
17 of a-- this is a record that does not bear the witness
18 signature, but it is part of the Provident record
19 if there is a stipulation.

20 MR. BEN-VENISTE: No.

21 MR. PUCCIO: I will call someone from the
22 bank for that.

23 MR. PUCCIO: Judge, may I approach the
24 witness?

25 THE COURT: Yes.

1
2 BY MR. PUCCIO: (continued)

3 Q Now, I show you your grand jury testimony,
4 page 35, and I ask you to look at that page and tell
5 us if it refreshes your recollection concerning the
6 amount of money Mr. Johanson gave you on August 22nd,
7 gave you to hold.

8 A As I said I saw the \$100 on the outside. I
9 don't recall seeing any more.

10 Q But it was a large sum of money, is that
11 right?

12 A It was a good deal folded over in two.

13 Q And you saw at least one \$100 bill?

14 A I said a 50 or a 100.

15 Now I see maybe it must have been a \$100
16 bill.

17 MR. PUCCIO: I have no other questions.

18 THE COURT: Mr. Duffy?

19 MR. DUFFY: Your Honor, I will defer to the
20 lad's father's lawyer.

21 THE COURT: All right, Mr. Ben-Veniste.

22 MR. BEN-VENISTE: Thank you, sir.

23 CROSS-EXAMINATION

24 BY MR. BEN-VENISTE:

25 Q Michael, you are 20 years old, are you not?

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A Yes.

Q And you interrupted your college studies when the publicity in this case broke, did you not?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Well, how far in college have you gotten?

A I had completed over two and a half years.

Q At what college?

A Temple University.

Q And do you have any brothers or sisters?

A I have a younger brother, Arthur.

Q How old is Arthur?

A He is eighteen.

Q And did you have an older brother --

MR. PUCCIO: I object.

THE COURT: You object to the next question?

MR. PUCCIO: Yes.

THE COURT: You are way ahead of me. I have to hear it first.

Q The question is, did you have an older brother?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q On August 22nd you testified that your

1
2 father asked you to come with him to New York.

3 What was the reason for that as he explained
4 it to you?

5 A He didn't explain it to me. My father is
6 not very well. He has diabetes.

7 MR. PUCCIO: I object to this, your Honor.

8 MR. BEN-VENISTE: Your Honor, the --

9 THE COURT: Overruled.

10 MR. BEN-VENISTE: Thank you, sir.

11 Q All right.

12 A He has diabetes and blood pressure, high
13 blood pressure.

14 He can't drive long periods himself, from lack
15 of sugar he gets sleepy. So whenever he has to take a
16 long drive I always go with him. When he asks me I go.

17 Q There was no other purpose for your going except
18 to help drive the car and to make sure that your father
19 got there safely and back safely?

20 A That's correct.

21 Q Did your father ever mention to you anything
22 about an Arab sheik?

23 A Yes, he did.

24 Q Or an Arab business man or some Arab in
25 connection with a hotel project?

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2 A Yes, he did.

3 Q Would you tell the ladies and gentlemen,
4 please, what your dad told you about it?

5 A He told me that there was an Arab who
6 was incredibly wealthy and that money meant nothing
7 to this man and that he would possibly finance and buy
8 the hotel and casino that my father was working on.

9 And he was very excited. It would be like
10 a dream come true for my family because it would make
11 everything possible for my brother and myself to finish
12 our education.

13 I wanted to go to law school and my brother
14 had just been starting school and he wants to go to
15 graduate school also.

16 And it was just a very excited time and he was
17 very excited about it.

18 And that's all he really told me about it.

19 Q Now, you testified about what you saw in your
20 presence, sums of money and meetings and you indicated
21 that you had testified in the grand jury as well?

22 A Yes.

23 Q And had you told this jury the truth to the
24 best of your knowledge?

25 A Yes, I have.

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Q And did your father tell you to do anything other than to tell the truth here in this courtroom?

A No.

He told me to tell the truth, and that the truth would be the best thing and it would prove his innocence.

MR. BEN-VENISTE: I have nothing further.

THE COURT: Mr. Cacharis?

MR. CACHERIS: No.

THE COURT: Mr. Brown?

MR. BROWN: No.

THE COURT: Mr. Duffy?

MR. DUFFY: I don't dare. One minute after four.

THE COURT: Any redirect?

MR. PUCCIO: No, your Honor.

THE COURT: Thank you, Mr. Criden, step down. That's reasonable timing.

We will recess for the weekend, ladies and gentlemen.

* * *

I N D E X

- - - - -

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
ELLIS COOK	1233	1258	1304 1319	1315 1321
MICHAEL CRIDEN	1390	1412		

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of)
) Investigation Pursuant to H. Res. 608
Representative)
)
MICHAEL O. MYERS)

Appendix to Special Counsel's
Preliminary Inquiry Report

Volume II

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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	80 CR 00249
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MICHAEL O. MYERS, ANGELO J. ERRICHETTI,	:	
LOUIS C. JOHANSON, HOWARD L. CRIDEN,	:	
	:	
Defendants.	:	
-----X		

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

August 18, 1980
 9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

1 A P P E A R A N C E S :
2

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4 United States Attorney for the
5 Eastern District of New York

6 Department of Justice
7 Strike Force
8 Brooklyn, New York

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10 LAWRENCE H. SHARF, ESQ., and

11 Special U.S. Attorneys
12 Attorneys for the Government

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10 BY: RICHARD BEN-VENISTE, ESQ., and
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12 Attorneys for the Defendant Howard L. Criden

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* * *

Very good, you may proceed, Mr. Puccio.

Call your next witness.

MR. PUCCIO: We call Malvin Weinberg to
the stand.

(Continued on next page.)

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2 M E L V I N W E I N B E R G, a witness called herein,
3 having been first duly sworn by the Clerk of the
4 Court, testified as follows:

5 THE CLERK: State your name for the record,
6 and spell your last name.

7 THE WITNESS: Melvin Weinberg, W-e-i-n-b-e-r-g.

8 THE CLERK: You may be seated.

9 MR. PUCCIO: May I proceed, Judge?

10 THE COURT: You may.

11 DIRECT EXAMINATION

12 BY MR. PUCCIO:

13 Q Mr. Weinberg, how old are you?

14 A 55.

15 Q Have you ever been convicted of a crime, sir?

16 A Yes.

17 Q When?

18 A 1977, I think it was.

19 Q Where?

20 A Pittsburgh, Pennsylvania.

21 Q In the Federal Court?

22 A Yes.

23 Q What was the charge?

24 A Mail fraud and wire fraud.

25 Q Now, Mr. Weinberg, what was your original

Weinberg - direct

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2 sentence in connection with that charge?

3 A Three years probation.

4 Q Prior to receiving three years probation, had
5 you received a three-year jail term?

6 A Yes.

7 Q You didn't serve that jail term?

8 A No.

9 Q Would it be fair to say --

10 MR. BEN-VENISTE: I object to the question.

11 I will object to the leading nature of this question
12 when Mr. Puccio finishes.

13 THE COURT: Proceed.

14 Q Did anyone intercede on your behalf with the
15 Federal Court in Pittsburgh?

16 A Yes.

17 Q Who?

18 A The FBI.

19 Q Had you prior to the FBI intervention agreed
20 to cooperate?

21 A I had.

22 Q Now, during the year 1978, and -- years 1978,
23 '79, and '80, were you working with the FBI?

24 A I was.

25 Q Were you paid for your services?

1
2 A I started receiving a salary in 1978.

3 Q Was that on a monthly basis?

4 A Yes.

5 Q How much starting in '78 were you receiving?

6 A \$1,000 a month.

7 Q Was this for your activities in connection
8 with the so-called ABSCAM investigation?

9 A That is correct.

10 Q Did there come a time when you started to
11 receive additional monies per month?

12 A Yes, in 1979, in March, I started receiving
13 \$3,000 a month.

14 Q Was your monthly salary ever raised after that?

15 A In 1979, I think November, I got extra money.

16 Q In addition to this salary, did you receive
17 any expense money from the FBI?

18 A Yes. Whatever expense I laid out I got reim-
19 bursed.

20 Q Now, Mr. Weinberg, do you know the defendant
21 Angelo Errichetti, the mayor of Camden, New Jersey?

22 A Yes.

23 Q Do you see him in the courtroom?

24 A Yes.

25 Q Would you point him out, please?

1
2 MR. BROWN: No question of the identification.

3 MR. PUCCIO: Thank you, Mr. Brown.

4 Q Do you recall when for the first time you met
5 the defendant Angelo Errichetti?

6 A Around November of 1978.

7 Q Do you recall where this meeting occurred?

8 A At Abdul Enterprises on Vets Highway.

9 Q Where?

10 A Holbrook.

11 Q In Long Island?

12 A Yes.

13 Q That was the office of Abdul Enterprises?

14 A That is correct.

15 Q Did you have occasion to see Mayor Errichetti
16 after that occasion?

17 A Yes.

18 Q I direct your attention specifically to July
19 26, 1979. On that date, did you have occasion to meet with
20 Mr. Errichetti and others in a boat in Fort Lauderdale, Flor-
21 ida?

22 A That is correct.

23 Q Now, did you have occasion to speak with Mayor
24 Errichetti on the telephone later that day?

25 MR. BROWN: I object. It's leading in a

1
2 critical area, your Honor.

3 THE COURT: Rephrase the question, please.

4 Q After the meeting on the boat, did you have
5 occasion to speak with Mayor Errichetti by telephone?

6 A I did.

7 Q As best you can recall, what time of day was
8 that?

9 A Late in the evening.

10 Q Was this telephone call recorded?

11 A No, it wasn't.

12 Q As best you can recall, can you tell us what
13 you said and what Mayor Errichetti said during this conver-
14 sation?

15 A I spoke to him. He called the hotel room
16 and said the meeting went very well, they were very satis-
17 fied, and he could do something about the immigration
18 problem.

19 Q Did you have occasion to speak with Mayor
20 Errichetti approximately three days later, on the 29th of
21 July?

22 A That is correct.

23 Q Was this conversation by telephone?

24 A That is correct.

25 Q Do you recall where you were, sir, at the time

1
2 the call took place?

3 A The best of my recollection, I think I was
4 in Florida at the time.

5 Q Do you recall where Mr. Errichetti was?

6 A In his office, most likely.

7 Q Did you have occasion to record this telephone
8 conversation?

9 A Yes, I did.

10 Q What type of recording equipment did you use?

11 A I used Lanier.

12 Q Lanier, L-a-n-i-e-r?

13 A I think that is correct.

14 Q Was there any device attached to this to enable
15 you to --

16 A The thing you put over the earpiece of the
17 phone.

18 MR. PUCCIO: Your Honor, may I approach the
19 witness with three exhibits, sir?

20 THE COURT: Yes.

21 (Pause.)

22 Q First, with respect to the envelope marked as
23 Exhibit 19-B -- by the way, after you made this recording of
24 this phone call on July 29th, what did you do with the
25 cassette?

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2 A The cassette, I would mark it and put it on
3 the side.

4 Q Ultimately, would that be turned over to anyone
5 in the FBI?

6 A Yes. He would pick it up or I would deliver
7 it to him.

8 MR. BEN-VENISTE: I object to the form of
9 the question as put in a hypothetical, what would
10 you have done with that exhibit.

11 THE COURT: Rephrase the question.

12 Q What did you do with that exhibit, do you
13 recall?

14 A I would mark the exhibit, the time, who I
15 spoke to, and where the call was made from. And I would
16 put it on the side of the telephone until I delivered them
17 to the FBI or they were picked up.

18 Q Would you look at 19-B.

19 A Yes.

20 Q Would you tell us what that is?

21 A This is an envelope.

22 Q Open it, please, and take a look.

23 A A cassette tape.

24 Q Is that a cassette tape you made ont he 29th
25 of July?

Weinberg - direct

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2 A No. It is not.

* * *

18 Q Let me show you this tape and ask you to look
19 at the handwriting and see if it refreshes your recollection.

20 I direct your attention to this writing,
21 three lines on top.

22 (Pause while witness examines cassette.)

23 A It is my writing all right.

24 Q Does that refresh your recollection as to
25 whether or not that is a tape of a telephone call made on

1
2 July 29, 1979, between you and Mr. Errichetti?

3 MR. BEN-VENISTE: I object to the form of
4 the question. The witness did not say he could
5 not recall if that was a cassette, he said it was
6 not the cassette.

7 Therefore, his recollection does not need
8 to be refreshed.

9 THE COURT: Overruled, you may answer the
10 question.

11 A The writing is mine. There is a telephone
12 recording I made. What threw me off, the cassette ain't
13 the type I was using at the time.

14 Q Well --

15 THE COURT: What type were you using? You
16 said a Lanier machine was used --

17 THE WITNESS: Most of them were like this
18 here (indicating).

19 THE COURT: I don't --

20 THE WITNESS: Maxell tapes --

21 THE COURT: You are referring to the brand?

22 THE WITNESS: There is a possibility I ran
23 out and we got hold of this.

24 MR. BROWN: I object and ask it be stricken.

25 THE COURT: Overruled.

Weinberg - direct

Proceed, Mr. Puccio.

Q Now that you looked at it and have had an opportunity to look at it, can you tell us whether that is the cassette that you made on the 29th?

A It is my writing, it has to be the one I made one I made on the 29th.

MR. BROWN: I object and ask that it be stricken. That is not responsive to Mr. Puccio's question.

MR. PUCCIO: Overruled.

Q Recently, did you have occasion to be present when a copy was made of an excerpt of that tape?

A Yes.

Q That is with Mr. Leonard, seated to my left?

A Yes.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I direct your attention to Exhibit 19 and ask you if that is an excerpt that was made from Exhibit 19-B.

A That is an excerpt, yes.

Q Take a look at Exhibit 19-A.

A Yes.

Q Do you see it?

A Yes.

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Q What is that?

A That is the transcript from the tape.

Q Did you have occasion to listen to the tape?

A Yes.

Q That is 19. Did you have occasion to compare it with 19-A?

A Yes, I did.

Q Is that an accurate transcript of the excerpt?

A To the best of my ability it was accurate.

MR. PUCCIO: Your Honor, I offer transcript 19-A and the excerpt 19 into evidence.

MR. BROWN: My objection is based upon two grounds. First, we ask for a voir dire as to how it was made and what circumstances. Secondly, as to the offer I believe it is extracted, and we object to the extracted version.

THE COURT: I am not sure what you are saying.

MR. BROWN: We have been given a redaction, and we ask the Court to consider whether or not in fact that redaction gives a comprehension version with respect to the events and ask your Honor to permit -- out of the presence of the jury -- to consider that matter.

THE COURT: That request is denied.

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2 You think there is more to be taken from the
3 original from which the redaction was made, the excerpt
4 was made? You may offer whatever other portions of
5 the tape you feel are pertinent here. But you may
6 have a voir dire.

7 MR. BROWN: May I voir dire as to that redac-
8 tion?

9 THE COURT: Certainly.

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11 (Continued on next page.)
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Weinberg-direct

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MR. PUCCIO: Your Honor --

THE COURT: Are there objections?

MR. DUFFY: It might be better if

Mr. Ben-Veniste voir dired first on authenticity,
et cetera.

MR. BROWN: I defer, with your permission.

THE COURT: Yes.

A JUROR: I would like the witness to
speak up.

THE COURT: Mr. Weinberg, it's necessary
that we all hear you.

MR. BEN-VENISTE: May I, your Honor?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, let's look at Exhibit 19-B
first.

Do you see any of your handwriting on
19-B, Mr. Weinberg?

A No.

Q Now, with respect to 19-A, you say it is
your handwriting on the cassette itself, is that correct?

A That is correct.

Q Is it all your handwriting, or is there

1
2 someone else's?

3 A On the top it is my writing.

4 Q On the bottom?

5 A I don't know who is on the bottom.

6 Q Do you remember when you bought this cassette
7 or someone gave it to you?

8 A The government gave me those cassettes.

9 Q You think the government gave you a different
10 kind of cassette?

11 A Most of the cassettes I had was this in the
12 beginning (indicating).

13 Q I am sorry. Maybe I should ask the question
14 from back here.

15 A What threw me off was the box the cassette
16 was in.

17 Q The box is different?

18 A Yes.

19 Q But, I thought you said that you were using
20 Maxell which is a brand name?

21 A Some of the brands were Maxell.

22 Q This is called Audio Set?

23 A That is correct. Either I bought that
24 myself or a tape somebody gave me was different.

25 Q You think somebody may have given you some

1
2 different tapes other than Maxell?

3 A Yes.

4 Q You mean someone from the FBI or someone else?

5 A The FBI.

6 Q The FBI is the only one who provided you with
7 tapes?

8 A Provided me with the tapes plus what I bought.

9 Q At the time that you made this tape, sir,
10 you had a Lanier tape recorder and it has an earpiece that
11 fits over the telephone receiver?

12 A That is correct.

13 Q That earpiece is plugged into the Lanier
14 recorder?

15 A That is correct.

16 MR. BEN-VENISTE: Do we have one of those
17 here?

18 MR. PUCCIO: It was turned over to counsel,
19 your Honor, at their request.

20 THE COURT: Mr. Ben-Veniste, if you need --
21 if you need --

22 MR. BEN-VENISTE: I'm sorry, I'm in no man's
23 land. I'm sorry, your Honor.

24 (Pause.)

25 Q In the Lanier recorder, for the jury, maybe

1
2 we can get one at lunchtime.

3 It has a series of buttons in the front and
4 "record" is one of them?

5 A Yes.

6 Q You had to depress the record button with
7 another button to get record?

8 A There was a button the bottom.

9 Q I'm sorry?

10 A I think there is a button on the bottom that
11 you can stop it.

12 Q Record button?

13 A Record, forward, reverse, and stop.

14 Q In order to record, do you have to push one
15 button or --

16 A I think it's one button, to the best of my
17 recollection.

18 Q One only?

19 A Yes.

20 Q You used that machine for how long?

21 A About a year.

22 Q How long had you had that particular machine
23 in your possession prior to the 29th of July?

24 A I got the machine around April, March or
25 April.

- 1
- 2 Q You kept it down in Florida?
- 3 A I kept it with me.
- 4 Q When you travelled you took it with you?
- 5 A That is correct.
- 6 Q Who gave you the machine?
- 7 A I bought the machine.
- 8 Q You bought it yourself?
- 9 A That is correct.
- 10 Q Where did you buy it?
- 11 A From the Lanier people.
- 12 Q In a store or what?
- 13 A The salesmen came around. They sell it to you.
- 14 Q House to house?
- 15 A No, he came down to the yacht.
- 16 Q Someone came on the yacht and sold you a
17 tape recorder?
- 18 A Yes.
- 19 Q When was that?
- 20 A Around March or April.
- 21 Q You say the FBI didn't give you any tape
22 recorder, you bought it?
- 23 A This one I bought myself.
- 24 Q How long did you have that tape recorder?
- 25 A I still have it. You have it right now.

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2 Q The expert has it.

3 When you say you, you know an expert is
4 looking at some of these tapes, is that correct?

5 A That is correct.

6 Q Indeed, you talked with an expert from the FBI,
7 haven't you?

8 A I spoke to the fellow from the FBI who asked
9 me something about it.

10 Q He asked you some questions concerning things
11 either on the tapes or not on the tapes?

12 MR. PUCCIO: I object to this as not proper
13 voir dire.

14 THE COURT: Confine the voir dire to the
15 two offered exhibits.

16 MR. BEN-VENISTE: Yes.

17 Q When you say the transcript was -- may I
18 approach the witness?

19 THE COURT: Yes.

20 Q The transcript which is marked as Exhibit 19-A
21 actually sets forth the excerpt, your not suggesting to the
22 Court or to the jury, are you, that it reflects the whole
23 conversation you made with Mayor Errichetti on that occasion,
24 are you?

25 A That is not the whole conversation.

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2 Q Indeed, there is a portion missing from the
3 beginning of the conversation, isn't there, sir?

4 A You are talking about when the tape first
5 started?

6 Q When you delivered this tape, Exhibit 19-A --
7 I'm sorry, 19-B -- you don't hear the whole conversation --

8 MR. PUCCIO: Excuse me, may I interrupt?

9 Can you move over?

10 MR. BEN-VENISTE: I better move back. It's
11 dangerous here, there is a wire here, Mr. Puccio.

12 (Pause.)

13 Q When you listened to this tape recording,
14 Mr. Weinberg, you don't hear, nor does anyone else, the whole
15 conversation that you had with Mr. Errichetti on the 29th of
16 July, do you?

17 A There is about 15 seconds missing because I
18 wouldn't put the machine on until he got on the phone.

19 Q There is 15 seconds missing, you could be
20 sure of that?

21 A From the time he got on, the run in the tape
22 that is missing. From the tape -- putting the tape on
23 until the time you start recording, that is missing.

24 Q You are saying there is a lag of about 15
25 seconds from the time you push the record button and the time

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the machine starts recording?

A Yes.

Q That is what you are saying?

A Yes.

Q You are saying that is all that is missing?

A That is all.

Q Is it a fact you were given instructions to record the whole conversation?

A I was.

Q Would you place this call or did you receive it from Mr. Errichetti?

A Let me see the tape.

Q Do you recall?

A I think I placed that call.

Q You knew you were going to record it right from the very beginning of the conversation?

A That is correct.

Q It was your intention to record it when you placed the call?

A One of the problems --

Q Is that correct?

A You want to repeat the question?

Q It was your intention to record the conversation when you placed the call, is that correct?

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2 A That is correct.

3 Q Even before you placed the call, you said:
4 I am now going to call Mayor Errichetti and I am going to
5 tape him?

6 A I don't know if I said that to myself.

7 Q You thought it to yourself, there was no FBI
8 agent present at the time you made this?

9 A No, there was no FBI agent present.

10 Q You were under instructions at this time to
11 record the entire conversation of any tape recording that
12 you made, is that correct?

13 MR. PUCCIO: That has been asked and
14 answered.

15 THE COURT: Sustained.

16 Q You were told also that you were to put one
17 cassette -- strike that.

18 You were instructed to put one conversation
19 per cassette; do you understand what I am asking?

20 A That is correct, I understand.

21 Q You were to take a separate cassette, put it
22 in the machine every time you wanted to record a
23 conversation, is that correct?

24 A That is correct.

25 Q After you recorded the conversation, you were

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to remove that cassette, right, and put it aside?

A That is correct.

Q May I approach the witness, your Honor?

THE COURT: Yes.

Q Showing you again Exhibit 19-A, it's true, is it not, that that cassette runs for 90 minutes?

A That is correct.

Q Per side?

A No, I think it is for both sides.

Q 45 minutes for each side?

A Yes.

Q You knew when you made the recording you would have plenty of tape to record the whole telephone conversation, is that correct?

A That is correct.

Q But you did not press the record button on the tape recorder, you say, until Mayor Errichetti actually got on the phone, is that correct?

A That is correct.

Q You also say that you knew prior to that day that when there was some kind of a lag you say between the time you pressed the recording button and the time you would actually start recording something, 15 seconds I think you said?

1
2 A That is about the time, 15 seconds lapse in
3 between.

4 If you take the minutes, you find that is all
5 that is missing.

6 MR. BEN-VENISTE: I think we may do that.

7 Q With respect to when you turned over this
8 tape to anybody at the FBI, do you recall seeing anyone from
9 the FBI at around this time, the 29th?

10 A I don't remember.

11 I can't remember that.

12 MR. BEN-VENISTE: May I have a moment, your
13 Honor?

14 THE COURT: Yes.

15 (Pause.)

16 MR. DUFFY: May we have a moment, your Honor?

17 THE COURT: Yes.

18 (Pause while counsel confer.)

19 MR. BEN-VENISTE: I would like to see 1234
20 and 1235 if I may? 1214. 3500-1214.

21 MR. PUCCIO: The numbers don't go that high.

22 MR. BEN-VENISTE: Number 90.

23 MR. PUCCIO: Judge, I request we deal with
24 one at a time.

25 MR. GOOD: We don't have the originals

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2 available, they are in the safe.

3 MR. BEN-VENISTE: Your Honor, may we approach
4 side bar?

5 THE COURT: Side bar.

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7 (Continued on next page.)
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2 MR. BEN-VENISTE: What warranted it to be
3 sealed?

4 MR. PUCCIO: I --

5 MR. BROWN: I don't think counsel asked
6 for it at that time, I have no objection.

7 MR. PUCCIO: I have no objection.

8 MR. CACHERIS: I have no objection.

9 MR. BEN-VENISTE: There may be information
10 relevant to --

11 MR. BROWN: We ask it be restricted
12 to counsel though.

13 THE COURT: I will say that.

14 MR. PUCCIO: He may sit here for another
15 hour.

16 THE COURT: Let's proceed.

17 (The following takes place in open court.)

18 MR. BEN-VENISTE: Would your Honor give
19 that advice to the jury that we requested?

20 THE COURT: Yes.

21 Ladies and gentlemen, I explained to you
22 essentially what a voir dire is. It's kind of a
23 preliminary cross examination focusing on an item
24 before it is admitted.

25 Sometimes it happens that that kind of an

1
2 inquiry just by its nature gets wrapped up with other
3 things that can be corresponded to a full cross
4 examination.

5 After discussing the matter with counsel, we
6 have agreed that with this particular problem, there
7 are a number of questions that apparently defense
8 counsel wish to explore about the original cassette,
9 Exhibit 19-B, and the excerpt, Exhibit 19, and it
10 may require protracted cross examination and counsel
11 have agreed they will defer that aspect of the voir
12 dire until the cross examination.

13 You are not to assume from the fact that they
14 are not going into at this point that they are not
15 going to raise those questions later.

16 So we are going to proceed. I think
17 Mr. Ben-Veniste has a few more questions on the voir
18 dire and then we will proceed with the direct
19 examination.

20 But we will get back to the question at a
21 later time, perhaps on the authenticity of Exhibits
22 19 and 19-B.

23 All right, Mr. Ben-Veniste.

24 MR. BEN-VENISTE: Thank you, your Honor.
25

1
2 VOIR DIRE EXAMINATION BY

3 MR. BEN-VENISTE: (Continuing)

4 Q Do you remember when you turned this cassette
5 over to an FBI agent or showed it for the first time?

6 A No, I don't remember.

7 Q Do you remember the circumstances in July of
8 1979 after you had this meeting on the boat?

9 A I don't follow.

10 Q You were with Mr. DeVito on the boat, is that
11 correct?

12 A Yes.

13 Q They left, did they?

14 A What do you mean? Left the boat?

15 Q Florida, and you stayed?

16 A Mr. DeVito was in Florida.

17 Q When did you see Mr. DeVito for the next time
18 after the boat?

19 A Most likely when we went back up north again.

20 Q When was that?

21 A I have to look up -- I don't know where I was
22 then.

23 Q The next time you travelled from Florida you
24 went with Mr. DeVito?

25 A I met him up north. I met him up north.

1
2 Q When did you see him for the next time in
3 Florida?

4 A I don't remember when.

5 Q You have no recollection?

6 A No.

7 Q Okay.

8 Is it fair to say, Mr. Weinberg, it's your
9 testimony to this jury that you tried, you tried to get the
10 whole conversation on the tape?

11 A I tried to get the whole conversation on the
12 tape.

13 MR. BEN-VENISTE: Nothing further at this
14 time, your Honor.

15 THE COURT: All right.

16 MR. PUCCIO: May the exhibits that were
17 offered be received and played to the jury?

18 THE COURT: 19 and 19-A are received in
19 evidence.

20 MR. PUCCIO: I am referring to 19-B.

21 MR. BEN-VENISTE: We have our objections
22 with respect to reliability and authenticity?

23 THE COURT: Yes. They are of course subject
24 to motions to strike.

25 MR. BEN-VENISTE: Thank you.

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MR. PUCCIO: May we circulate Exhibit 19-A
to the jury and the Court?

THE COURT: Yes.

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(Tape played.)

Date: July 29, 1979 Ex. 19A'p. 1'
Time: 12:13 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida)
to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

MW: Beautiful, what's his name?
AE: Myers
MW: Myers?
AE: Congressman Myers
MW: Beautiful
AE: He's from Philadelphia.
MW: Alright. When we meet up there, we'll go the . . .
over that, alright?
AE: Well, there's a couple of other ones, too.
MW: Who else?
AE: Well, there's . . . there's a possibility . . . I .
chatted with him just briefly on it and I have to
meet with, you know, personally
MW: Who's that?
AE: Congressman Lederer
MW: Congressman Lederer?
AE: Lederer . . . L-E-D-E-R . . . let's see L-E-D-R . .
Lederer
MW: Alrighty
AE: He's also from . . . ah . . . Pennsylvania
MW: O.K.

AE: There's a possibility, like, there might be two from Florida.

MW: Yeah, which ones are them?

AE: Ah, they're checking them out.

MW: Oh

AE: They . . . they're checking them out for me (laughs)

MW: O.K. Beautiful.

AE: Now, ah, I've also has the potential for the Department of Naturalization . . . one of the officials.

MW: Alright

AE: For the green card.

MW: Right

AE: And he said . . . an . . . I said to him what about . . . ah . . . guaranteeing this . . . my, my friend the shiek . . . (IA) . . . needs one.

MW: Right

AE: O.K.

MW: Beautiful

AE: There can be two things there..

MW: O.K.

AE: Alright

* * *

~~AE: When you coming up?~~

MW: Well, we'll be up, if you get us by set by, say sixth, we'll come up that weekend, next weekend.

AE: For . . . ah . . . a couple of those things.

MW: Yeah, and we'll take care of everything at one time. We'll be up there for a couple of weeks then

AE: O.K. How many can you handle?

MW: As many as you can give me.

AE: O.K.

MW: Alright.

AE: Right

MW: As many as you can give me, I can handle.

AE: O.K.

MW: Cause that's number one priority with him.

AE: Well

MW: Specially after they came out with that Samoza thing.

AE: Well. There's a couple of Congressmen, I think we can work these things . . . at least, ah . . . may . . . could be five or six of them.

MW: Beautiful

AE: Alright?

* * *

MW: Alright. Now, you know what I meant to ask you something else I forgot . . . I wanted to ask you, it's no lie. I forgot what the hell it was now. Ah . . . oh, alright, you see if you get 'em set up for that date, alright. Around the sixth or seventh.

AE: I'll try to get everything set up.

MW: And then that means we'll come up.

AE: (IA) Well do everything.

MW: And we'll come up next weekend, maybe we'll come down and stay down in Atlantic City, me and Tony, and go over everything.

AE: Alright.

* * *

7 DIRECT EXAMINATION

8 BY MR. PUCCIO: (Continuing)

9 Q Mr. Weinberg, on the very next day, did you
10 have another telephone conversation with Mayor Errichetti?

11 A That is correct.

12 MR. PUCCIO: May I approach the witness, your
13 Honor?

14 THE COURT: Yes.

15 (Pause.)

16 Q Was this conversation, July 30th, 1979,
17 recorded by you?

18 A That is correct.

19 Q What means did you use to record the telephone
20 conversation?

21 A Lanier tape recorder.

22 Q I direct your attention to Government's
23 Exhibits 20, 20-A and 20-B. First with respect to an
24 envelope which is marked 20-B.

25 A That is correct.

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Q Will you open that up, please?

A Yes.

Q Will you examine that cassette, please?

A Yes.

Q Have you examined it?

A Yes.

Q Is that the cassette that you made of that conversation?

A That is the cassette I made of the conversation.

Q It bears your handwriting?

A Yes.

Q With respect to Exhibit 20, will you find that, please?

A Yes.

Q Do you recognize that?

A Yes, that is the one made part of the conversation.

Q That is the one you made with Mr. Leonard recently?

A Yes.

Q It only contains a portion of the overall conversation?

A Yes.

1 Q Will you look at the book in front of you.

2 A Yes.

3 Q The Exhibit under tab 20-A. Will you tell
4 us what that is?

5 A Transcript of the conversation.

6 Q Did you compare this transcript with the
7 excerpt, which is Exhibit 20?

8 A Yes.

9 Q To the best of your ability is it an accurate
10 transcript?

11 A Yes.

12 MR. PUCCIO: Your Honor, I offer Exhibit 20,
13 the excerpt of the conversation and the transcript,
14 Exhibit 20-A, into evidence.

15 MR. BROWN: Continuing objection subject to
16 the other ruling, your Honor.
17

* * *

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4 THE COURT: Mr. Ben-Veniste, you may proceed
5 if you want a voir dire.

6 MR. BEN-VENISTE: Yes, sir.

7 VOIR DIRE EXAMINATION

8 BY MR. BEN-VENISTE:

9 Q I show you Exhibit 20-B, Mr. Weinberg.

10 Is that all your handwriting on there?

11 A That is correct.

12 Q Look at the other side too.

13 A Yes. That is my handwriting.

14 Q On that one, there is no indication of when
15 you turned it over to an FBI agent as there was before?

16 A I don't follow.

17 Q There is no FBI little writing to show that
18 he received it, is that what you are saying?

19 A Right.

20 Q Do you happen to remember when you gave this
21 to the FBI?

22 A No, I don't remember.

23 THE COURT: Mr. Ben-Veniste, your questions
24 that you put to the witness relate to the cassette
25 itself?

1
2 MR. BEN-VENISTE: To the original, yes.

3 THE COURT: 20-B I think is the envelope and
4 the cassette.

5 MR. BEN-VENISTE: Yes.

6 THE COURT: I assume there is writing on the
7 envelope not in the witness' handwriting?

8 MR. BEN-VENISTE: Yes. I was directing
9 myself to what appears on the cassette itself.

10 THE COURT: I am sure everyone in the court-
11 room understood but the record might not have been
12 crystal clear.
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15 (Continued on next page.)
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Weinberg-voir dire

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2 Q May I ask you, Mr. Weinberg, whether you
3 participated in all these -- the marking of the actual
4 transcripts, that is the writing out of what was said on
5 the tape?

6 A I did not write it out. I did check it
7 after it was typed up that it was correct.

8 Q Did you work with some FBI agents in doing
9 this?

10 A Yes, I worked with other agents.

11 Q Agent Amoroso?

12 A A few of them, I don't remember who I was
13 working with.

14 Q Mr. Puccio -- did you go over it with Mr.
15 Puccio?

16 A Mr. Puccio?

17 Q Yes.

18 A No. Not offhand.

19 Q Just another FBI agent?

20 A Right.

21 Q Do you know who actually made up the draft
22 transcripts?

23 A No.

24 Q But they were presented to you in draft and
25 you made some changes on them and they got typed up?

Weinberg-voir dire

1
2 A No, they were corrected by other agents and
3 I listened to them.

4 Q If you had a correction you would tell them?

5 A Yes.

6 Q That got incorporated?

7 A What is that?

8 Q That would get incorporated into the final
9 version?

10 A That's correct.

11 MR. BEN-VENISTE: Nothing further at this
12 time, your Honor.

13 THE COURT: All right. 20 and 20-A are
14 received in evidence, as previously indicated.

15 Ready to proceed, Mr. Puccio?

16 MR. PUCCIO: Yes.

17 THE COURT: You may play the tape.

18 (Tape played.)

Date: July 30, 1979
Time: 4:25 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

AE: How's by you
MW: Okay
AE: I've got Mr. Criden sitting here
MW: Oh, yeah [like he -- see page 1951, infra]
AE: Howard just came in to say hello and Mikee says have you heard from Mel and I say "Ain't that a bitch" (IA) on the phone with Mel (laughs)

* * *

AE: Alright, now, one more thing.
MW: Go ahead, right
AE: When shall I schedule those people that we talked about?
MW: Ah . . . schedule that . . . ah . . . that week . . . ah . . . the following week, alright?
AE: (IA) week
MW: Yeah, can, give me a week's time to raise, you know, to get the cash out
AE: (IA)
MW: Alright?

AE: Where, where you want to meet him, in New York?

MW: Ah . . . I'll have to let you know. Maybe we'll meet him in the office or what. We gotta take one at a shot.

AE: I understand

MW: Alrighty?

AE: Alright.

* * *

AE: (IA). You'll be up here after I call up, either seventh or eighth

MW: Oh . . . I'll be up on the sixth

AE: Okay

MW: I'll probably come up Sunday night

AE: Alright

MW: Alright

AE: Okay, bubby

MW: And you schedule the meetings between the sixth and seventh. Fact, we may even come down to Cherry Hill and stay there a couple of days so we can be close by and go over everything with you

AE: So you don't want any people there in Cherry Hill?

MW: Ah . . . no

AE: Gotta be in New York

~~MW:~~ Well, yeah, be preferable in New York there. But, you know, I don't want to walk around with all that cash

AE: I understand

MW: You know what I mean?

AE: Alright

MW: And . . . ah . . . well, there was something else I wanted to tell you. And . . . ya . . . you find about the guys in Florida?

AE: What guys?

MW: The two s . . . Congressmen

AE: Well, I don't have their names, but they're they're available

MW: Ah . . . alright . . . you get me their names?

AE: They're being worked on, yeah

MW: Okay

AE: Okay

MW: Okie doke, babe

AE: Alright, bubby

MW: Take care

AE: I'll talk to you

MW: Bye bye.

(End of Conversation)

19 DIRECT EXAMINATION

20 BY MR. PUCCIO (Continuing):

21 Q Mr. Weinberg, did you speak with Mayor
22 Errichetti on the next day, July 31, 1979?

23 A That is correct.

24 MR. PUCCIO: May I approach the witness, sir?

25 THE COURT: Yes.

Weinberg-direct

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(Pause.)

Q Was this a telephone conversation?

A That is correct.

Q Did you have occasion to record this conversation in the same manner?

A Yes, I did.

Q I show you, you have in front of you Exhibit 21-B. Will you examine that, please?

A Yes.

Q Would you tell us what that is?

A A cassette that I made a recording of from Florida to Mayor Errichetti's office.

Q On what day?

A July 31, 1979.

Q Now, will you examine Exhibit 21, please?

A Yes.

Q Can you identify that?

A A cassette that was made as part of the conversation.

Q Turn to tab 21-A in the book in front of you and tell us what that is.

A A transcript of the conversation put on the cassette.

Q Put on 21?

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A Exhibit 21.

Q Which is the excerpt?

A Yes.

Q Is that transcript an accurate transcript
of what was on the excerpted cassette?

A To the best of my ability it was correct.

MR. PUCCIO: Judge, I offer 21-A and 21 in
evidence at this time.

THE COURT: The same objection, I assume.
The same ruling.

Do you have a voir dire, Mr. Ben-Veniste?

Weinberg-direct

* * *

8 VOIR DIRE EXAMINATION

9 BY MR. BEN-VENISTE:

10 Q Mr. Weinberg, have you reviewed both of the
11 conversations you had with Mayor Errichetti on the 31st?

12 A I read both transcripts.

13 Q Did you listen to the tape also?

14 A I think I did.

15 Q Mr. Puccio asked you a moment ago if you
16 listened to the tapes and compared the transcripts and
17 you seemed certain that you had.18 A You're asking me about other transcripts,
19 both of them.

20 Q Did you?

21 A I assume I listened to the other one.

22 Q One of the conversations doesn't start at
23 the very beginning, is that correct?24 A It is the same thing, I put it on when he
25 got on the phone.

1
2 Q The same explanation? There was a lag between
3 the time you pushed the button of some 15 seconds?

4 A That is correct.

5 Q Do you recall having testified on some other
6 occasion it was 30 seconds?

7 A I may have said 30.

8 Q On one of the conversations on the 31st, there
9 is a gap in the tape, is there not, a time when you stop
10 recording and the machine starts up?

11 A The machine fell off the table.

12 Q You remember that happened that day?

13 A Yes.

14 Q By explanation, you mean to tell this jury
15 when it fell off the table it starts recording by reason
16 of the fact it fell off the table?

17 A That is what your expert said.

18 Q I don't think you really know what our ex-
19 pert said unless you talked to him.

20 A I haven't spoken to him. I heard that.

21 Q The jury will have an opportunity to listen.

22 I am asking you, what you're telling the
23 jury, on that day when your tape recorder fell on the
24 floor, that stopped it from recording?

25 A For about two seconds.

1
2 Q Two seconds?

3 A Yes.

4 Q In other words, on that day, when it stopped
5 for two seconds, you didn't push the record down again,
6 is that what you're saying? It just got bumped but didn't
7 stop?

8 A I didn't say that.

9 Q You tell the jury what you understand happened
10 on the 31st when the machine fell off the table?

11 A The recorder fell off the table. I picked it
12 up and put it back on.

13 Q You picked the recorder up and put the re-
14 corder back on the table?

15 A No, I put it back that it was working.

16 Q Does that mean that you pushed the record
17 button in because it popped out?

18 A You don't have to put it in, you push it up
19 to record.

20 Q I am not sure I understand you, sir.

21 There is a button you push --

22 A You don't have to push the button.

23 Q You are saying you had to press some kind of
24 button in the machine after it dropped to get it to work?

25 A If you put the switch back on to record.

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2 Q You're saying on that day, after the machine
3 fell on the floor, you picked it up and you flipped some
4 kind of a switch to get it back to record; is that correct?

5 A That is correct.

6 Q Okay. The portion, so that the jury knows
7 where this happened, is not part of what is being presented
8 at this time?

9 A I don't know, I haven't read it.

10 Q I thought you had.

11 A I don't remember from yesterday to today on
12 it.

13 Q Okay. Go ahead. Take a look at it and tell
14 the jury if that portion is going to be played to them at
15 this time.

16 A I don't think it is in there.

17 Q I say it is not but --

18 MR. PUCCIO: Judge, I object. The entire
19 tape is here and marked. It will be offered. It
20 could be offered by either side.

21 THE COURT: Mr. Ben-Veniste was trying to
22 focus on the incident of the tape recorder falling
23 on the floor, and that did not occur during the
24 period we have covered by Exhibit 21 and Exhibit
25 21-A.

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MR. BEN-VENISTE: Yes.

THE COURT: I don't think there is a dispute on that, is there?

MR. PUCCIO: No.

THE COURT: 21 and 21-A received in evidence.

(Exhibits 21 and 21-A received in evidence.)

THE COURT: You may play it to the jury and give them the transcripts.

* * *

Date: July 31, 1979
Time: 5:00 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)

Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

MW: What else is doin?

AE: Uh, the same old shit.

MW: Same old shit.

AE: I got those guys, I'm gettin' those guys lined up.

MW: Right.

AE: I got one of 'em definitely.

* * *

AE: All those things are ready for that for

MW: Everything is ready. No problem.

AE: Everything's ready?

MW: Everything is ready.

AE: Okay. Because I'm reaching out, this guy's reaching out for me. Okay, that's my man?

MW: Yeah.

AE: And he, he's talking to this other guys and he hopes to have two from Florida, one from Georgia, and maybe one from California.

MW: Besides the two from Pennsylvania?
AE: Yeh.
MW: Good. Now what price we using?
AE: One.
MW: One? You think we should cut it down to fifty?
AE: No.
MW: Huh?
AE: They're getting five zero (IA)
MW: Okay.
AE: That there's a, I thought I was explaining to them what the deal was. How it was gonna be done. And they said fine.
MW: All right. I'll take care of that, too.
AE: Okay?
MW: Okay, and I'll get back to you in the half hour. Okie doke.
AE: All right bubby.
MW: Bye bye
AE: I'll talk to you.
(End of Conversation)

* * *

10 THE COURT: Go ahead, Mr. Ben-Veniste.

11 MR. BEN-VENISTE: Thank you, your Honor.

12 If the Court please, I would like to take a
13 moment and ask another question. I think I misspoke
14 myself addressing myself to the wrong transcript
15 on the question of a gap.

16 THE COURT: You want to clear that up?

17 MR. BEN-VENISTE: Yes. I take responsibility
18 for not being more precise.

19 THE COURT: All right, I will let you do it.

20 VOIR DIRE EXAMINATION

21 BY MR. BEN-VENISTE (Continuing):

22 Q Look at page two of the transcript, Mr.
23 Weinberg, July 31, 1979, 5:00 o'clock p.m.

24 A Yes.

25 MR. BEN-VENISTE: May I approach the witness

Weinberg-voir dire

1
2 for this purpose?

3 THE COURT: Yes.

4 Q Look at the portion where Mr. Errichetti's
5 initials appear. "They're getting five-zero."

6 Do you see that, sir?

7 A I don't see it.

8 (Pause.)

9 A I see it.

10 Q Did you listen to that and hear an interrup-
11 tion in the recording? Is that where the tape recorder
12 fell?

13 A I don't remember. I know there is an inter-
14 ruption of recording.

15 Q You listened to it and then -- may I ask the
16 question after the witness listens to the recorder?

17 THE COURT: You want to know after he hears
18 it what happened at that point when the tape
19 recorder fell on the floor?

20 MR. BEN-VENISTE: Yes.

21 THE COURT: Will you keep that in mind?

22 THE WITNESS: Yes, your Honor.

23 MR. PUCCIO: May we play it, Judge?

24 THE COURT: Play it.

25 (Tape played.)

1
2 MR. BEN-VENISTE: May I, your Honor?

3 THE COURT: To keep orderly procedure, let
4 me ask a question.

5 Mr. Weinberg, did you listen to that portion
6 of the tape carefully as indicated in the transcript,
7 "They are giving five-zero"?

8 THE WITNESS: That's where it fell, your
9 Honor.

10 THE COURT: Having heard that, that is what
11 you recall?

12 THE WITNESS: That is correct, your Honor.

13 THE COURT: You may proceed.

14 DIRECT EXAMINATION

15 BY MR. PUCCIO (Continuing):

16 Q On the second page of that transcript, you
17 say, "Good. What price we using?" And Mr. Errichetti
18 says, "One."

19 You say, "One? You think we should cut it
20 down to 50?"

21 I ask you what you took one to refer to?

22 A \$100,000.

23 Q 50 is --

24 A \$50,000.

25 Q Later on the same day, did you have another

1 Weinberg- direct
2 conversation with the Mayor of Danden?

3 A That is correct.
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1 Weinberg-direct

2 MR. PUCCIO: May I approach the witness, sir?

3 THE COURT: Yes.

4 Q That was a telephone conversation that was
5 recorded by you?

6 A Yes.

7 Q In the same manner?

8 A Same manner.

9 Q I show you Exhibits 22-B, 20 and 22 and I
10 ask you to refer to the book in front of you.

11 A Yes.

12 Q With respect to 22-B, will you examine it,
13 please?

14 A This is a recording I made.

15 Q 22, will you examine that, please?

16 A Yes.

17 This is a trial copy that was made.

18 Q The excerpt?

19 A Yes.

20 Q 22-A?

21 A 22-A is a transcript made from this here
22 recording (indicating).

23 Q You checked that over for accuracy?

24 A Yes.

25 Q The transcript is correct to the best of your

1
2 ability?

3 A Yes.

4 MR. PUCCIO: We offer 22 and 22-A into
5 evidence at this time.

6 THE COURT: Same objections?

7 MR. BEN-VENISTE: May I just see the
8 originals, your Honor?

9 THE COURT: Yes.

10 MR. BEN-VENISTE: May I approach the witness?

11 THE COURT: All right.

12 The same ruling as with respect to the three
13 preceding tapes.

14 VOIR DIRE EXAMINATION

15 BY MR. BEN-VENISTE:

16 Q Do you know whether this conversation is one
17 that began -- that you began to record at the beginning of
18 the conversation?

19 A I recorded the same way. I put it on when
20 he got on.

21 Q Tell the jury, because this is an excerpt
22 they are looking at, the very beginning, was it on tape, ~~f~~
23 does that reflect the whole conversation or --

24 A To the best of my knowledge, I think you are
25 missing a portion.

1
2 Q A portion is missing?

3 A That is correct.

4 MR. BEN-VENISTE: Thank you, sir.

5 THE COURT: All right. You may distribute
6 22-A to the jury and play 22.

7 Anyone who does not have a transcript?

8 One, Juror No. 10.

9 (Pause.)

10 THE COURT: All right, you may play Exhibit 22
11 to the jury.

12 (Tape played.)

Date: July 31, 1979
Time: 6:00 P.M.
Place: Telephone call from Mel Weinberg (Florida) to
Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

* * *

MW: Yeah. Now one other thing, you got to get me those names of those Congressmen.

AE: Okay, I'll have the names for you.

MW: Okay?

AE: Alright.

MW: Get me all the names and we'll get that and then Monday we'll a . . . in fact we can go right from there probably down to Cherry Hill.

AE: To meet who?

MW: Well, we'll have a meeting with the lawyers down there.

AE: You want to see the guy there? In Cherry Hill?

MW: Well, how far is Philly from there?

AE: Fifteen minutes.

MW: So, we might as well take Cherry Hill and stay there.

AE: And have, and have him come there?

MW: Yeah.

AE: Instead of going to New York?

MW: Well, if you want him to come to New York, he can come to New York.

AE: No, it's better in Cherry Hill.

MW: And this way we can look at the site and everything.
And then we can shoot down to Atlantic and look at
the site.

AE: Do anything you want bubby.

MW: Alrighty?

AE: I would make it for Tuesday though.

MW: Alright.

AE: Cause Monday, the Senate's (IA) got me all screwed
up in the Senate.

MW: Okay.

AE: Shall I tell that guy to be there, to be there
Tuesday.

MW: Tell him to be at Cherry Hill Tuesday.

AE: Okay, you'll have the, you'll have, you'll have the
stuff for him?

MW: When you say, what stuff?

AE: The suitcase

MW: No, no you're misunderstanding me now.

AE: I thought you meant that there was Congressmen you
wanted there.

MW: No, let me get the, I got . . . I need some t . . .
Na. I need some time.

AE: Okay.

MW: The fellows . . .

~~AE: --~~ -- Who do you want to see, who do you want to see
Tuesday?

MW: The fellows who were down on the yacht.

AE: You mean Miler and that bunch?

MW: Yeah.

AE: Oh, positively. I'll set it up.

* * *

DIRECT EXAMINATION

13 BY MR. PUCCIO: (Continuing)

14 Q Now, Mr. Weinberg, on August 5th, 1979, did
15 you attend a meeting at Kennedy Airport with Mr. Amoroso,
16 Mayor Errichetti?

17 A Yes.

18 Q On the 6th, 7th, 8th of August, 1979, did you
19 attend meetings at Cherry Hill, New Jersey?

20 A That is correct.

21 Q With respect to --

22 MR. BEN-VENISTE: May we have who was present?

23 Q Do you recall who was present at the meeting
24 in Cherry Hill on the 6th first?
25

1 Weinberg-direct

2 A On the 6th I think Meiler was there, I think
3 Egnie Haridopolos was there, and I think Criden was there.

4 Q Mr. Weinberg, do you recall if there was a
5 meeting with Mr. Criden and Mr. Meiler and Mr. Errichetti
6 on the 7th?

7 MR. BEN-VENISTE: I object to the leading,
8 your Honor.

9 THE COURT: Overruled.

10 A I remember that we had a meeting between the
11 5th, 6th, and 7th down there. Who was at the exact
12 meeting of the 5th, I would have to see the transcript.

13 MR. PUCCIO: May I approach the witness?

14 THE COURT: Yes.

15 Q First, with respect to the 6th, will you
16 examine the document which I just gave you?

17 A Yes.

18 Q Does that refresh your recollection who you
19 met with on the 6th?

20 A Yes.

21 Q Who did you meet?

22 A Errichetti and Tony DeVito.

23 Q With respect to the 7th?

24 A Mr. Criden, I was there, Angelo Errichetti,
25 and Tony DeVito.

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2 Q On the next day, the 8th of August, do you
3 recall who was at the meeting in Cherry Hill?

4 MR. BROWN: I assume these are transcripts
5 that were introduced?

6 MR. PUCCIO: Yes.

7 MR. BROWN: He is showing him --

8 THE COURT: Yes.

9 A I was there, Errichetti, and DeVito.

10 Q Now, may I approach the witness?

11 THE COURT: Yes.

12 Q With respect to August 22, 1979, were you at
13 the Travel Lodge International Hotel on that day?

14 A That is correct.

15 Q Mr. Weinberg, did you meet with Congressman
16 Myers on that day?

17 A Yes.

18 Q With Mayor Errichetti?

19 A Mayor Errichetti was there.

20 Q Was Mr. Amoroso present?

21 A Yes.

22 Q Do you recall -- where do you recall this
23 meeting taking place at the International Travel Lodge?

24 A A place in a suite of rooms we had upstairs.

25 Q Prior to this meeting taking place on the

1
2 22nd, did you have occasion to speak with Mayor Errichetti?

3 A Yes, I was told to go downstairs and tell the
4 Mayor --

5 MR. DUFFY: Objection to that.

6 Q Tell us what you did? You spoke to the
7 Mayor prior to the meeting?

8 A Yes.

9 Q How long prior to the meeting did you speak
10 with him?

11 A Ten or fifteen minutes.

12 Q Tell us what you did?

13 A I went downstairs and spoke to the Mayor and
14 told him we were only giving him \$50,000 instead of \$100,000.

15 Q How long did that conversation take?

16 A Approximately ten minutes.

17 Q Prior to this day, had you ever met or
18 spoken with Congressman Michael Myers?

19 A I never met him before or spoke to him.

20 Q Since August 22nd, 1979, did you ever speak
21 or meet with Congressman Myers?

22 A I never met him after that meeting.

* * *

* * *

9 (The jury thereupon returned to the Courtroom
10 at 3:17 o'clock P.M.)

11 M E L W E I N B E R G, called as a witness,
12 having previously been duly sworn, resumed
13 the stand and testified further as follows:

14 THE COURT: All right, we are still on the
15 examination of Mr. Weinberg.

16 Proceed, Mr. Puccio.

17 DIRECT EXAMINATION

18 BY MR. PUCCIO: (Continued)

19 Q Mr. Weinberg, did you ever have a conversation
20 with Mayor Errichetti concerning someone called the Chief
21 Investigator?

22 A Yes, I did.

23 Q And as best you can recall, what was said by
24 you and what was said by Mr. Errichetti concerning this
25 gentleman?

Weinberg-direct-Puccio

1
2 A He said he had a friend who was a Chief
3 Investigator in the Department there and that he could
4 get us a green card for the Arabs.

5 Q And was this person supposedly in the
6 Immigration Service?

7 A Yes, that is correct.

8 Q Was there any mention of any money in
9 connection with this matter?

10 MR. BROWN: I object, your Honor. It is
11 leading. Can we have the conversation?

12 THE COURT: Sustained as to form.

13 Q All right.

14 As best you can recall tell us what the
15 conversation was?

16 A The conversation was that \$50,000 was to be
17 given to this Chief Investigator who was going to send his
18 boss in, the second in charge, and they were going to
19 split 25 each, or whatever it was.

20 Q And what was the boss of the Chief Investigator
21 called? Do you remember?

22 A Mr. Noto.

23 Q Now, who did you first hear that name from?

24 A Mr. Errichetti.

25 Q And did he say Noto, N-o-t-o, or something else?

Weinberg-direct-Puccio

1
2 A Noto or Nopo. The name wasn't pronounced
3 right.

4 Q Do you remember which way it was pronounced
5 by Mr. Errichetti?

6 A Not offhand.

7 Q Did you ever hear the name Nopo?

8 A Nopo, yes.

9 Q Did Mayor Errichetti ever call this gentleman
10 Mr. Nopo?

11 A Yes, that is correct.

12 Q Now, did you attend a meeting in Washington,
13 D.C. at the Town House on the 19th of September, 1979?

14 A That is correct.

15 Q And who was at that meeting, do you recall?

16 A Mr. Noto was there, Errichetti was there,
17 Mr. DeVito was there and I was there.

18 Q And prior to that meeting had you seen any-
19 thing?

20 A Yes, I had seen a picture of Mr. Noto.

21 Q And when you say this individual at the
22 meeting on the 19th --

23 MR. BEN-VENISTE: Can we fix a time, your
24 Honor.

25 Q When did you see the picture, Mr. Weinberg?

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A The day before the meeting.

Q By the way, prior to the meeting had you ever seen photographs before?

A Yes. Everytime a Congressman would come in we would see a picture of him.

Q Before the meeting?

A Before the meeting.

Q Would it be fair to say then that your seeing this picture of Mr. Noto --

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Sustained.

Q Now, when you saw this gentleman on the 19th, was it the same gentleman that you had seen in the picture?

A No, it wasn't.

Q Do you recall anything that was different?

A Well, he as much younger than the picture.

Q Now, after this meeting with Mr. Errichetti and yourself and Mr. Amoroso, and this gentleman who called himself Noto or whatever, was there another meeting that same day?

A Yes. Right after Mr. Noto left we sat down, Mr. Errichetti, myself and DeVito, and we spoke.

Q And as best you can recall, what was said by you and what was said by DeVito, and what was said by

Weinberg-direct-Puccio

1
2 Errichetti?

3 A Well, we asked him, you know, if the FBI
4 was involved in this; did he say anything out of the way
5 that we could get into trouble --

6 MR. BEN-VENISTE: I object, your Honor.

7 There is a tape recording of this. I think the
8 best evidence is that and not this witness'
9 characterization.

10 MR. PUCCIO: Judge, I have no objection.

11 I offer the tape into evidence.

12 THE COURT: What Exhibit is this?

13 MR. PUCCIO: Your Honor, the original has
14 been marked as 23B.

15 We have a redacted trial copy which is marked
16 as 23.

17 And we have a transcript which I would like
18 the witness to authenticate which is marked as 23A.

19 I also have Agent Birch in the Courtroom
20 who made the tape if necessary.

21 If there is an objection, I will ask to
22 excuse Mr. Weinberg and call Agent Birch to the
23 stand.

24 THE COURT: It may not be necessary. Let us
25 see if the witness can identify the documents. Perhaps

1
2 there won't be any question.

3 BY MR. PUCCIO:

4 Q Mr. Weinberg, will you look at Exhibit 23A
5 that has been put in front of you, please?

6 A Yes.

7 Q Do you recognize that Exhibit?

8 A Yes. It is a transcript of the tape.

9 Q Is that the tape of the meeting that you had
10 with Mr. Errichetti and Mr. DeVito after the gentleman
11 called Noto or Nopo left?

12 A That is correct.

13 Q And is that as accurate as you were able to
14 get it?

15 A Yes, that is correct.

16 MR. BEN-VENISTE: Just one or two questions.

17 THE COURT: You are offerring 23 and 23A in
18 evidence?

19 MR. PUCCIO: That is correct.

20 THE COURT: All right. Voir Dire.

21 VOIR DIRE EXAMINATION

22 BY MR. BEN-VENISTE:

23 Q Mr. Weinberg, of course you didn't operate
24 the video equipment, did you?

25 A No, I did not.

Weinberg-Voir Dire-Weinberg

1
2 Q You had no control over that except to come
3 in or out of the camera range?

4 A That is correct.

5 Q But you knew that you were being video
6 taped and you knew that the FBI was going to have immediate
7 control of the video taped material?

8 A That is correct.

9 Q In other words, it was not going to come
10 into your control at all as far as you were concerned?

11 A That is correct.

12 MR. BEN-VENISTE: We have no objection.

13 THE COURT: All right.

14 MR. PUCCIO: May we distribute 23A and play
15 23?

16 THE COURT: Yes.

17 (Articles referred to were received and
18 marked Government's Exhibits 23 and 23A in evidence.)

19 THE COURT: All right.

20 MR. PUCCIO: We are ready to begin.

21 (Tape played.)

22 (Tape completed playing.)

Date: September 19, 1979

Ex. 23A p. 1

Time: 12:40 P.M

Place: 4407 W Street, N.W.
Washington, D.C.

Participants: ANGELO ERRICHETTI (AE)
MEL WEINBERG (MW)
TONY DE VITO (TD)

INAUDIBLE (IA)

AE: That's a, that's the prerequisite. Huh.

TD: Ya didn't say anything to this guy right that would nail him down?

AE: No I, I don't know, I told you

TD: Oh, no, no what I'm lookin' at now is if ya got two guys that are gonna go against ya

AE: Jackpot you

TD: Yeah

AE: Yeah, I understand. No.

TD: We didn't, we didn't really say anything in here to the guy.

AE: No.

TD: To the guy. So there's no problem as far as what we're, we're talkin' of, but now we gotta protect you

AE: I'm covered

~~TD:~~ Huh

AE: I'm covered

MW: How the hell can you cover it?

AE: We'll see

TD: Well he's only on

AE: I had

TD: He's only

AE: Only the one conversation that's gotta be mouth to mouth, him and I.

TD: Yeah

AE: OK (pause) and him I'll, confront him with it.

MW: Did your friend introduce ya to him as a

AE: This morning?

MW: Yeah.

AE: All he said; yeah that's that's where I met this morning, then he brought him in. Brought him down. Said this was a, commissioner. I said, fine thank you, I said, he said things arranged? I says as far as I know, I don't really know, I'm sure it is. But that was the conversation, there was nothing of any, no monies discussed, or none of that shit in my presence and the kid didn't say to me do ya have the money for me, you know, he didn't he didn't like bait me.

TD: Hum-hum

AE: This, in front of this guy. But you know seemed awfully awfully perfect. (Laughs)

TD: Yeah maybe it was too perfect, huh?

AE: Well

TD: Alright, the only thing I can see is we, we're we're on safe grounds, as far as the guy's concerned. The only thing that could be a problem

AE: Me and that guy

TD: Is you and that guy, but you say it's just one on one with conversation, your word against his. Unless, unless

AE: The only time I spoke to him

TD: He got, he got you recorded, I don't know.

AE: Well that you never know

MW: I don't think he had anything on him

TD: No, I don't mean this guy, I'm talkin' about Angelo
talkin' with his friend. That's the only thing

AE: That's the a, that's the, well that's the only a,
a, drawback in conversation, a conversation is
not, is not suffice its gotta be conspiracy, with
three, three of us gotta be sitting.

MW: And you weren't followed though?

AE: No, I'm positive of that.

MW: Can we get off the subject a second

* * *

TD: Alright

AE: But you have, you have

MW: Our other problem is, no chance of us being grabbed
on the way to the airport now is there?

AE: Nothing was said

TD: I don't think so, 'cause we didn't say anything.
That's why when

AE: Not here

TD: That's when I come in here and asked him for the
card and you know just ah, he seemed too nervous,
this guy. He seemed very nervous

AE: Well we talked as you know, we talked outside,
just for a few minutes

MW: He was talkin about he came from ah

AE: Peoria, Illinois. He's been there since 1970. A,
he's a career guy, he's 42 years old, he's a career
bureaucrat, he's gonna be there, he's seen them
all come and go. And he is the administrative
officer, he says the commissioner's the one who
makes speeches, he goes about. He's a Mexican,
what is Castile (PH) he name was, Castile?

MW: Mexican guy he said

TD: I don't know

AE: Mexican guy's his boss

TD: Yeah

AE: He's never in the office, he's always out on the street, on the roads whether it be with a Mexican-Americans or whoever, Spanish-Americans

TD: Well, I don't know who he was but Ernie, Ernie spotted now I use Ernie for that a lot and the guy that we were talkin' about, Noto, N-O-T-O is the guy. That's not him, he says.

AE: That's not him

TD: That is not him, now unless this, I don't know that's when, he gave me the sign, I says

AE: Well there's also, there's also

TD: Come in here

AE: I'm thinkin' there's another thing you know, with my guy, OK, who's bullshitting me. Meaning he's got somebody. I'm convinced this guy works there as

TD: Yeah

AE: OK, so, I don't think he's FBI, to be very honest with ya

TD: Yeah

AE: Not when I got done talkin' anyway. I think he may be

MW: I don't know he didn't say nothin' out there

AE: One of his, one of his

MW: To say he is isn't FBI

AE: Excuse me

MW: He didn't say nothin' that didn't say he wasn't FBI

AE: I didn't say, I'm not I'm not sitting here saying he is or isn't. I says I gotta believe in my heart that he, I'm just tryin' to analyze it

TD: Yeah

- AE: Objectively without, without being emotional. I could think he I'm not gonna crack up because I think he's FBI, I don't give a fuck. OK, I can handle that my way. I gotta believe that he's in the department, but he's not the deputy, as Ernie says, he may be somebody above this guy or in between
- TD: Well now he may be a friend or your friends and they're gonna just a
- AE: Yeah
- TD: You know we'll never know anything else
- AE: No. I think that my guy, OK, the chief investigator who is, so-called friend proposed to me that this deputy commissioner's his man and he gets the green cards. OK? And that's what he told me, fine set him up and we can get the things worked out. He may be one of the guys in the office
- TD: Yeah
- AE: Not at the same level as the deputy, or maybe under or in between or something or he maybe has some strength he can do something okay
- TD: I don't know
- AE: I don't, I don't know either
- TD: We don't take, you know, like if he woulda come to us with the fact that that's who the guy is that he's got
- AE: It's different story
- TD: You know that makes me feel better and we meet the guy as who is is, tells us
- AE: Well I, well I'll find out (IA)
- TD: You know, but based on on what
- AE: My, my my immediate thoughts are. Okay because he's conning me okay
- MW: That's takin' a big chance though

AE: I don't know the guy from a bag of piss, the
guy that sat here.

TD: I, I agree, I think ya got one or two situations
here

AE: Oh, it's either FBI or it's a con game one or the
other

TD: Yeah, I think it's either . . .

AE: (IA)

TD: It's either the, you know, tryin' to

AE: Jackpot me

TD: Make a score, alright on their own

AE: Positively

TD: Or it's that they settin' you up. It's one of
the two

AE: Well there's no other, there's nothin' in between

TD: And I hope it's that they're tryin' to set ya up,
ya know, jack pot ya for money, ya know, not set
ya up. The money's no problem but a

MW: You'll find out soon enough

AE: I'll find out soon enough

TD: Yeah

AE: I personally will find out soon enough

TD: Alright, what time you guys gotta go over there.
You gonna leave now

~~MW~~: We gotta leave now

AE: Okay

TD: Alright. Why don't you go ahead, I'll call ya, ^{and}
you're gonna be down at the hotel, alright. I ^{gotta}
gotta see some people here tonight and a I got an
afternoon flight so I'll be down there in the
afternoon

AE: Okay

TD: In fact I can give ya, when ya talk to Rusty, I'm gonna, be

AE: It makes ya think

MW: Huh?

AE: Makes ya think

MW: I don't like it

AE: Neither do I. You don't like it, you oughta been me sittin' here

MW: Well, I expect to see some cars comin' up outside any second

TD: No, no, we didn't say anything we didn't, what the fuck, we said hello to him. That's all we said hello

AE: That's right, I'm the guy that did all the talkin'

TD: I'm only worried about Angelo

AE: At this stage

TD: Angelo's the guy that's a

AE: It's a very simple thing, it's either for real and they've latched on ta me, with that fucken' telephone, maybe, now you never know

TD: I'm gonna try to make the flight that gets in at 4:42, alright. If not I'll take this National flight and it'll get in 6:15 but it'll be in Miami

MW: This ones in Lauderdale

TD: No they're both Miami

MW: OK

TD: Two different airlines, I'm gonna I think I'm gonna make the first one

MW: Alright

TD: Alright, but if I can't make the first one I'll definitely make the second one and I'll be in by 6:15. We don't have to meet the guy until 8:30 right?

MW: Yeah

TD: Alright, so tell Rusty that I need ta have him bring the car over to the airport. I'll call, try and call, those are gonna be either one of the two times, so, he'll keep himself available for me. Alright why don't you guys get going.

AE: Mind if, I use, to call

TD: No, sure

AE: Before I get, on the plane, wants make a phone call. Dial direct? Fucker. (IA)

MW: Who

TD: It's a good thing I'm a careful guy

AE: A, Theresa, is Dani there, Babe? You being careful, might of saved the whole ball of wax, err, yes Dan how are ya darlin' whata ya got kid, yes, ya better stop somethin' before it happened

TD: Well you know

AE: That's the most important part

TD: Ya see with congressmen and senators there's no problem, 'cause all ya do is go to the newspaper morgues and ya got a picture, right, and that's easy ya see, you know, look at the picture you see the guy you know who you dealin' with, but with a guy like this who's not in a picture I gotta send somebody to look, see what he looks like

AE: What I said, what I don't control, I can't say

TD: No

AE: I say, I don't know. I don't know. Yeah, Dan.

* * *

AE: Right, yeah Ton, I think we napped something in the bud here.

TD: Huh

AE: The worst, the worst is FBI and a, and a, and a,
the least is a con game.

TD: Well I hope really that they're tryin' to rip
you off because this could be a you know a serious
problem for us. Because if they start looking at
us ah you guys gotta be very careful now when you
go down there.

AE: Huh telling me

TD: If it seems to you in any way I think that somebody
is following you

AE: I'll divert em

TD: Just, you know, I a wouldn't even make those meetings.

* * *

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MR. PUCCIO: Your Honor, we are going to
shut the T.V. monitors off.

THE COURT: All right.

(Assistants comply.)

THE COURT: All right, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continued)

Q Now, Mr. Weinberg, prior to this meeting at the house in Washington with this gentleman who said his name was Koto did you know that the person who was coming to the meeting was going to be an imposter?

A No, I didn't.

Q Now, after this conversation with Mayor Errichetti that we just observed, did you have occasion to speak with the defendant Howard Criden about this imposter?

A That is correct.

Q Where did this conversation take place and when as best you can recall?

THE COURT: Mr. Puccio, before you go into that there is one thing I want to clear up in my mind. At the very end of this transcript that we just heard what was Mr. DeVito doing while Mr. Errichetti was on the telephone?

THE WITNESS: He was stading there your Honor.

THE COURT: Talking to someone?

What it is we just heard, I think my question

Weinberg-direct-Puccio

1
2 really is, was he on an extension phone or was he
3 just talking to Mr. Errichetti?

4 A No, he was just talking in the room --

5 THE COURT: I am sorry, Mr. Puccio.

6 Q When did you have this conversation with
7 Mr. Criden about the imposter and where?

8 A I had the conversation with him at the
9 Holiday Inn, in Hallandale, Florida.

10 Q And about how long after this meeting we
11 just observed did you have this conversation?

12 A The following morning he came over to see us.

13 Q And as best you can recall what did you
14 say to Criden and what did he say to you about this matter?

15 A I told Mr. Criden that I think the Mayor
16 set us up with a ringer.

17 Q Now, had you accused the Mayor himself of
18 setting you up?

19 A No. But we didn't want to scare the Mayor
20 away --

21 MR. BROWN: I object to this, your Honor.
22 He asked for a yes or no answer.

23 THE COURT: Sustained. The answer is no.

24 Q The answer is no, you didn't accuse the
25 Mayor?

Weinberg-direct-Puccio

1
2 A No.

3 Q But you had told Mr. Criden --

4 MR. BEN-VENISTE: Objection as leading,
5 your Honor.

6 THE COURT: Overruled.

7 Q (Continuing) But you told Mr. Criden that
8 is what your suspicions were?

9 A That is correct.

10 Q All right, now, on October 3, 1979 did you
11 have a telephone conversation with Mayor Errichetti?

12 A That is correct.

13 Q Did you record that conversation in the
14 same way that you had recorded previous conversations?

15 A That is correct.

16 MR. PUCCIO: May I approach the witness,
17 sir?

18 THE COURT: Yes.

19 Q I ask you to turn to Exhibit 24A in the book
20 and in conjunction with that I would like you to look at
21 Exhibit 24B and Exhibit 24.

22 Now, first with respect to 24B, can you
23 identify that?

24 A Yes. This is the tape I made.

25 Q And is it a conversation between you and Mayor

1
2 Errichetti?

3 A This is a conversation between me and Mayor
4 Errichetti and myself.

5 Q On October 3rd?

6 A October 3rd at Toms River at the Holiday
7 Inn.

8 Q With respect to Exhibit 24, what is that?

9 THE WITNESS: Will you say that again?

10 Q Exhibit 24, the other Exhibit, what is that?

11 A That is a tape made for the Court here.

12 Q That contains a portion of this entire
13 conversation, is that right?

14 A Yes, that is right.

15 Q And 24A, can you identify that, please?

16 A That is a transcript.

17 Q And did you go over that transcript for
18 accuracy?

19 A Yes I did, to the best of my ability.

20 MR. PUCCIO: Judge, I offer into evidence
21 24A and 24.

22 THE COURT: Any objections.

23 MR. BROWN: Subject to the same objections,
24 your Honor, heretofore made. No further objection.

25 MR. BEN-VENISTE: No further objection.

1
2 THE COURT: Received in evidence.

3 (Articles referred to were thereupon received
4 and marked Government's Exhibit 24 and 24A respective-
5 ly in evidence.)

6 MR. PUCCIO: May we distribute the transcript
7 and play it for the jury?

8 THE COURT: Yes.

9 MR. PUCCIO: We are all ready, Judge.

10 (Tape played.)
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14 (continued on next page.)
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Date: October 3, 1979
Time: 5:45 P.M.
Place: Telephone Call from Mel Weinberg (New Jersey)
to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

* * *

MW: Now I don't know what you're all hot about.
AE: Well you see.
MW: Now somebody's giving you wrong
AE: First of all you understand that Howard you know
Howard is my man. OK.
MW: Alright. But I think maybe, Howie.
AE: Wait a minute
MW: Maybe giving you more wrong information then,
AE: Well Howard talks to me like, like I'm his brother.
MW: Well.
AE: Alright, let me finish, let me finish.
MW: Alright, go ahead.
AE: OK. Now on this candidate shit, OK.
MW: -- Yeh. --
AE: You know for what I'm giving this - you know I'm
sticking my neck from here to the, the bridge
on this shit and you know what - I don't want
bullshit on that thing. Now what happen that last
week OK. that thing where I got jackpotted.

- MW: Forget about it.
- AE: No, no, I, I did - I'm not going to forget nothing because you know what? When I get done, and when I check out with my own troops watch out. That's number one. Number two. The inference, the inference. O.K. that I put a - that I put a, a stool pidgeon in there.
- MW: Nobody said that.
- AE: That that guy was from my office that works for me. OK.
- MW: Nobody said that. Now I know where ya.
- AE: Now let me tell you something. That is, that whats got me so pissed, thats the end of that conversation
- MW: Alright, let's not, hey Angie. Me and you knew each other too goddamn long.
- AE: Well, that's the case then why an I be, why is that being said?
- MW: It's not being said now, let me tell you what was said and you'll understand. Now I know where you're getting this from second field. Criden's playing two against one. OK. That's bullshit. Alright? Criden had a guy, alright? Which I think you know about it.
- AE: I don't know nothing about nothing.
- MW: Well then that's where your problem is buddy, me and you conferring everything because he's playing two against one and I don't go for that shit. He had a guy he wanted to do a - I says no way. I said we have done two with the Mayor were great. We want to go the same lines I don't want none of this bullshit walking the guys off and all this crap, bullshit. I don't want no part of it. And I told him forget it. He said the guy is - I said forget it. I'd rather walk away from it.

AE: I don't enjoy, I don't like and will not tolerate anybody behind my back saying I think this guinea's involved in getting something on the side. O.K., that, that's

MW: Alright, do you believe I said that?

AE: Well, it was told to me.

MW: Well, he's a goddamn fucken liar. Now he's playing two against one, you didn't know about the other candidate, did yah?

AE: Heh, na, I don't want no candidates except, except that

MW: Me and you better be

AE: That bag, that bag son of a bitch.

MW: Wait a second. Me and you better meet tomorrow morning and get it straightened out because we're being played for suckers, alright, and I don't like it.

AE: I tell you that, I tell you this.

MW: Because this man is trying - let me tell you exactly what's happening. Alright.

AE: Go ahead.

MW: this man is trying to get me and you fighting - that I don't speak to you.

AE: It's not a question of anybody fighting - its a question of.

MW: I'm telling you something, hey

AE: You see let me tell you something.

MW: Hey, Angie you don't want to look no further than your nose now, your being stubborn. I'm telling you what the guy is pulling.

AE: I'm telling you, now I'm going to tell you something I've said, I've said on many occasions said to you, you are looking, you're looking at the best man in the whole world.

MW: Have I ever denied it? Have I ever lied to you?
Have I ever did anything?

AE: And anytime I turn around on the last couple of
months here whatever it may be, there's a cross-eye.

MW: No, no.

AE: OK.

MW: That thing is

AE: Well that's bullshit

MW: Nothing has been cross-eyed. What happened down
wa - I told you forget you said you were going handle
it, you handle it.

AE: Oh, you bet your ass I'm going handle it.

MW: That's all. Nothing was ever said about it.
OK. Nothing was said about it. The only thing
was said.

AE: Well you know, I, I come from the old school.
You know when I say - and I told youse before.
You look at me in the eyeball, you say to me this
is the way we do it, that's the way I do it.

MW: The only mistake I made Ange was not calling you
up and letting you know about Criden and the other
candidate. O.K. But I thought you knew about it
from Criden. That is my

AE: There's no. The only candidate I know about OK,
is what was brought there and we talked about.
OK.

MW: Alright.

AE: And then my mind has been on that ~~stiff~~ ~~that was~~ ---
there that I walked into.

MW: I'm not interested in that stiff.

AE: Well I am.

- MW: Well, you said you could take care of that. Right?
- AE: That's being take - I got the goddamn state police checking that son of a bitch out, you can bet your ass.
- MW: I'm not worried about that. All I'm telling you is he wanted to do a candidate with me and I told him no soap. Alright, I was, I wanna walk from it. I don't want to get involved. Now I thought you knew about this guy. This is my fault cause he tells me he speaks to you two, three times a day, that, you everything that's going on.
- AE: Well, I know 99% what's going on and I say 100% now another candidate, I don't know anything about another candidate.
- MW: Well, then the guy is playing me and you for a jerk.
- AE: Well.
- MW: Alright now you.
- AE: That's one thing, you're not to do with me. Nobody's going to do that with me, I may be a nice guy. I'm going to listen, I
- MW: (Whistles) Angie, Angie.
- AE: You know what, when I throw the fucken towel in watchout.
- MW: Angie let me tell you something. I am not out to hurt, we're been friends too long alright. And you know me. Did I ever do anything behind you back?
- AE: Well you know let me tell you something, Mel.

- MW: Then don't let a guy from left field come out and say I said this, cause that's bullshit. all I said to him I don't want to handle the deal that he's got the way he's got it. Either we do it this
- AE: I'm not ever referring to that. I'm talking about, I talking about me and a guy in my office.
- MW: Forget.
- AE: I'm talking about me.
- MW: What guy in your office?
- AE: That stiff that was, that was there.
- MW: He's not from your office.
- AE: (IA) That was the question. That was asked was he from, was, that guy was, worked in my office. I brought, I brought a stiff in - I got, I'm trying to rob somebody. Now you know what? That's got to be the biggest son of a bitch, that's my integrity, somebody talking about. Now.
- MW: You're talking about, would I say that?
- AE: Well, either you or Tony said it. Not I
- MW: Tony hasn't spoken to him, I have spoken to him.
- AE: OK
- MW: How long do you know me?
Eight months.
- AE: Whatever it is.

MW: Whatever is it. Have I ever said anything like that before to anyone, say anything. I don't carry stories, what goes on between me, you to him. If he said that he's full of shit, he's trying it and I don't talk to you.

AE: Well.

MW: Alright. I did say to him.

AE: I'm just telling you.

MW: I don't want to handle the candidate the way he wants to set up.

AE: Nothing about a candidate. I'm just talking about my integrity and that last week when that guy was there and I, let me tell you something.

MW: Angie, there's nothing wrong with your integrity and there never has.

* * *

Weinberg-direct

1
2 THE COURT: All right, Mr. Puccio.

3 Q Mr. Weinberg, on the very next day did you
4 have a telephone conversation with the defendant Howard
5 Criden?

6 A Yes, sir, I did.

7 Q And was that telephone conversation reported
8 by you in the same manner as you previously described?

9 A That is correct.

10 MR. PUCCIO: Your Honor, may I approach
11 the witness, please?

12 THE COURT: Yes.

13 Q I ask you to look at Exhibit 25-A in the book
14 in front of you, and in conjunction with that I show you
15 25-B and 25.

16 Now, with respect to 25-B, what is that,
17 please?

18 A That is the tape I made at the hotel in Toms
19 River.

20 Q Was that the tape of the conversation with
21 Mr. Criden over the telephone on the 4th of October, 1979?

22 A That is correct.

23 Q And with respect to Exhibit 24, would you
24 identify that, please?

25 A This is the tape that is made for the court.

Weinberg-direct

1
2 Q Does that contain an excerpt from the tape
3 that you previously identified?

4 A That is correct.

5 Q And 25-A, please?

6 A Is a transcript of this here tape.

7 Q Now, have you checked the transcript against
8 that excerpt to insure that it's exactly the same?

9 A To the best of my ability I have checked.

10 MR. PUCCIO: I offer 25 and 25-A in evidence.

11 THE COURT: Same objection?

12 MR. BEN-VENISTE: I have no objection on
13 this one, your Honor..

14 THE COURT: Any other objections?

15 MR. BROWN: No, your Honor.

16 THE COURT: Received in evidence. .

17 MR. PUCCIO: May we circulate the transcript,
18 Judge?

19 THE COURT: Yes.

20 MR. PUCCIO: And play the tape?

21 THE COURT: And you may play Exhibit 25.

22 (Transcripts are distributed to the jury.)

23 THE COURT: All right. You may proceed,
24 Mr. Puccio.

25 (Tape recording referred to was played.)

Date: October 4, 1979
Time: 8:01 AM
Place: Telephone call from Howard Criden (Pennsylvania)
to Mel Weinberg (New Jersey)
Participants: HOWARD CRIDEN (HC)
MEL WEINBERG (MW)

* * *

MW: He's up with more coffee. I mean like, let me explain to you like you told Angie what we said about him, right?

HC: Here's how that came about.

MW: Wait, wait, I'm not interested in how that came... (IA)...The guy was upset. You know how Angie is.

HC: Well, you told me that the guy, that he was used for the setup, okay, came out of his office.

MW: Yeah, I think he did.

HC: Okay, I screamed at him. I asked him point blank; because if that's the case, okay, then I wanted it on the table, okay? And he swore to me that that wasn't so, that he got set up; because I had a fucking battle with him about that. Listen, this is not, we're not in business to play games and I wanted to find out if he was playing any games.

MW: But, you don't do it that way. So he calls up screaming at me.

HC: First place, he swears to me that that's not so, okay?

MW: I tell you, forget the whole fucking thing, because the whole thing is lousy.

HC: Exactly.

MW: The only thing that will set us back.

HC: Let's forget about it and move on and forget about this bullshit.

* * *

Weinberg-direct

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2 Q Now, Mr. Weinberg, at any of these meetings
3 that you described, did you have any control over the
4 actual payment of money to anyone?

5 A None whatsoever. Mr. DeVito handled all the
6 control of paying the money out.

7 Q That is FBI Agent Amoroso?

8 A That is correct.

9 Q Now, did anyone ever tell you that Mr.
10 Errichetti had Congressman Myers put on an act at that
11 August 22nd meeting? Did anyone ever tell you?

12 A No. The only thing that Mr. Errichetti said
13 to me that Congressman Myers is a ballsy guy, he'll do
14 anything.

15 Q Did anyone ever tell you that Congressman Myers
16 put on an act at that meeting on August 22nd?

17 MR. BEN-VENISTE: Objection, your Honor.

18 THE COURT: What ground?

19 MR. BEN-VENISTE: It's the same question he
20 just asked.

21 MR. DUFFY: In addition, I object because
22 it's hearsay and doesn't identify the communicants,
23 sir.

24 THE COURT: I don't think it is offered for
25 the truth. The question is, did anybody tell him.

Weinberg-direct

Overruled. I will permit it.

Q Did anybody ever tell you that Congressman
Myers put on an act at that August 22nd meeting?

A No, sir. No one ever told me that.

MR. PUCCIO: No further questions at this
time.

THE COURT: All right. Cross-examination.

Mr. Duffy, unless you have agreed to some
other order --

MR. DUFFY: No, sir.

May I have a moment to make some sense out
of this?

THE COURT: Certainly.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Mr. Weinberg, we have been talking about
confidence men here, con men or con man. Do you know what
a con man is?

A Yes.

MR. PUCCIO: I object to the statement, Judge

THE COURT: Sustained.

Disregard the statement.

You may answer the question, Mr. Weinberg.
Do you know what a con man is?

Weinberg-cross

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2 THE WITNESS: I know what a con man is.
3 Can you tell the jury so they will know?

4 A con man is somebody who will try to con you
5 out of something.

6 Q Maybe I can help. Is he a fellow who lies?

7 A A con man tries to tell as much of the truth
8 as possible. Otherwise he will get in trouble.

9 Q Is he a fellow who takes money from other
10 people under false pretenses?

11 MR. PUCCIO: I object, Judge.

12 THE COURT: What ground?

13 MR. PUCCIO: As to the relevancy and the
14 form of the question.

15 THE COURT: I will permit it. Overruled.

16 A Do you want to repeat that?

17 Q Didn't you hear what I said, sir?

18 A No, I didn't hear you

19 Q I will try to speak a little louder.

20 A I will appreciate it.

21 Q Is a con man a fellow who tries to take money
22 from other people under false pretenses?

23 A That's correct.

24 Q Tries to get people to believe that he is
25 going to do something and then he never intends to do it;

1
2 is that correct?

3 A That's right.

4 Q Isn't it part of the stock in trade of a con
5 man that he has to be able to successfully lie to people?

6 A That is correct.

7 Q He is a fellow, is he not, who lives by his
8 wits?

9 A That's correct.

10 Q Are you a con man?

11 A I don't know. They say I am.

12 Q Have you spent most of your adult life living
13 by your wits, sir?

14 A That's correct.

15 Q Living off money that you got from other
16 people under false pretenses?

17 A That's correct.

18 Q Is it fair to say that a confidence man will
19 lie, cheat, swindle, whenever it serves his purposes to do
20 so?

21 A That is correct.

22 Q To further his own interests?

23 A That is correct.

24 Q And you say you have been known as a confidence
25 man?

Weinberg-cross

1
2 A That is correct.

3 Q As a matter of fact, in January of 1977, the
4 fellow at the end of the table here, Mr. Good, arrested
5 you for just such activity, did he not?

6 A Not Mr. Good.

7 Q Didn't Mr. Good make the arrest?

8 A No. Mr. Good didn't make the arrest.

9 Q Well, at that time he was the head of the
10 Hauppague office, was he not?

11 A I didn't know that.

12 Q Were you arrested by agents from the Hauppague
13 office?

14 A That is right.

15 Q And that was in connection with an investi-
16 gation that covered some seven or eight states; is that
17 right?

18 A No. I was locked up from Pittsburgh, Penn-
19 sylvania.

20 Q I didn't ask about where you were locked up.
21 My question was that you were arrested in connection with
22 an investigation into your activities that spanned six or
23 seven or eight states; isn't that right?

24 A I don't know that. The only charge that was
25 placed against me was from Pittsburgh.

Weinberg-cross

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2 Q Let's go through that.

3 Wasn't there one charge, for example, that
4 involved the entertainer Wayne Newton in Las Vegas, Nevada?

5 A I don't know if there was a charge pressed
6 against me for that.

7 Q Wasn't that contained in the indictment in
8 Pittsburgh?

9 A I don't have the indictment in front of me.

10 Q Well, I do, Mr. Weinberg.

11 MR. DUFFY: May I have a moment, sir?

12 (A pause in the proceedings.)

13 MR. DUFFY: May I approach the witness, your
14 Honor?

15 THE COURT: Yes.

16 MR. DUFFY: Judge, may I just show this docu-
17 ment to the witness? This is marked. I have to get
18 one that is unmarked.

19 MR. PUCCIO: I have one that is unmarked, if
20 you like.

21 MR. DUFFY: The prosecutor has one.

22 THE COURT: Are you referring to the Pittsburgh
23 indictment?

24 MR. PUCCIO: 77-47.

25 MR. DUFFY: Yes.

1
2 MR. PUCCIO: May I use yours, then?

3 MR. DUFFY: No.

4 Q Mr. Weinberg, I want you to examine what has
5 been labeled for identification as Defendants' Exhibit C
6 and let me, although I will be happy to have you read all
7 of it, but let me point you to the fifth page of that
8 document under heading "Overt Acts" and direct your atten-
9 tion to paragraph two.

10 THE COURT: And the question is whether that
11 refreshes his recollection?

12 Q Does that refresh your recollection, sir?

13 A Yes, it does.

14 Q About whether or not one of the people you
15 were accused of swindling was the entertainer Wayne Newton?

16 A That is correct.

17 Q And you did swindle him, didn't you?

18 A It says so here..

19 Q I want you to say so to this jury, sir.

20 A I took money off him.

21 Q Under false pretenses, did you not?

22 A That is correct.

23 Q Let's tell the jury about that. You ran a
24 scam back around that time similar to the ABSCAM operation,
25 did you not?

Weinberg-cross/Duffy

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A That is correct.

Q Indeed the ABSCAM operation was based upon your prior fraudulent operation, was it not?

A I don't know about that.

Q Just remarkably coincidental?

A I don't know about that. You have to ask the FBI on that.

Q I want to ask you. It's my purpose to do that.

A I don't know.

MR. PUCCIO: I object to the statements, Judge.

THE COURT: Sustained as to the statements.

The jury is to disregard them.

MR. DUFFY: Sorry, your Honor.

Q Let me ask you this, Mr. Weinberg: You had a traveling companion back in the early '70s, from 1970 or '69 to January 11, 1977, did you not?

A That is correct.

Q And that was a woman who was previously a maid in Scarsdale, New York, was she not?

A That I don't know.

Q But her name was Evelyn Knight, wasn't it?

A That is correct.

Q You named her Lady Evelyn Knight; is that right?

Weinberg-cross/Duffy

1
2 A That is correct.

3 Q And told the people she was one of the top
4 five richest people in the world?

5 A I never told them that.

6 Q Did you tell them she was second?

7 A No. I didn't tell them she was second.

8 Q Did you tell people she was a wealthy woman?

9 A I told them that she was a wealthy woman.

10 Q Did you tell people that she was connected
11 to Aristotle Onassis?

12 A No.

13 Q Did you ever tell that to anyone?

14 A No.

15 Q Specifically, did you ever tell that to an
16 individual named Alan Goberman?

17 A I know Alan Goberman.

18 Q You took \$150,000 from him, did you not?

19 A No, I never took \$150,000 from him.

20 Q Am I wrong on the figure?

21 A You are 100 percent wrong on the figure.

22 Q Would you like to tell the jury what the
23 figure was?

24 A Around \$10,000.

25 Q And a diamond ring?

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A I don't know about the diamond ring, either.

Q You don't know about it?

A No.

Q You wear a couple of them, don't you?

A Did he give me this?

Q I am asking you.

A No, he never gave me a diamond ring.

Q From Goberman you only took \$10,000?

A Yes.

Q Didn't you tell Goberman that Lady Evelyn Knight was connected with Aristotle Onassis and if she approved of his hotel down in the Islands that Onassis may come forth and provide the financing that he needed to refinance the deal?

A That's not true.

Q Did you tell Goberman or others back in 1970 that this Lady Evelyn Knight was required to invest \$100 million every month in Arab oil money?

A No, that's not true.

Q Did you tell people from whom you attempted to get money back in those years, and I'm talking 1970 up until the time Mr. Good or someone else arrested you, did you tell those people that she was charged with the responsibility to invest any Arab oil money?

Weinberg-cross/Duffy

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A Never mentioned any Arab oil money.

Q Not to Goberman?

A That's correct.

Q And not to people like Lee Schlack of Evan
City, Pennsylvania?

A That's correct.

Q Did you take money from him?

A I did.

Q About \$3,564?

A That is correct.

Q Did you tell the Arab oil money story to
Carl Stark of Pittsburgh, Pennsylvania?A No. I didn't tell him the Arab oil money
story.

Q Did you take money from him?

A Yes.

Q \$3,750?

A I don't know the amount.

Q Shall we quarrel about that?

A No.

Q Would you doubt my figure?

A I would doubt anything you say.

Q Sir, I -- would you adopt that figure, \$3,750,
or do you want to see it in the indictment?

Weinberg-cross/Duffy

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2 A I see it here. I will take the figure.

3 Q That's the government's figure?

4 A That's correct.

5 Q Do you doubt the government's word?

6 A No, I don't doubt the government's word.

7 Q Because you pleaded guilty to it, didn't you?

8 A Yes.

9 Q How about the Monroeville Development Company?

10 Did you tell those people in Monroe, Pennsylvania that
11 Lady Evelyn Knight was able to control or had access to
12 Arab oil money?

13 A The name does not ring a bell.

14 Q \$2,500, did you get from them? Do you want
15 to look at the indictment?

16 THE COURT: What page?

17 MR. DUFFY: I will have to look it up myself,
18 sir.

19 (A pause in the proceedings.)

20 MR. DUFFY: I will go on and Mr. Ben-Veniste
21 will find it for me, your Honor. I will come back
22 to the question about the \$2,500 from the Monroe
23 Corporation.

24 THE COURT: All right.
25

Weinberg-cross/Duffy

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2 Q Let me ask you this, Mr. Weinberg: Did you
3 tell any of the people I just mentioned, Wayne Newton,
4 Carl Stark, Lee Schlag, any of those folks, and I see
5 another one, Melvin Penard, does that ring a bell?

6 A Yes, it rings a bell.

7 Q He was one of your marks, was he?

8 A No. I don't think we took him.

9 Q Would you look at three paragraphs down from
10 Wayne Newton on that same page, accepted an appraisal fee
11 of \$2,500 from Monroeville Development Corporation? Do
12 you see that, paragraph No. 5, sir?

13 A -I see it.

14 Q You pleaded guilty to that, did you not?

15 A Yes, I pleaded guilty.

16 Q In connection with that Pittsburgh indictment
17 there was a sum in excess of \$200,000 that you swindled
18 people of throughout the contry; isn't that right?

19 A That I don't know.

20 Q Did you plead guilty to the indictment?

21 A I pled guilty to the indictment.

22 Q Did you plead guilty and say "I plead guilty
23 to all but one paragraph" or something?

24 A No. I pleaded all the counts.

25 Q Paragraph one of the "Overt Acts," would you

Weinberg-cross/Duffy

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2 take a look at that, same page up on top?

3 A I see it.

4 Q That between June 1, 1975 and the present
5 Melvil Weinberg solicited and accepted over \$200,000 in
6 advance of appraisal fees from various individuals in the
7 Western District of Pennsylvania and throughout the United
8 States of America. You pleaded guilty to that, did you not?

9 A That is correct.

10 Q Did you ever pay that money back?

11 A No.

12 Q Not a nickel of it, did you?

13 A No.

14 Q But when you went into court and went before
15 the Judge in Pittsburgh, you didn't go in on a plea bargain,
16 did you, sir?

17 A No, I didn't.

18 Q As a matter of fact, you didn't go in pleading
19 guilty only as you testified to earlier, to mail fraud and
20 wire fraud; am I right?

21 A I pleaded to all counts in the indictment.

22 Q You pleaded to conspiracy as well, did you not?

23 A If it's in there, I must have.

24 Q And when you went to the judge, before the
25 judge, you were sentenced to three years in prison, were

Weinberg-cross/Duffy

1
2 you not?

3 I was told I was going to get three years'
4 probation.

5 Q Who told you that, Mr. Weinberg?

6 A The judge.

7 Q On the day you appeared for sentencing.

8 A When I appeared he said three years in prison,
9 but I was told I would get three years' probation.

10 Q Who told you you would get three years'
11 probation?

12 A The judge.

13 Q Let's talk about December 8, 1977, when you
14 went into court to plead guilty.

15 Shall I find the papers? Isn't it true that
16 you were told that day that you were to go to jail for
17 three years? Yes or no.

18 A I would like to see the papers you have.

19 Q Yes or no? Do you have a recollection?

20 A No, I don't have a recollection. I was told
21 I would go in front of him and he would sentence me to
22 three years. And I was told also in his chambers I would
23 get probation.

24 Q The same day?

25 A Correct.

Weinberg-cross/Duffy

1
2 Q Is there a record of that proceeding?

3 A I don't know.

4 MR. DUFFY: Your Honor, I will come back to
5 it when Mr. Levy finds that transcript.

6 THE COURT: All right.

7 Q You went before the judge on December 8, 1977,
8 for sentencing, did you not?

9 A That is correct.

10 Q Before that day had you talked to John Good
11 or any other official of the FBI, special Agent, supervisor
12 or otherwise, about --

13 A I was working --

14 Q I have not finished yet.

15 -- about going to work for the FBI and in
16 return they would get you off this mess?

17 A No. You are talking about Abdul Enterprises?

18 Q Et al.

19 A I was working for the FBI before then.

20 Q We will come to that, Mr. Weinberg. But
21 answer my question.

22 When you went into court to be sentenced on
23 the 8th of December, 1977, had you sometime theretofore
24 talked with someone in the FBI about getting you out of
25 this mess in Pittsburgh?

Weinberg-cross/Duffy

1
2 A I was told that if I get four cases for them,
3 all right, that they will see what they can do for me.
4 was told --

5 MR. DUFFY: Your Honor, may we have the
6 witness directed to answer my question yes or no,
7 sir?

8 THE COURT: Read the question, please.

9 (Question read back as requested.)

10 THE COURT: Can you answer that yes or no,
11 Mr. Weinberg?

12 THE WITNESS: I can't answer it yes or no,
13 your Honor.

14 THE COURT: All right.

15 Q Is it because you don't know or you can't
16 remember?

17 A I remember.

18 Q Then tell the jury.

19 A What I am trying to tell the jury and what
20 I told you, I was -- the FBI or the Attorney General of
21 Pittsburgh told me, the assistant, that if I would do four
22 cases, they didn't promise me nothing, they would see what
23 they could do for me.

24 Q The assistant, you said Attorney General.
25 Do you mean the United States Attorney for the Western

1
2 District of Pennsylvania?

3 A Yes, Mr. West.

4 Q That was Jim West?

5 A Yes.

6 Q Are you telling his Honor and the jury that
7 Mr. West told you, talked to you and said, if you do four
8 cases for them they could do something for you?:

9 A I spoke to a Mr. Boutwell, an FBI agent,
10 at the time.

11 Q Mr. Weinberg, my question is: Did you talk
12 to Mr. West who was a lawyer --

13 A I spoke --

14 Q May I finish?

15 A Yes.

16 Q -- who was a lawyer for the government, a
17 prosecutor, that he came to you, are you telling the jury
18 that he came to you and suggested that you run four cases
19 for the FBI?

20 A No. He didn't suggest that.

21 Q All right. Who did?

22 A I spoke to Mr. Boutwell up there in Pittsburgh
23 when I said I would plead guilty.

24 Q Mr. Boutwell was an FBI agent out in Pitts-
25 burgh?

1
2 A Yes.

3 Q Is that right?

4 A That is correct.

5 Q So before you went to court on December 8,
6 1977, you did talk to the FBI about going to bat for you
7 with the judge; is that right?

8 A That is correct.

9 Q And did the FBI go to bat for you with the
10 judge on December 8th?

11 A They went to bat for me.

12 Q And is it your testimony that when they went
13 to bat for you they struck out?

14 A What do you mean by struck out?

15 Q Well, you got three years in jail that day,
16 did you not?

17 A It was put down to three years probation.

18 Q On December 8th?

19 A After I think it was the first of the year
20 they came out and sent me a letter saying I was on probation.

21 Q Mr. Weinberg, you had through your counsel
22 to file a petition on the Rule 35 to get the judge to
23 reconsider your sentence; correct?

24 A That is correct.

25 Q Because he gave you three years in jail,

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2
3 isn't that right?

4 A That is correct.

5 Q And it was after you got the three years in
6 jail that you talked to the FBI about getting you out of
7 the mess; is that right?

8 A That is not correct.

9 Q You were in court on December 8, 1977, with
10 your then attorney, Michael Osmond; correct?

11 A That is correct.

12 MR. DUFFY: May I approach the witness, sir?

13 THE COURT: Yes.

14 Q Directing your attention to --

15 MR. DUFFY: I will need to get a sticker.

16 Q I am going to show you a transcript of the
17 proceedings held before District Judge William W. Knox,
18 in Pittsburgh, on December 8, 1977, and again feel free to
19 take time to read the whole thing, but I would like to
20 point to you the first full paragraph on page 3 first.

(A pause in the proceedings.)

21 Q Then I have another section I would like you
22 to read.

23 Let me stay with the paragraph on page 3.
24 Do you recall that that's what the lawyer, your lawyer said?

25 A I haven't seen that before.

1
2 Q I am not asking you whether you saw this.

3 . You were in court with your lawyer and he talked to the
4 judge, made a pitch for you; is that right?

5 A That is correct.

6 Q Is that what his pitch was?

7 A I don't remember if that was his pitch or
8 not.

9 Q All right, sir.

10 Now, would you read the first full paragraph
11 on page 5.

12 (A pause in the proceedings.)

13 Q Have you examined that?

14 A Yes, I examined that.

15 Q Any doubt in your mind that that's what
16 Judge Knox said when you were in court that day?

17 A That is correct, no doubt in my mind.

18 Q There is no doubt?

19 A There is no doubt.

20 Q Now, just back to another portion.

21 Here on page 4, Mr. West -- he was the U.S.
22 Attorney, was he not?

23 A That is correct.

24 Q Doyou have any doubt that that's what Mr. West
25 said?

1
2 A No doubt.

3 Q Did your lawyer tell the judge in court that
4 day, quote, just a couple of points that I would like to
5 make, your Honor, that as the record indicates, the
6 defendant -- that's you; is that right?

7 A That's correct.

8 Q -- the defendant just this week has cele-
9 brated his 53rd birthday, and that but for the actions that
10 resulted in the return of this indictment in the Western
11 District of Pennsylvania, the report indicates, and I'm
12 sure your Honor will agree, that the defendant has led
13 an impeccable life up to this point.

14 Was that true then?

15 A I had never been in trouble before then.

16 Q You mean you never got caught; isn't that
17 right?

18 A I had never been caught; I had never been in
19 trouble.

20 Q But you had been swindling people for years,
21 you told us in Philadelphia, didn't you, Mr. Weinberg?

22 A That is correct.

23 Q So that representation wasn't totally accurate,
24 was it?

25 MR. PUCCIO: Judge, if a defense lawyer --

Weinberg-cross/Duffy

I object to that kind of question.

THE COURT: I'm not sure that that's fair comment on what the attorney said, Mr. Duffy. He said according to the records. I hear that kind of statement from lawyers all the time.

MR. DUFFY: I think I have done, Judge. I wasn't casting aspersions on the attorney.

THE COURT: You asked him if that's a correct statement. I assume the attorney spoke correctly. If he had not been caught there is no record of it.

MR. DUFFY: Let me go on. Perhaps my observation was unwarranted and I apologize to the Court and I withdraw it.

Q Did your lawyer go on and say, he has been a devoted family man, he has been steadily employed in various businesses throughout his life, and has no prior involvement with the law whatsoever, is that what he said?

A That's what is in the paper there.

Q And was that all true?

A That's true.

Q Now, the judge said: I have given the matter very serious consideration again about the third time last night and I have concluded that their recommendation, meaning the probation department, is a sound one under

Weinberg-cross/Duffy

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2 the circumstances. We are never bound by it, of course,
3 and under the circumstances it is adjudged that the defend-
4 ant be committed to the custody of the Attorney General or
5 his representative for imprisonment for a term of three
6 years.

7 Is that what the judge said?

8 A That's what the judge said.

9 Q So that there is no doubt when you went to
10 court that day you got a jail sentence of three years and
11 not probation?

12 A No, that's not right.

13 Q Shall I read it again, Mr. Weinberg?

14 A I know what you are reading.

15 Q Well, when you walked out of that courtroom
16 that day didn't you understand that you had been sentenced
17 to three years in jail?

18 A I knew when I went out of that courtroom that
19 day that I was going to get probation, the first of the
20 year they were going to send me a letter.

21 Q How did you know that, the FBI told you?

22 A My attorney told me.

23 Q Your attorney, Mr. Osmond?

24 A That's correct.

25 Q Did he make a deal with the FBI for you?

Weinberg-cross/Duffy

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2 A There was no deal made with the FBI. The
3 FBI spoke to the judge on my behalf.

4 Q And was that before sentencing?

5 A That is correct.

6 Q Before the 8th of December?

7 A That is correct.

8 Q So what the judge did, he didn't mean; is
9 that what you are telling the jury?

10 A I don't know.

11 Q All in all, you had about 60 felony charges
12 then pending throughout the country, did you not?

13 A That I don't know.

14 Q Well, they were pending in Tennessee, Connec-
15 ticut, Pennsylvania, New York?

16 MR. PUCCIO: Judge, I would like to see
17 those documents that Mr. Duffy is referring to.

18 -MR. DUFFY: --I have documentation, sir.

19 I am going by my notes now. I will get the mater-
20 ial for Mr. Puccio.

21 MR. PUCCIO: Thank you.

22 THE COURT: All right.

23 Q New York, Nevada, Pennsylvania, Tennessee,
24 Texas, California and possibly Connecticut. Did you have
25 trials pending in those jurisdictions?

Weinberg-cross/Duffy

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2 A Not to my knowledge.

3 Q But the only place you went to court was
4 Pittsburgh, Pennsylvania; is that right?

5 A That is correct.

6 MR. PUCCIO: Judge, if a document is being
7 relied upon to ask the question, I ask to see the
8 document.

9 THE COURT: He's working from notes, he said.
10 Whether there are documents or not, we can determine
11 that at some other time.

12 Q All right. Was the relationship that you
13 had with Mr. Goberman, the contractor from Pennsylvania,
14 part of that Pittsburgh indictment?

15 A No. That was settled in court with Mr.
16 Goberman.

17 Q Mr. Goberman sued you in the Federal Court
18 in Philadelphia, 1974 or '75, did he not?

19 A That is correct.

20 Q This was before you went to court in Pitts-
21 burgh on the criminal charges?

22 A That is correct.

23 Q And when he sued you in Philadelphia, he sued
24 you for \$150,000; is that right?

25 A Yes. And he settled for \$2,500.

Weinberg-cross/Duffy

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2 Q And at that time wasn't he told that you were
3 working with the FBI?

4 A No, he wasn't.

5 Q All right.

6 Then in January of 1978, you went back into
7 court and under the provisions of Rule 35 the judge sus-
8 pended your sentence and put you on probation, did he not?

9 A That's correct.

10 Q For a period of three years?

11 A That is correct.

12 Q And in fact as you sit here today, you are
13 still on probation, are you not?

14 A That is correct.

15 Q And it was at or about that time that you
16 went to work with Mr. Good at the Hauppague office in the
17 Federal Bureau of Investigation; isn't that right?

18 A I think it was around May.

19 Q What did you do from January to May?

20 A I was cooperating at the time, but I didn't
21 get paid officially until I think May or June.

22 Q What was that, sir?

23 A I didn't get paid officially from May till
24 June.

25 Q Made some money during that time?

Weinberg-cross/Duffy

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2 A Yes, sir.

3 Q Can you tell the jury how much?

4 A I recovered some stolen art and I got \$10,000
5 from the FBI and \$30,000 from the insurance company.

6 Q So let's see, January, February, March, April,
7 it was, \$40,000 you had during that few months?

8 A That is correct.

9 Q Did you crack any other cases for the FBI
10 during that interim period? You told us about the art.

11 THE COURT: This is from January to May?

12 MR. DUFFY: Yes, sir.

13 THE WITNESS: No. I don't recall any.

14 Q When did you go officially on the FBI payroll
15 as Melvin Weinberg, employee?

16 A I think it was May or June. I'm not sure
17 exactly.

18 Q Now, when you got on the payroll, what happened
19 when payday came? How did you get paid?

20 A I got paid once a month by check.

21 Q What kind of check? Was it one of those green
22 ones that people on Social Security get, that comes out of
23 Detroit, or was it a different one?

24 A I received a check from Abdul Enterprises.

25 Q Who signed that check?

Weinberg-cross/Duffy

- 1
- 2 A I think Mr. Brady signed it.
- 3 Q Mr. Who?
- 4 A Mr. Brady or McCarthy.
- 5 Q Jack McCarthy, who was known in the scam as
- 6 Jack McCloud?
- 7 A Correct.
- 8 Q He was listed as an officer of the corpora-
- 9 tion, was he not?
- 10 A I really don't know.
- 11 Q But in fact Abdul Enterprises was never in-
- 12 corporated, was it?
- 13 A I don't know.
- 14 Q When you talked to the FBI, whenever it was,
- 15 before December 8, 1977, or after December 8, 1977, about
- 16 going to work for them, did you tell that -- withdrawn.
- 17 Why did you speak? Give us a name of the
- 18 person to whom you spoke that got you involved in what
- 19 brings us to court this week.
- 20 A You mean about Abdul Enterprises?
- 21 Q Yes.
- 22 A Mr. McCarthy was the one. His superior was
- 23 John Good.
- 24 Q Did you speak with both of these gentlemen?
- 25 A I spoke to both of them gentlemen.

Weinberg-cross/Duffy

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2 Q And did you tell them, did you tell John Good
3 about your background?

4 A I think he knew about my background already.

5 Q Answer my question. Did you tell John Good
6 about your background?

7 A I don't remember if I told him or not.

8 Q Did he debrief you and take notes and say,
9 Hey, Mel, where were you in 1971, where were you in 1972?
10 Did you cheat anybody in that period of time?

11 A I really don't know.

12 Q You mean you don't remember, sir?

13 A I don't remember whether I took notes or not.

14 Q Well, there came a time when you walked out
15 of court in Pittsburgh as a probationer and that was in
16 January 1978?

17 A That's correct.

18 Q After the FBI had prevailed on Judge Knox
19 to change his sentence; is that correct?

20 A That is correct.

21 Q Did there come a time that day or sometime
22 thereafter when you sat down with these new fellows with
23 whom you were going to work?

24 A I don't follow your question.

25 Q Well, you walked out of Pittsburgh and you

struck some kind of deal with the FBI, as you put it, you were going to go to work for them; is that correct?

A That's correct.

Q When you walked out of the courtroom, didn't there come a day, either that time or a time thereafter, when you sat down with these fellows and discussed what it was you were going to do with the FBI?

A I made suggestions; there were meetings and I suggested, and that's how it got started.

Q Where were the meetings? When was the first one?

THE COURT: Which question do you want answered?

MR. DUFFY: It's a bad habit I have, your Honor.

THE COURT: Lots of lawyers do that.

Q Where was the first meeting?

A I think the first meeting we had an office on the ground floor of the FBI building which we were using temporarily. I think the first meeting may have been there.

Q Where?

A On Vets Highway.

Q Sir?

A: On Vets Highway.

1
2 Q On Long Island?

3 A In Long Island.

4 Q In New York?

5 A That is correct.

6 Q All right. Who attended that meeting?

7 A Jack McCarthy, myself, Myron Fuller, Mr.

8 McShane.

9 Q Who was the last one?

10 A Tom McShane.

11 Q Was Mr. Good there?

12 A No, not that I know of.

13 Q But he was the agent in charge of that office

14 at that time?

15 A That is correct.

16 Q Now, at that meeting did you talk about first

17 of all what it was you were going to do to repay the FBI

18 for getting you out of this trouble?"

19 A I paid my debt to the FBI for getting me out

20 of trouble. I didn't have to go to work for them if I

21 didn't want to.

22 Q When you recovered the stolen art?

23 A No. I got four cases before I got my proba-
24 tion.

25 Q Was that between December 8th and when you

Weinberg-cross/Duffy

were placed on probation?

A That is the time that I went to Pittsburgh and took the plea, until I got on probation.

Q So you got busy looking after No. 1, Melvin Weinberg; is that right?

A I did what they wanted to be done.

Q You did what was necessary to keep from going to jail?

A That is correct.

Q What was it that you talked about Mel Weinberg's new job was going to be when you had this meeting in Long Island with the gentlemen that you named?

A We actually didn't know. We were going to start going after white collar crime.

Q When you came up at that time with the idea of Arabs and oil money, isn't that correct?

A I came up and suggested the name of Abdul Enterprises.

Q Had you ever used that name before?

A I may have. Gamil Abdul Ramon was a friend of mine.

Q He lives in Nice?

A He lives in Nice.

Q In Nice?

Weinberg-cross/Duffy

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2 A In Nice, France, yes.

3 Q And you had used that name before, Abdul
4 Enterprises, in one of your scams?

5 A I used it from when I went to Pittsburgh, and
6 to get the cases that I was working on, I used that name
7 from then until I got put on probation.

8 Q Do Arabs, because Arabs have money to buy
9 hot art; is that right?

10 A Correct, and to buy a certain bank that we
11 were working on.

12 Q Now, when you had this meeting in Long Island
13 you brought up the question of, or the suggestion of Abdul
14 Enterprises and Arab monies; is that right?

15 A I suggested it.

16 Q And your suggestion to these FBI agents was
17 that you let the word go out among the hustlers and the con
18 men around and about that Mel was back in business and had
19 fresh money; is that right?

20 A That is not right.

21 Q Tell the jury what word went out, if any?

22 A When they had the suggestion, and they had it
23 to be okayed by the supervisors. When the supervisors
24 okayed it, we let word out that Arab money was around.

25 Q That Mel had it?

Weinberg-cross/Duffy

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2 A It was not said that Mel had it.

3 Q That Mel had control of it?

4 A No. It was not said that Mel had control
5 over it.

6 Q That Mel can get it?

7 A No. It was not said that Mel could get it.
8 Mel worked for them.

9 Q They could see Mel?

10 A They could see Mel when they wanted to, when
11 they walked in.

12 Q Mel was with Abdum Enterprises?

13 A That's all that was said.

14 Q And then people started to call?

15 A None of my old contacts came in.

16 Q I am tempted to say, I wonder why, but I
17 won't. You told -- strike that.

18 You were dealing then with a fellow named
19 McCarthy, were you not?

20 A That is correct.

21 Q And he was, as it is said in the field, running
22 you; is that right?

23 A That is correct.

24 Q When there is an informant or a special em-
25 ployee, there is an agent assigned to them as a supervisor,

Weinberg-cross/Duffy

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2 this relationship is referred to as the agent is running
3 Weinberg; is that right?

4 A That I don't know.

5 Q McCarthy never had any experience before the
6 idea that you gave him about the Arab money or the oil
7 money with this sort of thing, had he?

8 A I don't know.

9 Q Did you ask him?

10 A No, I didn't ask him.

11 Q John Good never had any experience with that
12 kind of con, had he?

13 A I don't know if he had or not.

14 Q Did you ask him?

15 A I didn't ask him.

16 Q Was there any FBI agent who said, "Oh, Mel,
17 I know that name, yeah, let's do it"?

18 A Yes, there was an agent named Myron Fuller
19 that was very experienced in it.

20 Q And he was at that first meeting, was he not?

21 A Yes.

22 Q And he knew what you were proposing really
23 to do was create a spinoff on the old Mel Weinberg scam,
24 and just don't cheat the people, isn't that really what
25 it boiled down to?

Weinberg-cross/Duffy

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2 A No, it didn't boil down to that.

3 Q Let's examine that for a minute.

4 Didn't you tell Mel in the old game with
5 Lady Evelyn that you represented, whoever they were, Arabs,
6 Greeks, whoever they were, who had mega millions to invest,
7 and that you could arrange loans; did you tell them that
8 much?

9 A We had money to put out in the street.

10 Q Okay. And then when somebody would say they
11 wanted a loan, part of your scam was, or indeed the heart
12 and soul of your scam was, all right, then good, I am going
13 to contact, whoever your fictitious principal was, but we
14 needed \$2,500 to do an appraisal? Isn't that the way it
15 worked?

16 A That's the way it worked.

17 Q Or \$3,500?

18 A \$2,500 in the East Coast, \$3,000 in the West
19 Coast.

20 Q You had it broken down?

21 A We had it broken down.

22 Q And if the guy looked like a fat cat, maybe
23 5,000?

24 A No.

25 Q You were honest about staying to the price

Weinberg-cross/Duffy

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limit?

A We had a list price.

Q And then the fellow would pay you the money and then you would see if you could get him for some licensing fees or something else and get another \$1200 or so out of him; is that right?

A That's not correct.

Q Am I wrong on the amount or the whole notion?

A You are wrong on the notion. There were no licensing fees.

Q Well, didn't you go back to the trough again after you got the first \$2,500, if you could?

A On occasions we did.

Q Now, the whole notion with these people was that you were in a position to arrange for them to borrow needed monies; is that right?

A Correct.

Q And the way the scam works, regardless of the amount, was that you would take some of their money that you would take from them, get them to put up as earnest money or as paying costs; is that right?

A No. We would charge them an appraisal fee and inspection fee.

Q Now, when you set the deal up with the FBI,

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2 was it your idea or a coincidence, the word that went out
3 to people was that if they were looking for mortgage money,
4 if they were looking for investment capital or to borrow
5 funds, Abdul Enterprises were the people to see; is that
6 much correct?

7 A Right, I would say partly. We were looking
8 actually to buy stolen securities and CDs.

9 Q Initially?

10 A Right.

11 Q And then you got into the hotel business, or
12 at least fictitiously so; is that right?

13 A That's correct.

14 Q And the word was sent out that Abdul Enter-
15 prises was prepared to make investments of millions and
16 millions of dollars of Arab oil money?

17 A Yes.

18 Q Isn't that right?

19 A Yes.

20 Q And if you had a deal, bring it to Mel;

21 A Not bring it to Mel; to bring it to Abdul.

22
23 (Continued on next page.)
24
25

Weinberg-cross-Duffy

1
2 Q Bring it to Abdul?

3 A Yes.

4 Q And people brought deals to Abdul?

5 A Yes.

6 Q Is that correct?

7 A People brought deals.

8 Q And you had some trouble early on because
9 you attracted some honest people; isn't that right?

10 A If a person came in and we thought they
11 were honest -

12 Q Would you answer my question, sir?

13 A I can't answer the question unless you let
14 me.

15 MR. DUFFY: Perhaps the Judge will let me
16 have an answer, I'm sorry.

17 THE COURT: Can you answer the question yes
18 or no?

19 THE WITNESS: I can't answer the question
20 yes or no, your Honor.

21 MR. DUFFY: Your Honor, I would like to ask
22 it again.

23 Q You had some trouble early on because you
24 attracted some honest people; isn't that correct?

25 A I can't answer that yes or no.

1 Weinberg-cross-Duffy

2 THE COURT: Can you say why you can't answer
3 it yes or no?

4 THE WITNESS: Because we had no trouble,
5 your Honor, with anyone coming in.

6 THE COURT: All right.

7 Q You attracted some people with legitimate
8 deals, did you not?

9 A If we attracted people with legitimate deals,
10 we would tell them we are not interested in the deal.

11 Q Would you answer my question.

12 You attracted some people with legitimate
13 deals, did you not?

14 A We attracted some people with legitimate
15 deals, right.

16 Q All right.

17 And did you not, therefore, have to adopt
18 a policy as to what you were going to do with people who
19 had legitimate deals?

20 A The policy was that we were --

21 Q Would you answer my question, sir?

22 THE COURT: The question is: Did you adopt
23 a policy?

24 THE WITNESS: We adopted a policy on --

25 THE COURT: If he wants to know what it is, he

1
2 will ask you.

3 If he doesn't, he will not ask you.

4 Q All right.

5 And the policy you adopted was an order to --
6 withdrawn.

7 The people at the FBI told you, did they not,
8 that when someone came in with a legitimate deal you
9 shouldn't get involved with it and hold them up for -- or
10 to let them suffer disappointment, you should reject it
11 as quickly as possible; is that right?

12 A I did not sit at the meetings making those
13 decisions. Mr. McCarthy sat at the meetings and told
14 me he wasn't interested in it.

15 Q I didn't ask you who was at the meetings.

16 A You are asking me who made decisions. I
17 was not making decisions.

18 Q I don't believe that's what I said either,
19 sir, but I will ask it again.

20 Did there not come to be very early on
21 a policy of rejecting deals offered by people if they
22 appeared to be legitimate?

23 A That is true.

24 Q And wasn't that policy announced to you by
25 your superiors in the Bureau?

Weinberg-cross-Duffy

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2 A That I don't know where they came from, whether
3 they came from the Bureau or whether they came from John
4 Good.

5 THE COURT: Where did you learn it, Mr.
6 Weinberg?

7 A Jack McCarthy told me.

8 THE COURT: All right.

9 Q Didn't Jack McCarthy work for the Bureau?

10 A I didn't know where he got the information
11 from. He wouldn't tell me where he got the information
12 from.

13 Q Didn't Jack McCarthy work for the FBI?

14 A Yes, he did.

15 Q And he is the one who told you, no, if someone
16 comes in with a clean deal, legitimate deal, we turn them
17 down, we don't want to get involved with honest people?

18 A Correct.

19 Q Now, when was it that you first let the word
20 go out that Abdul Enterprises was interested in investing
21 money in things like hotels?

22 A A gentleman came up to the office and --

23 MR. DUFFY: Your Honor, may we have the
24 witness directed to respond to the question, sir?

25 THE COURT: The question, Mr. Weinberg, was

Weinberg-cross-Duffy

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2 just when. If you stop and think a minute, see if
3 you can fix a date or an approximate date. That's
4 all he asked for.

5 THE WITNESS: I will say around November
6 of '78, maybe before.

7 Q Pardon me?

8 A Around November of '78 or maybe before that.

9 Q If it was before that, how long before that?

10 A I really don't know.

11 Q As early as July 1978?

12 A I really don't think I can answer that
13 truthfully. I don't know.

14 THE COURT: Are you saying your best recollec-
15 tion would be around November?

16 THE WITNESS: That is correct.

17 Q Did Abdul Enterprises communicate with a
18 fellow named Joe Meltzer down in Florida about a real
19 estate deal in the summer of 1978?

20 A I don't know anything about that.

21 Q Do you know Joe Meltzer?

22 A I heard of him. I never met him.

23 Q Ever talk to him?

24 A Spoke to him on the phone.

25 Q Do you know whether he was working with the

1
2 FBI down in Florida?

3 A That I don't know.

4 Q Do you know Gunner Asquine?

5 A I know Gunner Asquine.

6 Q He is an FBI agent who used the scam name
7 Gunner Anderson, did he not?

8 A That's his name.

9 Q And he ran Joe Meltzer?

10 A I don't know if he ran Joe Meltzer. I don't
11 think anybody could run Joe Meltzer.

12 Q He was the agent whom Meltzer reported down
13 in Florida, did he not?

14 A I don't know that.

15 MR. PUCCIO: Your Honor -- excus eme.

16 Q Are you telling His Honor and the jury that
17 you don't know anything about the real estate deal with
18 Joe Meltzer and Abdul Enterprises and a politician in Florida?

19 MR. PUCCIO: I object, your Honor, on the
20 grounds of relevancy.

21 THE COURT: I think he is essentially trying
22 to wrap up that subject to get on to another one..

23 Is that right, Mr. Weinberg? Is that what you
24 are saying? You don't know anything about that
25 kind of a deal?

1 THE WITNESS: All I know is rumors I heard.

2 I was not involved in that.

3 Q Where did you pick up the rumors? Not what
4 they were, where did you get them?

5 A I heard them in the office.

6 Q And the office you were in was FBI agents;
7 is that right?

8 A That is correct.

9 Q Well, just one final question in this area.
10 Did you ever enlist Meltzer to approach any
11 politicians, you, Mel Weinberg?

12 A No, I didn't.

13 Q Did you ever tell Meltzer to con any
14 politicians?

15 A No, I didn't.

16 Q Did Gunner Asquine or Jack McCarthy tell
17 him that in your presence?

18 A I wouldn't know if they told him. Not in
19 my presence, they didn't tell him.

20 Q Specifically, Mr. Weinberg, did you, Mel
21 Weinberg, ever tell a middleman, shall we decide what
22 that a middleman is? Do you know what a middleman is in the
23 ABSCAM operation is?

24 A You explained me your definition of a middleman.
25

1
2 Q Why don't we let the jury hear yours first.

3 MR. PUCCIO: Objection, your Honor.

4 THE COURT: Does the term "middleman" mean
5 anything to you in the context of Abdul Enterprises
6 operations?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: What does it mean to you?

9 THE WITNESS: A middleman is what you use
10 to make the contact with the initial person.

11 Q Make the contact with whom?

12 A The person comes with somebody he has got
13 and you speak to him and he sets the meeting up for you.

14 Q All right.

15 For example, would it be your testimony that
16 Mayor Errichetti was a middleman, one of perhaps several,
17 but at least Mayor Errichetti was a middleman in arranging
18 the Myers meeting?

19 A That is correct.

20 Q All right.

21 Did you ever tell any middleman that you
22 wanted to have him con the politicians?

23 A No.

24 Q Did you ever tell any middleman that you
25 didn't care what he said to a politician, that you wanted to

Weinberg-cross-Duffy

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2 con him, so long as the politician would take money at a
3 meeting?

4 A No. The politician had to say something to
5 prove to us that he was going to do what he said and he
6 would take the money.

7 Q You told that to middlemen?

8 A I told the middlemen or Errichetti, if he
9 bought a politician, the politician had to prove to us
10 that he was going to do what he says.

11 Q Did you ever tell Errichetti or any other
12 middleman that you, that what you wanted was to have a
13 politician take money and you didn't care how he got him
14 to do it as long as it would appear to come over as a bribe?

15 A No.

16 Q You never told that to anybody?

17 A No.

18 Q Specifically, did you ever tell that to
19 Joe Meltzer?

20 A I told you I only spoke to Joe Meltzer twice
21 on the phone and I never spoke to him about any politician.

22 Q Did you ever tell a politician what it was
23 he was to say at a meeting that was coming up, let's say
24 right after you talked to him?

25 A Yes, I did.

Weinberg-cross-Duffy

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2 Q Did you ever tell anyone what Mario Noto
3 was supposed to say when he came to Washington?

4 A No.

5 Q What does Mario Noto look like, the real
6 Mario Noto?

7 A A much older man, if I remember the picture
8 correctly, a full head of hair.

9 Q Anything else you can tell us about him?

10 A Not offhand. It was some time ago.

11 Q Pardon me?

12 A I said it's quite some time ago.

13 Q Do you have that picture so we could show
14 it to the jury?

15 A Do I have the picture?

16 Q Yes.

17 A No, I don't have the picture.

18 Q When did you see that picture?

19 A The day before.

20 Q Can you tell the jury what time?

21 A I got down there late in the afternoon
22 because I came from another meeting.

23 Q You were in New York that day?

24 A I don't remember where I was. I don't know
25 if it was New York or New Jersey.

Weinberg-cross-Duffy

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2 Q That would have been the 18th of September,
3 1979; am I right?

4 A Tha is correct.

5 Q And were you in New Jersey that day?

6 A I really don't know where I was because I
7 moved around quite a bit.

8 Q Do you have any recollection of your whereabouts
9 on the 18th of September?

10 A I think I was in New Jersey, if I am not
11 mistaken.

12 Q Can you tell the jury where?

13 A I am not sure, but I think it was either
14 the Hilton Inn, in Mount Laurel.

15 Q Could it have been Moorstown, New Jersey?

16 A Morristown?

17 Q Moorstown?

18 A I don't think I was in Morristown.

19 Q Were you on Long Island that day?

20 A I really don't know for sure, but we can
21 check that to find out.

22 Q I am asking you what you remember. Were you
23 in New York that day?

24 A I told you I am not sure where I was.

25 MR. DUFFY: A change in subject now.

1
2 THE COURT: Is the new subject going to be
3 a shorter one?

4 MR. DUFFY: A long one.

5 THE COURT: Can you pick a short one?

6 MR. DUFFY: I can go into one if it runs
7 too long cutting it off will not hurt.

8 THE COURT: All right.

9 Proceed.

10 Q Mr. Weinberg, we were given a list, and I
11 don't know if it needs to be an exhibit at this point, of
12 payments which are called schedules of compensation paid
13 to Mel Weinberg, and it starts July 1, 1978, with a \$1,000
14 entry.

15 Is it your testimony that that's the first
16 time you got paid from the FBI in connection with your
17 employment after the Pittsburgh deal?

18 A I really can't answer. I really don't know.
19 I have never seen the list, by the way.

20 Q I want to question you about what Mel
21 Weinberg remembers.

22 A I don't remember.

23 Q In March of 1979 did you get a \$5,000
24 bonus check from John Good?

25 A If it's on that list I got it.

Weinberg-cross-Duffy

1
2 Q It's not on this list, Mr. Weinberg. I am
3 asking you for your recollection.

4 A If it's not on the list, I didn't get it.

5 Q Do you recall testifying in Philadelphia
6 under oath?

7 A I do.

8 MR. DUFFY: May I have a moment, sir?

9 THE COURT: Yes.

10 Q So we are clear on this, is it your testimony
11 here today in Court under oath before the jury that you
12 didn't get a \$5,000 bonus check from John Good in March
13 or April 1979?

14 A And it's not on that list?

15 Q It's not on this list.

16 A Well, if it's not on the list, I don't
17 remember getting it.

18 MR. DUFFY: May I show the witness
19 the testimony from Philadelphia, sir?

20 THE COURT: Certainly.

21 Q I have Volume Three of your testimony in
22 Philadelphia at the hearing before Judge Fullman.

23 THE COURT: Is that Volume Three of his
24 testimony or of the testimony?

25 MR. DUFFY: If the testimony, Judge.

Weinberg-cross-Duffy

Page 3.88, a little south of the page.

THE WITNESS: I said on here, I think I got
it around March or April of '79.

Q Got what?

A A bonus.

(Continued on next page.)

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Q Got what?

A I said about 5000. I said I think I got it. You got a list and I don't have it.

Q Mr. Weinberg, we didn't have a list then.

A You had the list then.

Q We have been given a list by the government -

MR. DUFFY: May I ask Mr. Puccio through the Court to provide Mr. Weinberg with what the government contends is a history of his payments?

THE COURT: Do you have a copy of that, Mr. Puccio?

MR. PUCCIO: Yes, your Honor.

MR. DUFFY: Your Honor, can we make that a defense exhibit, Exhibit E?

THE COURT: Have you seen that document before, Mr. Weinberg?

THE WITNESS: No. I have never seen this here before.

THE COURT: Proceed, Mr. Duffy.

Q Mr. Weinberg, this was provided, Defendants' Exhibit E that we have before us was provided to us this morning by Mr. Puccio.

Are you telling the jury that you never saw the list of the payments that the government says that they

1
2 made to you?

3 A No. It's the first time that I am actually
4 seeing it in my hand.

5 Q Are we talking about that piece of paper or
6 any record of your payments?

7 A Any record of my payments.

8 Q Do you keep your own little book saying I
9 got 1000 today in a book?

10 A No, I don't.

11 Q Do you see any \$5000 bonus, check or indication
12 thereof, from Good in March of '79?

13 A Well, the only thing I see in March of '79
14 is 2500.

15 Q All right.

16 THE COURT: Aren't there two other payments
17 in March?

18 THE WITNESS: The other one is a \$500 payment,
19 your Honor.

20 THE COURT: And March 30th?

21 THE WITNESS: March 30th would be my check
22 for the month.

23 THE COURT: All right.

24 Q Would you share that with the jury,
25 Mr. Weinberg. How much was that?

1
2 A \$3000 a month.

3 Q So that month you got \$6000, plus in
4 Philadelphia you said at page 3.88 that you got a check --
5 here, I will read it to you.

6 "I was paid up in New York, I think it was
7 around March or April.

8 "Question: Of '79?

9 "Answer: Right.

10 "Question: And how much did you get?

11 "Answer: I think it was 5000.

12 "Question: Who made that payment to you?

13 "Answer: John Good.

14 "Question: Was that by check?

15 "Answer: Yes. I signed a receipt for it."

16 So that couldn't be the two or the 2500 or
17 the 3000, could it?

18 A That's probably what it is.

19 Q The government, when they gave you the figures,
20 they took a -- strike that.

21 They took a \$5000 check --

22 A I said at that time I think it was 5000. I
23 didn't say it was 5000. I knew I got a bonus around about
24 that time.

25 Q All right.

Weinberg-cross-Duffy

1
2 There came a time that you had to move, did
3 you not?

4 A That is correct.

5 Q That is to say to change your place of
6 residence?

7 A That's correct.

8 Q And when was that, Mr. Weinberg?

9 A I think it was in June of '79 or July of '79.

10 Q All right.

11 You owned a home out in Long Island somewhere?

12 A That's correct.

13 Q Where was that? We don't need the address,
14 just in what area?

15 A Central Islip.

16 Q Central Islip?

17 A Right.

18 Q You had to sell that house?

19 A I sold that house.

20 Q Did you lose money on it?

21 A I lost about \$40,000 on it.

22 Q What was the selling price?

23 A 30,000.

24 Q What did you buy it for?

25 A I bought it for thirty.

1
2 Q Did you buy it for thirty or was it nineteen?

3 A It was nineteen, 990, correct.

4 Q You bought it for nineteen and sold it for
5 thirty, but you lost 30,000?

6 A That's correct.

7 Q The figures that I have from the government,
8 this Exhibit E, I added it up in court and I get \$93,290.32.
9 I don't represent to you or the Court that that's completely
10 accurate, but that's my mental computation.

11 A A lot of that is expenses in there.

12 Q Pardon me?

13 A A lot of that is expenses in there.

14 Q I understand.

15 Let me ask some questions.

16 Can we agree that you got \$93,000 from the
17 end of July, '78 until the end of June, '80?

18 A I don't agree to that. I haven't added this.

19 Q Why don't we get you a pencil.

20 THE COURT: We will do that one overnight
21 then.

22 MR. DUFFY: Then I suggest we get him an
23 adding machine, Judge. It's an awful long column
24 of figures.

25 THE COURT: That's why I suggest that we do

Weinberg-cross-Duffy

1
2 it overnight.

3 We will break at this point, ladies and
4 gentlemen. And during the overnight recess don't
5 discuss the case with yourselves or anyone else.

* * *

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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MELVIN WIENBERG	1587 1660	1675		
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GOVERNMENT'S EXHIBITS:	DESCRIPTION	FOR ID.	IN EX.
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19A, 19B	ARTICLES		1626
21, 21A	TAPE & TRANSCRIPT		1641
273, 274, 275, 276, 277	DOCUMENTS		1660
23, 23A	ARTICLES		1666
24, 24A	ARTICLES		1671
25, 25A	ARTICLES		1673

* * * *

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

-----x
 UNITED STATES OF AMERICA, :
 :
 -against- : 80 CR 00249
 :
 MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
 LOUIS C. JOHANSON, HOWARD L. CRIDEN, :
 :
 Defendants. :
 -----x

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201
 August 19, 1980
 9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

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A P P E A R A N C E S :

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Strike Force
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* * *

* * *

15 THE CLERK: Mr. Weinberg, you are advised
16 you are still under oath.

17 CROSS EXAMINATION

18 BY MR. DUFFY: (Continued)

19 Q Mr. Weinberg, I think we left off yesterday
20 with me suggesting that you get a pencil. But now I have
21 to question you a little differently.

22 MR. PUCCIO: I object to the statement, Judge.

23 THE COURT: Sustained. Disregard counsel's
24 statement.

25 Q Did you receive this morning a new 2 page

1
2 schedule of compensation paid to Melvin Weinberg?

3 A No, I haven't.

4 Q I now show you what we have marked --

5 MR. DUFFY: May I approach the witness, sir?

6 THE COURT: Yes.

7 Q What we have marked for identification as
8 Defense Exhibit F. I ask you to take a look at that.

9 Have you examined that, sir?

10 A I have examined it.

11 Q You never saw that before, I take it?

12 A No, I haven't.

13 Q Do you know who prepared it?

14 A No, I don't.

15 MR. DUFFY: May we have an agreement from
16 the Government --

17 MR. PUCCIO: Stipulated that it was prepared
18 by the Government.

19 MR. DUFFY: May we have a statement from
20 Mr. Puccio, sir, as to who prepared this document.

21 MR. PUCCIO: Prepared by Agent Bruce Brady
22 and typed by my secretary.

23 THE COURT: And prepared from what, Mr. Puccio?

24 MR. PUCCIO: Prepared from the ABSCAM
25 investigation file and in addition the 137 file.

1
2 THE COURT: FBI records?

3 MR. PUCCIO: FBI records.

4 THE COURT: All right.

5 Proceed, Mr. Duffy.

6 Q You are aware, are you not, that the Government
7 through Mr. Puccio supplied us with Exhibit E yesterday,
8 are you not?

9 A That's correct.

10 Q And that, as you understood it, purported to
11 be a complete record of payments to you during your
12 participation in ABSCAM; is that right?

13 A That's correct.

14 Q And then you answered some questions that
15 indicated that you got more monies than were shown on
16 Exhibit E; is that right?

17 A That is correct.

18 Q Now, overnight the Government has prepared a
19 new list. I would like to go through it with you if I
20 may. I have some questions on it.

21 Before we look at the list, when was it that
22 you sold your home on Long Island?

23 A I think it was around July. I'm not sure.

24 Q Was there a year?

25 A 1979.

1
2 Q All right.

3 If you look at Exhibit E -- do you have that
4 up there, Mr. Weinberg?

5 A No, I don't.

6 MR. DUFFY: Could we get a copy for him,
7 sir?

8 Q If you look at Exhibit E, can you tell the
9 jury whether in July, 1979 there is any entry that indicates
10 a payment to you in the amount of \$15,000 in July, 1979?

11 A Not in July. There's no payment.

12 Q How about June, 1979?

13 A June 15th is a payment of \$15,000.

14 Q I am directing your attention to E not F.
15 The one we cross examined you on yesterday.

16 A There is nothing in here for June.

17 MR. PUCCIO: Your Honor, I am going to object
18 to this because these documents were not prepared
19 by this witness.

20 MR. DUFFY: Your Honor, they were prepared
21 by the Government of the United States.

22 THE COURT: They are still not prepared by
23 this witness. He's not responsible for them, is
24 he?

25 MR. DUFFY: That is the purpose of my inquiry.

1
2 to find out who is responsible.

3 THE COURT: Then ask him if he had anything
4 to do with the preparation of the document. Don't
5 waste our time.

6 Q Did you have anything to do with the prepara-
7 tion of either document?

8 A None whatsoever.

9 Q Do you have any records that you can bring
10 into Court or have brought into Court to show this jury
11 how much money you were paid by the FBI in connection with
12 ABSCAM?

13 A I have no records whatsoever.

14 Q Do you have a bank account?

15 A I gave it to Mr. Puccio.

16 Q Answer my question?

17 A Yes, I have a bank account.

18 Q Does your bank account or do your bank records
19 run back through 1977?

20 A Yes.

21 Q Do you have bank records here in the building?

22 A No, no.

23 Q Do you personally have records that show
24 your banking in 1977, '78 and '79?

25 A No, I don't personally have any records at

1
2 all.

3 Q Did you file a tax return in 1979 for the
4 year -- the tax year 1978?

5 A No, I didn't.

6 Q You say you did not file a return?

7 A I did not file.

8 MR. DUFFY: May I have a moment, sir?

9 THE COURT: Yes.

10 MR. DUFFY: 3.136.

11 Q You testified in Philadelphia, Mr. Weinberg,
12 did you not, under oath before Judge Fullman on July 9,
13 1980?

14 A That's correct.

15 Q A little more than a month ago?

16 A That's correct.

17 Q Were you asked at that time -- I am asking
18 now for your recollection. Were you asked at that time
19 whether you filed a tax return for 1978?

20 A That's correct.

21 Q Do you remember what your answer was?

22 A I said I did. But I was talking about 1977.
23 I filed in '78 for '77.

24 Q Did you get an extension for the tax year
25 1978 for filing a return that should have been filed by

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April 15, 1979?

A No, I didn't.

Q Did you make any arrangements with the Government about not filing?

A No, I didn't.

Q How about your 1979 return, the one that we all filed on the 15th of April, 1980?

A I didn't file.

Q Anybody working on that?

A No. But I'm going to work on it.

Q Have you had anybody working on it?

A No.

Q You remember testifying in Philadelphia about that?

A I remember.

Q Do you remember whether you were questioned about your 1979 return, the one that was due four months ago?

A I remember.

Q Do you remember what you said?

A I said I spoke to somebody up in the office.

Q Up in what office?

A In Puch's office. Tax guy.

Q Puch's office?

1
2 A Yes.

3 Q You mean Mr. Puccio?

4 A Mr. Puccio.

5 Q What else did you say? Tell the jury?

6 A I spoke to the fellow and he told me to get
7 all the papers, what I made, and see a tax guy and get it
8 down. A lot of this money on here is expense money. This
9 goes way back.

10 Q I will ask the questions, Mr. Weinberg. You
11 just give the answers, sir.

12 Is anyone in the Government helping you
13 with your 1979 tax return?

14 A No, they ain't.

15 Q But you said in Philadelphia that they
16 were?

17 A I said I spoke to the fellow there.

18 Q Did you say in Philadelphia that someone from
19 Puccio's office was helping you with the return?

20 A I spoke to him. He said to get all the
21 papers.

22 Q Mr. Weinberg, I -- I want you to look at
23 Page 3.137 of the transcript of the Philadelphia proceedings.
24 In fact, go back to 316 at the bottom, by Mr. Ben-Veniste,
25 read that and read what is at the top of the next page.

Weinberg-cross-Duffy

1
2 MR. DUFFY: May I retrieve the transcript,
3 sir?

4 THE COURT: Yes.

5 Q Have you examined that transcript of the
6 Philadelphia testimony?

7 A I have.

8 Q Can we agree that that was the colloquy
9 between you and Mr. Ben-Veniste?

10 A That's correct.

11 Q Did he say to you:

12 "Question: Did you file a tax return for the
13 year 1979?

14 "Answer: I haven't filed a tax return yet.

15 "Question: Have you filed for 1978?

16 "Answer: Yes."

17 Now, stopping there, you are telling the jury
18 today that you have not filed for '78?

19 A I misunderstand. I filed '78 for '77.

20 Q And then did Mr. Ben-Veniste ask you, "Do
21 you recall how much you declared in 1978?"

22 "Answer: Not offhand."

23 Was that your answer?

24 A That's correct.

25 (Continued on next page.)

Weinberg-cross-Duffy

1
2 Q And then:

3 "Question: Is anyone in the Government
4 helping you with your tax return?"

5 Your answer was, "Yes."

6 Is that correct?

7 A That's correct.

8 Q The next question was, "Who?"

9 The answer was, "Some fellow up in Mr.
10 Puccio's office."

11 Is that what you said?

12 A Yes.

13 Q The next question was, "Who was that?"

14 Your answer was, "One of the tax lawyers.
15 I don't know his name."

16 Is that what you told the Judge under oath
17 in Philadelphia?

18 A That's what I told him.

19 Q But you say today that no one in Mr. Puccio's
20 office is helping you with your return?

21 A I went to him for help, which I stated in
22 this statement there, and he told me, get all the figures
23 together, to see him, and get a tax lawyer to make them
24 out.

25 Q Did you file a return in 1978 for --

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A No.

Q I wasn't finished.

Did you file a return in 1978 for the tax year 1977?

A Yes.

Q Do you recall what you declared then?

A No.

Q Do you have a copy of that return?

A No.

Q All right, sir.

This new document that we have been provided, Exhibit F in front of you, shows that instead of \$93,000 as was indicated on E, you were paid \$133,150.82. Is that an accurate listing of the payments made to you by the Government?

A To the best of my knowledge, yes.

Q Well, will you take your time and do whatever you need to do to supplement or delete as regards this purported statement of payments to you?

A I haven't the slightest idea what they paid me.

Q Let's talk about that for a minute. There came a time when you received \$3,000 a month, did there not?

1 A That's correct.

2 Q And that went on from when to when?

3 A Started March 30th.

4 Q Will you give us the year?

5 A 1979.

6 Q Have you received \$3,000 from the Government
7 every month since then?

8 A That's correct.

9 Q That's apart from any other payments you
10 receive; am I correct?

11 A That's correct.

12 Q Now, tell the jury when you get this 3,000 --
13 by the way, when did you get the last 3,000?

14 A First of the month.

15 Q Just a few weeks ago? Couple of weeks ago?

16 A Yes.

17 Q When you get this 3,000, how do you get it?

18 A Check.

19 Q Whose check?

20 A Used to be Abdul's check. And now it's another
21 name. It's the name of the bank. I didn't bother looking
22 at it.

23 Q What do you mean by another name on the check?
24 Is it a Government check from the Treasury like Social Security
25

1
2 receivers get?

3 A No. It's not a Government check. The
4 check is to come from Abdul Enterprises.

5 Q How much was the check when it came from
6 Abdul Enterprises during the months when your pay was
7 \$3,000 a month?

8 A \$3,000.

9 Q Didn't it come to \$2369.12 or something?

10 A I just told you it was 3,000.

11 Q They didn't hold out any taxes?

12 A Apparently not.

13 Q Did you pay unemployment compensation,
14 Workmen's Compensation? Was that paid by Abdul?

15 A I don't know.

16 Q Was there any social security payments made
17 by you or Abdul for you?

18 A I don't know what Abdul paid for me. I
19 didn't pay it.

20 Q Did you get at the end of '78, after you
21 had been working for Abdul for some period of time, did
22 you get -- let's say, in January, February, March, 1979,
23 did you get a W-2 form?

24 A No, didn't.

25 Q Did you get a 1099 form?

Weinberg-cross-Duffy

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2 A No, I didn't.

3 Q Did anybody in the Government say, hey, Mel,
4 you're going to have to pay some taxes. Here is how much
5 we paid you last year?

6 A No, they didn't.

7 Q Did you testify in Philadelphia under oath
8 that you got a W-2 form from the Government?

9 A No, I didn't.

10 MR. DUFFY: May I have a moment, sir?

11 THE COURT: Yes.

12 MR. DUFFY: I will come back to that, your
13 Honor, if Mr. Levy can pinpoint it in the record.

14 THE COURT: All right.

15 Q Now, would you look at Exhibit F. That's
16 the two page -- the recent entry. And I direct your
17 attention to the eighth item, July 31, 1978. This document
18 shows that you were paid a \$1,000 that day, is that
19 correct?

20 A That's correct.

21 Q All right.

22 Can you tell the jury -- I don't want to
23 go over each and everyone of these, but can you tell the
24 jury if the check you got was for a thousand or whether
25 there were some taxes withheld?

1
2 A I told you before they were for the amount
3 made out, \$1,000.

4 Q That was an Abdul check?

5 A Correct.

6 Q All right.

7 The next item is August 4, 1978, the next
8 day. That's for \$600?

9 A That's correct.

10 Q That item did not appear on Exhibit E.
11 Can you tell the jury what that item is?

12 A If I remember correctly, I laid out for the
13 rent in the office. The landlord wanted rent when we first
14 rented the office then and I gave him a check for \$600.
15 And they reimbursed me.

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18 (Continued on next page.)
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2 Q Now, Mr. Levy gives me --

3 MR. DUFFY: May I approach the witness, sir?

4 THE COURT: Yes.

5 Q About the W-2 form you say you didn't say it
6 under oath in Philadelphia that there was a W-2 form.

7 Would you read from Page 3.89, starting at
8 the top.

9 MR. PUCCIO: May I have the page, sir.

10 MR. DUFFY: 3.89.

11 Q Have you read that?

12 A I read it.

13 Q Is that the sworn testimony you gave in
14 Philadelphia?

15 A That's correct.

16 Q I don't know who was questioning you, but
17 was the question -- a little out of context -- "Was that
18 by check?

19 "Answer: Yes. I signed a receipt for it.

20 "Question: Were you always paid by check?

21 "Answer: Yes. My salary was always paid by
22 check.

23 "Question: You considered it a salary?

24 "Answer: Well, it was expenses and salary.

25 "Question: And did they fill out a W-2

1 form in that kind of stuff for you?

2 "Answer: They did."

3 Is that what you said in Philadelphia?

4 A I said that. But I believe you were talking
5 about the form that I sign when I get the money.

6 Q The receipt?

7 A Correct.

8 Q I don't want to quarrel with you, Mr. Weinberg,
9 but you said -- above that you said, "I signed a receipt
10 for that."

11 Is that correct?

12 A That's correct.

13 Q Perhaps I am being quarrelsome and I don't
14 intend to be. Do you know what a W-2 form is? Did you
15 work at an honest job?

16 MR. PUCCIO: I object to the statement, Judge.

17 THE COURT: I will sustain it as to form.

18 Q Do you know what a W-2 form is?

19 A I thought a W-2 form is what you get from
20 your employer with the taxes you paid.

21 Q At the end of the year he gives you a little
22 form that says you paid so much, so much was held out for
23 this, so much was held out for that. You know what it is,
24 don't you?
25

1
2 A I do.

3 Q You know what it was on July 9, 1980 when you
4 testified in Philadelphia, didn't you?

5 A No, you questioned me -- I thought that you
6 were talking about the form I signed for the Government.

7 Q All right.

8 Let's go back to that \$600 item, August 1,
9 1978. You say you paid the rent?

10 A I laid out a check for the rent, because they
11 didn't have the check with them. So I gave my check.

12 Q All right.

13 Skipping down to October 24, 1978. Do you
14 see that item on Exhibit F, \$5,000?

15 A I do.

16 Q Do you see it?

17 A Yes, I see it.

18 Q It does not appear on Exhibit E does it?

19 A No, it doesn't.

20 Q Can you tell the jury what that 5,000 was?

21 A I haven't the slightest idea what it's for.

22 Q You've got \$5,000 less than two years ago
23 and you don't have any idea what it's for?

24 A Probably something I did and they gave me a

25 Q A bonus?

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A A bonus on it.

Q You got another \$5,000 bonus in March or April of 1979, did you not?

A It's April 9th.

Q That wasn't on the list yesterday, was it?

A No, it isn't.

Q It's on the new list, is it not?

A Correct.

Q Let's skip down to June 15, 1979 where the new list, Exhibit F -- it was given to us this morning -- shows \$15,000 payment. Was that on the list that was given to us yesterday, Exhibit E?

A No, it isn't.

Q Tell the jury what that 15,000 was?

A Well, I'm not sure what it's for, unless when my cover was blown.

Q It had to do with the sale of your house, didn't it, Mr. Weinberg?

A In June?

Q Yes.

A No.

Q When did you sell your house?

A The house was sold -- I told you, July. June, July. But it wasn't closed on it until I think

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2 September.

3 Q The cover thing that -- your cover being
4 blown, when did that come up?

5 A Came up a few times.

6 Q How much did you get -- what kind of bonus
7 because your cover was blown?

8 A I don't remember. But I'm just guessing at --
9 it may be for that.

10 Q Well, if it was only 14 months ago -- stop
11 me if I'm wrong -- wouldn't you remember getting \$15,000?
12 Or isn't that much to you?

13 A I don't remember what it was for.

14 Q Well, let's tell the jury about the house,
15 Mr. Weinberg. You sold the house for \$30,000, isn't that
16 right?

17 A That's correct.

18 Q And you paid \$19,000 for the house; isn't
19 that correct?

20 A I paid \$20,000 for the house. 1990.

21 Q I will give you the thousand. When you sold
22 the house, you went to John Good with the FBI and complained
23 to him that you were taking a giping on the house, and you
24 got \$10,000 from the FBI to supplement the sale price on
25 your house; isn't that true?

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2 A No, I don't think that is true.

3 Q Do you know --

4 A I don't know what the 15,000 was in June.
5 But I don't believe it was for the house.

6 Q Just answer my question. I am not going to
7 the -- I am not going to the list now. I want you to tell
8 the jury what you remember about the sale of your house
9 just only -- a little more than a year ago. Isn't it
10 true -- listen to my question, please.

11 Isn't it true that when you sold the house
12 for \$30,000, you told Good that you took a loss on the house
13 and that you want the FBI -- stop there -- that you told
14 Good you took a loss on the house?

15 A I don't remember telling Good I took a loss
16 on the house.

17 Q Do you deny now under oath that you said that
18 to him?

19 A I don't remember saying it to him.

20 Q All right.

21 Didn't you say to Good that you wanted the FBI
22 to pump you up with some money to supplement what you were
23 getting on the sale of the house?

24 A I don't believe that -- part of that money
25 could be moving expenses. They paid for my moving.

Weinberg-cross-Duffy

1
2 Q I am coming to that, Mr. Weinberg. Let's
3 talk about the 10,000 now.

4 A I really don't now. I just can't answer you
5 on it.

6 Q Okay.

7 Let's talk about the moving expenses then.
8 Isn't it true that you went to Good and told him, since
9 you were moving from your home you needed some walking
10 around money or living expenses and you got another \$5,000
11 from the FBI?

12 A No, that's not true.

13 Q Do you deny under oath that you got \$15,000
14 from the Federal Bureau of Investigation or Abdul
15 Enterprises or whomever was the maker of the check?

16 MR. PUCCIO: Objection. It's been asked
17 and answered, Judge.

18 THE COURT: Let me hear the whole question.

19 Q Do you deny now under oath that someone
20 connected with the Government, be it the FBI or Abdul
21 Enterprises, paid you \$15,000 in checks with the sale
22 of your house and your moving?

23 A I got 15,000, but it wasn't connected with the
24 sale of my house or moving.

25 Q Tell this jury what it was in connection with?

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2 A I don't know offhand exactly what it was
3 connected with.

4 Q Somebody just walked up and said, you're Mel.
5 Here's \$15,000. You can have it?

6 A No.

7 But in June there -- May 8th in that some
8 CDs or something else came in.

9 THE COURT: May I see counsel at side bar,
10 please.

11 (The following took place at the side bar.)

12 THE COURT: Mr. Duffy, you can -- I am not
13 attempting to restrict your cross examination in
14 any way. But I would suggest to you, you may be
15 embarrassing yourself by the aggressive approach
16 you're taking. Because I know what is in the 137
17 file. It shows that the \$15,000 was paid to him
18 in connection with another matter which he was nearly
19 killed, and in which he recovered some rather
20 substantial property for the Government. And that the
21 amount of the payment in connection with his house
22 moving was \$6,000. And it's included in the Abdul
23 Enterprises payments of '79.

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25 (Continued on next page.)

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2 MR. DUFFY: That's not what he testified to
3 under oath in Philadelphia.

4 THE COURT: You can cross examine him about
5 it to your heart's content, but you are leaving
6 yourself wide open. The Government has the records.
7 I just wanted to alert you. They consider them
8 confidential records, particularly when they relate
9 to other investigations. I don't know to what
10 extent they feel they can safely reveal the informa-
11 tion, but they may come back and -- just looking
12 at the case from the overall point of view, they
13 may come back and make a hero out of this guy in
14 the eyes of the jury.

15 MR. DUFFY: They deprived us of that informa-
16 tion and I --

17 THE COURT: It's not Brady material.

18 MR. DUFFY: I think it's highly improper if
19 they do come back. But we have this witness in
20 Philadelphia saying what the money was.

21 THE COURT: I'm not saying that you can't
22 question him. I want to warn you of the risk you
23 are running in what you are doing.

24 MR. PUCCIO: May I put on the record that
25 it would be our position -- at least, we would like

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2 the opportunity to explore whether we can bring out
3 that the reason behind these payments --

4 THE COURT: Of course you can.

5 MR. PUCCIO: We intend to do so.

6 MR. BEN-VENISTE: You would?

7 MR. PUCCIO: We would.

8 MR. BEN-VENISTE: I would object to it very
9 strongly. If these payments aren't on a list
10 relating to Abdul Enterprises in the ARSCAM investiga-
11 tion, then we are sandbagged not only by the witness
12 sworn testimony, but by the fact that this material
13 has not been provided to us during the pretrial as
14 we had requested. I would suggest to the Court
15 that if this is in fact the case, under all the
16 circumstances that the record should be left as it
17 is and Mr. Puccio ought not to be allowed to come
18 back in and rehabilitate the witness with information
19 that has been deprived us for purposes of use in
20 cross examination. That is just absolutely sand-
21 bagging.

22 THE COURT: With respect to the payments
23 he received from Abdul Enterprises, you had the list,
24 You had known what they are. They are Brady materia!

25 With respect to the payments received in the

other capacities his work for the Government, they are not Brady material. They all go down to Mr. Weinberg's credit and are directed to some rather extraordinary service that he rendered to the Government, particularly with organized crime. And to the extent that you explore it -- I think I warned you about this yesterday -- to the extent that you explore him as a witness, I think the Government is entitled to rehabilitate him if they choose. They can tread a very fine line between safety and revealing other investigations and things of that nature. But that's a line the Government has to decide, whether they are going to cross it or not. I want you to be aware that you are opening the door to that kind of a redirect examination or rehabilitation.

MR. BROWN: Judge, may I inquire through the Court if it's possible for the material to be given us to distinguish payments that would be paid by Abdul in connection with this particular matter as opposed to matters such as the one you describe?

THE COURT: Exhibit 66 is where he had the problem. Exhibit E is payments by Abdul. Exhibit F has additional payments.

MR. BROWN: So that if we rely on Exhibit E

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2 then we would not be within the purview of other
3 matters beyond Abdul which gave occasion under your
4 rule of rehabilitation by the Government.

5 MR. PUCCIO: It is too late for that. I am
6 sorry.

7 MR. BROWN: May I finish? I didn't mean --
8 I was talking to Mr. Puccio.

9 MR. PUCCIO: I am sorry that I interrupted
10 Mr. Brown.

11 THE COURT: Mr. Duffy has already gone into
12 many of the non-Abdul payments. But he's making a
13 big hassle over the 6,000 and the 15,000. He's
14 obviously gotten them confused in his own mind.
15 And I can understand why. I just wanted to alert
16 him that there's nothing mystical about the whole
17 thing and it's a perfectly simple explanation.

18 Now, his testimony may well be inconsistent.
19 And you can exploit that to whatever extent you
20 want.

21 MR. DUFFY: Your Honor, in Philadelphia
22 he testified that he got 10,000 to supplement the
23 sale price and a \$5,000 moving expense. There's
24 no doubt about that.

25 MR. BROWN: Judge --

1
2 THE COURT: The FBI report --

3 MR. BROWN: Your recollection will be guiding
4 of course, but I don't recall -- this is my own
5 shortcoming perhaps -- that there was a distinction
6 between Exhibit E and the present day listing in
7 terms of any such exposure. Now, what I understood
8 the list -- the list was to be a supplemental list,
9 and the statement I recall Mr. Puccio making is
10 this, your Honor. We do have the supplemental list
11 and we are correcting the list. And this is the
12 correct list. Now, I realize that -- that perhaps
13 we should have gone further in attempting to get
14 the reason why.

15 THE COURT: He said it was paid out of two
16 accounts.

17 MR. BROWN: Of course.

18 THE COURT: The first list he gave was the
19 Abdul account and the other is another FBI account.

20 MR. BROWN: But, you see, here is what
21 appeals to my reasoning. First, it was a 137
22 account, and then extraneous from that originally
23 137 account due to new FBI procedures, a different
24 account --

25 THE COURT: You're confusing account with

Weinberg-cross-Duffy

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2 files.

3 MR. BROWN: That may well be.

4 THE COURT: You are talking about accounts.

5 MR. BROWN: The word was, file.

6 THE COURT: The Abdul account was on Exhibit
7 E. The two files, the 137 and the 137 Sub A was
8 the attempt to separate individually, identifying
9 documents from those that identified them only by
10 number.

11 MR. BROWN: Yes. I understand. That's why
12 I thought the separate file did not exclude Abdul.

13 THE COURT: The one that identified them
14 individually does include the record payments made
15 to him.

16 MR. BROWN: That's right.

17 THE COURT: Out of other accounts.

18 MR. BROWN: That's why --

19 THE COURT: Actually out of FBI accounts.

20 MR. BROWN: That's why I failed to perceive
21 the distinction. You see, this is the one instance
22 where you hold the cards. We sit here and have to
23 interpret. And in most instances it's the other
24 way around.

25 THE COURT: I understand. And I don't particula:

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2 like being in that position. But because of the
3 nature of the extremely sensitive material I don't
4 see how there is any other way to handle it. I
5 will tell you, if the Government decides to throw
6 caution to the wind and show precisely what his
7 informant activities have been, I can tell you if
8 I were sitting on the jury my evaluation of his
9 activity is that while he is probably personally
10 a scoundrel, from the point of view of the service
11 that he's rendered to the United States Government,
12 maybe he ought to get a medal. I warn you you may
13 get to that point.

14 MR. BEN-VENISTE: I would say, your Honor,
15 that we would be entitled to a mistrial if Mr. Puccio
16 tries to elicit that from the witness on the basis
17 of this record, this type of organized crime
18 connection or anything like that outside of the
19 purviews of this indictment which has absolutely
20 nothing to do with that subject matter.

21 THE COURT: Well --

22 MR. BEN-VENISTE: We were not warned --

23 THE COURT: They can explain why these payments
24 were made to him.

25 MR. BEN-VENISTE: No, sir. Not with a list

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2 that is provided to us that indicates Abdul Enter-
3 prises or ABSCAM related payments. This has nothing
4 to do with ABSCAM. It certainly has nothing to do
5 with our indictment.

6 THE COURT: Then why do you keep questioning
7 about it.

8 MR. DUFFY: Because they were given to us.

9 MR. BEN-VENISTE: The list --

10 MR. PUCCIO: Judge --

11 THE COURT: I told you what the file contains
12 yesterday. You didn't listen to me.

13 MR. BEN-VENISTE: Your Honor did not tell me.

14 MR. BROWN: I didn't hear that.

15 THE COURT: Not individually, But I identified
16 for you what his activities --

17 MR. BEN-VENISTE: But how on earth could we
18 know, if the Court please, that the -- that is why
19 we asked for the underlying material so that we
20 would --

21 THE COURT: Whatever that may be, now you
22 know.

23 MR. BEN-VENISTE: All right.

24 THE COURT: I just wanted to warn you. You
25 may well be walking out on a plank that the Govern-

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2 ment may saw you off.

3 MR. BEN-VENISTE: Prospectively we are not
4 going to go into that, but it would be -- I think
5 it would be unfair and it would entitle us to
6 make a motion for a mistrial to have Mr. Puccio
7 go back and try to -- now on this record in
8 connection with that \$15,000 payment and try to make
9 this man out to be some kind of undercover organized
10 crime expert in some totally unrelated area to this
11 ABSCAM.

12 THE COURT: He mentioned that he nearly got
13 wasted, that he recovered CDs for the Government.
14 He's touched upon it.

15 MR. BEN-VENISTE: Let's leave it the way
16 it is.

17 MR. DUFFY: I am not in a position where I
18 can say, didn't you testify in Philadelphia -- and
19 I've got that testimony -- and then he says ten
20 an five supplementing the price and the moving
21 expenses --

22 MR. BROWN: You know, a part of the burden
23 which you placed on us also falls on the witness
24 in that we are relying on his testimony where that
25 seems to be consistent with the fact that the payments

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2 come out of Abdul and be guided by that, and I
3 want to put on the record that I appreciate the
4 warning -- and I speak for myself. I will now be
5 guided and not come within that purview. But I
6 would state, too, that up to this point, because
7 of the Court's discretion in denying us these
8 records, which I also do not challenge, we were
9 unable to make these distinctions. And that -- and
10 I believe that from now onward we would be responsible.
11 But I ask you to consider, too, Mr. Ben-Veniste's
12 position, which is that up to this point we were
13 unable to and had no means of understanding the
14 distinction between his testimony which identifies
15 these as being connected with Abdul in a perfectly
16 relevant way as opposed to some of his other
17 adventures with the Government which are totally
18 unrelated to us.

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20 (Continued on next page.)
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2 THE COURT: I think I understand the problem
3 that you each have. And in order that it doesn't
4 in a sense run away with the trial, which it
5 shouldn't, it's a relatively small aspect of it,
6 as far as I can see. Before you attempt to straighten
7 this out, Mr. Puccio, I want you to bring it up
8 at side bar as to what you propose to do because I
9 think perhaps whatever unfairness may be generated
10 by some of the questions we heard thus far or perhaps
11 will hear can be cleared up in the interest of
12 accuracy without overloading the record with what
13 may have been the reason for the payments beyond the
14 service rendered to the Government.

15 MR. PUCCIO: Judge --

16 THE COURT: Each of these payments were preceded
17 by requests by the FBI for considerably more than
18 what was actually authorized.

19 MR. BROWN: I understand. But I believe within
20 the purview of the witness' ability to recall --
21 I am not criticizing him for that. If he had
22 simply answered, well, this isn't connected with
23 this business, we would be off it. But I don't think
24 even has a clear recollection.

25 THE COURT: I don't think he has.

Weinberg-cross-Duffy

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2 MR. BROWN: If we are guided by the Government
3 and we are barred from certain material which your
4 Honor in his discretion and judgment says that we
5 shouldn't have, then we are out on a limb. And that
6 lightweight saw that they have advertised on T.V. --

7 MR. PUCCIO: What I say I would like to do,
8 as your Honor indicated, that I can make an evaluation
9 of what we want to elicit and then bring it before
10 the Court. It may well be that we won't come back
11 into it. But I don't want to waive it. And I also
12 want to say that Mr. Furst had requested at the time
13 we had the 137 file all of the payments even going
14 back to the '60s. And at that time I indicated that
15 it didn't seem particularly relevant. But in light
16 of the examination I have requested someone to go
17 through all the files. And that was my reason. But
18 I think --

19 THE COURT: Don't go into any rehabilitation
20 explanation of putting a witness on with the files
21 to explain what they were without first discussing
22 it at side bar.

23 MR. DUFFY: Look at the trap that I am in,
24 sir. We get this document from the Government that
25 says these are the payments to Mel Weinberg. Nothing

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2 about that there payments for heroism above and
3 beyond the call of duty. We have to assume that
4 anything from '78 on is an ABSCAM payment. I think
5 that is the proper construction of what they gave
6 us. We have this witness under oath more than a
7 month ago in Philadelphia explaining certain payments,
8 swearing that this is why he got the money. And
9 then I get sucked into cross examining him on a
10 change in his testimony now from what he gave under
11 oath in Philadelphia. And that's supposed to light
12 the fuse and let the Government blow me away. I
13 don't think that that is ethical.

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Weinberg-cross-Duffy

(The following took place at the side bar.)

MR. BEN-VENISTE: May I fasten on to something here?

THE COURT: Yes.

MR. BEN-VENISTE: The Court has mentioned a request of the witness for more money on various times. If those requests relate to ABSCAM related endeavors, I have no way of knowing whether they do or do not, but we would be entitled --

THE COURT: There is no indication in any part of the two files that I went through, Court Exhibit 4 and 4-A, that indicate any request at all by the witness Mr. Weinberg for money.

MR. BEN-VENISTE: That answers that question.

MR. CACHERIS: Are there any underlying documents that go with that list the government has like for example if there is a request for a reimbursement that it emanates from the witness? All we have is the cold list.

THE COURT: There is nothing in the file that is from the witness. Everything in the file is an FBI memorandum of one sort or another with the exception of entirely irrelevant materials the witness has supplied, documents which have been

Weinberg-cross-Duffy

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2 obtained in the course of his undercover activities.

3 MR. CACHERIS: It seemed to me for the
4 government to pay expenses as distinguished from
5 \$3000 must be something -- there must be something
6 in the file to justify the expense. I think we are
7 entitled to that.

8 THE COURT: No. I can't respond to that.
9 It's not in the file that I read.

10 MR. PUCCIO: Mr. Cacheris is probably
11 referring to the use of the word compensation on the
12 top of the list. The use of the term is generous
13 because it turns out some of those figures are
14 returns of monies that the witness laid out.

15 THE COURT: As the witness has testified.

16 MR. PUCCIO: Yes. The title is misleading.

17 THE COURT: You can see all the odd figures
18 are expense reimbursements.

19 MR. CACHERIS: He said he was reimbursed.
20 It's appropriate to find out what records exist from
21 the expense either from the witness or from the
22 government.

23 THE COURT: I am not sure what relevancy
24 that might have.

25 MR. PUCCIO: The implication may be he was

1
2 paid additional compensation through the use of
3 the device "expenses."

4 I will check on that.

5 MR. CACHERIS: The implication is that the
6 expenses are phoney.

7 MR. PUCCIO: I have no knowledge of that
8 but I will check.

9 THE COURT: There is no record of it.

10 MR. CACHERIS: I make the request.

11 THE COURT: All right.

12 (The following took place in open court.)

13 THE COURT: I am sorry for the interruption,
14 ladies and gentlemen. I think we have straightened
15 out our problem and we may proceed.

16 Mr. Duffy.

17 CROSS EXAMINATION

18 BY MR. DUFFY: (Continuing)

19 Q Mr. Weinberg, let's go back to Mr. Goberman,
20 do you remember him?

21 A Yes.

22 Q I am not certain that I understood what we
23 talked about yesterday, I just have a few questions in this
24 area.

25 Do you have -- did you have some dealings with

Weinberg-cross-Duffy

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2 Mr. Goberman?

3 A I did.

4 Q He is the building contractor from Lancaster,
5 Pennsylvania, is that correct?

6 A Yes.

7 Q He was the fellow who had the hotel down in
8 the Islands, is that correct?

9 A That is correct.

10 Q Did you swindle him for any money at all?

11 A I did.

12 Q Oh, all right.

13 Can you tell the jury how much?

14 A Approximately \$10,000.

15 Q He settled for 2500?

16 A Yes.

17 Q Of what was that \$10,000 composed?

18 A I don't follow the question.

19 Q Did you take \$10,000 in cash or part of a
20 diamond ring?

21 A No, in three payments.

22 Q What were they?

23 A I think it was 2500, 5000 and 2500.

24 Q How about airline tickets, did you get any
25 airline tickets from him and then cash them in?

- 1 Weinberg-cross-Duffy
- 2 A Not that I remember.
- 3 Q \$1539 ticket deal from New York to Tokyo to
4 New York, and did you cash that in?
- 5 A I didn't.
- 6 Q Did you get tickets from him from New York to
7 London to New York, \$753?
- 8 A Yes.
- 9 Q You cashed that in?
- 10 A No, I didn't.
- 11 Q You went to London?
- 12 A That is correct.
- 13 Q Did you get another ticket from him for
14 London to New York, \$375?
- 15 A I guess so.
- 16 Q Did you cash that in?
- 17 A No.
- 18 Q Is that counted at all in the \$10,000 that
19 you told the jury about?
- 20 A No.
- 21 Q How about a diamond ring, did you get a
22 diamond ring from him?
- 23 A No, I did not get a diamond ring from him.
- 24 Q Are you familiar with Bach Jewelers,
25 33 North Queens Street, Lancaster, Pennsylvania?

Weinberg-cross-Duffy

1
2 A No.

3 Q Harry Winston, Inc., loose diamond division,
4 718 Fifth Avenue, New York, New York?

5 A Yes.

6 Q Did you sell a diamond ring to them or buy
7 one?

8 A I picked up a ring for Mr. Goberman's girl-
9 friend.

10 Q Oh.

11 It was for the girlfriend?

12 A His girlfriend.

13 Q 3.28 carats?

14 A I don't know.

15 Q How much was it?

16 A I haven't the slightest idea.

17 Q \$3600?

18 A I don't know what the price was.

19 Q In January of this year, Mr. Weinberg, did
20 you lose some of the tapes that you made under tape recordings?

21 A I had three or four tapes stolen out of my
22 bag with my cigars at the airport.

23 Q What flight were you on?

24 A I think it was Flight 180. I am not sure
25 of the flight number.

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Q What airline?

A National.

Q What day?

A I think it was January 23rd.

Q 1980?

A 1980.

Q From where to where?

A West Palm Beach to New York. LaGuardia.

Q When you arrived here, did you open your bag?

A When I got to the hotel I opened my bag.

Q There were no tapes?

A No tapes and cigars were gone.

Q Were there more than four tapes in the bag?

A No, approximately three or four tapes.

Q Were the tapes that were taken all of the tapes that were in the bag?

A They were in that pocket, yes.

Q Did you have other tapes in the bag that were not taken?

A No.

Q All the tapes you were carrying in the bag were stolen?

A That is correct.

Q Can you tell the jury, without going into the

1
2 contents of the tapes --

3 A I really don't remember who the tapes were on.

4 Q Can you tell the jury how old the tapes were?

5 A Approximately a week old or so.

6 Q Did you make inquiry of National Airlines --
7 did you complain to them, say I lost some tapes, somebody
8 stole them?

9 A The FBI made an investigation on it.

10 Q The ticket was in your name, wasn't it?

11 A Yes.

12 Q You didn't fly under an assumed name?

13 A No.

14 Q Where did you get the ticket?

15 A Bought it in West Palm.

16 Q From National Airlines?

17 A No, a travel agency.

18 Q The ticket was made out to Melvin Weinberg,
19 was it not?

20 A Yes.

21 Q Did Melvin Weinberg go to the National Airlines
22 and say: My bag was broken into and I lost four tapes and
23 some cigars?

24 A When I found out they were stolen out of the
25 bag I reported it to Agent Amoroso. He called John Good.

1
2 John Good called up West Palm Beach office and checked there
3 and they called Kennedy Airport, FBI office, to check on
4 National.

5 Q Were you there when Good did that?

6 A On the phone?

7 Q With Good.

8 A I was in the room when Amoroso spoke to Good.

9 Q The rundown is you lost the tapes and you
10 told Tony Amoroso because he was your supervisor, is that
11 correct?

12 A That is correct.

13 Q He assured you inquiry was being made by the
14 FBI?

15 A That's what he said.

16 Q When -- strike that.

17 Did you ever lose anything any other time
18 while flying?

19 A I had cigars stolen once before out of there.

20 Q Do you know what the normal procedure is
21 when you lose something, you go to the airline and fill out
22 a baggage claim lost, or ticket --

23 A I didn't do that.

24 Q My question is, do you know that is what is
25 done?

Weinberg-cross-Duffy

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A No, I didn't know that was done.

Q Did you ever do that yourself?

A No.

Q When you were robbed before?

A No, I didn't.

Q Do you know if there was any baggage claim,
lost claim, made in this case?

A No claim made.

Q Can you tell the jury whether you discussed
that with Good and Amoroso?

A I did not discuss it with Good or Amoroso.

Q You never went back to National Airlines and
filled out a form?

A No.

Q You don't know what was on the tapes and when
they were made?

A I tried to remember the time, what was on the
tape, I don't remember if I told them. Right now I don't
remember what was on them.

Q Did you make out any written report to your
supervisor about the loss of the tapes?

A No, I didn't.

Q Do you remember -- changing the scenario --
do you remember July 26, 1979, the first day you met Lou

1
2 Johanson?

3 A It was on the boat?

4 Q Yes.

5 A Yes.

6 Q You had talked to him on the telephone before
7 he came down to Florida?

8 A That is correct.

9 Q You told him: We will have a meeting and
10 examine your documents, is that correct?

11 A That is correct.

12 Q When Mr. Johanson came down with Howard Criden
13 and Mr. Meiler and the Mayor, he and Criden brought with
14 them certain documentation that had to do with this piece
15 of property in Atlantic City?

16 A Yes.

17 Q Do you remember whether there was a feasibility
18 study?

19 A Not offhand.

20 Q Do you remember whether there was a financial
21 plan?

22 A Not offhand.

23 Q Does Laventhol & Horwath ring a bell?

24 A No.

25 MR. DUFFY: May I approach the witness with

1
2 Exhibits G and H7

3 THE COURT: Yes.

4 Q I ask you if you saw them on July 26th in
5 connection with the Atlantic City hotel deal?

6 A I don't remember seeing them.

7 Q Do you deny that those items or identical
8 items were submitted to you and Amoroso?

9 A I don't remember. I can't deny it.

10 Q But, you had experience with real estate
11 wheeling and dealing, did you not?

12 A That is correct.

13 Q You have examined these two documents, G and
14 H, and they do appear to be feasibility studies and
15 financial plans?

16 A They were a financial plan and feasibility
17 study.

18 Q Between July 26th, 1979 and today, how many
19 times did you ever see Lou Johanson after July 26th?

20 A I never seen him after July 26th.

21 Q You never talked to him either?

22 A Just on the day before when I spoke to him
23 on the phone.

24 Q Really the 14th of July?

25 A Yes.

Weinberg-cross-Duffy

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Q When you talked to him on the phone that day, you asked him if when the deal went through he would have a part of the action, did you not?

A I don't remember.

There is a tape on it, it should be in the tape.

Q Do you remember him telling you if he was in for something he would hold it up front in the open?

A I don't remember. If it is in the tape.

Q Do you remember him saying he was like a graduate of the seminary?

A No.

Q Everything was honest and above-board?

A I don't remember.

Q You don't deny it?

A I don't deny it, he may have said it.

(Continued on next page.)

Q Now, was that time, July of 1979, the first time that you and the other folks involved in ABSCAM began to focus on politicians?

A No, because as far as -- actually no, because we dealt with the Mayor before that.

Q You also dealt with Joe Meltzer?

A I never dealt with Joe Meltzer.

Q Was the Miami deal -- what was going on in Miami with Abdul Enterprises, was that considered ABSCAM?

A I don't know anything about the Miami deal. As far as I know, Abdul had nothing to do with Miami.

Q You made some money down in Miami, did you not?

A That is correct.

Q You considered that to be all part of ABSCAM, did you not?

A I was working with an agent.

Q Gunnar Askeland?

A Yes.

Q He went by the sham name of Gunnar Anderson?

A Yes.

Q He ran Joe Meltzer?

A I don't know.

1
2 Q Are you telling the jury you don't know that
3 Gunnar Anderson was Joe Meltzer's supervising agent?

4 A I don't know who Meltzer's supervising agent
5 was, it was none of my business.

6 Q Didn't you talk to Meltzer on the telephone
7 and talk about that?

8 MR. PUCCIO: I object. This was asked and
9 answered and it is irrelevant.

10 THE COURT: Overruled. The last question
11 is two questions, though.

12 Q Did you talk to Meltzer on the telephone?

13 A I spoke to Meltzer and told him to knock off
14 what he was doing.

15 Q Specifically didn't you mention Gunnar
16 Askeland?

17 A I told him I was going to tell Gunnar.

18 Q You were going to tell Gunnar even though you
19 didn't know Gunnar?

20 A Gunnar was the agent I dealt with down there,
21 I would tell him.

22 Q You knew that Joe Meltzer had a thing going
23 with Gunnar Anderson and provided for him to try to give
24 money to a local politician in Florida as early as the
25 summer of 1978, didn't you?

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A No, I did not.

Q You never talked to Meltzer specifically about that Councilman William Medlen?

A I had nothing to do with that.

Q You knew about it?

A I heard rumors but I didn't know what was going on.

Q Going back to when you were down in Florida, Mr. Weinberg, I have a note that yesterday you having said you bought the Lanier recorder, is that correct?

A Yes.

Q Someone aksed you, did you buy it in the store, and I think you answered no, is that correct?

A That is correct.

Q Tell the jury where you were when you bought the Lanier recorder?

A On the yacht. In Del Ray Beach.

Q A salesman came?

A Yes, and Mr. Amoroso bought one for him and one for me.

Q You were aboard -- was he a yacht-to-yacht salesman?

A No, we called him up and he came down to the yacht.

1
2 Q Just a few more questions.

3 When you were arrested back in connection
4 with the Pittsburgh prosecution, the one we talked about
5 yesterday, did you tell people in the FBI about everything
6 you had been doing for the prior dozen years or more?

7 A Well, they must have known about it. You
8 told me there were sixty counts against me across the
9 country.

10 Q My question is, did you tell the people in
11 the FBI everything you had been doing for the last dozen
12 years or so?

13 A I think I did.

14 Q In fact, you started to work with the Bureau
15 in the early sixties, is that correct?

16 A That is correct.

17 Q While you were running scams on other people,
18 swindles on other people, you were then an FBI informant,
19 is that correct?

20 A That is correct.

21 Q Did you ever tell the FBI that you had any
22 swindle going with some American Indian?

23 A No.

24 Q ^{OR} Did you have such a thing?

25 A No, I did not.

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Q No mining swindle with American Indians?

A No.

Q No swindle with any kind of shares or certificates with American Indians?

A No.

Q Any kind of Indian?

A I was involved with a Yaqui Indian.

Q What kind of Indians?

A Out of Mexico, Yaqui.

Q Spell that?

A No, I can't.

Q Did you tell the FBI you had a swindle with them?

A They swindled us.

Q Let me follow up on that.

Was that the deal that the Indians gave you a contract?

A That is correct.

Q And then after you got swindled you figured you should have known, where would Indians get a typewriter?

A Yes.

Q Is that correct?

A That is correct.

Q But your resourcefulness came to the front?

1
2 A Yes.

3 Q Because the certificates they sold you, you
4 palmed off on others for a thousand dollars apiece?

5 A Yes.

6 Q You didn't stay stung long, did you?

7 A That is correct.

8 Q Is it fair to say that you have lied in this
9 case particularly back when you met my client Lou Johanson?

10 A No, I have not lied to your apartment.

11 Q Not my apartment, my client.

12 A Your client.

13 Q You didn't lie to him?

14 A Not to my knowledge.

15 Q You didn't tell him there was a Sheik when
16 there was no --

17 A You want me to tell him I was an undercover
18 operator?

19 Q I want you to answer my questions.

20 Didn't you like to the man?

21 A I told him a story.

22 Q You lied to Howard Criden?

23 A Where did I?

24 Q The first day on the boat when he came down
25 with a business proposition, you acted like a representative

1
2 of a Sheik you didn't represent?

3 A That was my job.

4 Q All right.

5 I'm not quarreling with your motives, I am
6 asking you, did you lie to Criden that day?

7 A If you call that a lie, yes.

8 Q There was another fellow named Meiler?

9 A That is correct.

10 Q He is dead now?

11 A I didn't know that.

12 Q You lied to him that day?

13 A That is correct.

14 Q From that day on, as regards to business
15 relationships with the deal in Atlantic City, you never told
16 them the truth, did you?

17 A I don't think they were telling us the truth
18 either.

19 Q My question is, you never --

20 A We told some of the truth.

21 Q Just a couple of more questions.

22 When this is all over, when these trials are
23 all over, you are in for a bonus, aren't you?

24 A I don't know that.

25 Q You talked about it?

1
2 A I haven't talked to anybody about getting a
3 bonus.

4 Q You're denying that John Good and you have
5 talked about you getting a bonus after the cases are over?

6 A I have not spoken to John Good or asked him for
7 anything.

8 I suspect something, but I don't know that.

9 Q I didn't hear.

10 A I suspect I will get something after this is
11 over. I haven't the slightest idea what I am going to get.

12 MR. DUFFY: I think I will end with that.

13 THE COURT: We will take a short recess,
14 ladies and gentlemen.

15 Don't discuss the case.

16 (Recess taken at this time.)

* * *

(Whereupon, the jury enters the jury box.)

THE COURT: All right, Mr. Duffy.

CROSS EXAMINATION

BY MR. DUFFY: (Continued)

Q Mr. Weinberg, of all the information you told this jury yesterday and today, how much did you tell the Grand Jury who indicted the defendants?

MR. PUCCIO: I object.

THE COURT: Sustained.

Mr. Ben-Veniste, cross examination?

MR. BEN-VENISTE: May I?

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, is it fair to say that the scenario that you used in this ABSCAM was based on the premise that you had something to offer the people who you were ble to lure in that was almost too good to be true

A I wouldn't say that.

Q Well, would you say that the -- you said you were working for a couple of Arabs who were incredibly wealthy?

A That's correct.

Q I am sorry. I can't hear you.

A That's correct.

1
2 Q And you said that they had boats -- yachts,
3 rather?

4 A They had a yacht.

5 Q Private airplanes that they flew around in?

6 A They had one plane.

7 Q But didn't you say, planes?

8 A We said, plane.

9 Q Well, when you say they had one plane, you
10 don't mean that anyone actually had a plane?

11 A We had the use of a plane.

12 Q You did have use of an airplane, but -- but
13 in terms of what you told the marks, you had several air-
14 planes?

15 A That's correct.

16 Q And you had an extremely fancy apartment --
17 townhouse, that the jurors have seen watching the video
18 tape here, in Washington?

19 A That's correct.

20 Q -- And isn't it true that that house was filled
21 with antiques, the Smithsonian Institution that were borrowed?

22 A Supposed to be.

23 Q Well, what do you mean? You mean supposed
24 to be borrowed?

25 I'm sure they gave them back?

1
2 A I don't know which ones were the antiques
3 or not.

4 Q All right.

5 So you had all the trappings of a situation
6 that was for the person who didn't know that it was all a
7 lie very attractive; is that correct?

8 A That's correct.

9 Q And on top of all of that somebody had made
10 arrangements with the Chase Manhattan Bank, hadn't they?

11 A That's correct.

12 Q And the Chase Manhattan Bank had promised to
13 say to anyone who made an inquiry about Abdul or these
14 Arabs, that they had over 400 million dollars sitting in
15 that bank in some form or another?

16 A That I don't know.

17 Q Well, didn't you tell anybody that in the
18 course of this investigation?

19 A I told them that we had that, but I don't
20 know what the bank told them.

21 Q Well, you know if someone called the bank,
22 the bank wasn't going to say, Mel who?

23 A I never gave them my name to check out.

24 Q Well, you knew that when someone called the
25 bank, the bank was going to provide information consistent

1
2 with your scam?

3 A I don't know what the bank gave them.

4 I haven't the slightest idea what the bank
5 told them.

6 Q Are you telling this jury you haven't the
7 slightest idea that the bank backed up the story about the
8 400 million?

9 A I said I don't know what they told them.

10 Q Do you know? If you don't know, tell the
11 jury.

12 Do you know whether the bank backed up the
13 story, whatever it was they told the individuals?

14 A They must have backed up part of the story.

15 Q Okay.

16 Now, to have a bank say something like that
17 is a con man's dream, isn't it?

18 A That's correct.

19 Q I mean in all the things you could rack your
20 brain for if you were setting up a scam, to have an
21 actual bank like the Chase Manhattan Bank vouch for you
22 would be at the top of the list, wouldn't it?

23 A That's correct.

24 Q Because any legitimate businessman who called
25 up or had his banker check with Abdul's banker would get a

1
2 completely bill of health for Abdul?

3 A Tha's correct.

4 Q So that whatever they might think of how
5 you looked or how you sounded, there was this background
6 that it must be true because Chase Manhattan says it's
7 true, right?

8 A That's correct.

9 Q As a matter of fact, everybody else used
10 a pseudonym, an undercover name, false name except you,
11 right?

12 A Correct.

13 Q Because it's a part of your concept of this
14 scam that you are not supposed to be entirely loyal to your
15 employer, right?

16 A No, that wasn't true in the beginning.

17 Q Well, as it was true in July of 1979 -- wasn't
18 it true?

19 A In '79, that's correct.

20 Q Okay.

21 As of the time you met Howard Criden for the
22 first time, it was a part of your scam that you weren't
23 supposed to be entirely loyal to these Arabs?

24 A That's correct.

25 Q You were out to make a piece of change for

1
2 yourself?

3 A Correct.

4 Q Now, that was also the case when you ran
5 the London Investors scam, the one that you got convicted
6 of?

7 A No, that wasn't correct there.

8 Q Well, didn't you tell people in that scam
9 that you had access to huge amounts of Arab money?

10 A That's correct.

11 Q Didn't you tell them that if they gave you
12 a little present like a diamond ring or something along
13 those lines that you could be especially helpful?

14 A That is not correct.

15 Q I see.

16 Was there any connection between the fact
17 that these were Arabs and somehow you had managed to gain
18 their confidence, and your name is the name of Jewish
19 derivation?

20 A The reason I kept my name is --

21 Q Answer my question. Is there any connection
22 between that?

23 A No.

24 Q Isn't it a fact that you wanted it to appear
25 you were more than willing to relieve these Arabs of some

1
2 money, that everybody could make money?

3 A When they approached us on it, we said,
4 yes.

5 Q Okay.

6 And didn't you refer to these Arabs as the
7 goose that laid the golden egg?

8 A That's correct.

9 Q And they were there for the plucking?

10 A Correct.

11 Q Now, let me show you what has been marked
12 Exhibit I.

13 MR. BEN-VENISTE: May I approach the witness,
14 your Honor?

15 THE COURT: Yes.

16 Q Can you identify that, sir?

17 A Yes. That's my business card.

18 Q Well, is that really your business card
19 or is that the card that you gave out?

20 A This is was my business card from the running
21 of Abdul Enterprises, International Fulton Ltd. down in
22 Florida.

23 Q Do you know when that card was printed
24 up?

25 A Probably around March, '79 or April.

1
2 Q Did you have a card like this when you were
3 running the other scam, the London Investors scam?

4 A That's correct.

5 Q Pretty much the same as this?

6 A That's correct.

7 Q Was it the same as this?

8 A It wasn't exactly the same. The printing
9 was different.

10 Q But it had the same information, didn't it?

11 A I don't really know. I have to look at the
12 card.

13 Q Take another card?

14 A No. I have to look at the London Investors'
15 card.

16 Q Do you remember, sir?

17 A That was some time ago.

18 MR. BEN-VENISTE: We offer this.

19 MR. PUCCIO: May I look at it?

20 MR. BEN-VENISTE: Sure.

21 MR. PUCCIO: No objection.

22 THE COURT: Exhibit I received in evidence.

23 (So marked.)

24 MR. BEN-VENISTE: I put the sticker on the
25 back, your Honor.

1
2 Q Now, if someone looked closely at this
3 card, they would find something wrong with it, wouldn't
4 they?

5 A That's correct.

6 Q And they would find that you made a slight
7 spelling error?

8 A That I didn't notice myself.

9 Q What would they find that was incorrect?

10 A There was no Telex number.

11 Q I see.

12 Take a look at it again and see if there --
13 if you look at it closely there is something wrong with
14 it other than the fact that the whole thing is a fake?

15 A I don't see anything wrong with it.

16 Q Do you know how to spell that place in
17 Switzerland called Zurich?

18 A I think I do.

19 Q Spell it?

20 A Z-u-r-i-c-k.

21 Q That's the way it appears on your card.
22 But it's not really spelled that way, is it?

23 A I don't know.

24 Q It is spelled Z-u-r-i-c-h.

25 Didn't you say that the -- that these Arabs

1
2 came from the United Arab Emirates?

3 A That's correct.

4 Q And did you know anything about the United
5 Arab Emirates?

6 A Nope.

7 Q But you knew that the Chase Manhattan Bank
8 would say that these Arabs had 400 million dollars on
9 deposit?

10 A I don't know what the Chase --

11 Q But you know --well, you knew they would
12 back you up?

13 A I knew that they would back us up to say
14 we had money on deposit.

15 Q Okay.

16 Now, supposedly this idea that came up --
17 that came up down in Florida, to say that the Arabs were
18 interested in immigrating to the United States because of
19 political conditions in their country, had to do with some-
20 thing about the United Arab Emirates?

21 A I don't follow your question.

22 Q Well, I am sorry. It probably is confusing.

23 The scam that you employed to try to lure
24 politicians in to see whether they would meet with you
25 or with the Sheik or with both of you was that the -- these

fat packed Arabs might need to leave their countries because of political conditions?

A Right.

Q I am sorry, I didn't hear you?

A That's correct.

Q And the -- do you know what the population of the United Arab Emirates is?

A I haven't the slightest idea.

Q Would you accept 210,000?

A If you say so.

Q Would you accept -- strike that.

Do you know what the size of the United Arabs Emirates is?

A I haven't the slightest idea.

Q Would you accept it as about the size of the State of Maine?

A If you say so.

Q Do you know what the per capita income of the United Arab Emirates is? That is, the average income for every adult family?

A I haven't got the slightest idea.

Q Do you know whether it's above that of the United States of America?

A I really don't know.

1
2 Q Well, part of the thing was that these
3 peasants were supposed to be unhappy with the ruling class,
4 right?

5 Part of your scheme for the Arab Sheiks wanting
6 to come to America was that the peasants would have to be
7 unhappy? There was going to be a revolution? That was part
8 of you scam, wasn't it?

9 A We didn't say there was going to be a
10 revolution.

11 Q Didn't you say they were worried that they
12 would have to flee their country and seek asylum in the
13 United States?

14 A They may have to leave their country at
15 some time.

16 Q Okay.
17 Didn't this have to do with political
18 unrest supposedly?

19 A Could be many reasons why they had to leave.

20 Q Didn't you talk about political unrest?

21 A We spoke about a lot of things.

22 Q Well, Mr. Weinberg, you mentioned this
23 in the context of a dictator named Somoza who got kicked
24 out of his country, right?

25 A Yes.

1
2 Q You mentioned it in terms of the Shah of
3 Iran who got kicked out of his country?

4 A All right.

5 Q So isn't it fair to say in that context
6 you were talking about political -- some kind of political
7 upheaval?

8 A I don't think we ever used, political.

9 Q Okay.

10 Social unrest?

11 A We may have said they wanted to get out of the
12 country because they were robbing the country.

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15 (Continued on next page.)
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2 Q I see. Do you remeber saying that?

3 A I said wa may have.

4 Q I see.

5 Do you know that the per capita income is
6 \$18,500? That's the per capita income of the people who
7 live there? Do you accept that?

8 A If you say so.

9 Q Well, for 50 cents you can get a thing from
10 the State Department that tells you all about it.

11 THE COURT: Is that a question.

12 Q Can't you?

13 MR. BEN-VENISTE: Withdrawn, your Honor.

14 Q Do you know that the country has only one
15 export oil and that's why these people are so wealthy?

16 A No, I don't know that.

17 Q You didn't know it was an oil producing
18 country?

19 A I knew it was an oil producing country.

20 Q Did you know that almost all of the country
21 is desert where it's 120 degrees in the shade?

22 A I didn't know that.

23 Q Did you ever hear of a revolution in that
24 kind of weather?

25 MR. PUCCIO: I object.

1
2 THE COURT: Sustained.

3 Q Did you know whether the United Arab
4 Emirates had any political dissent?

5 MR. PUCCIO: I object.

6 THE COURT: Sustained.

7 Q Do you know whether the United Arab Emirates
8 had any political parties?

9 MR. PUCCIO: I object, Judge. Irrelevant.

10 THE COURT: Mr. Weinberg, do you know anything
11 about it other than what you have already told us?

12 THE WITNESS: Nothing whatsoever, your
13 Honor.

14 MR. BEN-VENISTE: I will move on, your Honor.

15 THE COURT: All right, good.

16 Q Did you refer to yourself, Mr. Weinberg,
17 as a special employee of the FBI?

18 A No.

19 Q Never did?

20 A No.

21 Q Do you remember being asked this -- the
22 question at 3.80 in Philadelphia.

23 "Question: Were you advised you were going
24 to be a special employee of the FBI?

25 "Answer: That's correct."

1
2 A No, I didn't say -- you asked me if I was a
3 special employee. So I said, it's correct. I was employed
4 by the FBI.

5 Q Do you recall saying --

6 "And were you advised that you were going
7 to be a special employee of the FBI?

8 "Answer: That is correct."

9 Do you recall being asked that question and
10 giving that answer?

11 A If it's in there, I must have answered.

12 Q Now, in the FBI, Mr. Weinberg, we have heard
13 about special agents. Are there any agents that are not
14 called special agents?

15 A Not that I know of.

16 Q All the agents are called special agents?

17 A Correct.

18 Q Are all the employess called special employees?

19 A I don't know.

20 Q Is there such a thing as a very special
21 agent?

22 A I really don't know.

23 Q Now, quite clearly, Mr. Weinberg, your
24 accomplishments, financial accomplishments in life have been
25 based on your ability to get people to do what they didn't

1
2 think they wanted to do; isn't that so?

3 A I guess you'd say that.

4 Q In connection with the London Investors
5 scam, the one that you got the three years for, did you
6 say that Lady Evelyn Knight was in some way related to a
7 prominent family?

8 A I don't really remember.

9 Q Didn't you say that to these marks, to these
10 people whose money you stole, that she was related to the
11 Knight newspaper family?

12 A That was said by somebody who was working
13 for the company.

14 Q Did you ever tell anybody who was told that,
15 no, that is not right? This person has made a mistake?

16 A Not to my knowledge.

17 Q You held out in this scam, either you or
18 somebody working with you that she was related to a
19 prominent family and that was helpful, wasn't it?

20 A Not really.

21 Q I see.

22 In ABSCAN, wasn't it held out that an
23 undercover FBI agent who went by the name of Margo Kennedy
24 was related to the Massachusetts Kennedy family?

25 A Not that I know of.

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Q You never heard that?

A I never heard that.

Q As you sit here in this Courtroom, you are telling the jury that this is the first time you heard that, Mr. Weinberg?

A That she was related to the Kennedy family?

Q Right. That either she said or someone said about her that she was related to the Kennedy family of Massachusetts?

A I never heard that before.

Q Now, Mr. Weinberg, the first agent who was supposed to supervise you was John McCarthy in the ABSCAM investigation; is that right?

A That's correct.

Q Now how old is John McCarthy? Do you know?

A I would say he's in the forties.

Q Late forties?

A No, early forties.

Q Does he have white hair?

A I guess you would call it white hair.

Q Is he pretty much a straight arrow? Would you say that is a fair --

A I don't know what you mean by a straight arrow.

1
2 Q Does he look like a straight arrow?

3 A I guess you'd say that.

4 Q I mean you spent your whole life sizing
5 up people. Would you size him up as a straight arrow?

6 A Not really.

7 Q When you say, I guess you could say that,
8 what do you mean?

9 A He looks more like a Police Sergeant.

10 Q He looks like a cop, right?

11 A That's correct.

12 Q And he acts like a cop because he is a member
13 of the FBI? Didn't he --

14 A I don't know if he acts like a cop.

15 Q Well, he's not a swinger?

16 A I don't know what a swinger is.

17 Q You don't know what a swinger is.

18 You don't know what that refers to?

19 A I don't know what you mean by a swinger.

20 Q A person who -- like he frequents night clubs
21 or is used to high living and traveling on jets and first
22 class, the kind of thing that you were trying to portray
23 as your own life style in the Abdul ABSCAM investigation?

24 A He can get by.

25 Q If he looks like a Police Sergeant are you

1
2 telling this jury that he would be that? The kind of person
3 you would cast in the role of your associate?

4 A Well, I personally wouldn't have cast him,
5 but he got by.

6 Q He got the part at first.

7 But you got unhappy with him?

8 A No, I really didn't get unhappy with him.

9 Q You didn't like that he was sitting on you,
10 did you?

11 A That's not true.

12 Q You were much happier when Mr. Amoroso came
13 in and took over for Mr. Weinberg?

14 A Mr. Weinberg?

15 Q I'm sorry. For Mr. McCarthy.

16 A Well, Mr. Amoroso --

17 Q Were you happier or not?

18 A No, I wasn't happier.

19 Q You were just the same?

20 You felt the same way about Amoroso as you
21 did about McCarthy?

22 A Approximately the same.

23 Q You didn't think that Mr. Amoroso was more
24 of a swinger, could play the role?

25 A I don't know what a swinger is.

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Q I see.

MR. BEN-VENISTE: May I have a moment, sir?

THE COURT: Yes.

Q Part of what you said yesterday when Mr. Duffy was cross examining you right at the beginning was tha a con man tries to implore whatever seeds of truth he can weave into the fabric of the scam; is that right?

A That's correct.

Q So that you try to use as many variable facts when you are trying to pull the wool over somebody's eyes, right?

A That's correct.

MR. BEN-VENISTE: I am going to mark as Exhibit J for identification a tape recorder and an ear piece all as one Exhibit.

May I approach the witness, your Honor?

THE COURT: Yes.

Q Take a look at the tape recorder and the ear piece and see whether it is of the same type and model that you referred to in your testimony so far?

A It is the same type, but it is not exactly the same.

Q What is different about it?

A The battery case is different.

1
2 Q Where is the battery case on the one you
3 had?

4 A Down here. But it's small.

5 Q A little smaller?

6 A That's correct.

7 Q Any other difference?

8 A I don't see any other difference.

9 Q All right.

10 Now, is the ear piece the same ear piece
11 as the one you employed to tape record telephone calls?

12 A That's correct.

13 Q All right.

14 Is there any other difference that you can
15 notice?

16 A No.

17 Q The type of a jack that goes into the leads
18 in the ear piece is the same?

19 A The cord was much shorter.

20 Q The cord was much shorter?

21 A That's correct.

22 Q How much shorter?

23 A I'd say to about here.

24 Q So you say there is about an extra 14 inches
25 or so?

1
2 A Looks longer to me than 14 inches.

3 Q Well, this much, for the jury to see.

4 THE COURT: Try 20.

5 MR. BEN-VENISTE: 20, Judge.

6 This much (indicating).

7 Q And the original has been produced for
8 expert analysis, has it not?

9 A That I don't know.

10 Q I thought you said yesterday that you knew
11 that the experts were looking at this?

12 A I knew the experts were looking at it. I
13 don't know where mine is.

14 Q I see.

15 Didn't you turn it over to Mr. Puccio?

16 A I turned it over to Mr. Puccio.

17 MR. PUCCIO: We turned over the report to
18 defense counsel.

19 MR. BEN-VENISTE: To the expert.

20 MR. PUCCIO: Well, to defense counsel or to
21 the expert, whoever.

22 MR. BEN-VENISTE: Okay. Not to us. It was
23 always in the FBI custody.

24
25 (Continued on next page.)

1
2 Q Now, Mr. Weinberg, when you made these tape
3 recordings in Florida, in July of 1979, sir, you made them
4 in a screened off porch, is that correct?

5 A That is correct.

6 Q You sat at a table or near a table?

7 A Near a table.

8 Q I think Agent Amoroso had testified that the
9 table was about this height (indicating)?

10 A Right.

11 Q The telephone was on the table?

12 A Telephone wasn't near the table.

13 Q Where was the telephone?

14 A Over on the side.

15 Q In the same room?

16 A Yes.

17 Q You didn't pull the table over near the phone?

18 A No.

19 Q You didn't move the telephone over to the
20 table?

21 A I was resting it over on the floor and pulled
22 the receiver up.

23 Q You sat in a chair?

24 A Yes.

25 Q What kind of a chair?

Weinberg-cross-Ben-Veniste

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2 A Swivel chair.

3 Q About the same height as this (indicating)?

4 A Yes, approximately.

5 MR. BEN-VENISTE: I would like for the witness
6 to demonstrate for the jury how he sat when tape
7 recording July 29th and July 31st.

8 THE WITNESS: I can't answer how on July
9 29th and 31st. I didn't sit the same way all the
10 time.

11 Q Sit down here and let the jury see what you
12 did to tape record the phone calls?

13 MR. PUCCIO: I object. The witness can't
14 remember how he sat.

15 THE COURT: I don't see what it accomplishes.

16 MR. BEN-VENISTE: I think it is going to be
17 quite relevant. I can make a proffer at the side
18 bar.

19 THE COURT: Everytime we go to the side bar
20 it takes a half hour.

21 You now produced a tan telephone you're asking
22 to be marked as an Exhibit?

23 MR. BEN-VENISTE: I certainly am, Judge.

24 Q What was the floor like in the room?

25 A Concrete floor with a carpeting on it.

1
2 Q Indoor-outdoor carpeting?

3 A Yes, that is correct.

4 MR. BEN-VENISTE: I will mark the telephone
5 Exhibit K.

6 THE WITNESS: That is not the phone I used.

7 Q I am sure it is not.

8 But did you have a phone with a receiver?

9 A A square receiver on top.

10 Q Square?

11 A Yes.

12 Q Square receiver?

13 A That is correct.

14 Q What about the ear piece?

15 A You had to force it on there.

16 MR. PUCCIO: I object to the use of this.
17 If it's not an accurate representation of what was
18 used, I object.

19 I further object to the use of a recorder
20 if it is not the same.

21 MR. BEN-VENISTE: I didn't put any tape in it.

22 THE COURT: I am not sure precisely what
23 Mr. Ben-Veniste thinks he is doing. As far as
24 your objection is concerned, it is overruled. If
25 the jury understands we are dealing with a tape

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2 recorder not the tape recorder used at that time,
3 a chair that was not the chair at that time, a table
4 that was not the table at that time, and we are
5 supposed to illustrate something --

6 MR. BEN-VENISTE: Yes.

7 MR. PUCCIO: May I add the ear piece is not
8 the same ear piece.

9 THE COURT: All right.

10 Q I would like the witness to sit in the chair
11 and arrange the material and get him a little more room.

12 Mr. Puccio, would you cooperate and give the
13 witness a little more room?

14 THE COURT: You're asking him to arrange the
15 material in the relative position where they were
16 with reference to the table, is that right?

17 MR. BEN-VENISTE: Yes, sir.

18 Q You had carpeting like this, more or less
19 (indicating)?

20 A Yes.

21 MR. PUCCIO: I object to this, it is ridiculous.

22 THE COURT: Have you marked the carpeting as
23 an Exhibit?

24 MR. BEN-VENISTE: That will be Exhibit L.

25 THE COURT: In a minute I will sustain the

1
2 objection.

3 MR. BEN-VENISTE: Your Honor I can't help
4 the laughter.

5 THE COURT: You are carrying it too far and
6 playing to the gallery. Stop it.

7 MR. BEN-VENISTE: I apologize if that is the
8 impression I am creating.

9 THE COURT: It is precisely the impression you
10 are giving.

11 Q Mr. Weinberg, would you demonstrate to the
12 jury how you say that the tape recorder fell in the middle
13 of the conversation on July 29, 1979?

14 A The phone with the short cord is like this
15 (indicating), I went to pick up the other phone, when I
16 pulled this, the machine went down (indicating).

17 Q Pardon me?

18 A If you had the right cord, when I went to
19 pick up the other phone, I swung over and she went down
20 (indicating).

21 Q How many times did that happen on the 29th?

22 A I don't know how many times. I know it
23 happened quite a few times.

24 Q On the 31st did it happen too?

25 A I don't know offhand.

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2 Q But you did nothing, you say, to correct the
3 situation of the tape recorder falling on the floor?

4 A Yes, I had it fixed.

5 Q The tape recorder fixed?

6 A Yes.

7 Q When did it get broken?

8 A When I dropped it.

9 Q It broke when you broke it on the 29th?

10 A I had trouble about a week or two after that,
11 I had to get the battery on the bottom replaced.

12 THE COURT: Are you through with the demonstra-
13 tion?

14 THE WITNESS: This is the battery pack
15 (indicating).

16 MR. BEN-VENISTE: I would like the witness
17 to demonstrate all the way through for the jury
18 just what happened.

19 MR. PUCCIO: Judge, I object to this.

20 As I understand it, he already did.

21 THE COURT: Is there something different
22 from what you've shown us, Mr. Weinberg?

23 THE WITNESS: No.

24 THE COURT: Asked and answered, you may resume
25 the witness stand.

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2 Q On the 29th you weren't able to catch the
3 tape recorder before it fell down?

4 A I didn't know it was going to fall.

5 Q You weren't able to catch it?

6 A No, I wasn't.

7 Q You say that it fell off the table and stopped
8 recording, is that correct?

9 A I didn't say it fell -- I know when I picked
10 it up I pushed the button back on. You have a button
11 to record.

12 Q The record position is one that you press
13 in the up position to record?

14 A Yes, there is no tape in it now.

15 Q But you press it up to record?

16 A Yes.

17 Q When it fell on the floor you remember you
18 had to press it up?

19 A Back up, yes.

20 Q On the 31st the same thing happened?

21 A I don't know.

22 I've got to see the tape.

23 Q You have to see the tape?

24 A Or the transcript. Is there a break in the
25 transcript?

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Q Do you know?

A I don't know. You're telling me.

Q Didn't you say you listened to the transcript in your testimony before the jury? I'm sorry, didn't you say you listened to the tape in your testimony?

A Yes, I listened.

Q Did you hear a break?

A I didn't hear anything.

Q Don't you know you stopped that recording in the middle, Mr. Weinberg?

A I never stopped a recorder.

Q Listen to the question.

Don't you know that on the 29th of July, 1979, Mr. Weinberg, you deliberately stopped recording in the middle of the conversation so as not to record a portion of the conversation?

A That is a lie.

Q Is it not a fact you did the same thing on the 31st of July, 1979?

A I never stopped any recording.

Q You were given instructions to put in a fresh tape for every conversation, is that correct?

A That is correct.

Q That you were to record, is that correct?

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2 A Yes.

3 Q You got those instructions back in March of
4 1979, is that correct?

5 A That is correct.

6 Q You were told to record all the conversations,
7 were you not?

8 A Whatever conversations I was able to record
9 I recorded.

10 Q Were you instructed to record the full
11 conversation?

12 A That is correct.

13 Q Let's go to July 14, 1979, sir.

14 Is it true that that was the first time you
15 had ever heard of Louis Johanson?

16 A That is correct.

17 Q And Lou Johanson spoke to you briefly on
18 the telephone that day, introduced by Mayor Errichetti?

19 A That is correct.

20 Q I think Mr. Duffy asked you whether or not
21 it is not a fact what you discussed was the question of
22 a proposed hotel and casino in Atlantic City?

23 A That is correct.

24 Q You had no discussion with Johanson about
25 any other subject that day, did you?

1
2 A Not that I remember.

3 Q And Mr. Johanson told you, did he not, sir,
4 that his law firm was representing some individuals who
5 were interested in the construction of such a hotel --
6 casino on the Boardwalk in Atlantic City?

7 A I don't remember him telling me about his
8 law firm. Somebody he knew.

9 Q Did you hear him mention a partner?

10 A Not offhand.

11 Q That he would bring a partner with him?

12 A On the phone he said that.

13 Q That law partner was Mr. Criden?

14 A Yes.

15 Q Mr. Johanson told you in response to one or
16 your inquiries he was practically a graduate of the seminary
17 and the deal could be checked out from top to bottom?

18 A If the man said that and the thing is recorded,
19 let me see the transcript.

20 Q Do you remember -- do you remember that
21 conversation or don't you?

22 A I told you before I don't remember exact words
23 in the conversation.

24 Q Do you remember Mr. Johanson saying in
25 substance that he could be checked out because he was

1
2 practically a member -- graduate of the seminary?

3 A (No response.)

4 Q Yes or no?

5 A No, I don't remember him saying that.

6 MR. BEN-VENISTE: May I have a moment, sir?

7 THE COURT: Yes.

8 (Pause.)

9 MR. BEN-VENISTE: May I approach the witness?

10 THE COURT: Yes.

11 Q I show you -- these pages aren't numbered,
12 I'm showing you a transcript of July 26th -- I am sorry,
13 July 14th, the conversation.

14 Do you see that colloquy that is highlighted
15 in yellow?

16 A Yes, I do.

17 Q Do you see -- did you not say to Mr. Johanson
18 all right, put your background in there and Mr. Johanson
19 saying: I am a graduate of the seminary practically.
20 And you said: What's that? And he said, "I am practically
21 a graduate of the seminary."

22 And you said okay, and he said: So is my
23 partner.

24 Does that refresh your recollection, sir?

25 A No, it doesn't.

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2 Q Do you dispute this transcript accurately
3 reflects that conversation?

4 A I don't dispute it.

5 Q Did you not review that transcript, sir?

6 A I did.

7 Q Did you make any changes in the portions that
8 I've indicated to you?

9 A Did I make any changes?

10 Q Yes.

11 A I have to look at our transcript.

12 Q This is your transcript.

13 A Maybe you changed it.

14 MR. BEN-VENISTE: Mr. Puccio, please, sir --
15 may I, your Honor.

16 THE COURT: I don't think it really makes any
17 difference. The question is, did you make any
18 changes. I gather he meant when you initially
19 reviewed the transcript.

20 Do you recall whether you did or didn't?

21 THE WITNESS: No, I made no changes.
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(Continued on next page.)

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2 Q Now, when you met Mr. Criden for the first
3 time, that was on the yacht down in Fort Lauderdale, Florida?

4 A Yes.

5 Q Had you been living on that yacht for sometime?

6 A No.

7 Q When the door-to-door salesman came with the
8 Lanier recorder, had you been living on it?

9 A No.

10 MR. PUCCIO: I object.

11 THE COURT: Sustained as to form.

12 Q Did Mr. Criden and Mr. Johanson bring anything
13 with them to your recollection concerning the hotel and
14 casino?

15 A I remember they brought something.

16 Q What do you remember?

17 A I don't remember.

18 I know they had some papers.

19 Q Some papers like Mr. Duffy showed you?

20 A I don't remember.

21 Q Did they have any other kind of papers other
22 than the kind Mr. Duffy showed you?

23 A I don't recall.

24 Q Let me show you Defendants' Exhibit B and
25 ask whether you remember having seen these plans on July 26th,

1
2 1979?

3 A I remember seeing these plans.

4 Q You do?

5 A Yes.

6 Q Is it not a fact Mr. Criden and Mr. Johanson
7 brought them down?

8 A That is correct.

9 Q You retained those or someone from the FBI
10 retained those, is that correct?

11 A That is correct.

12 Q Did you throw away the other things they left
13 with you?

14 A I don't remember the other things, I told you.

15 Q But you certainly never intended to go
16 forward with the project they were proposing?

17 A That is correct.

18 Q They were very excited about the proposal,
19 were they not?

20 A I guess so.

21 Q Is it not a fact, sir, that Tony DeVito and
22 you encouraged them in connection with that proposal?

23 A I don't think we encouraged them.

24 Q Did you not say your reaction was favorable
25 and Tony was going to go to London to recommend that the

1
2 Sheik go forward with it?

3 A No, we told him we would have to check it
4 out and look at the site.

5 Q You deny that Mr. Amoroso told them that he
6 was going to present the matter to the Sheik in London?

7 A After we looked at the site.

8 Q Now, the conversation that occurred in the
9 cabin of the left-hand, below decks, was tape recorded, was
10 it not?

11 A That is what I heard.

12 Q Didn't you discuss with Mr. DeVito before the
13 meeting how he was going to cover it electronically?

14 A I didn't know if he was going to use the
15 briefcase or if he had equipment on the left-hand at that
16 time.

17 Q You know now the conversation in the cabin
18 was recorded?

19 A Yes.

20 Q Through the briefcase?

21 A Yes.

22 Q You saw Mr. Amoroso's briefcase?

23 A He also had his briefcase with him.

24 Q That is the briefcase he used to hide the
25 tape recorder?

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2 A That is correct.

3 Q Now, did you know -- you knew at some point
4 that the conversation that appeared -- that took place above
5 deck was not tape recorded?

6 A That is correct.

7 Q When did you learn that for the first time?

8 A Couldn't record up there.

9 Q You knew right away it wasn't going to be
10 recorded?

11 A That is correct.

12 Q Now, do you recall -- strike that.

13 Is it not true, sir, when you testified in
14 Philadelphia you tried to implicate Mr. Criden in connection
15 with developing the idea of the Sheik wanting to come to the
16 United States and get hold of someone with political
17 influence?

18 A That is correct.

19 Q You tried to hang the hat on Mr. Criden?

20 A I did not try to hang any hat on Mr. Criden.

21 Q You knew that that conversation had not been
22 recorded, right?

23 A That is correct.

24 Q Didn't you testify that it was Mr. Criden
25 who brought up the subject of immigration for the Sheik, this

1
2 phoney Sheik?

3 A I thought Mr. Criden brought it up.

4 Q Answer my question yes or no.

5 A I thought he brought it up.

6 Q Did you not raise your hand and swear to tell
7 the truth and then testify that Mr. Criden was the one who
8 brought up the subject of immigration for the Sheik?

9 A I said he was the one that brought it up.

10 Q You testified to that?

11 A That is correct.

12 Q After that Mr. Amoroso told you, Mel, your
13 testimony was wrong, this is the one case where I wrote a
14 report up, and the report says Mr. Criden had nothing to do
15 with it, didn't that happen?

16 A I don't know about the report he wrote up.

17 Q Didn't he tell you he had a report and that
18 you were wrong?

19 A I spoke to him, he told me it wasn't
20 Mr. Criden who brought it up.

21 Q He told you that after you had testified, is
22 that correct?

23 A That is correct.

24 Q You didn't know he had written a report when
25 you testified?

Weinberg-cross-Ben-Veniate

1
2 A I didn't know about the report.

3 Q So you thought you could get away with hanging
4 the hat on Mr. Criden?

5 A I wasn't trying to hang the hat on anybody.

6 Q I see.

7 A You want to know what else he was talking
8 about?

9 Q Mr. Weinberg, Mr. Puccio can ask you questions
10 on redirect. I would like you to answer my questions now.

11 May I have a moment, your Honor?

12 THE COURT: Yes.

13 (Pause.)

14 Q You testified here under Mr. Duffy's
15 examination that you didn't pay any tax for the year 1978 --
16 you didn't file a tax return, is that correct?

17 A That is correct.

18 Q You also testified that you had no application
19 for an extension in connection with that, is that correct?

20 A That is correct.

21 Q You know, don't you, what you did was a crime
22 in not filing your taxes, declaring your income or paying
23 your taxes?

24 MR. PUCCIO: I object, Judge.

25 THE COURT: Sustained as to form.

1 Weinberg-cross-Ben-Veniste

2 Q You know it is a crime not to file a federal
3 income tax return if you have received income?

4 MR. PUCCIO: I object.

5 THE COURT: How complicated did you want to
6 make it, Mr. Ben-Veniste?

7 MR. BEN-VENISTE: I can --

8 THE COURT: The answer to that question is
9 not necessarily.

10 MR. BEN-VENISTE: That is a point we can go
11 into the tax court on, your Honor knows the reason
12 for the question.

13 THE COURT: Why don't you ask it in a way
14 he can answer the question.

15 Q Did you make any income in 1978? Did you
16 receive any money?

17 A Yes.

18 Q Did you file a tax return?

19 A No.

20 Q Did anyone tell you that you didn't have to
21 file a tax return?

22 A No.

23 Q Do you have any other excuses from the
24 United States Government as to why you didn't file a tax
25 return?

A No.

Q Do you have -- strike that.

Did anyone promise you, Mr. Weinberg, from the Government that you would not be prosecuted for failure to file a tax return?

A No.

Q Do you expect to be prosecuted for that?

A I suspect I am going to have to pay it.

Q Do you expect to be prosecuted for it?

A I guess so.

Q You do?

A I guess so.

Q Now, in '79, for the year 1979, you received a lot of money, didn't you?

A That is correct.

Q In 1979, you did not -- I'm sorry.

You did not file an income tax return this year when April rolled around for your 1979 income, did you?

A That is correct.

Q Did you get an excuse from anyone in the government to allow you not to file?

A No.

Q Did you ask for one?

A No.

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Q You just didn't file it?
A I didn't know what I made.
Q Didn't you keep any records at all?

A No, I didn't.
Q Was that on purpose?

A No, it wasn't.
Q It was inadvertent?

A No.
Q They were lost?

A No, I was just travelling so much I didn't know where I was each day.

Q You believe that excuses people from filing income tax returns?

MR. PUCCIO: I object.
THE COURT: Sustained.

Q There are a lot of people who travel, Mr. Weinberg, is that the only reason you didn't file income tax returns?

MR. PUCCIO: I object to the form of the question.

THE COURT: Disregard counsel's statement. Rephrase the question.

Q Is the only reason you didn't file a tax return

1
2 for 1978 and '79 that you were travelling so much?

3 A I didn't know what I made in them years to
4 file a tax return. I was on the move at all times.

5 Q The reason you didn't know is because you
6 didn't keep records, is that correct?

7 A That is correct.

8 Q Did you ask the government to provide you
9 with a list of the monies that you received?

10 A No, I didn't.

11 Q Mr. Weinberg, did you receive funds in the
12 year 1978 from any source other than the United States
13 Government?

14 A Not to my knowledge.

15 Q In the year 1979, did you receive funds from
16 any other source?

17 A Not to my knowledge.

18 Q Did you receive gifts from any source?

19 A Gifts, no. No, I have received gifts.

20 Q In '78 and '79?

21 A '79 I think it was.

22 Q Will you tell the jury, please, each and
23 every gift you received in 1978 and 1979?

24 A I got \$25,000 kickback from the Mayor.

25 I got a briefcase. A box of cigars he sent.

Weinberg-cross-Ben-Veniste

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2 Bottle of liquor. I received liquor for the party on the
3 boat. He got the food for the party on the boat. That's
4 all I can remember right now.

5 Q 1978, 1979, gifts from any source?

6 A That's all I remember right now.

7 Q Let's round it off to \$100,000 that you said
8 you received over the last couple of years from the government
9 in the ABSCAM investigation.

10 Did you ever apply one cent of that money to
11 repay any of the victims of your swindles?

12 A No, I haven't.

13 Q You had an FBI agent in the early seventies
14 to whom you gave information from time to time, is that
15 correct?

16 A That is correct.

17 Q Did you contact him when you got caught in
18 the swindle for which you were prosecuted?

19 A I did speak to him.

20 Q He told you that you had lied to him, didn't
21 he?

22 A No, he didn't tell me. He said he can't
23 speak to me because I am under indictment.

24 Q That is the only thing he said?

25 A As far as I remember, that's all he said.

Q He told you he couldn't help you?

A I didn't ask him to help, I wanted to speak to him.

Q In that case in Pittsburgh, did you tell the jury how you got caught?

A One of the people that we were going to buy a milk company complained to the FBI he was taken for \$3000 or something like that.

Q Then the FBI had a look at it?

A Agent Boutwell investigated.

Q He came to talk to you?

A No, I never spoke to him until I got to Pittsburgh.

Q Didn't you talk to Rosselli and tell him you were being investigated?

A I called Rosselli and he said he cannot speak to me because of the investigation.

Q He can't help you?

A I didn't ask for help.

Q In the past, Mr. Weinberg, isn't it true that the FBI has been able to bail you out when you got in this kind of trouble?

A I never got in trouble in the past.

Q Didn't you get in trouble with Mr. Goberman?

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2 A That is a civil suit in court.

3 Q Didn't you ask the FBI to come and tell the
4 judge you were an informant for the FBI and he should help
5 you?

6 A That is not true.

7 Q That never happened?

8 A Never happened.

9 Q Your testimony yesterday was that on the day
10 that you got sentenced to three years in prison you knew
11 that that sentence was going to be suspended, is that correct?

12 A That is correct.

13 Q What you're saying is that according to your
14 understanding when the judge came out and sentenced you to
15 three years, he didn't mean it?

16 A I knew the sentence was going to be put on
17 probation after the first of the year.

18 Q You knew that the judge was going to do that
19 despite the fact he had sentenced you to three years at the
20 Graybar Hotel?

21 A That is correct.

22 Q In that case your lawyer filed a motion on
23 your behalf, didn't he?

24 A (No response.)

25 Q After you got the three years.

A That is correct.

Q And the motion he filed -- just a second.

THE COURT: Yes.

(Pause.)

(Continued on next page.)

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2 Q The reason that was given to the Judge in
3 that motion was that you were ill?

4 A That I don't know.

5 Q You don't know that?

6 A I know they filed a motion.

7 I wasn't there when he filed it.

8 Q Well, didn't you get a hold of a letter from
9 a doctor?

10 A That is correct.

11 Q And the letter of the doctor was dated
12 January 10, 1978?

13 A I know I was told?

14 Q Pardon?

15 A I was told to go to my doctor and get a
16 letter.

17 Q Who told you that?

18 A My lawyer.

19 Q And that this was going to be the reason
20 why you were going to get let out?

21 A He didn't say that to me.

22 Q But you knew it had something to do with
23 your case?

24 A I really didn't know at the time.

25 Q Do you went to the doctor and that was

1
2 Dr. Cuci?

3 A Correct.

4 Q C-u-c-i.

5 A I think that's the way you spell it.

6 Q And that on the 10th of January you got that
7 letter from Dr. Cuci?

8 A Correct.

9 Q What did you do with it?

10 A I gave it to the Court.

11 Q Who did you give it to?

12 A I gave it to -- no, I gave it -- a Probation
13 Officer came up and he sent it in.

14 Q When did you give it to the Probation Officer?

15 A I don't remember the exact date.

16 Q Approximately how long after you got it?

17 A I haven't the slightest idea.

18 Q Well, would it refresh your recollection
19 if I were to suggest to you that since the letter is dated
20 January 10th and the order reducing your sentence from jail
21 to probation was January 20th, that it was somewhere in the
22 interim of those ten days?

23 A I really don't know.

24 Q The letter was a put up job, wasn't it?

25 A No, it wasn't.

1
2 Q You knew that nobody was going to check the
3 letter out, didn't you?

4 A I have high blood pressure and a heart
5 condition.

6 Q You knew that no one was going to check out
7 the medical report, didn't you?

8 A That I did not know.

9 Q Well, it was submitted sometime after the 10th
10 and the Court ruled on the 20th. You knew that it wasn't
11 checked out?

12 A That I don't know.

13 Q Do you know whether Dr. Cuci has a brother?

14 A He has.

15 Q And do you know whether that brother is a
16 lawyer?

17 A He is.

18 Q And you know whether that lawyer represented
19 you?

20 A He did at one time.

21 Q And so you went to his brother and got a
22 note for the Judge?

23 A He was my doctor all the time.

24 Q I see.

25 The letter said or implied that you were too

1
2 sick to go to jail because of the high blood pressure,
3 right?

4 A I don't know what the letter said.

5 Q Didn't you read it?

6 A I read it. But it didn't make sense to me,
7 what was in there.

8 Q It was only a short letter, wasn't it?

9 A That's correct.

10 Q And did -- the whole purpose was so you
11 didn't go to jail, right?

12 A No, that wasn't the whole purpose.

13 Q Of getting the letter?

14 A They wanted a letter from my doctor.

15 Q Wasn't it for the purpose of reducing your
16 sentence from jail time to probation, sir?

17 A I really don't know.

18 Q I see.

19 But after that -- Mr. Weinberg, after January
20 of 1978, you did a lot of traveling, as you have testified?

21 A January, '78?

22 Q '78, yes.

23 A No. It was around March '78.

24 Q But you did a lot of traveling in the next
25 two years?

1
2 A Correct.

3 Q You didn't restrict yourself by reason of
4 your condition, did you?

5 A That is correct.

6 Q Okay.

7 Now, do you recall testifying under oath
8 in Philadelphia, Mr. Weinberg, on July 7, 1980, that you
9 revealed to the FBI everything that you had ever done of
10 a fraudulent nature?

11 A Yes.

12 Q Was that true or was that a lie?

13 A They had my whole record there.

14 Q Was it true or was it a lie, Mr. Weinberg?

15 A To the best of my knowledge, it was the truth.

16 Q To whom did you --to whom did you reveal
17 at the FBI everything that you had ever done in your life
18 of a fraudulent nature?

19 A When I copped a plea up in Pittsburgh, I
20 sat down with agents and they questioned me there for
21 three days.

22 Q They wrote it all down?

23 A I don't now if they wrote it all down or
24 not.

25 MR. BEN-VENISTE: May we have a side bar,

* * *

* * *

(End of side bar.)

15
16 MR. BEN-VENISTE: May I proceed, your Honor?

17 THE COURT: You may proceed.

18 Q Mr. Weinberg, when did you pull your first
19 swindle?

20 A I'd say around 1960.

21 Q 1960.

22 You say for 20 years prospectively you have
23 been a con man and before that you were never involved in
24 swindles or conning or confidence games?

25 A Not to my knowledge.

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Q Did you hold legitimate jobs before 1960?
A I did.

(Continued on next page.)

Weinberg-cross/Ben-Veniste

Q Did you ever have a Social Security number?

A I did.

Q When did you get it for the first time?

A When I came out of the Service.

Q Social Security number?

A Correct.

Q Did you ever see --

MR. BEN-VENISTE: May I approach the witness,
your Honor?

THE COURT: Yes.

Q Exhibit 188.

THE COURT: Is that 3500-188?

MR. BEN-VENISTE: I assume it is. It has
an exhibit stamp. May I confer with Mr. Puccio?

MR. PUCCIO: That's a Grand Jury exhibit.
That was provided to counsel, but that is not a
trial --

MR. BEN-VENISTE: All right. I will mark it
M for identification.

THE COURT: It was not marked for purposes
of this trial.

Q I show you M for identification, Mr. Weinberg.
Do you know what that is?

A Yes.

Weinberg-cross/Ben-Veniste

1
2 Q That's your rap sheet, is it not?

3 A That's correct.

4 Q That's a history of your convictions and ar-
5 rests?

6 MR. PUCCIO: Judge, I object to that state-
7 ment.

8 THE COURT: I think that is a misrepresenta-
9 tion of the document, Mr. Ben-Veniste.

10 MR. BEN-VENISTE: I don't think it is, your
11 Honor. But I don't mind that it be stricken.

12 MR. PUCCIO: There is only one objection.
13 There is only one conviction.

14 THE COURT: That's my recollection, too.

15 Q You were only convicted once?

16 A That's correct.

17 Q Okay. Now, will you turn to the --

18 MR. PUCCIO: May I see that? May I be per-
19 mitted to look at that document?

20 MR. BEN-VENISTE: I got it from you, Mr. Puccio.

21 MR. PUCCIO: Judge, may I be allowed to in-
22 dicate to the extent the word "arrest" was used in
23 the plural, that it has to do with that one case?

24 THE COURT: Both arrest and conviction
25 reflected in the government's exhibit are singular;

1
2 is that correct?

3 MR. PUCCIO: Thank you.

4 MR. BEN-VENISTE: I understand there are
5 several entries, Judge, and I will accept Mr. Puccio's--

6 MR. PUCCIO: Those entries were with respect
7 to the Navy, Judge.

8 MR. BEN-VENISTE: There are several entries
9 with respect to matters other than the Navy, your
10 Honor. And I will accept Mr. Puccio's character-
11 ization that they all refer to the same conviction.

12 Q Now, you were interviewed in connection with
13 your arrest in 1977, sir?

14 A Will you repeat that?

15 Q You were interviewed by the probation people
16 and by the marshal's service.

17 A By the probation person. I was interviewed by--

18 Q Well, when you got arrested, didn't the
19 marshal process you?

20 A Yes.

21 Q Take a photograph of you, fingerprint you?

22 A Yes.

23 Q Ask you some questions?

24 MR. PUCCIO: May I ask that the questioner

25 move over? I can't see.

Weinberg-cross/Ben-Veniste

MR. BEN-VENISTE: I am sorry.

THE COURT: You need to be --

MR. BEN-VENISTE: I am going to show him
this document in a second, your Honor.

THE COURT: All right.

Q Do you recall that?

A Yes, I recall.

Q You provided him with your address and so
forth and certain personal information?

A Correct.

Q And they asked you what your occupation was?

A I don't remember that.

Q Do you remember what you said?

A No.

Q Would it refresh your recollection if I sug-
gest it was financial services?

A That would be correct.

Q And they asked you what your Social Security
number was, didn't they?

A I don't remember.

Q Take a look and see whether you told them that
it was unknown?

A I probably didn't have it on me.

Q Now, on the -- now, in the 1960s, late '60s

Weinberg-cross/Ben-Veniste

1
2 and early '70s you had some contact with Agent Roselli, did
3 you not?

4 A That's correct.

5 Q Now, during the period of time that you had
6 contact with Roselli, you were getting small sums of money
7 from the FBI, were you not?

8 A That's correct.

9 Q I don't want to get into those matters, but
10 I want to ask you, sir, whether you intentionally did not
11 reveal to the FBI that you were engaged in fraudulent acti-
12 vities during the same period?

13 A They never asked me and I never said nothing
14 to them.

15 Q Did you intentionally refrain from telling
16 them that you were engaged in fraudulent activities while
17 at the same time you were accepting money from them?

18 MR. PUCCIO: I object to the form of that
19 question.

20 THE COURT: Overruled.

21 Do you understand the question?

22 THE WITNESS: I understand. I didn't inten-
23 tionally --

24 Q Pardon me?

25 A I didn't intentionally not tell them.

Weinberg-cross/Ben-Veniste

1
2 Q Well, was it just a mistake, that it slipped
3 your mind, that you were engaged in all these frauds?

4 A No, not really.

5 Q Well, then, when you said you didn't inten-
6 tionally fail to tell them, what do you mean, Mr. Weinberg?

7 A That they didn't ask me and I didn't tell
8 them.

9 Q I ask you whether you intentionally did not
10 tell them:

11 MR. PUCCIO: I object. It has been asked
12 and answered.

13 THE COURT: I think it's clear what he is
14 saying, Mr. Ben-Veniste.

15 MR. BEN-VENISTE: Very well, your Honor.

16 Q Now, from 1972 to 1977, you were involved in
17 two different kinds of schemes; at least two different
18 kinds of schemes. You talked about the one you were
19 convicted on. What company was that, again?

20 A London Investors.

21 Q Now, there was something called Swiss Bank
22 Associates, was there not?

23 A That's correct.

24 Q And will you explain what Swiss Bank Associ-
25 ates was all about?

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A Same as London Investors.

Q Just a different name?

A Correct.

Q The exact same scam?

A Same thing.

Q Arab oil money?

A Never was Arab oil money.

Q What was the scam in Swiss Bank Associates?

A We represented a foreign bank.

Q And what did you tell the marks?

A We can get them money for a loan. They have to pay the appraisal and inspection fee.

Q What were your rates at that time for appraisal and inspection fees?

A For about three, four thousand dollars.

Q How much money did you make off of Swiss Bank Associates, sir?

A I don't remember.

Q Well, a ballpark figure.

A I haven't the slightest idea.

Q More than a million dollars?

A I don't know.

Q Could be?

A I don't know.

Weinberg-cross/Ben-Veniste

1
2 Q Did you ever pay any taxes on the money you
3 made in Swiss Bank Associates?

4 A I had a legitimate business running then,
5 which the taxes were being paid.

6 Q Did you ever -- listen to my question, sir.
7 Did you ever pay any taxes on the money that you stole in
8 connection with the fraud relating to Swiss Bank Associates?
9 Yes or no.

10 A No.

11 Q Did anybody promise you that you wouldn't be
12 prosecuted?

13 A No.

14 Q Where did you make your headquarters for
15 Swiss Bank Associates, sir?

16 A Bayside, Long Island.

17 Q Did you take mainly people in the New York
18 area?

19 A No.

20 Q Where were the people that you took?

21 A All over.

22 Q All over the United States?

23 A That's correct.

24 Q Except New York?

25 A Very few from New York.

Weinberg-cross/Ben-Veniate

1
2 Q You didn't discriminate against New York, did
3 you?

4 A No, I didn't.

5 Q How long did Swiss Bank Associates go on?

6 A Well, a couple of years.

7 Q Didn't people come over this period of time
8 when you were in London Investors and Swiss Bank Associates
9 and say, what about my money? We gave you this money for
10 an appraisal to get a loan and now we don't hear from you
11 any more. What would you tell them?

12 A We would stall them.

13 Q You would lie to them?

14 A We would stall them.

15 Q What do you mean by stall?

16 A We would tell them stories that that doesn't
17 check out. Finally we tell them that there is something
18 wrong, that they can't get the loan.

19 Q Some of these people were really desperate
20 for the money, weren't they?

21 A What do you mean by desperate?

22 Q They were going to go out of business; they
23 needed the loans immediately?

24 A No. We never dealt with business men.

25 Q I see. These were all personal loans?

1
2 A These were all fellows who were going --
3 looking to buy a building, mortgage money.

4 Q Wouldn't you call those business men?

5 A It wasn't a sense of businessmen who had a
6 small store that they needed the money.

7 Q Pardon me?

8 A It wasn't the sense we are dealing with a
9 small store that had a business that desperately needed the
10 money to continue in business.

11 MR. BEN-VENISTE: May I have a moment, your

12 Honor.

13 Q Do you know who Lee Schlag is? Lee Schlag,
14 S-c-h-l-a-g.

15 A That's the guy that was buying the dairy
16 company.

17 Q You took him for \$3,564 at least?

18 A That's correct.

19 Q And how about Carl Stark?

20 A That's correct.

21 Q Where does Mr. Stark hail from?

22 A Pittsburgh.

23 Q How about Carnegie, Pennsylvania?

24 A Where is that?

25 Q Carnegie.

Weinberg-cross/Ben-Veniste

- 1
- 2 A I don't know where Carnegie is.
- 3 Q Do you know what Mr. Stark was interested in?
- 4 A He had a drycleaning factory.
- 5 Q He wanted a loan?
- 6 A Correct.
- 7 Q And it was a business loan?
- 8 A Correct.
- 9 Q You promised him a loan?
- 10 A Correct.
- 11 Q You kept stringing him along?
- 12 A That's correct.
- 13 Q Lying to him?
- 14 A Correct.
- 15 Q You had him on the hook, right?
- 16 A No one stopped him from leaving the office
- 17 if he wanted to leave.
- 18 Q You mean he could walk out, forget about the
- 19 money he had given you and go home?
- 20 A He didn't have to give us the money.
- 21 Q Well, you asked him for it, didn't you?
- 22 A Yes.
- 23 Q Do you think it's his fault that he gave you
- 24 the money?
- 25 A No, it's not his fault.

Weinberg-cross/Ben-Veniste

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Q Do you think these victims of your fraud
were somehow personally responsible for being taken?

3

4

A No.

5

Q That was your responsibility, wasn't it?

6

A That was my responsibility.

7

Q You stole their money?

8

A That's correct.

9

10

THE COURT: I think this would be an appropriate time to break for lunch. We will resume at two o'clock. Don't discuss the case during the recess, ladies and gentlemen.

11

12

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(Whereupon, the jury retired from the court room.)

14

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(Luncheon recess taken.)

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20 | M E L V I N W E I N B E R G, having been
21 | previously duly sworn, resumed the stand and
22 | testified further as follows:

23 |
24 | (The jury is in the jury box.)

25 | THE COURT: All right, Mr. Ben-Veniste,

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2

you may continue with your cross examination.

3

MR. BEN-VENISTE: Thank you, sir.

4

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(Continued on next page.)

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CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, the tapes that were taken from your suitcase were taken on you say January 23rd, 1980?

A I think that is the date.

Q Do you have some question about it, sir?

A I am pretty sure that is the date.

Q On that occasion, was that one of the frequent trips you made between New York and Florida?

A I was coming up to New York.

Q Were you moving up to New York or just coming up to spend a few days?

A I really don't remember. I think I was up here around February.

Q I don't want to know where it is, I don't have to; did you maintain a residence of some sort in this area in January?

A No, I stayed in hotels.

Q The FBI paid for that?

A That is correct.

Q Describe the suitcase that these tapes were taken from?

A Carry-on bag, pocket on the side made out of nylon.

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Q What else were you carrying?

A My suits were in there, my shoes, and the pockets on the outside were tapes and cigars.

Q Did you have any other baggage with you that day?

A A carry-on bag.

Q What was in that?

A That was -- my shirts and underwear.

Q You didn't have a hanging bag?

A That is the hanging bag they were in.

Q The hanging bag you carried onto the airplane and --

A No, I checked them both in. I didn't carry anything on.

Q Is that your usual practice?

A Yes.

Q Instead of carrying on the airplane, you have to wait a half hour or so for the bag to come back to you?

A Yes.

Q You say that some cigars were taken off, is that correct?

A That is correct.

Q How many?

A Two packs of 25 each.

- 1
- 2 Q Packets of cigars?
- 3 A Yes.
- 4 Q Bundles?
- 5 A They come in bundles.
- 6 Q With a ribbon tied around it?
- 7 A Silver paper around them.
- 8 Q That was in the outside pouch?
- 9 A Yes.
- 10 Q How long have you been a cigar smoker?
- 11 A Since 1944.
- 12 Q And you checked the bags with the cigars in
- 13 an outside pouch for the baggage handlers to do this thing?
- 14 A I didn't know they were going to rob it.
- 15 Q Did you know what happens to bags that are
- 16 checked?
- 17 A It doesn't mean every bag that is checked is
- 18 going to get robbed.
- 19 Q You say you put the cigars in the outside
- 20 pocket of the bag where they can get crushed and beat up?
- 21 MR. PUCCIO: I object on the grounds of
- 22 relevance.
- 23 THE COURT: Sustained.
- 24 MR. BEN-VENISTE: I will move on.
- 25 Q Of course, this is the first time you lost

1
2 any tapes, is that correct?

3 A That is correct.

4 Q How much time have you spent in the
5 prosecutor's office here in this courthouse since February
6 2nd?

7 A I was up for about a week or so, two weeks,
8 maybe.

9 Q Maybe?

10 A Two weeks, then up this time three weeks..

11 Q I'm sorry, I don't understand.

12 Two weeks or three weeks?

13 A The first time two weeks.

14 Q When was that, in February?

15 A No, it was around March I think I came up.

16 Q You were up in New York in February,
17 February 2nd?

18 A That is correct.

19 Q How long did you stay then?

20 A I left, I think around the 5th or 6th.

21 Q The next time you came up was when?

22 A I think in March.

23 Q How long did you stay on that occasion?

24 A I don't know. Maybe a couple of weeks,
25 ten days.

1
2 Q After that visit to this courthouse, when
3 was the next time?

4 A I really don't know.

5 Q Was there another time after March and
6 before July?

7 A Probably was.

8 Q What is your recollection?

9 A I really don't know. I know I went down to
10 Philly twice. Then I was back up here.
11 Then I went back down and came up for the
12 trial.

13 Q Approximately how many weeks were you up here,
14 two weeks in March, the last three weeks that you have been
15 up here, how much other time?

16 A I would count maybe four or five weeks
17 before the trial.

18 Q Four or five weeks for preparation of the
19 trial, right?

20 A No, we were straightening the tapes out.

21 Q Straightening them out?

22 A Getting them in order.

23 Q And going over your testimony?

24 A No.

25 Q You never did that?

- 1
- 2 A Yes, I went over some of it.
- 3 Q You discussed this at length with Mr. Amoroso,
- 4 didn't you?
- 5 A Yes.
- 6 Q Did you go over his testimony at this trial?
- 7 A No.
- 8 Q Did you discuss with Mr. Amoroso what he had
- 9 testified to?
- 10 A No, I haven't.
- 11 Q The evening that he left the witness stand,
- 12 you went somewhere with him, is that correct?
- 13 A That is correct.
- 14 Q Just the two of you?
- 15 A That is correct.
- 16 Q You didn't discuss anything about the case?
- 17 A No, we didn't.
- 18 Q Now, would you say that you are friendly with
- 19 Amoroso?
- 20 A Yes, pretty friendly.
- 21 Q Would you want to get him into any trouble?
- 22 A I wouldn't want to get him into any trouble.
- 23 Q Okay.
- 24 Who told you which tapes were going to be
- 25 introduced into evidence?

A Nobody told me what tapes.

Q Nobody told you which ones to focus on?

A I went through all the tapes pertaining to the case that they pulled out.

Q Somebody pulled out a bunch of transcripts for you to look at?

A Yes.

Q Who did that?

A The agentworking in the office.

Q They said look at these particular tapes?

A Yes.

Q You did testify about the way you reviewed them and made any changes, there was one that was made the other day?

MR. PUCCIO: I object to any statement.

THE COURT: Sustained. Disregard counsel's statements.

Only questions, Mr. Ben-Veniste.

MR. BEN-VENISTE: Exhibit 20-A, please.

MR. PUCCIO: 20-A?

MR. BEN-VENISTE: Yes.

(Pause while counsel confer.)

MR. BEN-VENISTE: May I approach the witness, your Honor?

THE COURT: Yes.

Q Mr. Weinberg, I show you Exhibit 20-A in evidence and ask you whether you in fact reviewed that transcript?

A I listened to this transcript.

Q You listened to the tape and you checked the transcript against it, right?

A That is correct.

Q Did you make any changes?

A I haven't.

Q There was a final version made, that is a final version, is that correct?

A That is correct.

Q Did you see a draft version also?

A No, I didn't.

Q This is a conversation, is it not, of July 30th, 1979 between Mr. Weinberg and Mr. Errichetti, you and Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti was in New Jersey?

A That is correct.

1
2 Q Do you remember whether you called him or he
3 called you?

4 A It says I called him.

5 Q Where does it say that?

6 A Call from Mel Weinberg --

7 Q Does that refresh your recollection that you
8 called him?

9 A No, I have to listen to the tape.

10 Q Look at the -- maybe I can point to where
11 Mr. Errichetti says, if you follow along with me there --
12 "Howard just came in to say hello and Mikee says have you
13 heard from Mel and I say ain't that a bitch on the phone
14 with Mel." And then there is laughter.

Who is Mikee that is referred to?

15 A I really don't know.

16 Q Take a look at that transcript and see
17 whether that helps you?

18 A I don't know who Mikee is.

19 Q You never heard Congressman Myers referred
20 to as Mikee?

21 A No.

22 Q In fact, this doesn't even say Mikee on the
23 tape, does it?

24 A I don't know, I have to listen to the tape.
25

1
2 MR. BEN-VENISTE: Your Honor, I would ask
3 that the tape be played again and the jurors be
4 provided with their copies of the transcripts.

5 THE COURT: For that one word?

6 MR. BEN-VENISTE: Unless the prosecutor is
7 willing to acknowledge it doesn't say Mikee.

8 THE COURT: I assume it says something.

9 MR. BEN-VENISTE: In our view --

10 THE COURT: If it is that important, we will
11 see what the jury thinks it says.

12 Put the tape on. Only for that little piece
13 of it.

14 MR. PUCCIO: Should we give out the books?

15 THE COURT: Do you want them to have it?

16 MR. BEN-VENISTE: Yes, sir. I think they
17 should be able to follow it.

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20 (Continued on next page.)
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2 THE COURT: Any jurors who do not have their
3 books?

4 All right, play the tape.

5 MR. BEN-VENISTE: May I ask, your Honor,
6 one question before we play the tape?

7 THE COURT: Surely.

8 Q That is, Mr. -- isn't it a fact that what is
9 said by Mr. Errichetti is, Howard just came in to say hello
10 and like he says -- l-i-k-e, new word, h-e says, have you
11 heard from Mel?

12 A I don't know.

13 MR. BEN-VENISTE: All right.

14 THE COURT: Play it.

15 (Tape recording played.)

16 (Tape recording stopped.)

17 Q Did you hear that, Mr. Weinberg?

18 A I didn't hear it.

19 MR. BEN-VENISTE: Will you play it -- are
20 there headphones for the witness, your Honor?

21 THE COURT: Right next to him.

22 Q Will you put the headphones on and listen
23 to it again, please?

24 (Tape recording played.)

25 (Tape recording stopped.)

1
2 Q Is it, like he, or might he?

3 A Like he says --

4 Q So the transcript is wrong there? It should
5 be Mikee?

6 A Yes.

7 MR. BEN-VENISTE: May I approach the witness,
8 your Honor?

9 THE COURT: Yes.

10 MR. BEN-VENISTE: Excuse me.

11 May I approach the witness, your Honor?

12 THE COURT: Yes.

13 Q Let me show you Exhibit 20B. Is that your
14 handwriting, sir?

15 A That's my handwriting.

16 Q That's the original cassette?

17 A Thea's the original cassette.

18 Q Now, I would like --

19 MR. BEN-VENISTE: If the Court please, I would like
20 for the original to be played up to that point
21 in the conversation.

22 THE COURT: You are offering 20B in evidence?

23 MR. BEN-VENISTE: Just for that small portion,
24 your Honor. Just to stop at the same point because
25 we are at the beginning of the conversation.

1
2 THE COURT: You want from the beginning of the
3 tape 20B up to --

4 MR. BEN-VENISTE: The asterick on the trans-
5 cript?

6 THE COURT: All right, received in evidence
7 for that purpose.

8 (Tape recording played.)

9 (Tape recording stopped.)

10 Q Now, Mr. Weinberg, the original has got a
11 different beginning to it than what appears on Exhibit
12 20A, doesn't it, sir?

13 A That it does.

14 Q It appears to be a conversation in which you
15 were involved, sir?

16 A That's correct.

17 Q Can you explain to the jury what that is?

18 A I was speaking to my wife in the house where
19 I was making the phone call from waiting for the Mayor
20 to come to the phone.

21 Q That is not reflected on the transcript, is
22 it?

23 A It's not reflected on the transcript.

24 Q Now, there is a click on the phone after you
25 get finished talking to your wife. Is that where you turned

1
2 the recorder on or off?

3 A I didn't hear the click.

4 Q Now, with respect to the conversation on
5 July 31st, sir -- that's Exhibit 21A. There's one point
6 where you heard a break when the tape was played the other
7 day, correct, sir?

8 A That's correct.

9 Q Now, where the words on the second page,
10 they are getting five zero appears, did you actually hear
11 the word zero?

12 A I don't remember.

13 The tape sounds like zero to me at the time.

14 Q When you listened to it, it was zero, correct?

15 A When? I didn't correct these tapes.

16 Q Did you testify that you --

17 A I listened to them.

18 Q Excuse me for a minute. Didn't you testify in
19 answer to Mr. Puccio's questions that these transcripts
20 were accurate to the best of your knowledge, sir?

21 A That's correct.

22 Q Well, didn't you review them for the purpose
23 of determining their accuracy?

24 A I did.

25 Q I am asking you, sir, whether that word, zero

1
2 actually appears on the tape?

3 A I don't know. I have to listen to the tape.

4 MR. BEN-VENISTE: Will you play the excerpt,
5 please?

6 (Tape recording played.)

7 (Tape recording stopped.)

8 Q Did you hear, zero?

9 A Sounded like five o.

10 Q The word, zero, where you -- or you thought
11 you heard, o?

12 A O.

13 Q Did you hear a break in the tape at that
14 point?

15 A I heard something.

16 Q Is that where you turned the tape recorder
17 off, Mr. Weinberg?

18 A I didn't turn the tape recorder off. The
19 tape recorder fell.

20 Q Did the tape recorder fall again during
21 that same conversation, sir?

22 A No.

23 MR. BEN-VENISTE: Now, that's all as far
24 as these transcripts are concerned, your Honor.

25 If the jury would be more comfortable without

1
2 them.

3 Q Now, Mr. Weinberg, do you recall testifying
4 in Philadelphia that at the most there was a delay of
5 two days between the time that you would make the recording
6 and the time you would turn the cassettes over to someone
7 from the FBI?

8 A That's correct. I said that.

9 Q And that was wrong, wasn't it?

10 A That's correct.

11 Q Because there were times as much as eight,
12 nine, ten days that went by between you turning something
13 over to the FBI; is that correct?

14 A That's correct.

15 Q Indeed, the recordings of July 29th and the
16 31st were such recordings that were not turned over in a
17 matter of days but were turned over after several days?

18 A That I can't answer? I don't know.

19 MR. BEN-VENISTE: May we have Exhibit --

20 Q Can you tell from looking at Exhibits 19B,
21 21B and 22B when they were turned over to anybody at the
22 FBI, sir?

23 A I can't tell by this.

24 Q Do you know what that is?

25 A No, I don't know what that is. I can't tell.

1
2 Q You have never seen these documents before,
3 Mr. Weinberg?

4 A I have seen these before. I've seen them
5 making them out.

6 Q Aren't they logs?

7 A I don't know. I just told you.

8 MR. BEN-VENISTE: May I have a moment, your
9 Honor?

10 THE COURT: Yes..

11 MR. BEN-VENISTE: I removed the tape recording,
12 the original tape recordings from Exhibit 22B.
13 May I approach the witness?

14 THE COURT: Yes.

15 Q Do you see the handwriting on the bottom of
16 22B, sir?

17 A Yes.

18 Q Is that your handwriting?

19 A No, that is not my handwriting.

20 Q That is the agent's handwriting when you
21 turned it over to him, isn't it, sir?

22 A It must be. It says there 8/8.

23 Q The date is August 8, 1980?

24 A Correct.

25 Q Eight days after you made the recording?

1
2 A Correct.

3 THE COURT: 80?

4 MR. BEN-VENISTE: 1979, I'm sorry, your
5 Honor.

6 THE COURT: All right.

7 Q Now, I think you testified earlier that all
8 the money that you received in 1978 came from the United
9 States Government; is that correct?

10 A I did. To the best of my knowledge, I said.

11 Q Well, think about it for a minute and tell
12 the jury whether you were wrong?

13 A To the best of my knowledge, I didn't get no
14 other money except from the United States Government.

15 Q Did you not receive \$30,000 from an insurance
16 company as a reward in 1978?

17 A That's correct.

18 Q That wasn't the United States Government
19 insurance company, was it?

20 A No. It was in February, 1978.

21 Q Okay.

22 And as far as you know, that's taxable income,
23 isn't it?

24 A That's correct.

25 Q You didn't pay any taxes on it?

1
2 A I didn't pay the taxes.

3 Q And nobody withheld money from you for
4 taxes for that?

5 A That's correct.

6 Q You didn't declare that in any way, in any
7 form with the Government, did you?

8 A That's correct.

9 Q Now, in connection with the ABSCAM, Mr.
10 Weinberg, at the beginning you got yourself into a little
11 bit of trouble because you were coming on to strong con-
12 tacts with so-called middle men; isn't that true?

13 A I don't know what you mean by that?

14 Q Well, weren't you reprimanded, sir, for
15 dealing with middle men and trying to make it appear that
16 one or more politicians in their acting before a camera
17 would do something contrary to what you explained the
18 situation was all about?

19 MR. PUCCIO: I object.

20 Q Do you understand that question? It's a
21 little confusing.

22 MR. PUCCIO: I object to the form of the
23 question.

24 MR. BEN-VENISTE: I ought to withdraw it.

25 THE COURT: Withdrawn.

1
2 Q Let me start again.

3 Back in May, June of 1979, you were involved
4 in some aspect of the ABSCAM investigation that did not
5 involve Mr. Criden at all, is that right?

6 A That's correct.

7 Q And you dealt with certain middle men?
8 What you have called middle men, correct?

9 A That would be correct.

10 Q And you put Mr. Criden into that category,
11 wouldn't you, as a middle man?

12 A That's correct.

13 Q And Mr. Errichetti and Mr. Johanson, right?

14 A That's correct.

15 Q And in this case the target was Mr. Myers,
16 right?

17 A We didn't have no target.

18 Q Well, you did at some point, didn't you?

19 A We didn't have no target.

20 Q I see. Mark.

21 A No.

22 Q You object to the term target?

23 A I object to the term mark and target.

24 Q I see.

25 But you don't object to the characterization

1
2 of Criden, Johanson and Errichetti as middle men in
3 connection with that investigation?

4 A That is true.

5 MR. DUFFY: Your Honor, I do.

6 I'm a little out of sorts, but I have to
7 object to the defense counsel's question. Johanson
8 has never been called a middle man.

9 THE COURT: He has now.

10 The jury will understand we are only dealing
11 with this witness' interpretation of the term that
12 was defined for us yesterday by Mr. Duffy and Mr.
13 Weinberg together.

14 Q Now, in connection with the other investigation
15 unrelated to this case, didn't you tell the middle man
16 in that case on tape that a politician as to write a very
17 strong letter that wouldn't mean anything because you were
18 going to destroy it right away.

19 MR. PUCCIO: Judge, I object unless we know
20 what the case is we are talking about.

21 MR. BEN-VENISTE: I am sorry. I didn't hear
22 Mr. Puccio's objection.

23 THE COURT: He said he objects.

24 MR. PUCCIO: To the form.

25 THE COURT: Unless we know what case we are

1
2 talking about.

3 Identify it by date. Approximate date.

4 Mr. Weinberg, without indicating what case
5 it is, do you understand which one he is talking
6 about.

7 THE WITNESS: I would have to see the trans-
8 cript, your Honor, to understand it.

9 THE COURT: All right.

10 MR. BEN-VENISTE: Show the witness 3500-274,
11 please, Mr. Puccio.

12 Can we have that, please.

13 MR. PUCCIO: You have a copy, do you want
14 the original?

15 MR. BEN-VENISTE: Yes.

16 May I approach the witness, your Honor?

17 THE COURT: Yes.

18 Q I show you Exhibit 3500-274. I ask you to
19 turn to Page 4. Take a moment to read that, please?

20 A Why can't we read Page 3 and see what it is
21 about.

22 Q You can read as much as you want to yourself.

23 THE COURT: Are you showing him the transcript
24 just to familiarize him with what question you are
25 speaking of?

1
2 MR. BEN-VENISTE: Yes. And the witness has
3 to read the complete document, to which we have
4 no objection.

5 THE COURT: All right.

6 Do you recall, Mr. Weinberg, now what
7 transaction that relates to?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: All right, next question.

10 Q Now, turning to the bottom of Page 4,
11 if you would, Mr. Weinberg, this is a -- this is a
12 conversation which you tape recorded, right?

13 A Will you repeat that?

14 Q You tape recorded this conversation, didn't
15 you?

16 A I tape recorded it.

17 Q This was a telephone conversation, correct,
18 sir?

19 A That's correct.

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21 (Continued on next page.)
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2 Q Now, didn't the middleman -- you were
3 talking about writing a letter that was going to be -- come
4 from a politician -- and his Honor has asked you not to
5 identify this politician -- and was going to be shown
6 supposedly to the Sheik, right?

7 A That's correct.

8 Q Now, the middleman said to you, did he not,
9 I am going to couch it in very careful language so if it
10 got in anybody else's hands, there would be nothing wrong
11 with it, and you said, oh, no, make it as strong as possible.
12 And the middleman said, it will be strong. It will be
13 strong. And you said, don't worry about it getting in
14 anyone's hands. It's going to go over in a diplomatic
15 pouch. To which the middleman said, okay. And you said,
16 all right. As soon as he reads it, it's going to be
17 burned right up.

18 Do you recall that?

19 A I recall it.

20 Q Now, of course, you did not intend to burn
21 that up at all, did you?

22 A We did not.

23 MR. BEN-VENISTE: May I approach the witness,
24 your Honor?

25 THE COURT: Yes.

Weinberg-cross-Ben-Veniste

1
2 Q I show you 3500-277, sir.

3 Do you recall -- take a moment to familiarize
4 yourself with that, if you wish.

5 THE COURT: The question?

6 Q Are you familiar with it, Mr. Weinberg?

7 A I am familiar with it.

8 Q All right.

9 This is a conversation in which you participated
10 sir?

11 A That's correct.

12 Q And you taped it, did you not, on the
13 telephone?

14 A That's correct.

15 Q And turning to page 2, would you -- this is
16 a conversation between you and the middleman; is that correct?

17 A That's correct.

18 Q And you are talking about setting up a
19 meeting with the politician, correct?

20 A That's correct.

21 Q And the politician is telling you --

22 A There's no --

23 Q I'm sorry.

24 The middleman is telling you that the
25 politician is going to go in there like a tiger, not like

Weinberg-cross-Ben-Veniste

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2 the regular guy that we know; is that right?

3 A That's correct.

4 Q And you said, the only thing we want to tell
5 him, meaning the politician, to tell -- I am sorry. Strike
6 that. I think that is going to be too confusing to
7 understand the abstract.

8 A The understanding is you have to read the
9 whole thing.

10 Q Yes.

11 MR. PUCCIO: Judge, I have no objection.

12 MR. BEN-VENISTE: Would your Honor admonish
13 the witness in terms of the way the Court has
14 indicated these documents should be used? I would
15 ask him not to volunteer and to interject.

16 MR. PUCCIO: Judge, is it correct that the
17 sentence that Mr. Ben-Veniste started to read is
18 stricken and he is not going to read that sentence?

19 THE COURT: He's withdrawn the question.

20 MR. PUCCIO: All right.

21 THE COURT: I don't specifically know what
22 it is that Mr. Ben-Veniste requested him to do.

23 But as a general principle, Mr. Weinberg,
24 in court you are supposed to answer the questions
25 that are put to you and generally don't volunteer.

Weinberg-cross-Den-Veniste

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2 That's the number one rule of being a good witness.
3 Only answer the questions that are asked. And then
4 if nobody draws any additional inferences that seem
5 to get at what explanation may be, there will be no
6 problem.

7 If explanations are called for, leave it to
8 other attorneys to bring them out. Just answer the
9 questions.

10 THE WITNESS: Yes, sir.

11 Q I show you Exhibit 3500-275. That is a
12 conversation on June 19, 1979, sir.

13 A That is correct.
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16 (Continued on next page.)
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CONTINUED CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q You participated, did you not?

A I did.

Q Are you familiar with that conversation,
sir?

A I will have to read it.

Q Will you tell us when you have familiarized
yourself to the extent you are ready to answer questions?

A I will.

THE COURT: It would be much quicker if
you asked the question and let him read it in.

Q All right.

Turn to page five, sir.

A Yes.

Q Do you recall telling the middleman that
the main thing is that the politician comes on strong.

Do you recall that?

A I am looking for it.

Q Near the top of the page.

A I see that.

Q You turn over to page six, if you would.

A Yes.

Q Do you recall your saying to the middle

Weinberg-cross-Ben-Veniste

1
2 man as long as he, meaning the politician, comes on
3 strong there should be no problem? The middleman says,
4 right. And you figure that is all that is needed.

5 And you say, well, that is what we are
6 told. The middle man says, that is all that is needed
7 is for him to come on strong.

8 And you say, that is all.

9 Is that correct?

10 A Where is that at?

11 Q Top of page six.

12 A That's correct.

13 Q Near the bottom of six, you say, "I don't
14 want to wait that long. I want to get it done with."
15 And you say, you know, "While everybody is hot you wait
16 and you know what happens when you wait. You get leery."

17 A That is what I say.

18 Q Turn to page seven, if you will.

19 A Yes.

20 Q You discussed the sheik flying in on his
21 own plane to meet this politician.

22 A Let me find it.

23 Q A little bit south of the middle of the
24 page, as Mr. Duffy might say. Do you see that?

25 A I tell him that.

Weinberg-cross-Ben-Veniste

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2 Q There is no problem in flying him in?

3 A That's correct.

4 A And you say -- "I mean, you know, in his
5 mind, he looks at it different than we do, he's got
6 a politician. "

7 Different word there, but we are substituting
8 the word "politician."

9 A Where is that?

10 Q At the bottom of the page.

11 MR. PUCCIO: It doesn't mention a name.
12 I think we should use the title that is there.

13 THE COURT: I think for purposes of the
14 present questioning, substituting "politician"
15 is sufficient.

16 MR. BEN-VENISTE: Thank you.

17 Q Do you recall that?

18 A I recall it.

19 Q You say okay, and the middle man said
20 right. You say he owns him. Meaning the sheik owns
21 the politician; is that correct?

22 A Let me check that. That is correct.

23 Q And then you say, he, meaning the sheik,
24 doesn't know he is getting nothing, but he owns him?

25 A That's correct.

Weinberg-cross-Ben-Veniste

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2 Q Then turn to page twenty, Mr. Weinberg.

3 A Yes.

4 Q The middle man says, right, the other thing
5 is this Mel, I want you to know one thing from what
6 I was told, if we can get the guy to get very strong
7 and put on a good show and this thing looks 100%, right,
8 and you say-- yes. Is that correct?

9 A That is what the paragraph says.

10 Q Thank you.

11 Mr. Weinberg, you were told, were you
12 not, that that would not do?

13 MR. PUCCIO: Objection as to form of the
14 question.

15 THE COURT: Sustained thus far.

16 Q You were told by the FBI agent supervising
17 you that the way this looked, you were setting these
18 people up too much?

19 A I don't remember that.

20 Q You don't remember that?

21 A I don't remember being told that.

22 Q I show you 3500-276. This is the conversation
23 on June 24th; is that correct?

24 A Yes.

25 Q A month before you met Mr. Criden; is

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that correct?

A That's correct.

Q Turn to page six, please.

A Yes. Talking to a different middle man at that time; is that correct?

A That's correct.

Q Turn to the bottom of page six.

A I have it.

Q Where you say, "Well, he's got to come on strong."

And the middle man says, "Look, this is the whole idea, okay," and you say, "All right, that is the main thing."

Is that correct?

A Yes.

Q Mr. Weinberg, after you were admonished about the way you were orchestrating these meetings to make them appear to be doing things strictly for show, you stopped tape recording the portions of your conversations with this middle man when you gave those instructions, didn't you? Yes or no?

A You gave me two questions now. I wasn't bawled out, and I never stopped recording anything.

Q Mr. Weinberg, you stand to make a lot

1
2 of money out of Abscam, don't you?

3 A I hope so.

4 Q You already made a lot of money in terms
5 of the money you have been paid, but you hope to make
6 a real killing on a book and movie, don't you?

7 A The book I know about.

8 Q Have you gotten a figure yet on the book
9 contract?

10 A I understand there is a figure out.

11 Q What is that figure?

12 A \$100,000.

13 Q Advance?

14 A That's correct.

15 Q That means that is just for starters?

16 A I don't know.

17 Q There is more to come if there is a movie?

18 A Yes.

19 Q More to come if the book sells; is that
20 correct?

21 A That's correct.

22 Q The book is written in conjunction with
23 a man by the name of Green; is that correct?

24 A Bob Green.

25 Q He is a newspaper man from Long Island?

Weinberg-cross-Ben-Veniste

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A That's correct.

Q You met with Mr. Green during the Abscam investigation, didn't you?

A That is not correct.

Q Never met him during the investigation?

A After the investigation was over.

Q Did you ever meet him during the Abscam investigation?

A No.

Q Are you sure of that?

A Positive.

Q On what date did you meet him for the first time?

A Sometime in February, I think it was.

Q Early February?

A I don't remember.

Q You testified a few minutes ago you were up in New York on February 2nd, 3rd and 4th, and I think you said you went back; is that correct?

A Yes.

Q It was one of those dates?

A No, I came up to see him.

A Specially?

A That's correct.

Weinberg-cross-Ben-Veniste

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Q You remember another February trip now?

A Yes.

Q What date?

A I don't know the exact date.

Q Can you approximate it?

A I haven't the slightest idea.

Q Now, you think you made a special trip?

A I had to come up to New York, and I came up to see him.

Q At that time, Mr. Weinberg, you sat down and talked about a book with Mr. Green?

A That's correct.

Q You say that is the first time you ever had a discussion with him?

A That's correct.

Q You discussed Abscam, didn't you?

A No, we discussed my life mostly.

Q Did you discuss Abscam with Mr. Green, sir?

A Just in general.

Q Did you give him any specifics?

A I didn't have any specifics to give him, actually.

Q How long had you been working in Abscam?

1

2

A About two years.

3

Q You say you didn't have any specifics,

4

that can't be right --

5

A He had most everything already.

6

Q Did you discuss specifics about Abscam

7

with him?

8

A No, not at that time.

9

Q Did you subsequently?

10

A He may have called me up and I spoke to

11

him about it.

12

Q When?

13

A I don't remember the exact date.

14

Q Approximately.

15

A I don't want to give you an approximate,

16

I don't know.

17

Q You have no idea, is that what you are

18

telling the jury?

19

A I spoke with Bob Green a number of times.

20

Q When did you agree with him you were going

21

to write a book?

22

A When I was up in New York in February.

23

Q Right after all of the publicity came

24

out, that is when you made your agreement?

25

A No, he spoke to me, I said, "Go ahead."

Weinberg-cross-Ben-Veniste

1
2 Q Right after all the publicity?

3 A It was.

4 Q You saying -- let me make sure I understand
5 what you are saying.

6 Prior to July 7th, 1980, did you provide
7 any Abscam information to Mr. Green?

8 A Supply him with information?

9 Q Did you discuss it with him?

10 A I spoke to him a number of occasions,
11 he asked me what hotel, what date, to verify something.

12 Q Did you discuss any Abscam information
13 with Mr. Green, yes or no?

14 A I discussed dates with him.

15 Q Do you recall being questioned in Philadelphia,
16 .3.135, being asked this question and giving this answer:

17 "Question: Did you ever discuss any of
18 the individuals who were involved in the Abscam
19 investigation?

20 "Answer: I discussed nothing about Abscam
21 with Mr. Green."

22 Q Do you recall being asked that question
23 and giving that answer?

24 A What is that?

25 Q Do you recall being asked that question

1
2 and giving that answer?

3 A No, but if it's in there, I must have
4 said that.

5 MR. BEN-VENISTE: May I approach the witness?

6 THE COURT: Yes.

7 Q That is the July 7th transcript.

8 Does that refresh your recollection, sir?

9 A This was mostly in answer to your other
10 questions on the page.

11 Q Did you answer the question -- did you
12 answer it that way?

13 A The way you read it, but that -- that
14 is what it says on the page.

15 Q Thank you.

16 As a matter of fact, you discussed a great
17 deal of the Abscam investigation with Mr. Green, didn't
18 you, in connection with this book?

19 A I did not discuss a great deal with Mr.
20 Green about Abscam.

21 Q Mr. Weinberg, you testified earlier that
22 you were not involved in any fraudulent activity or
23 scams prior to 1960; do you remember that, that was
24 before lunch?

25 A Prior to?

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Q 1960?

A To the best of my knowledge, I don't know of any.

Q Didn't you go over with Mr. Green a history of your life as a swindler?

A You are talking about the outline.

Q Did you or did you not go over with Mr. Green the history of your life as a swindler, sir?

A I gave Mr. Green part of my life, but no dates on it.

Q No dates?

A No.

Q Do you recall testifying this morning that you were involved in no fraudulent activity prior to 1960?

A That's correct. I said to the best of my knowledge.

Q As you think about it now, knowing that maybe I'm going to talk about the Green outline, would you like to change your testimony?

A No.

MR. PUCCIO: I object to that question, Judge.

THE COURT: Overruled. The answer is no.

1
2 Q All right, sir.

3 Do you recall being involved when you
4 were working for your father in the glass business,
5 how old were you?

6 A Twenty-one.

7 Q What year was that?

8 A 1945 or '46.

9 MR. PUCCIO: I object.

10 THE COURT: On what ground?

11 MR. PUCCIO: On the grounds it's irrelevant.

12 THE COURT: Let's take a short recess, ladies
13 and gentlemen.

14 Step into the jury room. Don't discuss
15 the case during the recess.

16 (Continued on next page.)

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Weinberg-cross-Ben-Veniste

THE COURT: Are you ready to proceed,

Mr. Ben-Veniste?

MR. BEN-VENISTE: Yes, sir.

THE COURT: All right, bring in the jury.

(Whereupon, the jury entered the jury box.)

THE COURT: You may proceed, Mr. Ben-Veniste.

MR. BEN-VENISTE: Thank you, your Honor.

BY MR. BEN-VENISTE:

Q Mr. Weinberg, did you tell Mr. Green, your co-author, in substance, that you had been a conman for a period of 34 years?

A Not that, I remember.

Q Did you tell him that you had swindled millions of dollars from people spanning four continents?

A No, I haven't told him that.

Q Did you tell him that you had pictures of the interior of the W Street Town House?

A No, I haven't told him.

I told him I have pictures of the town house.

Q Now, at some point the FBI learned that you had taken some pictures, didn't they?

A That's correct.

Q And an FBI agent by the name of Brady asked you for the film, didn't he?

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Weinberg-cross-Ben-Veniste

A That's correct.

MR. PUCCIO: I object, your Honor, to this line of questioning on the grounds of relevance.

THE COURT: I am having difficulty with the relevancy.

Do you wish to be heard at side bar, Mr. Ben-Veniste?

MR. BEN-VENISTE: If the Court wishes.

THE COURT: All right.

* * *

* * *

6 BY MR. BEN-VENISTE:

7 Q Did you give him the film?

8 A That's correct.

9 Q Did you also say that you gave it to Bob
10 Green?

11 A I said I told Bob Green I had four pictures.
12 A picture of the car, the town house, and me and the agent
13 sitting in the living room. Two pictures of him.

14 Q All right.

Those are developed pictures, I take it?

15 A No. They are still in the camera.

16 Q But you have it?

17 A No. The agent took them out of the place.

18 Q I see.

19 So when you told Mr. Green that you had the
20 photographs, you meant you only had temporarily?

21 A No. I told him I had the photographs.
22 I told them they are not developed. They are still in
23 the camera.

24 Q When did you tell Mr. Green that?
25

Weinberg-cross-Ben-Veniste

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2 A I don't know exact dates when I spoke to him.
3 I told him I had some pictures of the town house.

4 Q I am still unclear.
5 Are you saying that you no longer don't have
6 the pictures?

7 A No, I don't have the pictures.

8 Q You haven't given them to Mr. Green?

9 A No, I haven't.

10 Q You gave them to Agent Brady?

11 A That's correct.

12 Q Now, isn't it a fact that when Agent Brady
13 asked you for the film, you took him to a place and you
14 showed him a camera, and then you began to open the camera
15 to expose the film?

16 A No. I didn't open the camera and expose the
17 film.

18 The film was --

19 Q Excuse me. Did you tell Agent Brady that the
20 film in question was in that particular camera?

21 A That's correct.

22 Q And did Agent Brady stop you from doing some-
23 thing?

24 A I opened the camera to take the cartridge out.
25 He stopped me.

Weinberg-cross-Ben-Veniste

1
2 Q Okay.

3 Did he take the cartridge?

4 A That's correct.

5 Q Isn't it a fact, Mr. Weinberg, that the
6 cartridge that you gave him was not the cartridge that you
7 had taken the pictures with?

8 A That is not true.

9 Q Isn't it a fact that you took -- strike that.

10 Isn't it a fact that Agent Brady put the
11 cartridge in his briefcase?

12 A That's correct.

13 Q Isn't it a fact, Mr. Weinberg, that when he
14 wasn't looking, you took the cartridge back out?

15 A That is not true.

16 Q Do you recall being interviewed by Special
17 Agent Donald Pierce on May 28th, 1980, sir?

18 A That's correct.

19 Q And do you recall Agent Pierce saying this
20 to you and you giving this response:

21 MR. PUCCIO: I object, Judge.

22 THE COURT: On what grounds?

23 MR. PUCCIO: Irrelevancy and also hearsay.

24 THE COURT: Overruled. You may question.

25 MR. BEN-VENISTE: Thank you, your Honor.

1
2 Q That Agent Pierce told you that he didn't
3 believe your story, and that what probably happened was that
4 you were going to give Agent Brady the film that did not
5 have any pictures of FBI equipment on it, and that was the
6 reason that you, Weinberg, attempted to expose the film?

7 THE COURT: Mr. Ben-Veniste, is that your --
8 you are asking him if that was the conversation
9 between them or are you reading from something that
10 is someone's opinion?

11 MR. BEN-VENISTE: No, sir. This is the
12 question that was asked of Mr. Weinberg by Special
13 Agent Pierce. I can only apologize for the fact
14 that it is a compound question, but it is one
15 sentence in this report, sir.

16 THE COURT: Do you understand the question,
17 Mr. Weinberg?

18 MR. BEN-VENISTE: It isn't finished.

19 THE WITNESS: I understand the question.

20 THE COURT: You do or do not?

21 THE WITNESS: I understand the question,
22 your Honor.

23 THE COURT: He hasn't quite finished.
24 Go ahead, Mr. Ben-Veniste.

25 Q That what probably happened was that you,

1
2 Weinberg, were going to give Brady film that did not have
3 any pictures of FBI technical equipment on it and that was
4 the reason you attempted to expose the film, and that when
5 Brady stopped you from exposing the film, then you were
6 necessarily forced to steal the film from Brady's briefcase.

7 Do you recall what you answered when Mr. --
8 Special Agent Pierce confronted you with this?

9 A You have the answer there.

10 Q Do you recall?

11 A I think I said something, could be.

12 Q You said, that's possible?

13 A That's possible.

14 Q 'Did you tell Mr. Green, your co-author, that
15 you have been a swindler all your life?

16 A I told him I was --

17 Q Yes or no?

18 A I didn't tell him.

19 Q In substance?

20 A I didn't tell him, all my life.

21 Q Did you tell him, I do my thing and I'm one
22 of the best?

23 A I may have said that to him.

24 Q Now, did you tell him that your first con
25 game was the sale of those India gold contracts that

1
2 Mr. Duffy asked you about?

3 A That is correct.

4 Q You got 15,000 -- I am sorry.

5 You got \$50,000, as you told Mr. Green, from
6 that scam, didn't you?

7 A No, I didn't get 50,000 for that.

8 Q Didn't you sell 50 contracts at a thousand
9 dollars a piece?

10 A I didn't sell no 50 contracts.

11 Q You didn't tell him that?

12 A I told him I sold them contracts. But I
13 didn't say, 50.

14 Q Did you tell him -- Mr. Green, that is --
15 that the next scam you got involved in was when your father
16 was in the glass business, that you would go around town in
17 a Cadillac with a slingshot and at night you would break
18 various store windows of people that had stores?

19 A I told him about breaking the glass at night,
20 but I didn't tell him my father was in the glass business.

21 Q All right.

22 Was your father in the glass business?

23 A My father was in the glass business.

24 Q I see.

25 The stores that you hit, would it be repaired

1
2 by your father's glass business?

3 MR. PUCCIO: Judge, I object to this as
4 being irrelevant, beyond the scope.

5 THE COURT: It does seem rather remote.

6 If there is not more order in the courtroom,
7 the courtroom will be vacant shortly.

8 The objection is overruled.

9 Q Did you tell Mr. Green -- let me ask you,
10 Mr. Weinberg, are you proud of all of that?

11 A No, I am not proud of it.

12 Q Well, you are smiling.

13 A I thought it was funny, the way you came out
14 with it.

15 Q You think it's funny that you went around and
16 broke all these people's store windows?

17 A I didn't break door windows.

18 Q Pardon me?

19 A You got the story a little mixed up.

20 Q Broke different kind of windows?

21 A That's correct.

22 Q Did you think that was funny?

23 A The way you said it.

24 Q When you did it, did you think it was funny?

25 A No. It was the business.

1
2 Q That was your business, breaking windows?

3 A That's correct.

4 Q Did you tell Mr. Green that you swindled
5 your own uncle of \$50,000?

6 A No. That story there, I explained to him.

7 Q Did you tell him that you swindled your own
8 uncle?

9 A No.

10 Q Out of \$50,000?

11 A No.

12 Q Is that not true?

13 A The story is true, but the names -- it is
14 not an uncle.

15 Q What was it? A relative?

16 A A relative.

17 Q A cousin?

18 A A cousin.

19 Q I see.

20 Did you tell Mr. Green that you removed the
21 perpetual care sticker from your uncle's grave and placed
22 it on some other grave?

23 A That is correct.

24 Q Prior to this case, Mr. Weinberg, you had
25 swindled law enforcement agencies, hadn't you?

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A Not that I know of.

Q Hadn't you scammed other law enforcement agencies?

A No.

Q Did you scam the Attorney General of Bolivia out of \$36,000?

A No, I didn't.

Q Somebody who you worked with?

A Somebody who was down there that we were dealing with.

Q I see.

Q Did you tell Mr. Green that you had been involved in the counterfeiting of gold pieces?

A No, I didn't tell him I was involved in the counterfeiting of gold pieces.

Q In China?

A I told him we bought them in Red China.

Q You bought counterfeit gold pieces?

A That's correct.

Q You knew they were counterfeit when you bought them?

A They told us they were.

Q You believed they were counterfeit?

A We never really found out.

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Q Did you sell them as real?

A We took them to a store. Counterfeit or not, the guy said they were real.

Q I see.

In the London investors scam that you got arrested for, did you tell Mr. Green that you had actually franchised that scam to conmen all over the world?

A We franchised it, but not to conmen.

Q Not to conmen, but for other conmen to use the same scam?

A That's correct.

Q Right. You were like the McDonald's of conmen?

A That's correct.

(Continued on next page.)

Weinberg-cross/Ben-Veniste

1
2 Q You were like the McDonalds of con men?

3 A That is correct.

4 Q The use of these recording devices was not
5 your first adventure into the world of electronics sur-
6 veillance, was it?

7 A I used recording devices before.

8 Q You used recorders but to be more accurate,
9 bugs before, didn't you?

10 A There was a fellow in my office that used
11 them..

12 Q Didn't you have a bug put in a limousine so
13 that people that came to meet with you would be picked up
14 at the airport so you could listen to their conversation
15 before?

16 A That is correct.

17 Q You knew that was illegal?

18 A I didn't put them in there.

19 Q Did you know it was illegal to do that?

20 A I didn't know it was illegal.

21 Q What year was that?

22 A Around 1974, '75.

23 Q You didn't know it was illegal to put a
24 listening device in a private area where two people were
25 going to have a private conversation?

Weinberg-cross/Ben-Veniste

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2 A I didn't know it was illegal.

3 Q Did you also bug the conference room so that
4 people you were going to meet with would have their conver-
5 sations recorded in advance of your meeting?

6 A That is correct.

7 Q Did you know that was illegal?

8 A I did not.

9 Q Did you tell Mr. Greene that you had once
10 swindled a doctor who had been giving you emergency treat-
11 ment?

12 A That is not true.

13 Q You never told him that?

14 A Not the way you are saying it.

15 Q Did you ever tell Mr. Greene this: The con
16 game is one round robin, each guy knows the next guy,
17 they're all in touch with each other. A con man when you
18 have a sucker on the line you got to keep calling them night
19 and day, never let them off, because as soon as you forget
20 he will go somewhere else and the other guy will grab him;
21 did you ever tell him that?

22 A I may have told him that.

23 Q That is what you employed in ABSCAM, wasn't
24 it?

25 A No.

Weinberg-cross/Ben-Veniste

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2 Q The same philosophy, keep the sucker on the
3 line?

4 A I wouldn't say they were suckers.

5 Q Did you ever wear a body recorder in the
6 ABSCAM investigation?

7 A Once or twice.

8 Q You didn't like that, did you?

9 A No.

10 Q You knew, did you not, that the FBI had a way
11 of immobilizing the button on the body recorder so that
12 you couldn't turn it off while in the meeting?

13 A That is not true.

14 Q You don't know that?

15 A You can turn it off.

16 Q If the FBI wanted to immobilize --

17 A I guess so.

18 Q You didn't know that?

19 A I did not know that.

20 Q Mr. Weinberg, is it fair to say that your
21 whole life has been spent evading the hostile questions of
22 people you have swindled?

23 A I wouldn't say that.

24 MR. BEN-VENISTE: Nothing further.

25 THE COURT: Thank you, Mr. Ben-Veniste.

Weinberg-cross/Cacheris

Mr. Cacheris.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q Mr. Weinberg, I won't go into all the past swindles you were talking about. Is it fair to say in each and every instance you were trying to deprive people of funds?

MR. PUCCIO: I object to the statement, Judge.

THE COURT: I will let him answer.

A Yes.

Q In depriving people of funds, you had to prepare them, is that correct?

A Not really.

Q You mean you just walked in and took their money?

A They usually came to us.

Q You enticed them to come?

A Not really.

Q They read your name in the paper?

A The middle man brought them in and he is the one that did the leg work.

Q Through the middleman you enticed them to come in?

A No, he knew he would get a piece of the action.

Weinberg-cross/Cacheris

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2 Q But the person coming in was enticed in through
3 certain representations?

4 A He was looking for something.

5 Q You were looking for his money?

6 A Yes.

7 Q You were highly successful at it?

8 A Not highly successful.

9 Q Very?

10 A I wouldn't say very.

11 Q You are hired by the government?

12 A That is correct.

13 Q Now, in the case we are talking about today,
14 you were not trying to deprive anybody of money, were you?

15 A No, I wasn't.

16 Q As a matter of fact, you were trying to do
17 quite the opposite; you were trying to get them to take
18 money, weren't you?

19 A If they would take it.

20 Q So to that extent, this is a reverse?

21 A Yes.

22 Q This is the first time you were associated
23 with a venture to give money away rather than take it?

24 A I guess so.

25 Q Do you know?

Weinberg-cross/Cacheris

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2 A I would say yes.

3 Q Now, you also had to prepare the person that
4 was going to take the money, didn't you?

5 A No, we didn't.

6 Q You had to use middlemen, didn't you?

7 A I don't know what the middlemen told them.

8 Q You suggested what they should tell them?

9 A We didn't.

10 Q You never suggested anything?

11 A All we told the middleman is what we wanted.

12 Q You told the middleman what he was to say?

13 A No, we never did.

14 Q Did you participate in any conversation
15 between you, Angelo Errichetti, Anthony DeVito, really
16 known as Anthony Amoroso, August 8, 1979?

17 A I would have to see the transcript.

18 MR. CACHERIS: May I approach the witness?

19 THE COURT: Yes.

20 Q I show you what has been marked as Exhibit 4-A.
21 Will you read that to yourself and see if you
22 participated in that conversation.

23 (Pause.)

24 Q You may read the second page, although I am
25 asking about the first.

Weinberg-cross/Cacheris

(Pause.)

Q Have you read that?

A Yes.

Q Did you participate in this conversation?

A I did.

Q Was Mr. Errichetti there?

A He was.

Q Was Mr. DeVito there, an FBI agent?

A Yes.

Q Didn't he say that he -- speaking of Mr. Myers--

he would have to introduce some kind of legislation; right, some kind of bill or something, and didn't Mr. Errichetti say: Whatever you say?

A That's correct.

Q Didn't you say: Yeah, let him tell -- whatever he has to tell him?

A He has to tell him what he is going to do for the money.

Q Whatever he has to tell you -- aren't you instructing Mr. Errichetti what he has to tell Mr. Myers?

A No.

Q He had to say certain words in order for you to pay the money?

A That is not true. All he had to do is tell

Weinberg-cross/Cacheris

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2 us what he is going to do, not just take the fifty. No-
3 body stopped him from walking out.

4 Q He had to say certain words before you were
5 satisfied that the money had to be paid?

6 A He had to say he was going to do something
7 for it.

8 Q He had to say certain words, as Mr. DeVito
9 told Mr. Errichetti, he had to do --

10 MR. PUCCIO: I object to the question.

11 THE COURT: Sustained as to form.

12 Q Mr. DeVito said he had to say legislation?

13 A Mr. DeVito said that we want to know what
14 he was going to do for us, not walk out with \$50,000.

15 Q You had to have legislation before any --

16 A He didn't have to say legislation. Whatever
17 he could do. I don't know if he said that when they turned
18 the money over.

19 Q You weren't there?

20 A I was there. But I don't remember what he
21 said.

22 Q You said, Yes, let him tell Yassir what he
23 had to tell him?

24 A Yes.

25 Q In other words, he had to tell him something

Weinberg-cross/Cacheris

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2 before the money would pass?

3 A Not necessarily. We wanted to make sure he
4 was going to tell us what he is going to do before we
5 give him the money.

6 Q Is it something he had --

7 A He's not going to hand him \$50,000 and walk
8 out.

9 Q You wanted something said on television before
10 the money passed?

11 A (No response.)

12 Q Is that correct?

13 A We wanted him to tell us on the cameras that
14 they were going to do something to take the 50. If not,
15 walk out.

16 Q As far as you were concerned, through your
17 conversation with Errichetti, he had to say something/

18 A We didn't tell him what to say.

19 Q You never talked to Mr. Myers?

20 A I never met him until he came up.

21 Q You saw him August and never saw --

22 A Not until this courtroom.

23 Q Is that correct?

24 A That is correct.

25 Q Now, was there a conversation between you and

Weinberg-cross/Cacheris

1
2 Mr. Errichetti about where this meeting of August 22nd was
3 to take place?

4 Are there any tapes on it?

5 Q Well, let me ask you, can't you speak unless
6 there is a tape?

7 A No. I don't remember one conversation from
8 another. There are so many.

9 Q Unless there is a tape, you can't remember
10 it, is that the answer?

11 A Any conversation I had with Mr. Errichetti
12 on the phone I tape down if possible to tape it down.

13 Q I will direct your attention to Exhibit 20A,
14 which is a conversation on July 30th between you and
15 Angelo Errichetti.

16 MR. CACHERIS: He has it, your Honor.

17 Q I direct your attention to the second page
18 of that. Without getting into anyone else, Mr. Errichetti
19 says: "So you don't want any people there in Cherry Hill?"

20 That means New Jersey, is that correct?

21 A Yes.

22 Q You say, no. He says: "Gotta be in New York."
23 And you say: "Well, yeah, be preferable in
24 New York there."

25 Is that correct?

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2 A That is correct.

3 Q And the rest, you say you don't want to walk
4 around with all that cash; is that correct?

5 A That is correct.

6 Q The fact is that you were instructed to have
7 the meeting in New York, is that correct?

8 A No. In fact, I wasn't sure we were going
9 to go ahead. I didn't get the okay yet.

10 Q Were you instructed by anybody from the FBI
11 that this meeting was to take place in New York?

12 A No, they would tell me. I didn't ask him
13 why, where, or --

14 Q Who would?

15 A John Good would tell me.

16 Q He would set up the site?

17 A The problem was getting hotel rooms to be
18 able to put the cameras in.

19 Q You had nothing to do with the New York meet-
20 ing?

21 A I didn't know where the meeting was going to
22 be held.

23 Q When did Good tell you the meeting was in
24 New York?

25 A On the next transcript when I set it up with

Weinberg-cross/Cacheris

1
2 the mayor.

3 Q When did Good tell you?

4 A Probably a few days later to set it up.

5 Q You would set it up for New York?

6 A Yes.

7 Q Which is what you did in this case?

8 A Yes.

9 Q That is what Mr. Good told you to do?

10 A The hotel to use to set cameras up.

11 Q Mr. Weinberg, you previously identified a
12 list of payments that you got, is that correct?

13 A That is correct.

14 Q And I think you told the jury that you had --
15 when is the last payment you received?

16 A First of the month.

17 Q First of August?

18 A That is correct, August.

19 Q That was not on the list?

20 A I don't know.

21 Q Take a look at the list and see when it ends.

22 MR. CACHERIS: I am showing him Exhibit F,
23 your Honor.

24 (Pause.)

25 A It's not on the list. The list ends June 30th.

Weinberg-cross/Cacheris

Q Have you received payments since June 30th?

A Yes.

Q You said the first of the month -- August 1st?

A Yes.

Q Was another --

A July and August 1st.

Q That is \$9,000?

A \$6,000.

Q Those are not on the list?

A That is correct.

Q There are certain figures on this list, Mr. Weinberg, that are not rounded out; for example, there is a figure \$762.95.

A Excuse me, can I get a copy of the list, please?

MR. CACHERIS: Would you mind giving him yours?

MR. PUCCIO: No.

THE WITNESS: What is the date on that?

Q Look at August 22nd.

A All right.

THE COURT: '79.

A \$762.95, that is expenses.

Q Did you submit a voucher for those expenses?

A Every time I put a receipt in, airline ticket,

Weinberg-cross/Cacheris

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2 food, hotel bills.

3 Q Did you break down every one of those items?

4 A I did.

5 Q Do you know what that \$762.95 represents?

6 A They have each expense for that.

7 Q Did you keep a record of that?

8 A No.

9 Q You are saying the Government has a voucher
10 from you in which you have listed each an every expense
11 that you have expended?

12 A That is correct.

13 MR. CACHERIS: Your Honor, I would like to
14 have that documentation.

15 THE COURT: We will take it up at the end of
16 the day.

17 MR. CACHERIS: That's all the questions I
18 have.

19 THE COURT: All right. Mr. Brown?

20 MR. BROWN: Yes, your Honor.

21 (Pause.)

22 CROSS-EXAMINATION

23 BY MR. BROWN:

24 Q Do you remember boasting on a tape that you
25 are the world's biggest liar?

Weinberg-cross/Brown

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2 A No.

3 Q I will show it to you in a moment.

4 (Pause.)

5 MR. BROWN: May I approach the witness, Judge,
6 to show him something?

7 THE COURT: Yes.

8 (Pause.)

9 Q I am Raymond Brown. I am referring to a
10 tape which is pretty long, it starts August 7, 1979, and
11 these are the people present. I went through all of this
12 and I came to a portion on page 79.

13 Read it in context, if you will.

14 (Pause while witness reads document.)

15 MR. PUCCIO: May I have the exhibit number on
16 that, please?

17 THE COURT: What is the exhibit number?

18 MR. BROWN: 105, your Honor.

19 THE COURT: 35007

20 MR. BROWN: Yes.

21 THE COURT: Thank you.

22 MR. BROWN: You have a copy of it?

23 MR. PUCCIO: Just a moment.

24 MR. BROWN: Sure.

25 (Pause.)

Weinberg-cross/Brown

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2 MR. PUCCIO: May I hand this to the witness,
3 Judge?

4 THE COURT: Yes. What you are giving him is?

5 MR. PUCCIO: 105-A.

6 THE COURT: 3500-105A.

7 The question is, does that refresh his
8 recollection?

9 MR. BROWN: Yes. He asked for the supplement
10 from the Government.

11 THE COURT: Does that refresh your recollec-
12 tion about that statement, Mr. Weinberg?

13 THE WITNESS: No, it doesn't. I'm trying to
14 ready the front why I said that.

15 MR. BROWN: May I? Not why he said it,
16 whether he recalls saying it.

17 THE COURT: At present the question is, did
18 you make the statement?

19 MR. BROWN: Yes.

20 A It is down on the transcript; I must have made
21 it, your Honor.

22 THE COURT: All right.

23 Q When you called yourself the world's biggest
24 liar, you obviously meant it; is that correct?

25 A No, I didn't mean it.

Weinberg-cross/Brown

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2 Q Did you say it for the purpose of deceiving
3 somebody?

4 A I'm trying to read the transcript to find out.

5 Q Would you care for more time? Of course,
6 with his Honor's permission.

7 THE COURT: All right. If reviewing the
8 transcript will help you, Mr. Weinberg, go ahead.

9 (Pause.)

10 A I haven't the slightest reason. I would like
11 to take this and study it tonight.

12 THE COURT: You're saying you don't recall
13 the conversation?

14 THE WITNESS: No, I don't.

15 MR. BROWN: I ask to have the tape and see
16 whether he made the statement. Perhaps that will
17 refresh his recollection.

18 Would it be all right if he does take it
19 tonight?

20 THE COURT: I assume you won't finish your
21 cross today?

22 MR. BROWN: It is remotely possible.

23 THE COURT: Why don't you continue with your
24 examination and see whether that remote possibility
25 comes about.

Weinberg-cross/Brown

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2 MR. BROWN: I did request, if he does wish
3 it, he have it.

4 Q Now, you had a particular person in mind when
5 you cooperated in effectuating the idea that there should
6 be an Arab as the person at the top of the pyramid of this
7 game; is that correct?

8 A Not really.

9 Q Wasn't there a man who had been very friendly
10 to you whom you remembered with respect whose name you
11 employed to a degree?

12 A (No response.)

13 THE COURT: Do you understand that question?

14 THE WITNESS: No, I don't, your Honor.

15 Q Did you know an Arab whose name you borrowed
16 and applied at least in form to ABSCAM?

17 A Yes, I did.

18 Q Well, would you tell us who that gentleman
19 is?

20 A Gamil Abdul Ramon.

21 Q He was a gentleman who was prototyped to put
22 at the top of the pyramid?

23 A Yes.

24 Q So at least that much you attributed to the
25 concept of ABSCAM?

Weinberg-cross/Brown

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2 A Not really. I suggested it to them. They
3 had a meeting and they decided to use it.

4 Q My question is, at least that much you con-
5 tributed to the concept of ABSCAM; is that correct?

6 A I would say yes.

7 Q Is it also true that in the conferences where
8 you contributed that the form of ABSCAM was being one where
9 there is no front end payment need --

10 A No, that was contributed by the FBI.

11 Q Haven't you testified that in the London
12 Investors scheme there was a front end amount paid in?

13 A That is correct.

14 Q That is a term in the con world, front loading?

15 A Advance fees.

16 Q Advance fees?

17 A Yes.

18 Q That is a category of a kind of technique in
19 the con world?

20 A Yes.

21 Q That is what your syndications or franchises
22 all over the world are taught?

23 A They knew it already.

24 Q How did you franchise an idea, you sold an
25 idea?

Weinberg-cross/Brown

1
2 A I don't follow you. Sold an idea to who?

3 Q To the person whom you franchise, you did
4 franchise people?

5 A We had the company and they wanted to use
6 the company name. We give them the right to use it.

7 Q They will use the company name and play the
8 same scheme?

9 A Yes.

10 Q When you allowed them to use your company
11 name, did you also on a percentage basis allow them to use
12 your technique as well as your company and building?

13 A Only if they brought the customer in to us.

14 Q Is a mark used in a con?

15 A Yes, desperate men.

16 Q What is a desperate man?

17 A The only one that comes to you for money, he
18 has to be. He would go to a normal bank if he weren't.

19 Q You mean, desperate in the sense of somebody
20 who tried to borrow and couldn't?

21 A That is correct. He has no credit.

22 Q When he came to you and you proposed the loans,
23 did you have in fact any way to work out a loan for these
24 desperate people?

25 A Sometimes.

Weinberg-cross/Brown

1
2 Q The plan did not include really giving money
3 in the form of a loan --

4 A What we gave is the feasibility report and
5 appraisal.

6 Q And what else did you provide for the people
7 who paid you for the idea provided they brought people in?
8 Did you give them the use of a building? ..

9 A The right to bring the people to our office.
10 We didn't charge for the franchise.

11 Q You didn't charge for the franchise?

12 A No.

13 Q What was the purpose of having a franchise?

14 A They would bring people in to you.

15 Q They would get a cut of the action?

16 A Yes.

17 Q Where was this London Industries plant located?

18 A 275 Broad Hollow Road, Melville.

19 Q Can you describe it?

20 A In what way?

21 Q It was a grand, elegant place?

22 A It was a nice office.

23 Q That was the part of your idea of getting to
24 a mark, having good offices and luxuries?

25 A Yes.

Weinberg-cross/Brown

1
2 Q Is it also true that this was one of the
3 ideas that you contributed to ABSCAM, if you were going
4 to bring in the succor or mark, you had to have the luxur-
5 ies and comfortable surroundings? Did you contribute
6 that idea?

7 A I suggested that whatever ideas I had in
8 mind to the Bureau. They made the decision. I didn't make
9 any decisions.

10 Q I apologize if you misunderstood me.
11 My word was "contribute," not "decision."
12 It was your contribution of this kind of technique that
13 was adopted by the FBI decision makers; is that correct?

14 A That office was space for us to work out of.

15 Q The thing is to have a big front?

16 A We didn't have luxurious offices.

17 Q You had a yacht?

18 A Yes.

19 Q You talked about jet planes, you talked about
20 luxuries?

21 A Yes, talked about it.

22 Q As opposed to actually having it, you talked
23 about it?

24 A Yes.

25 Q The Government wouldn't give you the money

1
2 if you wanted it for that?

3 A I had nothing to do with the money for any-
4 thing.

5 Q Is it true that you told Mr. Greene that
6 according to Mr. Good you were the heart and soul of ABSCAM
7 and without you it couldn't work?

8 A I didn't tell Mr. Greene that.

9 Q You heard that?

10 A I heard it.

11 Q From whom have you heard it?

12 A I seen the same outline that you seen.

13 Q You attribute that to Mr. Greene?

14 A Mr. Greene was trying to sell a book on that.

15 Q So were you along with Mr. Greene?

16 A He was the one trying to sell it.

17 Q Well, he would be sharing with you?

18 A That is correct.

19 Q If he shared it and did it successfully and
20 it sold, that meant more money for you; is that correct?

21 A That is correct.

22 Q And the movie grew out of this story, that
23 meant more money for you?

24 A That is correct.

25 Q Have you ever heard Mr. John Good say without

Weinberg-cross/Brown

1
2 you ABSC AM would never have worked?

3 A No.

4 Q Did he show his appreciation of good work by
5 increasing your salary?

6 A I don't know because of my good work or not.

7 Q Didn't you understand why you got an increase
8 from one thousand to three thousand --

9 A Because I told him I wanted more money at
10 the time.

11 Q Your work was what earned you money, is that
12 correct?

13 A Well, I got the increase actually -- we weren't
14 into anything, we just did the mayor.

15 Q You got an increase for nothing?

16 A No.

17 Q Was this a con job on the United States
18 Government?

19 A No, we recovered something like \$2 million
20 in C.D.'s.

21 Q That would be earning money for you and the
22 Government by your good work, is that correct?

23 A They gave me the extra money.

24
25 (Continued on next page.)

Weinberg-cross-Brown

1
2 Q And during ABSCAM did you go up from 3,000 a
3 month?

4 A I got 3,000 a month toward the end.

5 Q And have you ever gotten more than that per
6 month?

7 A They gave me extra money near the end there.

8 Q It amounted to roughly, in terms of ABSCAM
9 money, pretty close to \$90,000? Did you count that up last
10 night?

11 A Well, it was over 90,000.

12 Q 93,000?

13 A I think it's a 133.

14 Q Well, now, I am asking you only about ABSCAM.
15 Let's be sure that that is what I am asking you about.

16 A I don't know whether it's just ABSCAM.

17 Q So as far as you know generally, then the
18 130 is ABSCAM, too?

19 A No, some of that money comes from 1968, '69.

20 Q Well now, you will understand when I ask
21 you questions, I am not asking you about anything prior to
22 1978. When I ask you about monies earned, they relate only
23 to ABSCAM. Will we understand each other?

24 A I understand. I haven't added up ABSCAM.

25 Q So far as ABSCAM, it may not be that total

1

2

of 93,000? It might be less?

3

A That's right.

4

Q Your present salary is the 3,000 still?

5

A That's correct.

6

Q So your basic salary is about 36,000 a year?

7

A That's correct.

8

Q Now, you talked about expenses. Were your expenses over and above whatever salary you received?

9

I'm talking only about ABSCAM. Nothing else?

10

A That's correct.

11

12

Q Now, what did your expenses entail and how much did they amount to? Let's say, in the year '78?

13

14

A I haven't the slightest idea what it amount to in '78.

15

16

Q May I ask you this, Mr. -- I will withdraw the question and put it to you in this form. You are looking at an addition of amounts which are attributed to you as income, right?

17

18

19

The amounts -- that paper says you got certain monies from the Government as income in '78 and '79?

20

21

A Expenses are on here, too.

22

23

Q Are they?

24

A Yes.

25

Q What do they amount to? Let's say, in January

1
2 of '78?

3 A Nothing at all in January of '78.

4 Q What is the first month that is noted on the
5 chart that you have?

6 A The first month I see is April 11, 1978.

7 Q April 11, 1978.

8 What expenses did you receive during that
9 period?

10 A I got \$160.

11 Q \$160. Now, you were traveling at that time,
12 I take it?

13 A No, I wasn't.

14 Q You were not. That was for home expenses?

15 A That was maybe just gasoline and food.

16 Q Phone?

17 A No. I used their phone.

18 Q I see.

19 But you did have a phone at home, didn't you?

20 A I did.

21 Q Now, may I call your attention to August of
22 1979.

23 Could you tell me whether or not you received
24 expenses in that month?

25 A I did.

1
2 of 93,000? It might be less?

3 A That's right.

4 Q Your present salary is the 3,000 still?

5 A That's correct.

6 Q So your basic salary is about 36,000 a year?

7 A That's correct.

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9 expenses over and above whatever salary you received?

10 I'm talking only about ABSCAM. Nothing else?

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13 much did they amount to? Let's say, in the year '78?

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15 to in '78.

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17 the question and put it to you in this form. You are
18 looking at an addition of amounts which are attributed to
19 you as income, right?

20 The amounts -- that paper says you got certain
21 monies from the Government as income in '78 and '79?

22 A Expenses are on here, too.

23 Q Are they?

24 A Yes.

25 Q What do they amount to? Let's say, in January

1
2 of '78?

3 A Nothing at all in January of '78.

4 Q What is the first month that is noted on the
5 chart that you have?

6 A The first month I see is April 11, 1978.

7 Q April 11, 1978.

8 What expenses did you receive during that
9 period?

10 A I got \$150.

11 Q \$150. Now, you were traveling at that time,
12 I take it?

13 A No, I wasn't.

14 Q You were not. That was for home expenses?

15 A That was maybe just gasoline and food.

16 Q Phone?

17 A No. I used their phone.

18 Q I see.

19 But you did have a phone at home, didn't you?

20 A I did.

21 Q Now, may I call your attention to August of
22 1979.

23 Could you tell me whether or not you received
24 expenses in that month?

25 A I did.

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Q What did you receive in that month?

A I received 8/17, \$762.95. And then on August 22nd, I got -- well, that's moving expenses there.

Q Well, aside from moving expenses, did you receive money for room and restaurants and that kind of thing?

A I did. \$1579.

Q Did that include the 7th, 8th and 9th of August?

A That I don't know. I have to look it up.

Q Well, you do recall, don't you, that you were staying at the Sherry Hill Hyatt House August 7th, 8th and 9th?

A I think the Mayor paid for us at that time.

Q What ever the Mayor paid for you, did you include that in your expense account?

A No.

Q You simply didn't charge for that?

A no.

Q Now, it is a fact that the Mayor on a number of occasions not only paid for you, but other persons working with you; is that right?

A That's right.

Q And he treated you as a guest; is that right?

Weinberg-cross-Brown

1
2 A That's right.

3 Q And as a friend, I take it?

4 A That's correct.

5 And we did the same for him.

6 Q When did you treat him?

7 A We paid for his hotel room down in Florida.

8 We also paid for his plane fare down to
9 Florida.

10 Q You paid for -- every time you went to Florida,
11 you paid for his plane fare?

12 A One time he went with me. I paid for the
13 airplane, hotel. And we paid for his hotel at the Hilton
14 in Kennedy Airport.

15 Q These would be two occasions?

16 A Number of other occasions. I just have to
17 find out.

18 Q The Hilton was an occasion when you had him
19 there for a purpose, is that right?

20 A I think so.

21 Q What was the purpose you had him at the Hilton
22 for?

23 A I have to check the date on that.

24 Q All right.

25 MR. BROWN: Now, I rather think, if your Honor

Weinberg-cross-Brown

1
2 please -- may I address your Honor on some of these
3 points? It would appear that I will examine him
4 beyond 5:00 o'clock. You said we would quit then.
5 So may I have your permission to suggest that he
6 think about these, if he has the ability to answer
7 them tomorrow morning? With your permission, may
8 I suggest that?

9 THE COURT: That's all right.

10 Q Would you then, with His Honor's permission,
11 Mr. Weinberg, I am going to ask you to check on those times
12 when you paid. You seem to indicate that you can get the
13 data when you paid for the Mayor?

14 A I will try to find out.

15 Q Will that be acceptable to you?

16 A Yes.

17 Q Now, will you be able to do that alone without
18 conferring with Mr. Puccio?

19 A No.

20 Q Then I would ask you pursuant to the rule
21 of Court that you do not then?

22 A All right.

23 Q Now, on August 6th, 7th, and 8th -- then,
24 by the way, you will remember that August 7th is the date
25 I showed you the 3500-105, the book I just showed you where

Weinberg-cross-Brown

1
2 allegedly you said, I'm the biggest liar in the world?

3 A Yes.

4 Q That was August 7th. So I am tying it physical
5 with that time.

6 August 6th, 7th and 8th you stayed at the
7 Sherry Hill Hyatt House; is that right?

8 A That's right.

9 Q And Mr. Poulos stayed there?

10 A Correct.

11 Q Mr. Brady?

12 A Correct.

13 Q Mr. DeVito?

14 A Correct.

15 Q All FBI agents except you; is that right?

16 A That's correct.

17 Q And Mr. Errichetti paid for all of those
18 expenses, is that right?

19 A That is not right.

20 Q No, he did not? What expenses did he not
21 pay for?

22 A If I remember correctly, Mr. Poulos paid his
23 own because when he went to check out they told us the
24 Mayor's credit was no good.

25 Q Well, did he pay for yours?

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A No. The Mayor paid for ours.

Q Was his credit good enough to pay for yours?

A He sent Danny down to straighten it out.

Q Well, he-- Danny is his assistant, secretary?

A Secretary.

Q Well, he was good enough to be able to pay for you, and did he pay for McCloud at that time?

A I don't think McCloud was here at this time.

Q Was Margo Kennedy there at the time?

A On August 7th?

Q Yes.

A No.

Q Was there ever a time when you were the guest of the Mayor and Margo Kennedy was there and McCloud was there, and you were there and others?

A That's correct.

Q When as that? Could you tell us?

A I think it was February of '79.

Q In February of '79 would you tell us who the entire party consisted of? You named McCloud, you named Margo Kennedy. Who else?

A Tony DeVito was there. I was there. And Brady. Brady was there.

Q For that party, the Mayor paid?

Weinberg-cross-Brown

A That's correct.

Q And his credit was okay on that occasion?

A His credit was okay on that occasion.

Q Now, who was Margo Kennedy? Would you tell us?

A She was an FBI agent.

Q Was she represented as being any particular person related to the Kennedys in Massachusetts?

A Mr. McCloud represented her as I think the secretary to the Emir.

Q Whom?

A Secretary to Abdul.

Q Abdul?

A Correct.

Q Was she also supposed to be his girl friend, according to McCloud's representation?

A I heard that. I don't know now true it is.

Q I mean, did you hear it among the bunch?

A I heard that among the bunch.

Q So that as far as the Mayor was concerned, he would be dealing with Margo Kennedy, who was the girl friend of Abdul, the Sheik?

A No. She was the secretary to the Sheik.

Q But as far as you know, it was said in the

Weinberg-cross-Brown

1
2 group that she was the girl friend, I understood you to
3 say?

4 A No. I heard she was the girl friend of
5 McCloud.

6 Q Oh. Who did you hear that from?

7 A I just heard. If I remember correctly,
8 Rosenberg came down and told me this, that they slept
9 together.

10 Q Who was Rosenberg?

11 A Phil Rosenberg was the fellow who introduced
12 us to the Mayor.

13 Q He told you that McCloud and Margo slept
14 together?

15 A That's correct.

16 Q Did they have the same room, to your knowledge,
17 at that time?

18 A They had the one room.

19 But he went down to the other room to sleep
20 that night.

21 Q How do you know?

22 A Because I asked him.

23 Q And he told you that he was in there with
24 Margo Kennedy, but sneaked down at night?

25 A Correct.

Weinberg-cross-Brown

1
2 Q When I say, sneaked down, I mean sneak. Is
3 that correct?

4 A I don't know if he sneaked, but he went
5 down to the room.

6 Q Because two FBI agents not married in the
7 same room would not be proper?

8 A That I don't know.

9 Q Well, McCloud was an FBI agent, was he not?

10 A That's correct.

11 Q The lady who called herself Margo Kennedy
12 was an FBI agent, was she not?

13 A That's correct.

14 Q And they moved into the same room except
15 in the initial hours of the weening evening, right?

16 A All I know is they didn't sleep together.

17 Q They didn't. You know that to be a fact?

18 A Well, that's what McCloud told me.

19 Q Well, you have had some experience with
20 women as you describe in your new book, right? You would
21 be able to understand the situation, wouldn't you?

22 Sir, I have asked you a question with reference
23 to what you --

24 A I don't believe that McCloud slept with Margo.

25 (Continued on next page.)

1 Weinberg-cross/Brown

2 Q Well, you would have some judgment in that
3 area, wouldn't you?

4 A No judgment whatsoever.

* * *

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RE-CROSS
MELVIN WEINBERG		1797		

DEFENDANTS' EXHIBITS:	DESCRIPTION	FOR ID.
I	Document	1862

COURT EXHIBIT:	DESCRIPTION	IN EV.
7	Letter	1793

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

-----X
 :
 UNITED STATES OF AMERICA, :
 :
 -against- :
 :
 MICHAEL O. MYERS, ANGELO J. ERICHETTI, :
 LOUIS C. JOHANSON, HOWARD L. CRIDEN, :
 :
 Defendants. :
 -----X

80 CR 00249

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

August 20, 1980
 9:30 o'clock A.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

MICHAEL PICOZZI
 OFFICIAL COURT REPORTER

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4 Eastern District of New York

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6 Strike Force
7 Brooklyn, New York

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* * *

1
2 CROSS EXAMINATION

3 BY MR. BROWN: (Continuing)

4 Q Good morning, Mr. Weinberg.

5 A Good morning.

6 Q I called your attention yesterday, I believe,
7 to the fact that in a certain conversation which was a
8 conversation of September 5th, I believe, you called yourself
9 the world's biggest liar, right?

10 A Yes.

11 Q That is a long transcript?

12 A Yes.

13 Q The question that I put to you thereafter,
14 as you said this to deceive someone or were you sincere in
15 calling yourself the world's biggest liar, and you said
16 you wanted to look at the transcript?

17 A That is correct.

18 Q You had that opportunity?

19 A Yes.

20 Q Is it a fact you are the world's biggest liar
21 or did you tell someone that for the purpose of deception?

22 A (No response.)

23 THE COURT: Which question you want answered?

24 MR. BROWN: It's one question, but I will
25 rephrase it.

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Q Are you the world's biggest liar?

A That is not true.

Q How do you stand worldwide?

MR. PUCCIO: I object.

THE COURT: Sustained.

MR. PUCCIO: Referring to transcript of
September 7th?

MR. BROWN: You are right.

Q Did you however say that?

A That was said when I was speaking about a
certain party in that transcript.

Q You were saying the other person was the
world's biggest liar?

A Supposed to be he is. I said I am the --

Q What it says in the transcript is, waiting
for two hours, I am lying, the world's biggest -- that is --

A That is correct.

Q Now, you have been question about the man
who was Mr. Amoroso's predecessor and working with you with
respect to ABSCAM; do you remember questions directed toward
that gentleman?

A Yes.

Q That was Agent McCloud, nom de guerre' for the
operation -- his name was McCarthy -- he was called McCloud?

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A Yes.

Q The question was whether or not you had been unhappy with his performance thereby causing Mr. Amoroso to replace him; do you remember questions to that point?

A No.

Q Is it a fact that Mr. McCloud, McCarthy, worked with you for a while?

A Yes.

Q When did he begin working with you?

A '78.

Q When in '78 if you can help us?

A He was with me before ABSCAM started and he was in charge of ABSCAM when it started.

Q When would you say ABSCAM started?

A I am not sure. I think it was June or July.

Q Of '78?

A That is correct.

Q At that time, he had been working -- previous working with you?

A He works for the FBI, not for me.

Q He worked with you on ABSCAM?

A I worked with him.

Q Well, you worked together, I assume, is that correct?

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A We worked together.

Q How long did you work together on the operation called ABSCAM?

A I would say I think it was up to February or March.

Q Of '79?

A That is correct.

Q Now, February or March '79, agent named Amoroso, comes in?

A Yes.

Q Is that correct?

A That is correct.

Q Would you accept the adjustment like January that Mr. Amoroso came aboard?

A I don't know the exact date. I believe February or January was the first time I met him.

Q Did McCarthy, McCloud, continue to work with you and Mr. Amoroso?

A (No response.)

Q On ABSCAM, the ABSCAM operation.

A He was still connected with it.

Q Did there come a time when he was no longer connected?

A As far as I know he was always connected with

1
2 ABSCAM.

3 Q Up until the end?

4 A As far as I know.

5 Q Did he work with you in ABSCAM from February
6 to March when Mr. Amoroso came onboard?

7 A He was still connected with it, but I was
8 working out in the field with Mr. Amoroso.

9 Q A more correct statement would be that he --
10 Mr. McCloud continued with ABSCAM, but you and Mr. Amoroso
11 were in the field?

12 A Yes.

13 Q McCarthy, McCloud, worked with you together in
14 the field prior to February, March '79, and he was no longer
15 in th field, would that be a fair statement?

16 A Yes.

17 Q Now, you were asked about McCloud, whether or
18 not you were pleased with his performance?

19 A Yes.

20 Q You said that you wouldn't have cast him for
21 the part, but he did pretty well, is that correct?

22 A Yes.

23 Q Then, Mr. Amoroso came on as you just described?

24 A Yes.

25 Q Now, did Mr. McCloud, McCarthy's departure from

1
2 the field have anything to do with the incident which you
3 described yesterday with him and Margo Kennedy?

4 A Not to my knowledge.

5 Q It came about the same time, didn't it?

6 A No.

7 MR. PUCCIO: I object to it.

8 THE COURT: Sustained.

9 Q Throughout this procedure, your advice was
10 respected by the FBI, wasn't it?

11 A I don't know that.

12 Q Isn't it a fact that the Abdul Enterprise
13 which was set up here was actually the same operation you
14 had used in the Pittsburgh scam which resulted in your
15 indictment in Pittsburgh?

16 A I wouldn't say the same operation.

17 Q You wouldn't say the same operation?

18 A Followed in the same order.

19 Q You used the same name, that is for sure?

20 A I don't follow you.

21 Q You had used the name Abdul Enterprises in
22 your own personal scam prior to the ABSCAM scenario?

23 A That is not true.

24 Q Let me see, you recall being asked this
25 question yesterday and did you give this answer starting on

1
2 Page 1706:

3 "Question: When you came up at that time
4 with the idea of Arabs and oil money; isn't that correct?

5 "Answer: I came up and suggested the name
6 of Abdul Enterprises."

7 Do you recall that?

8 A That is correct.

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11 (Continued on next page.)
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Weinberg-cross-Brown

1
2 Q "Question: Have you ever used that name before?

3 "Answer: I may have. Emil Abdul Ramon was a
4 friend of mine."

5 Do you recall that?

6 That's true?

7 A That's true.

8 Q "He lives in Nice. He lives in Nice.

9 "Question: In Nice?"

10 And your answer, "In Nice, France."

11 Those questions and answers are true?

12 A That's true.

13 Q Were you asked these questions and did you
14 give these answers:

15 "And you had used that name before Abdul in
16 one of your scams?"

17 Do you remember that question?

18 A That's true.

19 Q Do you recall this?

20 "Answer: I used it when I went to Pittsburgh
21 to get the cases I was working on. I used that name
22 from then until I got put on probation."

23 A That is true.

24 Q Now then, you had used the name Abdul Enterprises
25 in the scam that resulted in the Pittsburgh indictment; is

1
2 that right?

3 A I used that name when I was working with the
4 FBI at the time, but I did not use that name when I was
5 working for myself.

6 Q Well, may I call your attention to the question
7 and answer again? This question: "And you had used that
8 name before Abdul --"

9 MR. PUCCIO: I object to this as being asked
10 and answered.

11 MR. BROWN: I say it's contradictory.

12 THE COURT: It doesn't sound like it to me,
13 Mr. Brown.

14 MR. BROWN: Well, he says --

15 THE COURT: Read it.

16 MR. BROWN: That's what I was attempting to do.

17 THE COURT: Go ahead.

18 Q "And you used that name before Abdul Enterprises
19 in one of your scams?"

20 That was the question.

21 "Answer: I used it when I went to Pittsburgh
22 to get the cases I was working on. I used that name
23 from then until I got put on probation."

24 A That's correct.

25 Q Now, did you use Abdul Enterprises as a scam?

Weinberg-cross-Brown

1
2 A No. I was working for the FBI at the time.

3 Q So that when you were in Pittsburgh -- "I used
4 it when I went to Pittsburgh."

5 Now, when was this that you were working with
6 the FBI using Abdul Enterprises, sir?

7 A I think it was in 1977 I started 278.

8 Q So that from 1977 on you were using Abdul
9 Enterprises?

10 A I was working with agents undercover at the time
11 and we were using the name Abdul Enterprises.

12 Q Was Abdul Enterprises one that you had personally
13 used in any adventures of your own?

14 A No.

15 Q Now, when you used Abdul Enterprises you were
16 operating in what area, may I ask?

17 A We weren't using Abdul Enterprises. We were using
18 the Arab name.

19 Q Let me ask you again. Do you recall the
20 question -- you were asked to use the name before Abdul
21 Enterprises in one of your scams, and you said, "I used it
22 when I went to Pittsburgh."

23 Is that correct or incorrect?

24 A I meant to say that that -- that is wrong.
25 We used the name -- we never used Abdul Enterprises. We used

1
2 Emil Abdul Ramon.

3 Q So the record is incorrect and should be
4 corrected? And when you answered yesterday you answered
5 incorrectly?

6 A I answered incorrect.

7 Q I see.

8 Now, when you used Mr. Abdul Ramon's name,
9 how was that employed for the FBI at that time?

10 A We claimed -- we were trying to get in with this
11 here group of organized crime people. And we told them that
12 the agents I introduced to them, that they worked for Emil
13 Abdul Ramon.

14 Q You also said yesterday, I used it when I
15 went to Pittsburgh and to get the cases I was working on.

16 Does that mean to get the undercover cases?

17 A When I went to Pittsburgh to cop my plea, they
18 asked me to work on certain cases. And I used that name on
19 those cases.

20 Q In order to earn -- until you got put on
21 probation?

22 A That's correct.

23 Q So you earned your probation by employing Mr.
24 Abdul's name in the underground work that you have described?

25 A That's correct.

Weinberg-cross-Brown

1
2 Q So between the time you pleaded guilty, then,
3 is it correct to say you worked for the FBI and that's why
4 you were put on probation?

5 A That's correct.

6 Q And at the same time you also earned a deal
7 for Lady Evelyn Knight whereby you virtually cut her loose?
8 Exculpated her; is that correct?

9 A That's correct.

10 Q And you did that because you felt responsible
11 for bringing her into the Pittsburgh; is that true?

12 A She had nothing to do with it whatsoever.

13 Q But she did serve a part? She played a part
14 in that scenario?

15 A Never played a part. Just used the name.

16 Q Just used the name?

17 A We just used the name. She was never involved
18 in any meeting.

19 Q You mean physically she didn't?

20 A Correct.

21 Q You just represented to the victims that
22 there is this lady who is of great wealth?

23 A Correct.

24 Q So to that extent alone she was a part of it?

25 A She was indicted on that.

Weinberg-cross-Brown

1
2 Q Now, you did bring some ladies into this --
3 the current operation? From time to time there were women
4 who didn't play a particular part, but who were present;
5 is that correct?

6 A The only woman that I know that was in was
7 Margo.

8 Q That's all?

9 Lady Evelyn Knight never played a part?

10 A No.

11 Q Now, isn't it a fact that Lady Evelyn Knight
12 worked until she was almost detected as an FBI agent?

13 A That is not true.

14 Q That is not true? Why was -- did there come
15 a time when she was no longer in the field working with you
16 and Mr. Amoroso?

17 MR. PUCCIO: I am sorry. Did you mean Margo
18 worked -- you said, Lady Evelyn.

19 MR. BROWN: I am sorry.

20 Q Did Margo until she was detected or almost?

21 A Margo came to -- if I remember correctly, to
22 one meeting in the Holly and Jack may have had been with her
23 a couple of times, meeting, and then she was detected. She
24 was on the front page arresting a hi-jacker. And it said,
25 FBI agent arrests hi-jacker.

1
2 Q That's why she no longer operated in the
3 field?

4 A I don't know.

5 Q As far as you know, that terminated her?

6 A Correct.

7 Q Her work in the field with you anyway; is that
8 correct?

9 A Not with me. The agency had something to do
10 with it. Not me.

11 Q Well, when I say worked in the field with you,
12 I am going on the assumption that your field work was one
13 that you worked with certain agents; am I correct?

14 A That's correct.

15 Q Except in those instances where you made
16 telephone calls on your own from your home, right?

17 A That's correct.

18 Q You would then be unsupervised in the sense
19 that the agents wouldn't be near you; is that right?

20 A That's correct.

21 Q Now -- by the way, you have testified heretofore
22 in Philadelphia about the way you operated in taping phone
23 calls; is that not a fact?

24 A I think I did.

25 (Continued on next page.)

1
2 Q And you testified there that you used the
3 suction cup; is that correct?

4 A I used a suction cup and the -- originally we
5 used the thing that fits on the ear piece.

6 Q Do you recall your testimony in Philadelphia
7 with respect to the suction cup?

8 A We did use a suction cup, too.

9 Q How often did you use the suction cup?
10 When you say, "we", you're speaking generically?
11 You always taped alone, the phone conversations, didn't you?

12 A Not all the time alone. There were times when
13 agents were there.

14 Q How often did that occur?

15 A It occurred in the hotel rooms, Townhouse or
16 at the condominium.

17 Q And, of course, there were always records of
18 those phone calls; is that right?

19 A I suppose so.

20 Q Well, do you have any knowledge as to whether
21 or not there are any phone calls that you recorded when there
22 were actually no toll calls recorded? Do you have any idea
23 of that?

24 A There may be.

25 Q Well, how would you report a telephone call if

1
2 it was not on the toll? In other words, the toll call is
3 one where the company records the charge. Do we agree on
4 that?

5 A That's correct.

6 Q Do you say there were some calls made where the
7 Telephone Company did not record it, the charge?

8 A Those would be calls that were made to me.

9 Q Now, what about calls that you made to anyone
10 else?

11 Do you believe that there should have been a
12 record for the phone company's benefit of charges?

13 A I don't follow that question.

14 Q Well, let me call to your attention, and I
15 approach --

16 MR. BROWN: If I may, your Honor?

17 THE COURT: Yes.

18 MR. BROWN: I am using Court Exhibit, your
19 Honor, 80000249, which is the index of 3500 exhibits.

20 THE COURT: All right.

21 Q I want to call your attention to this, to
22 a particular phone call which is denominated, 3500-65 and
23 has a circle around it, and which is indicated as having been
24 made June 16, 1979 from M. W., which I assume that is you?

25 A That's correct.

1
2 Q So that would be a call for which there should
3 be a toll; is that right?

4 A Well, that call was made in Virginia.

5 Q Or shouldn't there be a -- were you living
6 in Virginia?

7 Was that any post from which you would call?

8 A You have to check if I was staying at a hotel
9 or at the Townhouse.

10 Q Perhaps you could tell me. Do you have any
11 recollection?

12 A I wouldn't have the slightest idea.

13 Q All right.

14 But you do concede that there were certain
15 telephone calls made for which there would be no tolls either
16 because they came from someone else to you or because you
17 were at a hotel or other installation; is that right?

18 A That's correct.

19 Q Thank you.

20 Now, if there is a call from Errichetti to
21 you, I suppose you would not in all instances know where he
22 was calling from; is that right?

23 A That's correct.

24 Q Now, with respect to the suction cup, there was
25 a demonstration here yesterday with respect to a telephone

1
2 and some unit on it, and you sat in this chair and you went
3 through some actions; is that right?

4 A Correct.

5 Q Was that unit attached to that phone, as far
6 as you know, a suction cup?

7 A I used the suction cup on occasion.

8 Q Let me --

9 THE COURT: The question that he asked you
10 whether the unit that you had here was what you were
11 referring to as a suction cup?

12 MR. BROWN: That's right.

13 THE WITNESS: No.

14 Q It's also true, isn't it, that you said that
15 that unit, the unit you really used at home, the receiver
16 was square?

17 A That's correct.

18 Q And the one we saw was round?

19 A Yes.

20 Q Now, I want to show you an item.

21 MR. BROWN: Your Honor, may I mark it for
22 identification?

23 THE COURT: Yes.

24 MR. BROWN: Marked Defendant's Exhibit for
25 identification, your Honor, N.

1
2 THE COURT: All right.

3 MR. BROWN: May I approach?

4 THE COURT: Yes.

5 Q I show you an exhibit which has been marked
6 N, Mr. Weinberg. I ask you to examine it, if you will.
7 Would that more likely be a facsimile of what you used as
8 a suction cup?

9 A At times, yes.

10 Q Well, how often would you use the suction cup?

11 A In certain hotels we found out that the unit
12 we were using, the head piece wasn't working, had too much
13 static. And the technical guy gave me a suction cup. That
14 if you use the suction cup you will get it a little better.

15 Q I see.

16 And from time to time that would fall off and
17 you would miss some part of the conversation obviously?

18 A That has happened.

19 Q So then is it fair to say that you used both
20 the kind of device that you demonstrated yesterday and the
21 suction cup?

22 A That's correct.

23 Q How often did that suction cup fall off, that
24 piece that you were trying to record the conversation?

25 Have you any recollection whatsoever?

1
2 A None whatsoever.

3 Q But it could be a number of times?

4 A That's true.

5 Q So to that degree, the conversation that you
6 tried to record, could not be complete obviously; is that
7 right?

8 A That's true.

9 Q Now, you have reviewed a number of transcripts.
10 Have you seen any transcripts supposedly recording telephone
11 conversation where there was an indication that there was
12 a break or some gap that you would attribute to that device?

13 A None that I remember.

14 Q So that it would be almost impossible to
15 determine how many telephone calls were really incomplete
16 because of using Defendant's Exhibit N?

17 A Well, if this fell off, you would still hear
18 my voice.

19 Q You would hear one side?

20 A Correct.

21 Q So that it would be a half of a conversation?

22 A That's correct.

23 Q Now --

24 THE COURT: You say if it fell off. Where did
25 you fasten the suction cup?

THE WITNESS: The suction cup would go on the ear piece. When this fell off you would still hear my voice.

Q: What would be recording? Isn't that the device that you would lead to the recording machine?

A That's correct.

Q Well, if that fell off, wouldn't the recording of either conversation be interrupted, sir?

A No.

You still hear the person that is speaking on the phone. You will hear their voice.

Q On what?

You have nothing attached to the recording unit; isn't that true?

A You still hear my voice on it.

MR. BROWN: May I approach?

THE COURT: Yes.

Q Sir, the only way you could record with either device, with either the device you used yesterday or Defendant's Exhibit N, would be to have the unit -- if I may use this to simulate a telephone?

A Yes.

Q It would be attached there, and this would be attached to the recording device. Now, when that voice falls

1
2 off the recording device, then nothing goes into that little
3 tape, does it?

4 A I'm pretty sure you will hear my voice if you
5 are talking on it.

6 Q Now, tell me -- if I may once more, may I
7 use this phone to simulate. If I get close to where you
8 would put this, would you tell me to stop as I run --

9 A It goes on the other end, by the --

10 Q That's the receiver?

11 A Right.

12 THE COURT: You've got it on the speaker.

13 MR. BROWN: He said, the other end. I guess I
14 am wrong.

15 Q Receiver. You and I were both wrong. That's
16 the receiver?

17 A Correct.

18 Q Do we agree?

19 Okay. I am on the receiver and I am plugged
20 into --

21 MR. BROWN: Do you have a device.

22 Q Now, this is the way it would be functioning,
23 right? Plugged in?

24 A Yes.

25 Q This falls off?

- 1
- 2 A Right.
- 3 Q You're talking?
- 4 A Right.
- 5 Q Now, how does the sound get into the receiver?
- 6 A I'm pretty sure it would still pick up on that.
- 7 Q Okay.
- 8 Because this will pick up a sound even in the
- 9 Courtroom; is that right?
- 10 A I'm pretty sure.
- 11 Q Pretty sure.
- 12 Well now, you worked with Mr. -- with this for
- 13 a long time. Are you absolutely sure?
- 14 A I never listen to tapes after I made them.
- 15 Q Oh, I see.
- 16 So you couldn't be absolutely sure it worked.
- 17 Maybe it does or maybe it doesn't, right?
- 18 A I'm pretty sure it does. It will pick it up.
- 19 Q No.
- 20 MR. BROWN: Excuse me. I am here without
- 21 permission. But I am sorry.
- 22 Q Well now, tell me, after using this all this
- 23 time do you know whether or not it would pick up? Maybe it
- 24 does or doesn't. But do you know?
- 25 A I really can't say.

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Q You can't say one way or the other?

A Well, we can test it.

Q But let's deal with your version by saying that these transcripts you reviewed were all correct.

You never reviewed them, did you, after you made them?

A I never listened to the tapes after I made them.

Q So you don't know what came off the tape in terms of sound?

A Correct.

Q And then it is true, isn't it, that whenever you are asked a question about a particular conversation, you always ask to see the tape to refresh your recollection or to make sure; is that right?

A That's correct.

Q And -- but you have never compared the sound that would go into that little receiver with the transcript?

A I have listened to the tapes the last -- let's say, five months, going over them.

Q But you never did when you made them?

A The only time I listened to the tape when I made it, if John Good called me up and he wanted to hear one of the tapes, I would play it back to him.

1
2 Q That would be a rare occasion, wouldn't it?

3 A No. That was quite often.

4 Q Now, you didn't make a transcript even at that
5 time obviously?

6 A I had nothing to do with the transcripts, with
7 making them.

8 Q The point is that when you even heard it played
9 back -- let's say, the call was from your Florida home,
10 for example. You made calls from Florida, is that right?

11 A Yes.

12 Q When you -- even when you talked to Mr. Good,
13 you played the thing back over the phone so he could hear,
14 I assume; is that correct?

15 A That's correct.

16 Q Then you put it away?

17 A Correct.

18 Q And then eight, ten days or whatever, you turned
19 it over to the FBI?

20 A That's correct.

21 Q And sometimes that would run anywhere from
22 two days to two weeks, right?

23 A Correct.

24 Q Now, from that point on, you didn't until the
25 last month compare what had gone into that unit with what came

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off on a transcript?

A Up to around February.

Q I say -- forgive me. I did not speak clearly.
Up until the last few months was my preface, right?

Do you accept that?

A I accept that.

Q Up to the last few months you never compared
what went on the tape with the transcript?

A That's correct.

Q When you reviewed them for the last few months,
you were preparing for trial in the ABSCAM cases, right?

A Right.

Q When you did that -- and correct me if I am
wrong -- you were working with Mr. Puccio or members of the
staff to listen and compare?

A Correct.

Q And, therefore, your memory had to bridge the
gap from the time that the unit was put together, sound put
on it, and until the time you sat down six months ago with
the group here, the Government group?

A Correct.

Q Sometimes that would be a year?

A A year?

Q How long would it be? What is the oldest tape?

1
2 A I would say, yes.

3 Q That could be a year, right?

4 A That is correct.

5 Q I don't want to confuse you. I mean a year
6 from the time you actually made the tape, let's say, in June
7 of '79 until three or four months ago when you sat down to
8 listen, it would be a year?

9 A Those tapes were all placed in evidence.

10 Q Yes, they were. You are right. But I am asking
11 you about the gap. Between the time you would have made it,
12 for example, June 16, 1979, and the time two or three months
13 ago when you sat down with the Government people to begin
14 to review them, it would have been a year gap?

15 A That's correct.

16 Q Roughly. All right.

17 Now, to get back to Mr. McCloud, McCarthy,
18 I would -- you had a chance to read last night I believe that
19 August tape which I have just referred to in which you said
20 in error, I am the biggest liar in the world. Do you recall
21 having read further in that tape about a conversation which
22 you had about Mr. McCloud, whom you described as someone who
23 is no longer your boss?

24 MR. PUCCIO: Judge, I object and ask that the
25 statement be stricken before the question.

1
2 THE COURT: Sustained. Disregard the statement.

3 Q Well--

4 MR. BROWN: May I approach, your Honor?

5 Q This is the same tape that you read last night.

6 I will show you -- identify it for you so you are sure of
7 that. Here is Page 79. Right. Here is the beginning of the
8 tape, which is the tape of August 7th. Are you satisfied
9 with that?

10 A I am satisfied.

11 Q Okay..

12 Now, I call your attention now to Page 99,
13 starting from wherever you want to read, but the point that
14 I shall attempt to make and the words I will refer to start
15 at the beginning -- the middle of the page, sir.

16 MR. BROWN: May I stay here just for a moment,
17 your Honor?

18 THE COURT: Yes.

19 Q Have you had a chance to review it?

20 A Yes.

21 Q All right.

22 I will take it from you. Will you remember it
23 sufficiently if I take it from you?

24 A Yes.

25 Q Now, Page 99 contains a reference to a former

1
2 boss, a new boss, Tony, right?

3 A That's correct.

4 Q And the former boss, who I assume to be, subject
5 to your correction, McCloud?

6 A Correct.

7 Q All right.

8 Now, in referring to Mr. McCloud, your former
9 boss, isn't it a fact that you say that Tony is a main boss.
10 All right. As long as we do what he wants we can get it
11 through. There's no problem. Right?

12 A That's correct.

13 Q But, you know, we got to go -- if we start
14 cutting corners, you're going to catch us.

15 A Correct.

16 Q See, we had a bad experience here. We had a
17 guy in there that f-u-c-k-e-d up bad, and, you know, you take
18 off.

19 Now, is that a reference to Mr. McCloud?

20 A This was a stalling tactic that we used.

21 Q No, no. Please.

22 MR. BROWN: It is not responsive, your Honor.

23 I am asking if the words refer to a particular person,
24 your Honor. I asked for no description.

25 THE COURT: When you say, a guy in there, did

1
2 you have in mind Mr. McCloud?

3 THE WITNESS: That's correct.

4 Q So that when you say, we had a guy in there
5 that f-u-c-k-e-d up bad, and, you know, you take off, you're
6 referring to McCloud? Whatever the surrounding circumstances,
7 you did say that?

8 A That's correct.

9 Q And then Mr. Errichetti says, his former boss
10 who I met once. And then I.A. meaning inaudible, according
11 to the code of the transcript; is that right?

12 A That's correct.

13 Q So that his former boss who I once met inaudible,
14 right?

15 You agree?

16 A Yes.

17 Q And Mel Weinberg, well, once you met more than
18 one.

19 Errichetti, once. All right. A couple of times.

20 And then Mr. T.D. That's Mr. Amoroso, right?

21 A Yes.

22 Q But the guy, you know, he screwed a lot of things
23 up and now he's -- you know, he's still with the outfit.

24 Now, the man that Mr. Amoroso says screwed up
25 is Mr. McCloud?

1
2 A Correct.

3 Q And then you said, he's an old Kennedy man.
4 Is that correct?

5 A That's correct.

6 Q Then Mr. Amoroso, he's a -- you know, he's
7 still looking out to f-u-c-k us. If we do something that
8 looks bad that he can nail us with, right?

9 That's correct, isn't it?

10 A Yes.

11 Q And then you say, it's big brother watching
12 us, right?

13 A Correct.

14 Q Now, we'll go to the next page so you can remember
15 more effectively.

16 MR. BROWN: I will bring that, with your
17 permission, Judge.

18 THE COURT: Yes.

19 Q Page 100. If you read from the top down.

20 Now, up to this point you have agreed that
21 you and Mr. Amoroso stated in the presence of Mr. Errichetti
22 that Mr. McCarthy-McCloud, who had worked with you as your
23 described formally, was the guy who screwed up and who was--
24 hadn't done the job, right?

25 A That's correct.

1
2 Q So whatever your hidden meaning, that's what
3 you said?

4 A That's correct.

5 Q And that like the rest of these transcripts
6 it comes out as words on the tape?

7 A Correct.

8 Q So those words on the tape like other words
9 on the tape don't have the same meaning that they give when
10 you hear them and read them?

11 A I don't follow that.

12 Q Well, I am reading this before the jury, right?

13 A Correct.

14 Q And the words say thus and so. And you say,
15 no --

16 MR. BROWN: Excuse me, Judge.

17 Q You say, no. That's not what they mean really.
18 Isn't that right?

19 A That's right.

20 Q So that when the tape comes off -- this tape,
21 for example, what is on the tape is not really what is
22 meant even though words are said; is that right?

23 A No, that is not right.

24 Q Well, did those words reflect what you meant
25 to say in truth, in your heart?

1
2 A If you had the whole tape and played it you
3 knew what the whole thing meant.

4 Q I am asking you, do those words which came out
5 of your mouth and go down on that paper after they are
6 transcribed indicate what you really meant when you said the
7 words?

8 A That is correct.

9 Q Then you meant that McCloud was a fuck up; is
10 that right, to use your words?

11 A At this time we were saying it.

12 Q You meant it?

13 A I didn't mean it really.

14 Q Well then -- well then, the words were not
15 truthful; isn't that correct?

16 A At the time that we were having this conversa-
17 tion, it was truthful.

18 MR. BROWN: I ask that it's not responsive,
19 your Honor.

20 I am only asking him for the words that came
21 out of that page are truthful words.

22 MR. PUCCIO: My objection is it's been asked
23 and answered.

24 MR. BROWN: He's not answered it. He's denied
25 it.

1
2 THE COURT: Mr. Weinberg, when you said you
3 and Mr. Amoroso said these things to Mr. Errichetti,
4 did you believe they were true?

5 THE WITNESS: No.

6 THE COURT: Did Mr. Weinberg believe they were
7 true, as far as you know -- I am sorry, Mr. Errichetti,
8 did the believe they were true?

9 A He believed they were true.

10 THE COURT: Or at least you wanted him to
11 believe?

12 THE WITNESS: We wanted him to believe.

13 MR. BROWN: But, your Honor, as he put --

14 Q You accepted the -- Errichetti accepted what
15 you said?

16 A Yes.

17 Q So you were deliberately lying to him at that
18 point?

19 MR. PUCCIO: I object. Asked and answered.

20 MR. BROWN: There's no other interpretation
21 for whatever purpose, if your Honor please.

22 THE COURT: Some people put strange meanings
23 to the word, lie. I don't know whether this witness
24 does or not. I think he has made it clear what he
25 was doing. Whether it was characterized as a lie I

1
2 guess depends on the particular individual's
3 interpretation of that term.

4 MR. BROWN: Well, Judge, if it's a word that
5 is not true and designed to mislead, that in our
6 language is a lie. Whether it has justification or
7 not is something else.

8 THE COURT: Well, in your vocabulary it might
9 and even in mine, but I have found sitting as a
10 trial judge that some people interpret the justification
11 as determining whether you are dealing with a quote
12 lie unquote, or whether it has some other label that
13 should be attached to it.

14 Next question, please.

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17 (Continued on next page.)
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2 MR. BROWN: You have no objection to my using
3 it as I say it?

4 THE COURT: I am only concerned with communica-
5 tion in the Courtroom. I am trying to get to the
6 stage where witnesses give testimony and when we get
7 to summations you can use whatever words you wish.

8 It's not too much my concerning whether every-
9 body understands the words we are using now. At times -

10 MR. BROWN: I better understand them or I am
11 in trouble.

12 THE COURT: Lawyers are usually pretty good
13 with words. If you want to have the witness explain
14 his term, if you are using terms, you can define them.
15 You can use them without defining them.

16 MR. BROWN: Thank you.

17 Q What do you consider a lie to be, Mr. Weinberg?

18 A A lie, if I tell an out and out lie for gameful
19 means. Here I was trying to protect myself and we were
20 talking in a story and we had problems with Mr. Errichetti
21 and Jack and we were going along with it.

22 Q Problem with Errichetti and Jack?

23 A Yes.

24 Q That is McCarthy?

25 A Yes.

1
2 Q The statements you made were designed to
3 deceive Errichetti insofar as his relation with Jack was
4 concerned?

5 A Yes.

6 Q It was a double misleading effort, designed to
7 mislead Errichetti at the same time not the truth about
8 McCloud?

9 A Not the truth about McCloud, he is a God damn
10 good agent.

11 Q But you got rid of him, didn't you?

12 A I didn't get rid of him.

13 Q Did you get rid of him because he and Margo
14 were concerned about the poloticial effects in terms of
15 Mr. Kennedy?

16 A That is not true.

17 Q You're the one that called him an old Kennedy
18 man?

19 A McCloud came from the Boston headquarters
20 and he was connected with the old Kennedy clan up there.
21 That is why he knows acout politicians.

22 Q Let's see what is next said.

23 Mr. Amoroso in your presence says, referring
24 to McCloud -- the reference is to McCloud?

25 A Yes.

1
2 Q Period, period, period all the mistakes he
3 made, he is people starting putting in guidelines, the way
4 they want things done, the guy had it made, you know, he
5 had a free ticket -- as it says here, that was not true,
6 was it?

7 MR. PUCCIO: I object to the form of the
8 question, Judge.

9 THE COURT: Overruled.

10 Q That was not a true statement for all the
11 mistakes he made these people starting putting in little
12 guidelines about the way they wanted things done?

13 A It was not true.

14 Q You then joined in, let me tell you what he
15 did, he alone says politician friend at 8 or 9 percent --
16 did you say that?

17 A I said that.

18 Q Then, H.C. I assume is Howard Criden?

19 A Yes.

20 Q He says: Did any of them go back, and Mr.
21 Weinberg, no, how can they go bad, ain't making no money
22 on it. Then you went on to say he had lost certain things,
23 is that correct?

24 You say that, and Mr. Amoroso says he lost
25 a couple of things, and you said, one big thing in Boca Raton,

1
2 paid the guy, wasn't even a commission, right?

3 A Yes.

4 Q Was all that true?

5 A Untrue.

6 Q It's true however, that you felt that Mr.
7 McCloud was badly cast for the part he played?

8 A He wasn't badly cast, when it comes to
9 organized crime he didn't exactly know how to handle it.

10 Q Let's see what you said on Page 1873 yester-
11 day.

12 You were asked by Mr. Duffy: "I mean you
13 spent your whole life sizing up people. Would you size
14 him up as a straight arrow?"

15 "Answer: Not really."

16 When you said you didn't think he as a straight
17 arrow, were you saying you didn't think he was a straight
18 man?

19 A No, I mean he will have a drink once in a while
20 and go out--

21 Q You mean a man who has a drink once in a
22 while is not straight?

23 A No.

24 Q What is a straight arrow?

25 A A straight arrow to me means a fellow who doesn't

1
2 go out and at night stays in his room and watches television.

3 Q If you don't do that you ain't straight?

4 A We are not talking about being crooked.

5 Q Then Mr. Duffy said: "I guess you could say
6 that, what do you mean?"

7 "Answer: He looks more like a Police Sergeant."

8 "Question: He looks like a cop, right?"

9 "Answer: That's correct."

10 Then there are further questions.

11 Then, Mr. Duffy asks you a question: "You
12 don't know what a swinger is. You don't know what that
13 refers to?"

14 "Answer: I don't know what you mean by a
15 swinger."

16 "Question: A person who -- like he frequents
17 night clubs or is used to high living and traveling on jets
18 and first class, the kind of thing that you were trying to
19 portray as your own life style in the Abdul ABSCAM Investiga-
20 tion?"

21 "Answer: He can get by."

22 Then you went on to say: "Question: If he
23 looks like a Police Sergeant are you telling this jury that
24 he would be that? That kind of person you would cast in the
25 role of your associate?"

1
2 "Answer: Well, I personally wouldn't have cast
3 him, but he got by."

4 A That is correct.

5 Q The problem was he drank a little bit and just
6 didn't fit?

7 A I don't know about his drinking.

8 Q I thought you mentioned that, I'm sorry.

9 When you came down to it however, you were
10 trying to give Mr. Errichetti by using these words which
11 were false, is that correct?

12 A The words were used in there were play acting.

13 Q Oh.

14 Well, throughout KASCAM there was a lot of
15 play acting, wasn't there?

16 A We had to put a certain image up.

17 Q These television units that we see displayed
18 with the pictures, I am sure you are familiar with. You are
19 familiar with the tape versions played over the television
20 set?

21 A That is correct.

22 Q There was a lot of play acting in there?

23 A No, that was not play acting. You pretended
24 to be a friend of Mr. Erichetti and a friend of the people
25 he brought in, right?

1
2 A I didn't meet them until they came up there.

3 Q You played the part of being a confederate?

4 A What do you mean by that?

5 Q There came a time in the course of the ABSCAM
6 investigation when you decided -- withdrawn.

7 It was decided that the impression should be
8 conveyed to other people you were not loyal to Abdul
9 Enterprises and the Sheik?

10 A Yes.

11 Q There were times in the course of the -- of
12 these events when you talked to Mr. Errichetti and others
13 in terms of getting money for yourself and beating the Sheik?

14 A We spoke about on land deals doing that.

15 Q You should get something for yourself because
16 he's got more money than he can use?

17 A Only on land deals.

18 Q Did you in the course of this investigation
19 pretend, play act, that you were disloyal to the Sheik?

20 A Mr. Errichetti.

21 Q Did you at anytime in the course of the investiga-
22 tion, in the course of your play acting, pretend you were
23 disloyal to the Sheik and Abdul Enterprises?

24 A That is correct.

25 Q I deliberately used the word play acting.

1
2 A That is correct.

3 Q When did you begin to play act in that role
4 of conveying an impression that you were now disloyal to the
5 Sheik and how to make money for yourself?

6 A Repeat that again?

7 Q I will withdraw it.

8 Did there come a time in the course of the
9 investigation when you deliberately conveyed the play acting
10 idea you were willing to work for somebody to beat the Sheik
11 to make money off the Sheik, you were disloyal?

12 A I don't follow your question.

13 Q Did there come a time when you pretended you
14 wer disloyal to the Sheik?

15 A The time came when Mr. Errichetti offered us
16 a proposition.

17 Q Please answer the question.

18 Did there ever come a time when you pretended
19 that you were disloyal to the Sheik?

20 A That is a double barrel question you are giving
21 me.

22 Q Let me ask if it has been asked of you
23 before.

24 I certainly intend no double barrel questions.
25 Forgive me for a moment, if your Honor please.

1
2 THE COURT: All right.

3 (Pause.)

4 MR. BROWN: Thank you, I found it.

5 Q I call your attention to the testimony of
6 August 19th, Page 1859, I will start at the top to give
7 the continuity, with the Court's permission.

8 "Question: So that whatever they might think
9 of how you looked or how you sounded, there was this back-
10 ground that it must be true because Chase Manhattan says
11 it's true, right?

12 "Answer: That's correct.

13 "Question: As a matter of fact, everybody else
14 used a pseudonym, an undercover name, false name except you,
15 right?

16 "Answer; Correct.

17 "Question: Because it's a part of you concept
18 of this scam that you are not supposed to be entirely loyal
19 to your employer, right?

20 "Answer: No, that wasn't true in the beginning.

21 "Question: Well, as it was true in July of
22 1979 -- wasn't it true?

23 "Answer: In '79, that's correct."

24 Were those questions and answers true and
25 correct?

1
2 A When he asked that question he asked about
3 using my right name.

4 Q May I recall your attention to the questions
5 not concerned with the name on Page 1859, line 13:

6 "Question: Because it's a part of your concept
7 of this scam that you are not supposed to be entirely loyal
8 to your employer, right?

9 "Answer: No, it wasn't true in the beginning.

10 "Question: Well, as it was true in July of
11 1979 -- wasn't it true?

12 "Answer: In '79, that's correct."

13 That reference to loyalty is to your employer
14 Abdul Enterprises, is that not so?

15 A That is a hard question to answer yes or no.

16 Q You did answer it because you said no, it
17 wasn't true in the beginning.

18 That is so, or --

19 A That is one of your double barrel questions I
20 have been talking about. I was talking about my name.

21 Q I shouldn't ask you that.

22 A I know who asked me.

23 Q Mr. Duffy asked you.

24 Mr. Duffy is a person who asks double barrel
25 questions.

1
2 MR. DUFFY: Objection.

3 THE COURT: Sustained.

4 Q May I read it to you again and ask you if you
5 recall the question and answer being correct:

6 "Because it's part of your concept of this
7 scam that you are not supposed to be entirely loyal to your
8 employer, right?

9 "Answer: No, it wasn't true in the beginning.

10 "Question: Well, as it was true in July of
11 '79, wasn't it true?

12 "Answer: In '79, that's correct"

13 There is -- that is not dealing with your name.
14 I call that to your attention. I ask if that question was
15 asked and --

16 A Why don't you start the question at the beginning
17 when he asked about the name?

18 Q I read the entire matter. I will read it to
19 you once more:

20 "Question: So that whatever they might think
21 of how you looked or how you sounded, there was this back-
22 ground that it must be true because Chase Manhattan says
23 it's true, right?"

24 "Answer: That's correct."

25 Do you remember me reading that?

1
2 A Yes.

3 Q I went on, and that had nothing to do with
4 what we were talking about?

5 A Yes.

6 Q Do you remember that?

7 A Yes.

8 Q I read then: "Because it's a part of your
9 concept of this scam that you are not supposed to be entirely
10 loyal to your employer, right?"

11 "Answer: No, that wasn't true in the beginning.

12 "Question: Well, as it was true in July of
13 1979 -- wasn't it true?

14 "Answer: In '79, that's correct."

15 Now, is that a true series of questions and
16 answers to wit, that you were not in your play acting not
17 to be loyal to the Sheik, your employer, but out for yourself
18 and others, according to the play acting?

19 A That is true according to the play acting.

20
21 (Continued on next page.)
22
23
24
25

1
2 Q While that wasn't true in the beginning, it
3 subsequently became part of your act?

4 A Yes.

5 Q You were out to make a piece of change for
6 yourself? I'm not saying you, that is part of the play
7 acting, right?

8 Certainly you ever went out to get a piece of
9 change for yourself, is that correct?

10 A (No response.)

11 Q That is a question.

12 A I never got a piece of change at all.

13 Q You were never out to get a piece of change
14 for yourself?

15 A That is correct.

16 Q When you said so here, and it follows with the
17 following questions and answers:

18 "Answer: In '79, that's correct.

19 "Question: Okay.

20 "As of the time you met Howard Criden for the
21 first time, it was a part of your scam that you weren't
22 supposed to be entirely loyal to these Arabs?

23 "Answer: That's correct.

24 "Question: You were out to make a piece of
25 change for yourself?

1
2 "Answer: Correct."

3 That is what you said. Now, I am assuming,
4 sir, that is play acting and you weren't in truth out to make
5 a piece of change for yourself?

6 A That was play acting.

7 Q To that extent, as of July '79, it becomes
8 play acting to that degree, right?

9 A Yes.

10 Q You do this play acting in front of Mr.
11 Criden or Mr. Errichetti on this occasion?

12 A Yes.

13 Q Now, isn't it true also that you continued to
14 use your name because Mel Weinberg was the name known in the
15 world of the con artists and the DP's, desperate persons?

16 A The reason is it was also known to organized
17 crime.

18 Q Because you were known to organized crime?

19 A That is correct.

20 Q Would that bring organized crime to you?

21 A If we need someone to vouch, they would know,
22 and I would give the okay.

23 Q To organized crime?

24 A Yes.

25 Q You can give okays to organized crime?

1
2 A They called up and wanted to know if Abdul
3 was for real, I would say so.

4 Q And organized crime would believe you?

5 A They did,

6 Q Because you had established your credibility
7 and your reliability to the satisfaction of the organized
8 crime figures of this region?

9 A I knew them.

10 Q You had earned their respect and you had earned
11 their sense of your loyalty and they could believe Mel
12 Weinberg if he said it was so?

13 A I don't know if they believed me. They called
14 up to check. I would say we are --

15 Q You said if you said you were --

16 A I didn't say they would believe me. When
17 they call up to check I said yes, Abdul's for real.

18 Tony is for real and we were okay.

19 Q Because they would believe you?

20 A I don't know if they would.

21 Q Wasn't that the purpose of Mel Weinberg being
22 Mel Weinberg because the underworld knew him and trusted
23 him?

24 A I don't know if they trusted me.

25 Q You just said you used your name up front if

1
2 anyone from organized crime called up and Mel Weinberg
3 said it was okay, they would accept that, is that correct?

4 A They would call up to find out if we were for
5 real. I would say yes. If they believed me, I don't know.

6 Q That was the hope?

7 A The hope.

8 Q The hope was based on the fact you were known,
9 accepted, and found credible by organized crime, is that what
10 the hope is based on?

11 MR. BEN-VENISTE: I must object to Mr Brown's
12 questions involving organized crime which has nothing
13 at all to do with this case. Only from that standpoint
14 I object to it.

15 So that the issues do not get confused. I am
16 sure Mr. Brown doesn't wish to do it, but it is not
17 relevant.

18 THE COURT: You are a little late in your
19 objection.

20 MR. BROWN: I would say so. He could have
21 saved Mr. Weinberg earlier --

22 MR. BEN-VENISTE: It's not my intention to do
23 that. Organized crime has nothing to do with this.

24 MR. BROWN: Certainly no charges here, he is
25 correct in that degree.

1
2 THE COURT: In so far as the objection is
3 addressed to the last question on the grounds that it
4 is not a part of the case, I will overrule it because
5 the last question seems to be a summation of the
6 previous 15 or 20 questions.

7 I don't know whether you want an answer to that
8 triple barrel question or not.

9 MR. BROWN: In order not to be obstructive,
10 I will withdraw it.

11 Q You referred to the Arab as the goose that
12 laid the golden egg?

13 A Yes.

14 Q This play acting you are talking about happened
15 in July of '79, am I correct?

16 A I don't know what you're looking at there
17 (indicating).

18 Q The questions and answers that you gave.
19 May I approach, your Honor?

20 THE COURT: Yes.

21 MR. BROWN: It's Page 1859, the cross examina-
22 tion by Mr. Duffy yesterday.

23 I asked you the question already. So I
24 won't repeat it. but I will ask you to look at that
25 part of the page and tell me if indeed the date of the

1
2 play acting would be around July '79?

3 A That would be correct.

4 Q I am sorry, may I repeat the question?

5 I am repeating it because I don't know if
6 everyone heard it.

7 It would be correct to say this play acting
8 would be around July '79, and I believe you said yes?

9 A Yes.

10 Q Now, I believe you said that -- withdrawn.

11 Did you say that you used middle men in order
12 to bring in the ultimate objective of your plan or design?

13 A We would meet with a gentleman and he would
14 say he can get us this and we say go ahead.

15 Q You would encourage him to do that?

16 A Not really.

17 Q That is what the purpose of the entire enter-
18 prise was?

19 A You don't have to encourage him.

20 Q I see.

21 You would not tell the middle man what to
22 say to the people that ultimately came in with you?

23 A That is correct.

24 Q You would not for example tell them what to
25 say or how to do it in order to be effective when you were

1
2 finally in audience on the tapes?

3 A To the best of my knowledge, I don't remember
4 telling them what to say.

5 Q Well, did you ever --do you ever recall
6 having said with respect to the August 5th tape which you
7 have before you -- speaking to Errichetti -- all he's got
8 to tell Yassir, when the times comes I will sponsor anything
9 you want, do you remember that?

10 A If it is on the tape I must have said it.

11 Q Do you recall having said on the tape if there
12 is any way of doing something dishonestly I will know how?

13 Do you recall that?

14 A I don't recall, but if it is on there, I must
15 have said it.

16 Q Let's see if it is correct. I would rather
17 be right than president.

18 Your Honor, may I go back to the table and
19 get the correct citation?

20 THE COURT: Yes.

21 (Pause.)

22 Q I'm referring to the tape of August 1st.
23 Mr. Puccio, I'm putting these on top, is that all right?

24 MR. PUCCIO: That is fine.

25 Q I call your attention to a tape made August 1st.

1
2 which you are talking to Mr. Angelo Errichetti. And this is
3 August 1st. That is after July, of course.

4 May I, your Honor?

5 THE COURT: Yes.

6 Q This, Mr. Weinberg, is the tape of August 1st.
7 Partial transcript of telephone conversation of August 1st,
8 right? If you remember Page 11, I would appreciate it.

9 A All right.

10 (Pause.)

11 THE COURT: What is the question?

12 Q The question is, in the context of that partial
13 transcript -- by the way, withdrawn.

14 That is a partial transcript, is that correct?

15 A That is correct.

16 Q That is one that you taped, right?

17 A I listened to this one, I don't know when --

18 Q Let's go by what is on the page. The tape
19 indicates you would have taped it?

20 A Yes.

21 Q That is only a portion of -- according to what
22 is on the Government Exhibit, only a portion?

23 A Yes.

24 Q How much of that conversation then you tell
25 the jury was not taped, if it is only a portion?

1
2 A Can I see the Government's transcript?

3 MR. BROWN: It's August 1st.

4 THE WITNESS: 1221?

5 MR. PUCCIO: 1221?

6 THE COURT: 3500-967

7 MR. PUCCIO: 96A.

8 May I?

9 MR. BROWN: Of course.

10 (Pause.)

11 THE WITNESS: It looks like the part missing
12 is the part of the telephone operator in Mr. Errichetti's
13 office.

14 Q That is what you would guess at?

15 A That is correct.

16 Q You don't know?

17 A It's definitely not the Mayor.

18 Q Your transcript says partial conversation,
19 right?

20 A It doesn't say on here it's partial.

21 Q On the one that you have your hand on,
22 supplied by the United States Government --

23 A That is your part.

24 Q That is not mine. The Government supplied it
25 and it says partial?

1
2 A That is correct.

3 Q On the version that is there for the jury's
4 consideration, if offered, does it not say, in truth, it is
5 a partial transcript?

6 A No.

7 Q But the book which I've given you which I
8 received from the Government does say partial transcript?

9 A Yes.

10 Q Nobody can tell at this point in time what the
11 partial transcript there means in the sense of what is left
12 out, is that correct?

13 A Speaking to the operator.

14 The operator holding on.

15 Q That is your opinion of what is left out?

16 A I couldn't have spoken to the Mayor if she
17 told me to hold on.

18 Q One transcript says partial, and you're saying
19 in your opinion, the part left out is what you just described?

20 A Yes.

21 MR. PUCCIO: May I look at the other transcript
22 we are referring to?

23 MR. BROWN: The one you gave me.

24 MR. PUCCIO: With your Honor's permission?

25 THE COURT: Yes.

(Pause.)

THE COURT: All right, you may proceed.

MR. PUCCIO: I object to the question as to the witness' opinion.

THE COURT: Overruled.

Q You have given us your opinion of what is left out, is that correct?

A That is correct.

Q You didn't compare that date with the transcript until almost eight months later, is that correct?

A That would probably be correct.

Q With respect to the transcript itself, and the part that I call to your attention on Page 11, the part that I outlined, and I ask you to respond --

A I know what it is.

Q Doesn't it read: If there is a way to do it dishonestly you will know it?

A Yes.

Q Is that true?

A That is not true.

Q Isn't it your total skill, and way of life for the last few years, you've been doing things dishonestly?

A This transcript doesn't state that.

Q Read it the way it is.

1
2 A That reads in there but that is more on the
3 top.

4 Q I understand that.

5 But that is what you said, isn't it?

6 A Yes.

7 Q If you say, if there is a way to do it dishonestly,
8 I will know it, that applies to everything, not only words
9 on the page, that's your statement of a philosophy?

10 A Not necessarily. It means I am talking about
11 the situation that is here.

12
13
14 (Continued on

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25

Weinberg - Cross - Brown

1
2 Q Well, isn't it a fact that if there is
3 a way to do anything in the world of finance and the
4 world of business, that you would know how to do it
5 dishonestly?

6 A That I am not sure of.

7 Q But that is a pretty good bet, isn't
8 it?

9 A I wouldn't bet on it.

10 Q Well, you were one of the most skilled
11 con men in the world, aren't you?

12 A How skilled could I have been if I got
13 caught?

14 Q Well, you were skilled enough to get
15 away with it for many years, weren't you?

16 A That is true.

17 Q You have admitted to many other crimes
18 you have committed for which you have never been caught;
19 is that right?

20 A That's true.

21 Q So that you were skillful to beat the
22 game for at least twenty years, right?

23 A I don't know if it's twenty years.

24 Q How many would you say?

25 A I haven't the slightest idea.

1
2 Q You said from '60 and you were only caught
3 in late '70? Seventeen years anyway.

4 A That's correct.

5 Q Before that you were breaking windows
6 when you were only a kid?

7 A Yes.

8 Q You're fifty-three now?

9 A Fifty-five.

10 Q So we are running thirty years back, aren't
11 we? So you have been scamming and stealing and getting
12 away with it for thirty years, haven't you, up to '77?

13 MR. PUCCIO: I object, Judge.

14 Q Right?

15 THE COURT: Quite repetitive, Mr. Brown.

16 MR. BROWN: If you allow me one question,
17 I will not touch it again so help me.

18 MR. PUCCIO: I object. I object and
19 ask that the statement be stricken.

20 MR. BROWN: Just that one question, if
21 your Honor please. It's not important.

22 THE COURT: The objection is sustained.

23 MR. BROWN: Thank you, your Honor.

24 Q Now, when we come up to -- do you deny
25 that in the instance of matters that you propose to my

1
2 client, that you directed him to say to the person he
3 was to contact for the benefit of your enterprise that
4 you would give him the proper speeches to say? Do you
5 deny that you gave him the proper speeches to say?

6 A I do deny that.

7 Q And do you deny that you told him and
8 told the person whom you were about to put before the
9 cameras, this is the way you do it. You will be on
10 stage for twenty minutes. It is all bullshit?

11 A That I know about.

12 Q I ask you, do you deny that you said that?

13 A I said to that person --

14 Q Isn't it a fact that you said, what you
15 are saying wouldn't have any meaning. Just say what
16 I tell you because you are only -- we will only be on
17 stage for twenty minutes and it's all bullshit anyway;
18 is that right?

19 A I said that to that gentleman.

20 Q Now, isn't it a fact that Mr. Errichetti
21 was present and heard you say that?

22 A He was also telling him.

23 Q And he was telling him because you had
24 given him prior instructions; isn't that right?

25 A That is not true.

Weinberg - cross - Brown

1
2 Q Do you recall where Mr. Errichetti on
3 June 20th said to you, get back to me and give me the
4 proper speech to give this man. Do you remember that?

5 A I don't remember that.

* * *

* * *

10 THE COURT: Ladies and gentlemen, if
11 I understand correctly, what is going to happen
12 at this point, Mr. Brown is going to have played
13 to you excerpts from I believe it is three
14 different conversations. I am not sure whether
15 telephone or face-to-face conversations, but
16 we will find out, I guess.

17 These are only portions of the particular
18 conversations involved. If I understand cor-
19 rectly, they do not relate to the particular
20 transactions we have been dealing with in this
21 trial. They do involve participation by at
22 least Mr. Weinberg and Mr. Errichetti and I
23 think it is in that context that Mr. Brown
24 thinks they are significant.

25 At the moment, there are no transcripts

1
2 of these conversations available to you but
3 I am sure they will be prepared and supplied
4 to you within a reasonable period of time,
5 perhaps by the end of the day and certainly
6 by tomorrow.

7 With respect to all the conversations,
8 all of the tapes that have been played to
9 you, of course, and any others that will be
10 played to you, if you need to have any of
11 those replayed to you during your deliberations,
12 of course, that can be arranged.

13 Sometimes it's easier to follow with
14 your ear if you watch the transcript. Even
15 though there are obvious differences, and I
16 am sure you have noticed those.

17 This one you are only going to get
18 your ear. We will get the transcript later
19 so you will have it available.

20 You may find ultimately you want to
21 come back and hear it with the transcript in
22 front of you. If you feel that will be necessary
23 when the time comes you make the request to
24 do it.

25 The one thing I want to explain to you,

1
2 you will get the transcript and later you
3 will have an opportunity to compare the
4 tape with the transcript if you think it is
5 significant.

6 The only thing is that we are dealing
7 here with an entirely different matter than
8 things that involve the defendant Myers, the
9 defendant Johanson, I don't know whether the
10 defendant Criden is in any --

11 MR. BEN-VENISTE: Not at all, your
12 Honor.

13 THE COURT: So, this is conversation
14 with others but including Mr. Weinberg, is
15 Errichetti. As to the significance of these
16 conversations, there of course is always
17 argument among counsel how significant anything
18 is in a lawsuit. They bear on, broadly
19 speaking, questions of credibility of Mr.
20 Weinberg. I urge that that is one aspect
21 of it. They also bear on a claim by the
22 defendant that what may have occurred in
23 connection with this transaction may be
24 viewed by you as some evidence of what may
25 have occurred in connection with the particular

1
2 events that the indictment we are concerned
3 with involves.

4 MR. PUCCIO: May I interrupt? Claimed
5 by the defendants rather than the Government.

6 THE COURT: Right.

7 MR. BROWN: We claim --

8 THE COURT: I will say it again. I
9 don't recall what I said. Essentially this
10 is being admitted for two limited purposes.
11 One is for you to evaluate these tapes for
12 whatever else you find they may give you in
13 weighing the credibility of Mr. Weinberg
14 in connection with the testimony that he
15 has given you here.

16 The other issue in which you may
17 consider is, there is a claim as I understand
18 it by the defendant that what happens on this
19 occasion, that is the subject of the tapes,
20 and perhaps on other occasions, may be
21 viewed by you as evidence and certainly
22 would urge you to do it and they may argue
23 as to it, you will have to weigh the argument
24 and evidence altogether. It may be viewed
25 by you if you find it warrants some evidence

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2 that this is what happened in terms of the
3 dealings of Mr. Weinberg, Mr. Amoroso, with
4 any or all of the defendants here.

5 I think it is clear one of the issues
6 you are going to have to decide, perhaps the
7 central issue in the case, is what really
8 happened on the occasions of the tapes that
9 you have seen and heard, and the other events
10 that have been testified to and will be testified
11 to by other witnesses.

12 You are going to have to evaluate what
13 is really going on, and this evidence is being
14 offered by the defendants to help you interpret
15 it.

16 You should weigh this along with all
17 the other evidence in the case.

18 MR. BROWN: May I ask one question
19 before we put on the tape?

20 THE COURT: Yes.

21 CROSS EXAMINATION

22 BY MR. BROWN:

23 (continuing)

24 Q You stated that you never gave instructions
25 as to what the middleman or the mark was to say, is

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that right? You never told him what to say?

A The only thing --

Q You said that, that you didn't tell them what to say?

A Exactly what to say?

Q You never told them what --

A To the best of my knowledge, I never told them.

MR. BROWN: These tapes are played to contradict that.

THE COURT: What tapes are they, first?

MR. BROWN: June 16, 3500-65, your Honor.

THE COURT: Is there some way to identify for the record what is being played? Does it have an index number?

MR. BEN-VENISTE: We would like to offer the transcript itself at some point. So we can give it a defense number.

THE COURT: But I don't want any dispute what it is the jury actually heard.

MR. BROWN: I will put a defense sticker on it.

THE COURT: All right.

1
2 MR. PUCCIO: It is all right.

3 MR. BROWN: 1145, 3500-65. Not the
4 whole tape. The excerpt starts on page 2 and
5 consists of ten or twelve lines over to page
6 3.

7 THE COURT: This is a transcript you
8 have --

9 MR. BROWN: Telephone conversation,
10 June 16, 1979, Mr. Weinberg and Mr. Errichetti,
11 and the draft from which we are connotating the
12 tape is given to us by the Government.

13 THE COURT: Proceed.

14 (Tape played.)

15 THE COURT: Is that the end of the
16 first tape?

17 MR. BROWN: Yes, your Honor.

18 MR. PUCCIO: It's two lines on the
19 bottom of the page? Page 2?

20 MR. BROWN: That is all that was played.
21 I am told it didn't come too clearly.

22 A JUROR: I didn't hear anything.

23 THE COURT: If they understood it their
24 ears are a lot better than mine.

25 MR. DUFFY: It did not come over badly

1
2 without the earphones.

3 THE COURT: Better without?

4 MR. DUFFY: I know I heard it.

5 THE COURT: You read it before, you have
6 an advantage.

7 MR. BROWN: Can we just run it one time
8 more?

9 THE COURT: Play it again -- Sam.

10 MR. BEN-VENISTE: If I said that I
11 would be in trouble.

12 THE COURT: I think we are even by now.

13 (Tape played.)

14 MR. BROWN: The excerpt, Judge.

15 (Tape played.)

16 MR. BROWN: The next one will be 220,
17 your Honor. 3500-68, 1152 is the index number.

18 (Tape played.)

19 MR. BROWN: This will be June 28, index
20 -- 3500-70.

21 THE COURT: Where does it begin and
22 who is involved?

23 MR. BROWN: It starts your Honor, on
24 page -- page 3 of the draft. Starts where Mr.
25 Weinberg says, "Okay, strictly loans," and

1
2 goes to the bottom of the next page.

3 THE COURT: Is this also between Mr.
4 Weinberg and Mr. Errichetti?

5 MR. BROWN: And the other person who we
6 discussed sidebar.

7 THE COURT: All right.

8 (Tape played.)

9 MR. BROWN: That is the other.

10 Q I assume, Mr. Weinberg, you heard it?

11 A Yes, I heard it.

12 Q Now, Mr. Weinberg, certainly in that
13 last sequence that was played, you were instructing
14 and telling people what to say, is that correct?

15 A That is correct.

16 Q You were setting the stage for presentation
17 before the Sheik, is that correct?

18 A Yes.

19 Q And Tony?

20 A Yes.

21 Q That was the Sheik, of course, played
22 no part, he was just a figurehead?

23 A That is correct.

24 Q Never opened his mouth?

25 A I wasn't in the room, I don't know.

1
2 Q He never, under the circumstances,
3 according to the plan, was supposed to say anything?

4 A I don't know what was said in the room.

5 Q Let me ask you this, the total ABSCAM
6 concept, the Sheik was never supposed to say anything,
7 just sit there?

8 A I don't know. I wasn't in the room.

9 Q You were downstairs, you gave the instruc-
10 tions before the person went in the room, right?

11 A I was with the people down in the room.

12 Q What the jury heard is what you told
13 the people and Mr. Errichetti before the person went
14 into the room where the Sheik was?

15 A That is correct.

16 Q He was told what to say and how to do it,
17 you will go on stage twenty minutes, it's all bullshit?

18 A Yes.

19 Q That was presentation before a person
20 who really was not a Sheik?

21 A That is correct.

22 Q An F.B.I. agent?

23 A Yes.

24 Q It was play acting to be put on before
25 whoever was in the room, Tony Amoroso and the person

1
2 who was the Sheik?

3 A Yes.

4 Q According to the script as the jury heard
5 it?

6 A I don't know about the script here.

7 Q According to the words and performance
8 you read out before the persons went in the room as
9 heard on the tape?

10 A That is correct.

11 Q And the two previous tapes that set up
12 the climax, it was preparation with Mayor Errichetti,
13 you telling him what to do with respect to those persons?

14 A I told him to set the meeting up.

15 Q He followed your instruction?

16 A Yes.

17 Q The tapes of the 16th and 20th culminated
18 or came to a climax with the tape of the 28th when
19 you --

20 A I told him what to say in the tape.

21 Q Now, this is what, the 28th of June,
22 the date is correct?

23 A I think it is.

24 Q When was the first time you spoke to
25 Mr. Errichetti in terms of Congressman Myers and the

1
2 prospect of a meeting with Congressman Myers?

3 A I have to look at the tapes.

4 Q Is it true that in June you were talking
5 to him about Congressman Myers?

6 A I have to look at the tapes.

7 Q I will try to refresh your recollection
8 if I may with conversation.

9 As of July certainly you were talking
10 to Mr. Errichetti in terms of Congressman Myers because
11 the first meeting with Congressman Myers that you
12 attended was in August, is that correct?

13 A That is correct.

14 Q That date would have been August 22nd;
15 is that correct?

16 A If you say so.

17 Q No, please.

18 I have no authority to say so.

19 If you don't know we will check.

20 A All you have to do is give me the list
21 in front of you.

22 Q Let me do it my best way. I will try.

23 (Pause.)

24 THE COURT: To save time, we have in
25 evidence 5-A, the transcript of the videotape

1
2 which the jury has seen between Mr. Weinberg
3 Mr. Myers, Mr. Errichetti and Mr. Amoroso and
4 that is dated August 22nd, 1979.

5 Does that refresh your recollection
6 as to the date when you met with Congressman
7 Myers?

8 THE WITNESS: I know it was some time
9 in August, your Honor.

10 Q It does not refresh your recollection,
11 is that what you are saying?

12 A No.

13 Q Let me try another way.

14 There is in evidence 21-B which is a
15 tape of July, 1979. Let me call your attention to
16 -- may I approach the witness?

17 THE COURT: Yes.

18 Q 21-B. I ask if this refreshes your
19 recollection. First, the top to verify the date.
20 Go to the second page.

21 I'm calling your attention strictly to
22 the date. Does that refresh your recollection as to
23 the time you first began to speak to Mr. Errichetti in
24 terms of Mr. Myers?

25 A I think the conversation goes back a little

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before that too.

Q Yes, but that date was a point of reference
to refresh your recollection.

A Yes.

(continued on next page.)

1
2 Q Your recollection having been refreshed,
3 I will put the question to you.

4 Can you tell us now approximately what time
5 in terms of months you began to discuss with Mr. Errichetti,
6 Congressman Myers?

7 A I think it was sometime in July when he first
8 mentioned Congressman Myers to me.

9 Q Of course the tapes we just played were June,
10 Myers name came up sometime in July, is that fair?

11 A I think so.

12 Q Going on that approximation and having shown
13 you at least one tape, let me show you another which is
14 19A, July 29th, I showed you the 31st before, perhaps this
15 will refresh your recollection to some degree.

16 1980, July 29th, that certainly refreshes
17 your recollection to some degree?

18 A That is correct.

19 Q Using that as a point of reference, how long
20 before that had you discussed Mr. Myers with Mr. Errichetti
21 or anyone else for that matter?

22 A I can't say until it was the name was brought
23 up, exactly what date, I don't know.

24 Q With respect to Congressman Myers, it is fair
25 to say sometime in July?

1
2 A I would say so.

3 Q Now, do you recall a conversation in which
4 you directed Mr. Errichetti with respect to what he should
5 say to Congressman Myers?

6 A I don't remember exactly when I would have told
7 him he had to come on to say exactly what he was going to
8 do to take the money.

9 Q Let me call your attention to -- you wouldn't
10 recall the conversations around August 15th with the Congress-
11 man or with Mr. Errichetti concerning the Congressman?

12 A Not offhand.

13 Q Do you recall a phrase: "Wet and dry closing?"

14 A I recall him saying they wanted a wet and dry
15 closing.

16 Q You are certain it's not you that said wet
17 and dry closing, it was Errichetti, right?

18 A Yes.

19 Q You are familiar with property transactions,
20 I assume?

21 A A little bit.

22 Q What is a wet closing as opposed to a dry
23 closing?

24 A I know what the conversation wet and dry meant
25 at that time.

1
2 Q I am asking you first what wet and dry means
3 to you in terms of a closing or a consummation of a business
4 deal?

5 A Getting together and having the closing.

6 Q Getting together and kind of rehearsing for the
7 closing?

8 A Yes.

9 Q First the dry closing which is a rehearsal
10 and then a wet closing?

11 A Yes.

12 Q In this context, isn't it true the words addressed
13 to you refer to a rehearsal prior to the final event?

14 A No.

15 Q What did wet and dry refer to in that context?

16 A He wanted to check us all to see if we were
17 real and nothing going on in the hotel room.

18 Q Who wanted?

19 A The Congressman wanted.

20 Q Errichetti told you that the Congressman
21 wanted to check it out?

22 A He didn't say that in the telephone conversation.

23 Q Let's play it in context and see what the
24 telephone conversation is.

25 This, your Honor, is referring to Page 1250 of

Weinberg-cross-Brown

1
2 August 15, 1979, it is 3500-111. The telephone conversation
3 between Angelo Errichetti and Mel Weinberg.

4 The part that will be played, your Honor is
5 Page 3, fourth line from the bottom. And go down to Page
6 4 to put the phrase in context.

7 There is no question in your mind that the
8 words were said in terms of meeting with Myers in that
9 frame --

10 A Said by Mr. Errichetti.

11 Q The frame of reference to a meeting.

12 A He wanted to set up a wet and dry closing.

13 Q We're about to play a tape to attempt to put
14 the words in context so that the jury can judge.

15 The tape is the one I outlined for your
16 Honor.

17 THE COURT: Ready to play it?

18 MR. BROWN: Yes, we are ready.

19 THE COURT: Proceed.

20 (Tape played.)

21 Q- You heard that?

22 A Yes.

23 Q It is a fact what Mr. Errichetti says is:

24 "I will come up and your good friend can give me the whole
25 script so I will know what to say?"

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A He said script.

Q Your good friend is Mr. Amoroso?

A I presume so.

Q There was no other friend involved, is that correct?

A That is correct.

Q If the tape said -- if the tape says that Mr. Errichetti said to you in fact may we have a wet and dry closing, and you said I will see if I can arrange it --

A That is correct.

Q Then he said, I will come up and you can have our good friend give me the script, in effect, tell me what to say?

A He wasn't going to --

Q The conversation -- others will judge that -- the conversation you had, in this conversation, wet and dry closing refers to someone going over the room?

A Can you repeat that?

Q It is my recollection that you had said just before the tape was played that when Mr. Errichetti said wet and dry closing that referred to someone's desire to go over the room, is that correct?

A Yes.

Q The tape was played and wet and dry closing

Weinberg-cross-Brown

1
2 came right before him saying I will come and we can go over
3 the script, is that correct?

4 A That is correct.

5 Q It is also true, that -- may I approach, your
6 Honor?

7 THE COURT: Yes.

8 Q I am using 3500-111, the same tape that was
9 played.

10 If you examine that, if you will, Mr. Weinberg,
11 starting here and going to the third page and down to the
12 fourth.

13 It is also true that in the part we just
14 played, Mr. Errichetti said in part: I can go up a little
15 early and your good friend can give me the script, and:
16 I prefer to go one day, Wednesday or Friday, whatever you want
17 and I come up so that we can meet privately... We are supposed
18 to do and so I understand what has to be done?

19 A That is correct.

20 Q Those words certainly don't refer to going
21 over the room, do they?

22 They talk about what is to be done?

23 A That is correct.

24 Q Is your memory so refreshed that you might
25 agree that the tape doesn't refer to going over the room but

Weinberg-cross-Brown

1
2 has reference to going over the script and what they have
3 to do with you and Mr. Amoroso?

4 A The wet and dry was to come over and check us
5 out.

6 Q Th rest follows?

7 A He wanted to come up and see the fellow.

8 Q Go over the script?

9 A Yes.

10 Q The past three --

11 A Never told him what -- told him what we wanted
12 to hear.

13 Q Run that by me again?

14 A We told him what we wanted to hear.

15 We will not give him the money until he told
16 us.

17 Q But you told him what you wanted to hear?

18 A We wanted to hear what was going to happen
19 for the money.

20 Q The tape demonstrates you were preparing him
21 in advance so when he came before the Sheik he would say the
22 right thing?

23 A We never spoke to the Congressman.

24 Q What was the script, so that he can tell you
25 what he had to do?

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2 A I don't know what he had in mind. We told
3 Mr. Errichetti exactly what we wanted from the Congressman.

4 Q Doesn't the telephone conversation say that
5 Mr. Errichetti expects you to tell him what you want him
6 to do and what you want him to say?

7 A This is what Mr. Errichetti says.

8 Q You don't disagree with it?

9 A No.

10 Q That is actually what happened -- I am sorry
11 I came up, your Honor.

12 THE COURT: It's all right.

13 A That didn't happen.

14 Came up and told him before we turned the money
15 over we want to know what he could do for the money.

16 Q You had conversation with Mr. Errichetti in
17 terms of Mr. Myers well before the meeting?

18 A Yes.

19 Q All if it was directed towards having him
20 say certain things in front of Mr. Amoroso or the Sheik
21 that would justify turning over the money?

22 A He had to tell us exactly what he was going
23 to do before he gets the money.

24 Q He had to say certain things?

25 A I don't know.

1
2 Q Let's see.

3 Doesn't Mr. Errichetti say to you: Whatever
4 you want to do he has no problem, coming up like 9:00
5 o'clock in the morning, and then sitting down with you
6 and you know, going over the whole thing, and then like
7 1:00 o'clock -- isn't that what it is?

8 A It's never done though.
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11 (Continued on next page.)
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Q And don't you say right after that, "Right"?

A I say, "Right."

Q That means agree, doesn't it?

A I'm saying, "right" to him when he said that.

Q That means agreement to what has gone before, doesn't it, when one reads it that way?

A Will you come back with that question?

Q Surely.

There were words that had gone right before "right"?

A That's correct.

Q Would you read them in context, the paragraph before and "right," so that you can tell me whether or not that is in effect saying, yes, okay.

A He's saying he has no problem coming up at 9:00 o'clock in the morning.

Q Yes.

A And I'm saying, "right."

Q What else does he say there?

A Sitting down with you and I -- and you going over the whole thing and like 1:00 o'clock, go through with it, you know. *

Q Then you say, "right." Now, you are not saying, "right," to get just a little bitty part of that, are

1
2 you?

3 A I'm saying, "right," to what he was saying.

4 Q And he says, well, come up. We will have that
5 dry closing. Do what you want us to do. And then at 1:00
6 o'clock we will go through the real thing. Isn't that right?

7 A He's going to have a wet and dry closing now.
8 Originally he wanted to do it in one day.

9 Q Isn't it a fact that the analogy between the
10 business deal and this, the truth that you have a dry closing
11 or run through, right? You have a run through of everything
12 first?

13 A Correct.

14 Q Okay. There he says I will come up and we
15 will sit down and go over it with you, right?

16 A That's correct.

17 Q That would be the dry closing, wouldn't it?

18 A That's correct.

19 Q And then in the afternoon we go through the
20 real thing, which by analogy to the business deal is, when
21 we really put it through?

22 A But that didn't happen.

23 Q I didn't ask you that. I am only referring
24 to that.

25 A That's what he's saying.

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Q That's what you say "right" to, isn't it?

A Correct.

Q Now, it is a fact, is it not, that you did meet with Mr. Errichetti on August 22nd before Mr. Myers went into the room; is that correct?

A That's correct

Q And it is a fact that you had a ten minute meeting with Mr. Errichetti approximately?

A That's correct.

Q And is it a fact that on that occasion no tape was made?

A That's correct.

Q Now, it is a fact that you have worn body packs while working on ABSCAM, have you not?

A I have worn a body pack twice.

Q On ABSCAM?

A Correct.

Q And it is a fact that it is a practical device is it not?

A No, it isn't.

Q Well, did you make any attempt to tape that conversation just before Myers goes into the room on the 22nd?

A I don't follow your question.

Q I will withdraw it, and I beg your pardon.

1
2 You have before you a transcript which says that
3 Errichetti wanted a preliminary conversation with you so
4 they will know what to say; is that correct?

5 A Correct.

6 Q In between that day, which is August 15th and
7 August 22nd, do you see Mr. Errichetti again or do you talk
8 to him again?

9 A Between the 15th and the 22nd?

10 Q Yes, sir. That's the question.

11 A I really don't know.

12 Q All right.

13 So then, as far as we know, at this point
14 between the 15th and the 22nd, you didn't discuss it any
15 more, the Myers thing any more with Errichetti?

16 A As far as I know.

17 Q As far as you know.

18 So now you meet him before they go into the
19 room to sit down with you and Mr. Amoroso, right?

20 A That's correct.

21 Q And that ten minutes isn't taped? We don't
22 have any record?

23 A That's correct.

24 Q It is also true that on the bottom, going
25 way back to July 26th, the key conversation where Mr. Amoroso

1
2 introduces his -- this idea of immigration help up on the
3 top of the Lefthand is not taped either?

4 A That is correct.

5 Q So in this case two critical tapes, the starting
6 of all of it so-called on the 22nd and that conversation
7 just before Myers goes in, not taped, right?

8 MR. PUCCIO: Objection.

9 THE COURT: Sustained.

10 MR. BROWN: I will withdraw, "critical"?

11 Q It is true, is it not --

12 MR. PUCCIO: My objection is, it's been asked
13 and answered.

14 THE COURT: Sustained.

15 MR. BROWN: May I not put it with respect --
16 I have not put it in that context before.

17 THE COURT: I heard 15 ways of saying the same
18 thing.

19 MR. BROWN: Yes, thank you.

20 Q You were present on the Lefthand on July 26th,
21 right?

22 A That's correct.

23 Q And you had testified in Philadelphia incorrectly
24 that the idea of getting a Congressman or something to work
25 on the Sheik's immigration came from Mr. Criden?

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A That's correct.

Q You found out that that's not correct?

A That's correct.

Q You found out it was -- in truth it was Mr. Amoroso's own idea and he conceived it the day before the boat ride?

A I don't know when he conceived it.

Q Don't you know that Mr. Amoroso read an article in the Miami Herald on July 25th about Somoza and that that inspired him on the 26th to speak to Errichetti and Criden about Somoza and about the Sheik? You know that now?

A I understand that.

Q Yes.

So it was inspired on that day, correct?

A Correct.

Q Now, you also know that that conversation is not taped?

A That's correct.

Q Now, it is from that tape leading up to the August 22nd date that ABSCAM proceeds to encourage the idea of having some important person do something about the Sheik's immigration problem; isn't that right?

MR. PUCCIO: I object to the form.

THE COURT: Overruled.

1 THE WITNESS: Could you repeat that?

2 Q Surely. I shall.

3 It is from that date, July 22nd, the boat,
4 upstairs, Lefthand, that ABSCAM encourages the idea that some
5 important person should be influenced to work on the Sheik's
6 immigration problem, right?

7 A That's when the idea was formed.

8 Q The first action that culminated would really
9 be August 24th when actually the con man comes in the room,

10 A Right.

11 Q So in that sense there is a connection from
12 July to August, right?

13 A Correct.

14 Q And the conversation that starts on the Lefthand
15 was not taped?

16 A Right.

17 MR. PUCCIO: I object.

18 Q The conversation --

19 THE COURT: It's been asked and answered for
20 about the fourth time.

21 MR. BROWN: Yes.

22 THE COURT: Next question.

23 MR. BROWN: I am not -- I don't think I am
24 going to take advantage, but this is my last question
25

1 and I will be subject to your Honor's sanctions.

2 Q And the next question -- the next part that
3 was critical just before they went in the room is not taped.

4 MR. PUCCIO: I object. That's been asked and
5 answered.

6 THE COURT: I will permit it. Overruled.

7 Q And the next and the last most critical
8 conversation before he actually -- the con man went in the
9 room was not taped, right?

10 A Yes.

11 Q Now, is it also true that with respect to
12 continuing conversations -- now, in terms of July 29th, you
13 have testified concerning a transcript which was prepared
14 by the Government? Do you recall that?

15 A I do.

16 Q That would be 19A. May I ask you if you have
17 a copy there?

18 A I don't.

19 MR. BROWN: May I ask if a copy -- the Government
20 copy would be provided.

21 Q Now, we will ask His Honor to play a tape of
22 that meeting, but prior to that I want to show you a draft
23 of that particular conversation?

24 THE COURT: The entire conversation?
25

1
2 MR. BROWN: Just some words, your Honor.

3 But I have to show him the whole draft to show the
4 distinction.

5 Q 19A does contain certain conversations. Would
6 you turn the page, please.

7 Now, on the second page as we read together,
8 sir, --

9 MR. PUCCIO: Your Honor, I object unless it's
10 being shown with the idea in mind of refreshing the
11 witness' recollection and having him testify.

12 MR. BROWN: Not only to refresh his recollection,
13 but to have the tape played as to the part extracted,
14 your Honor.

15 THE COURT: I am still not clear on what you
16 are doing. You are showing him something which is
17 not identified for the record in conjunction with
18 19A.

19 MR. BROWN: Your Honor, I am sorry. What I
20 thought I said was I am showing you a draft which is
21 the complete copy supplied to the defense by the
22 Government of 19A.

23 THE COURT: Of the July 29, 1979 conversation?

24 MR. BROWN: Yes, sir. I am sorry. I thought
25 I said that.

1
2 THE COURT: I was unclear as to that.

3 Q Now, I am showing you -- you have before you
4 19A, which the jurors have seen, the conversation of July
5 29th; is that right?

6 A That's correct.

7 Q And it is understood that that July 29th
8 draft, the polished copy, 19A, was not complete? Certain
9 words were left out. And the Government made it clear that
10 certain parts were left out. You are aware of that; is
11 that correct?

12 A Correct.

13
14 (Continued on next page.)
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1
2 Q Now, I am calling your attention to Page 2
3 of that document and ask you if you can observe certain
4 words which I am asking you to consider as having been cut
5 out, not by any improper action, but eliminated by the Govern-
6 ment after having made clear to the defense -- all right.

7 Okay. Now, if you go over to the other side --
8 is that the same? All right.

9 MR. BROWN: Now, if your Honor please, the draft
10 that we have received had left out certain key words
11 which I call to your attention and I know it's
12 inadvertent --

13 MR. PUCCIO: I object to this characterization.
14 We have no objection to playing the whole tape if
15 that is what is called for.

16 THE COURT: The jury will disregard the
17 characterization as to what is critical or key or
18 anything else. There apparently was something omitted
19 somewhere.

20 Q Will you go over to Page 5?

21 A I don't have Page 5.

22 Q You don't have Page 5. Let me show you Page
23 5. That's not in the transcript that you have?

24 A I don't have any of that.

25 MR. BROWN: I will show you what it is, your

1 Honor, it was left out. This is what we wanted to play.
2 Page 5.
3

4 Your Honor, the reason I said -- the reason why
5 I said what I said was to make sure that there was no
6 charge against the Government of any --

7 THE COURT: Now, what you propose to do is play
8 another segment of the tape, part of which the jury
9 has already heard as Exhibit 19 and seen as 19A?

10 MR. BROWN: Yes.

11 Q And the transcript that was prepared for the
12 jury stopped at where? Will you give us the Page number?

13 A Stops on 3.

14 Q And we are going to Page 5.

15 MR. BROWN: Could we have the jury book handed
16 out so the jury will follow it, your Honor.

17 THE COURT: Certainly.

18 MR. BROWN: Judge, we need that Page 5 to be
19 guided with the -- may I?

20 Thank you.

21 If your Honor please, may I call to the attention
22 of the Court and the jury where the redacted copy --
23 where they have stopped is at "all right," we start
24 right after that.

25 THE COURT: That is on Page 3 or where the three

1
2 astericks appear in the middle of the page?

3 MR. BROWN: Yes.

4 THE COURT: After you finish playing the tape
5 or if you have any particular question about it, I
6 will hear -- we will have to recess a little earlier
7 for lunch today.

8 MR. BROWN: Are we recessing?

9 Oh, we are going to play the tape.

10 THE COURT: All right, are you ready to proceed?

11 MR. BROWN: Yes, your Honor.

12 THE COURT: All right, play it.

13 (Tape recording played.)

14 (Tape recording stopped.)

15 Q Now, that referred -- that naturalization person
16 which was left out in the original redaction was Mr. Noto,
17 right?

18 A I don't think so.

19 Q Was it another naturalization person?

20 A I never had the name.

21 It was a friend of his.

22 Q Now, Mr. Noto was involved with a friend of
23 his, wasn't he?

24 A I knew he had an inspector or something there
25 and --

1
2 Q Well, isn't it true that in fact the Noto
3 situation involved a chief investigator in addition to Mr.
4 Noto?

5 A I thin you're right there.

6 MR. BROWN: May I resume later?

7 Otherwise the continuity -- did you say we
8 could break? I want to resume the continuity of
9 the tape going into the naturalization --

10 THE COURT: All right.

11 We will recess at this time, ladies and
12 gentlemen. We will resume at a quarter of two rather
13 than 2:00 o'clock. Don't discuss the case during the
14 recess.

15 (Whereupon, the jury retired from the Courtroom.)

16 (Luncheon recess taken.)

17 * * *

* * *

11 THE COURT: Still on cross-examination of
12 Mr. Weinberg by Mr. Brown.

13 MR. BROWN: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. BROWN:

16 Q Mr. Weinberg, at the close of the morning
17 session, certain tapes had been played and I was about
18 to ask you questions -- indeed I had asked you one question
19 concerning Mr. Noto.

20 A Yes.

21 Q Who was Mr. Noto, as you understood?

22 A Second in charge of Naturalization.

23 Q Not the chief then, is that correct?

24 A As far as I know, no.

25 Q Now, who was the person in charge -- he was

1
2 second in charge?

3 A Yes.

4 Q Who would have been the first in charge of
5 the Bureau of Naturalization?

6 A I have no idea.

7 Q There was a chief investigator involved?

8 A I believe the chief investigator was brought
9 up.

10 Q Was he the top man, the second man?

11 A I don't know.

12 Q Well, do you recall having testified that you
13 had a conversation with Mayor Errichetti about this matter
14 and I call your attention, and Mr. Puccio's attention, to
15 page 1661 of August 18th's testimony, in which you said
16 that Mr. Errichetti had said he had a friend who is a
17 chief investigator at the Department, and he could get a
18 green card?

19 A That is correct.

20 Q Then I believe you further testified that 50
21 thousand was to be given to the chief investigator who was
22 going to send his boss in, the second in charge, and they
23 were going to split 25 thousand or whatever, do you recall
24 that?

25 A Yes.

Weinberg-cross/Brown

1
2 Q Now then, if 50,000 was to be given to the
3 chief investigator, in that context, was Mr. Noto the chief
4 investigator?

5 A I don't think so.

6 Q But it is true you said you understood the
7 money was to be given to the chief investigator, whoever
8 he was?

9 A If I believe I am correct, I was told Mr.
10 Noto was going to give his friend half.

11 Q Let me read verbatim what you said at page
12 1661. I will start at 1660:

13 "Q As best you can recall, what was said
14 by you and what was said by Mr. Errichetti concern-
15 ing this gentleman?"

16 Do you remember that question being asked
17 by Mr. Puccio? Yes, put by Mr. Puccio.

18 A Not offhand.

19 Q Mr. Puccio was asking you on direct examina-
20 tion on the 18th:

21 "Q Mr. Weinberg, did you ever have a con-
22 versation with Mayor Errichetti concerning someone
23 called the chief investigator?

24 "A Yes, I did."

25 Do you recall that?

1
2 A Yes.

3 Q "Q As best you can recall, what was said
4 by you and what was said by Mr. Errichetti concerning
5 this gentleman?

6 "A He said he had a friend who was a chief
7 investigator in the department there and that he
8 could get us a green card for the Arabs."

9 Do you remember that?

10 A That is correct.

11 Q "Q Was this person supposedly in the Immi-
12 gration Service?" And your answer was, "Yes, that's
13 correct.

14 "Q Was there any mention of any money in
15 connection with this matter?" There was an objec-
16 tion, sustained, and then the question put later:

17 "Q As best you can recall, tell us what
18 the conversation was.

19 "A The conversation was that \$50,000 was
20 to be given to this chief investigator who was going
21 to send his boss in, the second in charge, and they
22 were going to split 25 each, or whatever it was."

23 Is that correct?

24 A That is correct.

25 Q "Q What was the boss of the chief investigator?

1
2 called, do you remember?

3 "A Mr. Noto.

4 "Q Who did you first hear that name from?

5 "A Mr. Errichetti."

6 A That is correct.

7 Q Now then, Mr. Noto was the boss of the chief
8 investigator as you understood?

9 A Yes.

10 Q But you had said that the \$50,000 was to be
11 given to the chief investigator?

12 A That was originally the idea, to give the
13 chief investigator, then he brought Noto in.

14 Q May I go over it again? Just before naming
15 Noto as the boss, you say the conversation was, that \$50,000
16 was to be given to the chief investigator who was going to
17 send his boss in, the second in charge. They were going to
18 split 25.

19 What was the boss of the chief investigator
20 called, do you recall, Mr. Noto.

21 The boss would be Noto. The chief investigator
22 would get the money; right?

23 A (No response.)

24 Q I am only going by what you said.

25 A I understand. Originally, the chief investigator

1
2 was supposed to come in, not Noto.

3 Q That was Tetrizzini?

4 A I don't remember his name. And after that
5 he said he got this fellow, a friend named Noto, the chief
6 investigator.

7 Q In here you say Noto was the boss of the
8 chief investigator?

9 A That is what I was told.

10 Q Did that ever change, Mr. Noto was no longer
11 the boss of the chief investigator?

12 A I don't think so.

13 Q Tell me, in retrospect, do you have any un-
14 derstanding what really happened on that day?

15 A All I know, the fellow that came in wasn't
16 what he was supposed to be.

17 Q In the concept of a scam within a scam, con
18 within a con, did you see this as an attempt by Mr. Erri-
19 chetti and others to con you and your coworkers of the FBI?

20 A Later on I did.

21 Q So that there was -- indeed there was a scam
22 within a scam, a play within a play?

23 A Agreed.

24 Q Because the big play would be bringing in
25 Mr. Noto and giving him the money and -- to do what you

1
2 want, cooperate; right?

3 A Yes.

4 Q That was a scam?

5 A Yes.

6 Q Within that scam someone brings in Noto to
7 rip you off, is that correct?

8 A Yes.

9 Q That was a con within a con?

10 A That is correct.

11 Q Well, as one of the greatest, you didn't
12 detect the con?

13 A When we seen the picture we knew something
14 was wrong.

15 Q Could you explain it to us?

16 A They are looking to rip us off of the 50,000.

17 Q That was in September, right?

18 A I believe that is the date.

19 Q It would have been impossible to rip you off
20 because under no circumstances could a crime be committed
21 because you were law officers?

22 MR. PUCCIO: Objection.

23 THE COURT: Sustained.

24 Q You were the FBI?

25 A I wasn't the FBI.

1
2 Q I beg your pardon, but you were working with
3 the FBI?

4 A That is correct.

5 Q Now, you saw the film and there was mention
6 of giving Mr. Noto the bogus agent \$25,000, you heard that?

7 A No, I didn't hear that.

8 Q Did you see \$50,000 counted out well in ad-
9 vance by Mr. Amoroso?

10 A I seen that.

11 Q You don't recall whether on the tape they
12 said \$25,000 for the investigator; is that correct?

13 A I don't recall that.

14 Q Now, as you sat there, you talked to Mr. Noto
15 while Mr. Amoroso left the room, is that correct?

16 A Yes.

17 Q Did you at that time or at any time ever say
18 anything to Mr. Noto about his trying to rip you off?

19 A I asked him for his driver's license to find
20 out who he was.

21 Q We saw that. Did you at any time other than
22 what we saw, perhaps the jury can recollect the play, did
23 you after that say anything to Mr. Noto?

24 MR. PUCCIO: I object to play.

25 MR. BROWN: I will withdraw "play."

Weinberg-Cross/Brown

1
2 Q Con within a con, whatever it was --

3 MR. PUCCIO: I object to that statement before
4 the question.

5 THE COURT: Just rephrase the question.

6 MR. BROWN: Yes, sir.

7 Q Did you on that day, other than anything which
8 we saw or heard in this courtroom, say anything to Mr. Note?

9 A Note -- I spoke to him outside with Mr.
10 Errichetti.

11 Q What did you say to him -- that wasn't on
12 tape?

13 A I think it was. On the recording.

14 Q Body pack?

15 A I don't know what they --

16 Q There was a recording of your conversation?

17 A I was out of view of the camera there, and
18 he was telling us where he was from.

19 Q You met Mr. Errichetti off camera?

20 A I believe so.

21 Q That was recorded on camera, that is what
22 you're saying?

23 A I don't think the camera was on us, just the
24 voices.

25 Q There was a pickup audio but nothing visual?

1

2

A That is correct.

3

Q What did you say to him -- what did you do

4

or say at that point?

5

A He was telling us where he was from. I think

6

Illinois.

7

Q Still, he was in Immigration --

8

A That is correct.

9

Q Did you say to him anything about what he

10

was doing, what are you trying to pull here, or anything

11

like that?

12

A I don't remember.

13

Q Did you say anything to Mr. Errichetti at

14

that point, what are you trying to put over on us?

15

A No.

16

Q As a matter of fact, you later had a long

17

conversation with Mr. Errichetti about this matter, did you

18

not?

19

A On the way to the airport I spoke to him about

20

it.

21

Q Was that recorded?

22

A No, it was not.

23

Q Previous to this event, Mr. Noto appearing,

24

you did have a number of conversations with Mr. Errichetti

25

about the gentleman who was supposed to appear as the

1
2 Immigration person, is that correct?

3 A I believe so.

4 MR. BROWN: If your Honor pleases, we would
5 like your permission to play certain tapes after I
6 have asked Mr. Weinberg about this one prior con-
7 versation.

8 May I approach him, sir?

9 THE COURT: Yes.

10 Q I am referring to a draft of August 28, 1979,
11 Mr. Weinberg's and Mr. Errichetti's phone conversation.

12 First, I will show you the beginning of it,
13 Mr. Weinberg, and I will call your attention to it.

14 (Pause.)

15 MR. BROWN: I am referring to page 5, lines
16 5 and 6, and I am asking Mr. Weinberg to examine
17 them in context.

18 (Pause.)

19 Q The Noto meeting occurred in September,
20 around September 19th; would that refresh your recollec-
21 tion?

22 A Yes.

23 Q We are addressing a conversation of the 28th
24 of August -- that would be roughly some days in advance
25 of September 19th; is that correct?

Weinberg-cross/Brown

1
2 A That is correct.

3 Q I ask you, in context, isn't it a fact that
4 as early as the 28th of August you were talking about this
5 Immigration person you were going to bring in?

6 A I presume that is what it is about.

7 Q You said -- I will get you a name?

8 A Yes.

9 Q In context, that is what we are talking about;
10 right?

11 A I don't see it there.

12 Q Was there anyone else he was getting you by
13 Friday?

14 A I don't remember.

15 Q He was saying to you you know who the person
16 will be?

17 A He's telling me he will know who the person
18 will be by Friday.

19 MR. BROWN: We would like to play the tape.

20 MR. PUCCIO: No objection.

21 THE COURT: This is 3500-118?

22 MR. BROWN: Yes.

23 THE COURT: All right. Play it.

24 MR. BROWN: We want 3500-19 to be played.

25 THE COURT: According to my chart, 3500-19

1
2 relates to September 2nd.

3 MR. BROWN: That's right.

4 MR. PUCCIO: I am confused as to where the
5 transcript was of the 28th.

6 THE COURT: Of August.

7 MR. PUCCIO: Yes.

8 MR. PUCCIO: That is what I thought. I guess
9 we are confused on numbers.

10 MR. BROWN: No, I want to play September 3rd,
11 '79, your Honor. 3500-119. Index 1275.

12 THE COURT: The one you discussed with the
13 witness related to 3500-118. Now you want to play
14 3500-119?

15 MR. BROWN: 119.

16 THE COURT: Relating to four days later?

17 MR. BROWN: Yes.

18 THE COURT: Proceed.

19 (Tape played.)

20 Q This conversation of September 3rd is clear --

21 THE COURT: September 2nd.

22 MR. BROWN: You are right. The transcript
23 says the 3rd.

24 MR. PUCCIO: It was the second. It was an
25 error.

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MR. BROWN: The transcript has an error.

Q September 2nd. You talked to Mayor Errichetti by phone. He told you he was down in Washington. I'm seeing my chief investigator but I am getting some big guy.

A Yes.

Q Who would have been Noto?

A Yes.

Q He discussed that with you -- did you have any other conversation that he was searching for this Naturalization figure who eventually became Noto?

A I don't remember.

Q Noto didn't walk in cold on the 19th?

A No.

MR. BROWN: May I play the next tape, 3500-120 this time. September 5th, three days later. Telephone conversation, Weinberg and Errichetti.

THE COURT: What portion is to be played?

MR. BROWN: The -- partially the first page, the second page down to "all applications. Fill it out -- inaudible."

THE COURT: All right, play it.

(Tape played.)

THE COURT: So the jury doesn't think they are losing their hearing, that was virtually

Weinberg-cross/Brown

1
2 incomprehensible to me. Very poor quality recording.

3 Q Were you able to make much out of that?

4 A Very little.

5 Q Except you were in contact with him about the
6 matter?

7 A That is correct.

8 Q He was talking about the application?

9 A Yes.

10 Q This later relates to the talk about an appli-
11 cation in the picture, you just said you asked him about
12 his card and if he has application?

13 A No.

14 Q You don't remember that?

15 A No.

16 Q In any event, all throughout Mr. Errichetti
17 is talking to you and you're talking to him?

18 A Yes.

19 Q Throughout this period you are on good terms?

20 A That is correct.

21 Q Friends?

22 A That is correct.

23 Q How many phone calls do you reckon you your-
24 self initiated to Mr. Errichetti in the course of the --
25 withdrawn.

Weinberg-cross/Brown

1
2 Q You have stated that this is a cardinal
3 principal of being a successful con man, staying on the
4 mark?

5 A Keep in touch.

6 Q Constantly?

7 A That is correct.

8 Q Why would you want to keep in touch constantly?

9 A (No response.)

10 Q So he doesn't get away?

11 A That is correct.

12 Q To that degree, in the sense of that, he was
13 a mark to that degree?

14 MR. PUCCIO: I object to the form of the
15 question.

16 THE COURT: Sustained.

17 Q To the degree that you were working your con-
18 -fidence game, he was an object of it?

19 MR. PUCCIO: Same objection.

20 THE COURT: Sustained. It has been answered.

21 MR. BROWN: I beg your pardon?

22 THE COURT: Yesterday. You are reptitious.

23 MR. BROWN: I have avoided it rather scrupu-
24 lously. May I ask this one question?

25 THE COURT: Go ahead. It's quicker.

Weinberg-cross/Brown

1
2 Q So this, in terms of your confidence game,
3 made Mr. Errichetti the object or the mark; is that correct?

4 MR. PUCCIO: I object to that. The form
5 of the question.

6 MR. BROWN: That is the same question your
7 Honor allowed me.

8 THE COURT: I will allow it.

9 Q Mr. Errichetti was a subject of your confi-
10 dence technique throughout this, is that correct?

11 A That is correct.

12 MR. BROWN: May we ask to allow the jury to
13 listen to the next tape with the same sequence and
14 would your Honor allow us to play for the benefit
15 of the jury a portion of the draft 3500-112 -- 128,
16 I'm sorry, your Honor, 3500-128, which is tape 1744,
17 and page 20 starting at the bottom and going two-
18 thirds through the next page?

19 THE COURT: You've got me confused.

20 MR. BROWN: September 12th.

21 THE COURT: September 12th, 3500-128, tape
22 1647.

23 MR. BROWN: I am taking my information from --
24 1744, your Honor, he still agrees on the draft.

25 THE COURT: It could be an error in the

Weinberg-cross/Brown

1
2 listing of the tapes,

3 MR. BROWN: Transcript of the meeting of
4 September 12, '78, Mr. Weinberg and Mr. Errichetti.

5 THE COURT: At the Hyatt House in Cherry Hill?

6 MR. BROWN: It doesn't say, but it is there.

7 THE COURT: There is no disagreement, then
8 we will assume the listing of the exhibits has the
9 tape number wrong. The participants agree. You
10 may play it.

11 (Tape played.)

12 THE COURT: Nothing in the ear phones.

13 MR. BROWN: Is that the best you can do?

14 (Pause.)

15 (Tape played.)

16 Q Could you hear some of that, Mr. Weinberg?

17 A I did.

18 MR. PUCCIO: May I have the page reference on
19 that?

20 MR. BROWN: Yes, page 20, 21.

21 MR. PUCCIO: Thank you.

22 MR. BROWN: I am informed the tape is in the
23 possession of the Government and is coming in
24 momentarily

* * *

* * *

10 Q Mr. Weinberg, we are now approaching
11 September 14th and the tapes with respect to the immigration
12 matter with Mayor Errichetti starting July 29th, as you
13 indicated when you looked at it.

14 Now, proceeding up to the 14th, on the way
15 to the 19th, if you listen, I will ask some questions later.

16 Thank you.

17 THE COURT: Which exhibit?

18 MR. BROWN: The exhibit, if your Honor
19 please, is 3500-132, September 14th, 1979, tape
20 1290, your Honor.

21 THE COURT: What page of the transcript?

22 MR. BROWN: It will be the first page
23 through half of the second page.

24 THE COURT: All right, play it.

25 (Tape played.)

(Tape recording stopped.)

1
2
3 Q Now, thus, on the 14th, after this inter-
4 change that has been going on since the 29th, you finally
5 get the name allegedly, right?

6 A That's correct.

7 Q And it's Mario Nopo, N-o-p-o at this point:
8 is that correct?

9 A That's correct.

10 Q Now, throughout this entire period you have
11 only dealt with him in terms of a phone call that we have
12 about Nopo or Noto; is that right?

13 A That's correct.

14 MR. BROWN: Now, if your Honor please, I
15 ask permission to play the tape the day before,
16 which is September 18th, 3500-141. September 18th,
17 1979.

18 THE COURT: When you say the day before,
19 you mean the day before the meeting in Washington?

20 MR. BROWN: Yes. September 19th was the
21 meeting in Washington. September 18th, 1979.
22 The tape number is 1 -- the tape is 1298. And it
23 is Angelo Errichetti and Mel Weinberg. This is a
24 telephone conversation.

25 THE COURT: What page in the transcript?

1
2 MR. BROWN: First and second and part --
3 just the top of the third.

4 THE COURT: All right, play it.

5 (Tape played.)

6 (Tape recording stopped.)

7 Q Now, that tape on the 18th was the final
8 arrangement being made still for Commissioner Nopo, if
9 you recall.

10 As I recollect -- and perhaps my reasoning
11 reasons with yours. Perhaps it doesn't. The tape --
12 still, he says, Nopo, do you recall that.

13 A I don't recall the name.

14 MR. BROWN: May I have the transcript that
15 was just played?

16 I think you are correct. His name is not
17 mentioned there.

18 Q Let me show you September 14th, which is
19 3500-132. I ask you what your understanding of the name
20 would have been at that time?

21 A Nopo.

22 Q N-o-p-o?

23 A That's correct.

24 Q Now, had you up to this time -- had you up
25 to this time made any investigation as to name or designation

Weinberg-cross-Brown

1
2 A Once I got the name, it was given to John
3 Good and Tony Amoroso. And they checked it out and got the
4 correct name.

5 Q Well, did they check it out as Mr. Nopo?

6 A They -- first to see if there was a Nopo in
7 there. And then they got the correct name as Noto.

8 Q By the time, the day of the meeting,
9 September 19th, the morning, around 12:14 p.m., the time
10 of the meeting, you were looking for a Mr. Noto?

11 A Correct.

12 Q And up to this time it had been Nopo and
13 whatever, right?

14 A Correct.

15 Q Now, when you checked out, you had -- you
16 didn't do it personally?

17 A No, I haven't.

18 Q Someone arrived with a photograph?

19 A That's correct.

20 Q And when you saw the gentleman, you compared
21 the photograph and that's how you became concerned?

22 A That's correct.

23 Q Now, is it not true, then, that from July
24 right on through that you came to the conclusion that
25 Mr. Errichetti was not sincere, but was pulling a trick on

1
2 the organization?

3 A What date are you giving me there?

4 Q From July 29th, the first day when you
5 mentioned him -- mentioned him, meaning this particular
6 bogus commissioner.

7 A No. We didn't realize he was pulling a
8 trick until the gentleman came into the town house.

9
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11 (Continued on next page.)
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1
2 Q But it is true that the genesis, the beginning
3 of it went back to the 29th when he talked about the
4 potential of the Department of Naturalization?

5 A That's correct.

6 Q So that in effect he had -- in your opinion,
7 he had been trying to fool you from around that time on,
8 right? The 29th? July 29th?

9 A I would say so then.

10 Q Now, in terms of the scam within a scam,
11 the whole theory was that it didn't add up unless the
12 person was going to do really what you wanted him to do,
13 right?

14 A Correct.

15 Q So that in the Noto case, since the desire
16 was not only, would the person not do what you were going
17 to do, but he wasn't a valid person, then it was impossible
18 to pull off this scam, was it?

19 A I don't follow the question.

20 Q Well, one, it couldn't -- the man couldn't
21 promise to do something because he didn't have the power?
22 He was the wrong person?

A That's correct.

* * *

* * *

6 Q Well, wasn't the plan from the very beginning
7 to have people come in and say they would do things that
8 they really could do if they followed through?

9 A Correct.

10 Q Now, therefore, within that concept of the
11 plan, this was not a man who -- or a person who could
12 follow through or could have any intention to follow
13 through on what you wanted him to do because he didn't have
14 the position; isn't that right?

15 MR. PUCCIO: I object to it as being
16 irrelevant as to whether he could follow through or
17 not.

18 MR. BROWN: Well --

19 THE COURT: Is that your interpretation of
20 the situation at that time, Mr. Weinberg?

21 THE WITNESS: Well, I actually didn't know.
22 I didn't know who the gentleman was at the time he
23 came in.

24 THE COURT: All right.

25 Q Well, no matter who the gentleman was, if

it was a valid consummation of your plan, you wanted someone to come in and say before the cameras what he would do for the money; isn't that right?

A That's correct.

Q Okay.

Now, no matter what this man did, if he came in and said what he could do before the camera, he didn't have any power to do it, did he?

MR. PUCCIO: Objection as being irrelevant.

MR. BROWN: Irrelevant?

THE COURT: Overruled on relevancy grounds.

Did you know whether he had any power to do it?

THE WITNESS: Well, I didn't know who the gentleman actually was that came in.

Q But you knew he wasn't the man who had the power to do what you had been set up to have a man say he could do?

A I didn't know he was from Immigration or not.

Q Well, when you -- you knew he wasn't

Mr. Noto; is that right?

A That's correct.

Q And your investigation revealed that he was not from Immigration; isn't that right?

1
2 A No. We didn't know he wasn't from
3 Immigration. We knew he wasn't Mr. Noto.

4 Q Well, did you at the time you talked with
5 Errichetti to find out whether or not this was a man who
6 had the power to do anything in that naturalization --

7 A Well, Mr. Errichetti shed no light on it.
8 He said he could have been somebody else that worked there
9 that the guy sent over.

10 Q Well, in any event, you knew that you
11 couldn't follow through with your plan because you didn't
12 know who he was; is that right?

13 A Well, we couldn't pay him.

14 Q You couldn't.

15 Well, that was your plan, to pay him for what
16 he said he could do, right?

17 A That's correct.

18 Q Now, did any of the people who you called in
19 and especially those concerned in this matter ever do
20 anything even after they came in and spoke to you? The
21 people within this indictment, did any of the people here
22 charged ever do anything either after they came in and
23 spoke on these television tubes?

24 A That I don't know.

25 Q Well, you do know with respect to that, of

1
2 course, nothing was done, right?

3 A That's correct.

4 Q And you do know that within that same time
5 period that you were soliciting Mr. Errichetti to get Myers,
6 the Noto thing was going on, the scam within the scam?

7 A That's correct.

8 Q And you didn't know to this day whether
9 or not Mr. Myers, who came in within the same sense as the
10 Noto thing, intended to do anything that he said he was
11 going to do; is that right?

12 A I do not know.

13 Q So the words that he employed are words,
14 but the intent to carry them out is something you didn't
15 know to this day; isn't that right?

16 A That's correct.

17 Q Now, you did have some conversation with
18 Mr. Errichetti about this business of the 12th, 14th of
19 September, 19th, didn't you?

20 A That's correct.

21 Q And you and Mr. Weinberg sat down with him,
22 and we have seen a video tape. Were you aware of that?

23 A I am Mr. Weinberg.

24 Q I'm sorry. You and Mr. -- forgive me --
25 Mr. Amoroso sat down with Mr. Errichetti, talked to him,

1
2 and that appeared on the video tape which was played here?

3 You know that, don't you?

4 A Yes.

5 Q That's September 19th.

6 Now, in that particular video tape, is it
7 not true, Mr. Amoroso attempted to get information from
8 Mr. Errichetti about what it was all about? Do you recall
9 it?

10 A I know he was speaking to Mr. Errichetti.

11 Q You don't have sufficient recollection from
12 the video tape to answer the question?

13 A He was just trying to find out what actually
14 happened.

15 Q Well, let me call your attention to 23-B,
16 which is the tape -- the transcript of the events of
17 1240 which came at the meeting.

18 MR. BROWN: Judge, I'm sorry. I didn't ask
19 permission.

20 THE COURT: That's all right.

21 Q Now, Mr. Amoroso, Tony DeVito, says, does he
22 not, you didn't -- to Mr. Errichetti:

23 "You didn't say anything to this guy, right,
24 that would nail him down?

25 "No, I don't know, I told you."

1
2 That's what Mr. Errichetti said; is that
3 right?

4 A That's correct.

5 Q Now -- well now, could you tell us, since
6 you were there, what that means, if you can, since they
7 weren't your words?

8 A No, I don't know what he meant by -- I
9 think Mr. Amoroso was asking if he said anything out of the
10 way to this fellow.

11 Q Well, when he said, "You didn't say anything
12 to this guy, right, that would nail him down," did you
13 have any understanding as you heard it what that meant?

14 A I take it by reading it, they are saying --
15 he wanted to know if he's saying anything that will get
16 him in trouble.

17 Q Get who in trouble?

18 A Mr. Errichetti.

19 Q At that point, in the context of that
20 conversation, Mr. Amoroso wasn't worried about his getting
21 in trouble or you getting in trouble, right?

22 A That's correct.

23 Q And since you were an officer of the law,
24 could you tell us what you meant by you getting in trouble?
25 He's talking to you, a special agent and yourself who is

1
2 accompanying him.

3 Who is he asking him about? Who is he
4 getting in trouble with?

5 A I just think it was small talk, trying to
6 find out.

7 Q It was a parry and thrust, sort of give and
8 thrust to get through?

9 A I would say.

10 Q Now, did he ever have any success with that
11 while you were there, as far as getting through?

12 A Not that I know of.

13 MR. BROWN: Could I have -- your Honor, I
14 ask that the transcript be distributed to the jury --
15 that they be provided to them so they can follow this
16 1240.

17 THE COURT: The jury has it.

18 MR. BROWN: Oh, they have it right with them.
19 Thank you.

20 THE COURT: The jury has those. 23-A.
21 You referred to 23-B.

22 MR. BROWN: Right.

23 THE COURT: If my memory serves me right,
24 that is the original tape plus an envelope. It is
25 not a transcript. I assume what you are referring

1
2 to is the transcript. The tape is 23-B.

3 MR. BROWN: 23-A would be the transcript.

4 THE COURT: All right. When you said 23-B,
5 before --

6 MR. BROWN: I did. That's exactly what I
7 said.

8 THE COURT: All right.

9 MR. BROWN: It would be 23-A of 12:40 p.m.

10 THE COURT: The only reason I made the
11 point is that there are some asterisks indicating
12 some omission from that tape.

13 MR. BROWN: Yes. No, sir. It was very
14 important because I --

15 Q Now, we are looking at 23-A, which is a
16 September 19th, 12:40. That's right, isn't it, Mr. Weinberg?

17 A Yes.

18 Q And that is the conversation after the
19 meeting of September 19th at 12:14 p.m. which is a different
20 number altogether.

21 Now, when -- I asked you the question about
22 those first two lines where Errichetti says, "That's the
23 prerequisite."

24 Now, I understand a prerequisite to mean
25 something that is necessary beforehand. Could you tell us

1
2 what that refers to?

3 A I haven't the slightest idea.

4 Q Did you make -- does it make any sense in
5 the context?

6 A Not really.

7 Q The next one was, "You didn't say anything
8 to this guy, right, that would nail him down."

9 That doesn't make any sense, really, does it?

10 A Well, that's the kind of street talk, that
11 you didn't say anything to get you in trouble to him.

12 Q "Nail him down," would get -- that "would
13 nail him down," that means get you in trouble?

14 A That's right.

15 Q And he says, "No, I don't know."

16 Now, Mr. Amoroso says, "Oh, no, no, what
17 I'm looking at now is if you got two guys that are going
18 against you.

19 "Jackpot you."

20 Could you tell us, since you were there,
21 if you can, what that reference was to?

22 A The only thing I can think of, he's talking
23 about his chief inspector and Mr. Noto.

24 Q Who would go against Errichetti?

25 A Right. They set him up.

1
2 Q So that would be a scam within a scam within
3 a scam, right?

4 A Well, like I say, it was mostly small talk.

5 Q But I mean, wouldn't that mean if somebody
6 says, Errichetti was set up, and Errichetti set you up,
7 and you tried to set Errichetti up --

8 A Well, no, not necessarily so.

9 Q Of course not. I agree. But it could be so?

10 A It could be.

11 Q All right.

12 Now -- so then, Mr. Amoroso says further
13 now, "We have got to protect you."

14 "To the guy. So there's no problem as far
15 as what we are talking of, but now we got to protect you."

16 That would mean protect him from the two guys,
17 the chief -- the immigration inspector and the immigration
18 chief, right?

19 A I think so.

20 Q And he says, "I'm covered."

21 And Mr. Amoroso says, "huh."

22 And Errichetti says, "I'm covered."

23 "How the hell can you cover it?"

24 What was your state of mind? What were
25 you talking about?

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A I was wondering how he could cover it.

Q Cover what?

Excuse me. I am sorry. I raised my voice and I apologize.

What was it that you talked of his covering?

A If this guy was going to come down on him.

Q The guy that left, Nopo was going to come down on Errichetti.

Now then, Errichetti -- then Errichetti says, "We'll see."

And he says, "Well, he's only on --"

And Errichetti says, "I had --"

And Mr. Amoroso said, "He's only --"

And Errichetti says, "Only the one conversation. That's got to be mouth to mouth, him and I."

And then Mr. Errichetti says, "I'll confront him with it."

And you said, "Did your friend introduce you to him?"

And Errichetti says, "This morning?"

You say, "Yeah."

Errichetti says, "All he said, yeah, that's where I met this morning, then he brought him in. Brought him down. Said this was a commissioner. I said, fine,

1
2 thank you. I said, he said things arranged? I said,
3 as far as I know, I don't really know. I'm sure it is.
4 But that was the conversation. There was nothing of any,
5 no money discussed, or none of that shit in my presence and
6 the kid didn't say to me, do you have the money for me,
7 you know, he didn't -- he didn't like bait me."

8 And Mr. Amoroso said, "uh huh."

9 And Errichetti says, "This, in front of this
10 guy. But you know seemed awfully -- awfully perfect.

11 "Yeah, maybe it was too perfect, huh?"

12 Did you understand that then or now,

13 Mr. Weinberg?

14 A Mostly small talk.

15
16
17 (Continued on next page.)
18
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1 Weinberg - Cross/Brown

2 Q Well you never really confronted Errichetti
3 head on, did you?

4 A No.

5 Q You tried to do something? You never did
6 that, did you?

7 A That's correct.

8 Q Now, over on page 4, you talk about Errichetti
9 describing, I suppose a commissioner.

10 "He's never in the office. He's always out
11 on the street, on the road."

12 And Mr. Amoroso says, "Well, I don't know
13 who he was, but Ernie -- but Ernie started -- now I use
14 Ernie for that a lot and the guy that we were talking about,
15 Noto, is the guy. That's not him."

16 Ernie was whom? Another agent, wasn't he?

17 A That's correct.

18 Q And he is saying to Errichetti what the truth
19 was? Mr. Ernie -- that long Greek name, the Agent had been
20 spotted by the picture?

21 A We had the picture there.

22 Q All right. Now then, Errichetti says, down
23 the page, "I'm thinking. There's another thing, you know,
24 with my guy. Okay, who's bullshitting me, meaning he's
25 got somebody. I'm convinced this guy works there as --"

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And Tony DeVito and Mr. Amoroso says, "Yeah".

And Errichetti says, "Okay, so I don't think he's the FBI, to be very honest with you."

Now, does that make any sense to you in the context of the events?

A Well, I don't know if Mr. Errichetti knew that we were wise to him or not at the time.

Q He didn't know that you were wise to him?

A Right.

Q Because you didn't tell him you were wise to him?

A No, we didn't tell him.

Q By being wise to him, do you mean he was trying to fool you?

A Bring a ringer in.

Q Now, on page 6 Mr. Errichetti says, "It's either FBI or it's a con game, one or the other."

A Right.

Q Did you at any time say to him, Well, I'm sure it's a con game you tried to pull off. Did you say anything like that to him?

A No, I didn't.

Q Now, from that date to this, did you ever say to Errichetti, why did you do it? What did you do?

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1
2 Or face him down in any form or fashion?

3 A I didn't say it to Mr. Errichetti. I said
4 it to Mr. Criden.

5 Q You said it to Criden. And did you after
6 this date, August 19, 1979, ever include Mr. Angelo
7 Errichetti in any of your scam plans?

8 A I don't think so.

9 Q That's the end of Errichetti, so far as
10 his very involvement and the other gentlemen of the FBI?

11 A I spoke to him a few times on the phone. And
12 Mr. Criden told me that he was mad at us.

13 Q But that was -- for whatever reason that's
14 the end of Errichetti and ABSCAM?

15 A I would say so.

16 Q Now, at this time in September you have just
17 completed the events which are recorded and which have been
18 set forth in the Government Exhibit starting with LA, which
19 is August 5th of 1979, is that correct?

20 A That's correct.

21 Q Now, with respect to Mr. Myers, would you
22 say that this period is the beginning of the involvement
23 with Mr. Myers? Or would you say it goes back further to
24 July 29th when the name is first mentioned?

25 A Will you repeat that?

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Q Surely. Looking at August 5th ---

MR. BROWN: Mr. Puccio, would you give him that first August 5th? 1A, sir.

Thank you.

Q You are familiar with this book by now, aren't you?

A Yes.

Q I will take this away from you.

If you would turn to the page that comes right after the tab 1A, sir, that is a transcript in part of a conversation in the Northwest Airlines lounge. Mr. Devito -- DT, it should be the reverse. TD. It says, DT?

A That's correct.

Q Right. And yourself and Mr. Errichetti and part of it inaudible.

Now, would you say that that is the beginning of the thrust toward the ultimate meeting on August 22nd with respect to Mr. Myers?

A What do you mean by thrust?

Q Well, when I put it this way, I am using that as a date of reference. When did you begin to show an interest in Mr. Myers or have communications with Mr. Errichetti with respect to Mr. Myers?

1 Weinstein -- Cross/Brown

2 MR. PUCCIO: Judge, I object. It's been
3 answered.

4 THE COURT: He did it before lunch. It's
5 in another transcript.

6 MR. BROWN: It is, sir. But I wanted to
7 put it in context with this reference to this one,
8 August 5th.

9 THE COURT: July 31st.

10 MR. PUCCIO: I thought it was the 29th.

11 MR. BROWN: Well, you see -- I mean that
12 indicates there can be a difference of opinion.
13 But it is very close.

14 THE COURT: Well, his recollection of it
15 is -- he is going to have to see the transcript.
16 So why don't you tell us when the transcript was
17 that Congressman Myers name first came up?

18 MR. BROWN: I will do that, Judge.

19 Let me show the witness ~~to~~ may I approach
20 him?

21 Q 19A, July 29th. And I ask you, would you
22 say that that is the beginning of the date of your interest
23 in Mr. Myers vis a vis Mr. Errichetti?

24 A Is this the first time I heard his name?

25 Q Well, was it the first time you heard his

Weinstein - Cross/Brown

name in the context -- yes, of this case?

A No. Contact with this tape --

Q Context. I am sorry. In the meaning of the case, when did you first hear of Myers aside from, maybe reading in the papers or whatever?

A I heard Mr. Myer's name in March from Mr. Errichetti.

Q So it started in March. The conversation with respect to Mr. Myers started in March, right?

A I just heard his name.

Q You just heard his name?

A Right.

Q Now, using the word context, meaning within the framework of the reasons are here, the indictment, when would you say that the first day of your interest within the framework of this indictment concerns Mr. Myers?

A I don't follow your question.

Q When did you first think that you had Myers in the net of ABSCAM?

MR. PUCCIO: I object to that.

THE COURT: Sustained.

Q When did you first believe that Mr. Myers was a possible candidate for the ABSCAM objective?

MR. PUCCIO: Objection. Same objection.

1 WEinstein -- Cross/Brown

2 THE COURT: Overruled.

3 THE WITNESS: I believe it was on the
4 telephone conversation he gave me the two names.

5 Q Have you any idea when that was?

6 A Not offhand.

7 Q A month?

8 A I would say around this time frame.

9 Q Around the 29th July?

10 A Well, I don't know exactly July, but around
11 that time.

12 Q Well, I assume when you say time frame, when
13 you are holding July 29th, you meant this time, July 29th.

14 A This is the first time with Myer's name on
15 it, then yes.

16 Q All right. Then we go -- this is in the
17 same framework as the negotiations on Mr. Noto, too, isn't
18 it? Same time span?

19 A I really don't think so.

20 Q Well, you first --- we just played the tape
21 with you for -- with Mr. Noto and they run right on through --
22 starting in July in fact. It is mentioned in the -- the
23 naturalization is mentioned there?

24 A That's right.

25 Q So that's when -- and I played all of the

Weinstein - Cross/Brown

other tapes to show how it progressed through September.

MR. PUCCIO: I object to it as being asked and answered.

MR. BROWN: I agree with you, Mr. Puccio. I apologize. I will put it in another form.

Q It is true, is it not, that you played the tapes and they showed you the transcripts concerning July 29 to August 28, September 3, September 5, September 12, 14 and 18?

MR. PUCCIO: Same objection, Judge.

Q Well --

THE COURT: Can't you just ask a question without all the historical cross-reference, Mr. Brown?

MR. BROWN: Yes. I thought it would save time.

THE COURT: We all know what you have done.

MR. BROWN: Well, Judge, then perhaps that's the greatest compliment I could have. Thank you.

Q Now, did there come a time when on August 8th you told Mr. Errichetti what Mr. Myers should say?

You have it there. What the Congressman should say to Yassir? I call your attention to the top of the page and read on down. I call your attention to

Weinstein - Cross/Brown

1
2 Mr. Amoroso saying, he has introduced some kind of legis-
3 lation, right, some kind of bill or something, Mr. Errichetti
4 saying, whatever you say, that's fair. Isn't it?

5 A That's correct.

6 Q And Tony saying -- Tony DeVito saying, well,
7 I don't know. Whatever I say, he's the guy that knows more
8 about what has to be than I would. I don't know.

9 And Mr. Errichetti, you mean regards to Yassir.

10 And Mr. DeVito, yeah.

11 And you say, yeah, let him tell Yassir what-
12 ever he has to tell him.

13 Mr. DeVito, I mean what I am saying is, yeah,
14 but what I am saying, I better know what procedure, you
15 said, well, it comes to pushing it up, there are big people
16 behind him, knowing the right people. Say, hey, let this
17 guy in. They can give him politics, whatever the hell they
18 call it.

19 Do you recall? Do you see "that before you?"

20 A That's correct.

21 (Continued on next page.)
22
23
24
25

Weinberg-cross/Brown

1
2 Q Mr. Amoroso and you are talking, let him
3 tell Yassir, Mr. DeVito what procedure -- I assume what
4 procedure to follow, is that correct?

5 A That is correct.

6 Q That procedure is explained by you in the
7 next few lines, being pushing up people and coming on
8 strong?

9 A That is not the procedure we are talking
10 about.

11 Q What procedure are you referring to? Well,
12 if it comes to pushing up big people, going to the right
13 people --

14 A Whatever procedure they have to take, whatever
15 procedure you have to push through.

16 Q He would better know that?

17 You have your interpretation of procedure
18 and you explained it?

19 A Yes.

20 Q Now, there were supposed to be two Arab
21 gentlemen?

22 A Yes.

23 Q Yassir and --

24 A Abdul.

25 Q Was this conversation designed to say you

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1
2 must make a presentation to Yassir, telling Mr. Errichetti
3 that?

4 A Yassir didn't meet with them.

5 Q I know. At this time were you saying that
6 you -- let him tell Yassir whatever he has to tell, I
7 assume he is going before Yassir?

8 A At the time I don't know if he is going
9 before Yassir or not.

10 Q Those are the words, whatever they mean?

11 A Yes.

12 Q We had an example of someone who had to
13 go before Yassir, you described twenty minutes on stage,
14 all bullshit?

15 A Yes.

16 Q That is what it would be, all bullshit?

17 A Not really.

18 Q What was the thing you expected people to
19 say when you took them before Yassir?

20 A They had to tell him what they would do
21 for him for the money.

22 Q In this instance, every time you were asked
23 what it was to be done, the reply would come in, no facts
24 at this time?

25 A What?

Weinberg-cross/Brown

1
2 Q That would be the reply, what is there to
3 be done, the reply would be: No facts at this time; is
4 that correct?

5 A Wouldn't give any facts on Yassir and Abdul.

6 Q The question was asked a number of times,
7 was it not, as to what was to be done, is that not so?

8 A They would tell what they could do for him
9 and ask us for Yassir's name or whatever information.

10 Q In this instance, that was never done?

11 A That is correct.

12 Q You never reached a point where you said
13 this is Yassir's passport, this is what you want you to
14 do?

15 A That is correct.

16 Q As a matter of fact, no facts were ever
17 adduced as to what was specifically -- what specifically
18 would be done, like take the passport or do this or what-
19 ever?

20 MR. PUCCIO: I object.

21 THE COURT: Overruled. I will let him answer.

22 Q In this instance, on the 22nd, the specifics
23 were never brought forward as to what should be done; is
24 that correct?

25 A I don't remember.

Weinberg-cross/Brown

1
2 Q Would you turn to that particular one, please,
3 by particular one I mean the transcript of the 22nd.

4 A What number?

5 MR. BROWN: I think it is 5-A.

6 THE COURT: You're asking what is there?

7 MR. BROWN: If he has any recollection of
8 anything specific --

9 MR. PUCCIO: I object on the grounds the
10 transcripts and tapes speak for themselves. The
11 question is improper.

12 THE COURT: Sustained.

13 MR. BROWN: May I call his attention to
14 page 7 and 8, specifically, your Honor?

15 MR. BEN-VENISTE: Your Honor --

16 THE COURT: It seems to me you're wasting
17 time, Mr. Brown. If he recalls that being said,
18 what help does that give?

19 MR. BROWN: It goes to his concept of what
20 this particular scam was in effect at this time.
21 If he doesn't get to that point, it is a conclusion.

22 THE COURT: As usual, you left me way behind.
23 Ask the question and I will rule.

24 MR. BROWN: Thank you.

25 Q Page 7.

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THE COURT: Where on page 77

MR. BROWN: Starting with Mr. Errichetti's
comment: "Well, let's get the -- inaudible.

"Mr. DeVito: Well, I don't, I'm not, you
know, we talked a little bit about it. But, I
don't know of what the case is, that.

"Errichetti: Well, there is no case at this
moment.

"DeVito: Uh, well, yeah, what we're saying
is we're insuring that when, when --"

And then Mr. Myers says: "When the time comes,
if it comes." And Mr. DeVito says: "When the time
comes, yeah, when this thing occurs, okay? Gonna
come to you and say, hey, here's, here's the guy.
He'll be here. Okay?"

Do you recall that?

A Yes.

Q That indicates there was nothing specific at
the moment, is that correct?

A That is correct.

Q Now, would you turn to 6-A, please, page 11.
I beg your pardon, if you would skip down and go over to
page 11.

When Mr. Errichetti, down towards the lower

Weinberg-cross/Brown

1
2 half of the page, says: "You gotta give me ground rules,"
3 could you tell us whether or not that was Mr. Errichetti
4 asking for instructions as to how to what he should or
5 shouldn't do?

6 A No, this here refers -- I think about the
7 amount of money to be paid.

8 Q I see. That would refer to that, right. All
9 right, thank you.

10 You told us that there were a number of tele-
11 phone calls made by you and I think you testified at some
12 time that you taped every conversation that you had with
13 Mr. Errichetti; do you recall that statement?

14 A I taped every conversation that was possible
15 to tape.

16 Q Let me call to your attention your testimony
17 in Philadelphia on July 9, 1980, page 3.116, line 19.

18 "Q Do you have some guidelines set down
19 for you about taping telephone conversations in
20 your undercover capacity in this ABSCAM investigation?"

21 And your answer is, "No."

22 That is correct, no guidelines for you?

23 A I was told to tape every conversation that
24 I possibly could tape.

25 Q No one ever told you when to tape-record a

1
2 conversation, and your answer is no, I taped every conver-
3 sation; is that correct?

4 A I may have said that but I can't tape every
5 conversation.

6 Q What occasions were there when you could not?

7 A At a meeting and people were there, somebody
8 called.

9 Q I think I incorporated telephone conversation
10 in the question. I will do it now if I didn't.

11 What telephone conversations were you unable
12 to tape?

13 A If I was at a meeting in a hotel and the
14 telephone call came in, we couldn't tape it.

15 At my home I had company, I couldn't tape it.

16 I was on the road at a public phone, I
17 couldn't.

18 Q Why would you not be able to tape it?

19 A I wouldn't have a tape recorder on me.

20 Q Let me call your attention to a telephone
21 conversation in August; August 22, that is the same date
22 as the conference we referred to at the Travel Lodge.

23 You made a call to Errichetti's home near
24 Camden from Queens at 10:31 p.m. That would have been
25 after the meeting, right?

Weinberg-cross/Brown

1
2 A 10 a.m.?

3 Q Let me show you the actual telephone records,
4 I will also make available to you the index so that you can
5 check it out.

6 You are aware, are you not, Mr. Weinberg,
7 that the index 3500 lists all the telephone conversations
8 that were taped; you are aware of that?

9 A That is correct.

10 Q I'm going to show you a phone bill which pur-
11 ports to be related to your telephone and ask you if within
12 the context of this index it is not true that right after
13 the meeting you called Mr. Errichetti on 8/22, that is
14 August 22nd -- may I do it this way, your Honor?

15 THE COURT: Yes. But keep your voice up.

16 Q 8/22, and this is a number (indicating) that
17 you are familiar with?

18 A That's Errichetti's number.

19 Q That you called?

20 A Yes.

21 Q And it's three minutes, right?

22 A That is correct.

23 Q Now, three minutes on the 22nd, will you check
24 the index to tell us whether or not you recorded that?

25 A That is not down here.

Weinberg-cross/Brown

1
2 Q That was a three-minute call you made to
3 Errichetti without taping; is that correct?

4 Do you have any recollection of the call?

5 A Not offhand. Apparently it was made in the
6 hotel room.

7 Q Pardon?

8 A Apparently made in the hotel room.

9 Q No problem taping from the hotel?

10 A If I was in my room I maybe didn't have the
11 recorder with me.

12 Q This would be an important conversation,
13 wouldn't it, right after -- you had been set up by this man?

14 MR. PUCCIO: What date is this?

15 MR. BROWN: August 22nd.

16 Q (Continuing) You were in the midst of the
17 Note thing coming up and you were certain about Congressman
18 Myers --

19 MR. PUCCIO: I object to the form.

20 Q On the 22nd, that was a meeting you had with
21 Mr. Myers?

22 A That's correct.

23 Q We read from the transcript just a few moments
24 ago?

25 A Yes.

Weinberg-cross/Brown

1
2 Q You have in front of you the telephone re-
3 cords, right?

4 A Yes.

5 Q Which you are comparing with the 3500 materia-
6 is that correct?

7 A That is correct.

8 Q You see there you made a telephone call to
9 Mr. Errichetti's home for three minutes, right?

10 A That is correct.

11 Q That is not taped, is that correct?

12 A That is correct.

13 Q Can you from those telephone records tell
14 us the point from which you called?

15 A I can't read this here, it's blurred.

16 Q The figure, as to the time and person re-
17 ceiving the call, are not blurred?

18 A The amount is \$1.75.

19 Q Let me show you a list of other calls which
20 I would ask you to correlate with the index if you can
21 and also with the particular record.

22 THE COURT: What exhibit?

23 MR. BROWN: Exhibit, if your Honor please,
24 is a note which is listing calls. But I would
25 like to refer to the telephone record which I will

Weinberg-cross/Brown

have marked and that in turn is correlated with the 3500 index, court record 800249. May I have a marking --

THE COURT: That number you just read is the docket number in this case. That is all right. The other two documents referred to have not yet been marked. I guess one of them has been now.

MR. BROWN: All right.

Q Phone records, O.

THE COURT: All right.

MR. BROWN: The notes have been marked P.

Q I show you P, which are the notes made at my direction and I --

MR. PUCCIO: I can't hear Mr. Brown.

Q August 21 is the one you just checked, right?

A Right.

Q Now, on April 20th, there was another phone call --

MR. PUCCIO: I thought we just checked August 22nd.

MR. BROWN: August 22nd, your right.

Q We just checked August 22nd, right? That is unrecorded, the call?

A Yes.

Weinberg-cross/Brown

1
2 Q August 21st also indicates, I think you will
3 find on the record, that that too was a phone call made
4 and not recorded?

5 A That could be to his office. And I couldn't
6 get him at his office.

7 Q By the same token, August 20th, 6:17 p.m.,
8 office number --

9 A Two minute calls, same thing. When you call
10 the office the girl answers and then Danny, and it takes
11 two or three minutes to get him on the phone.

12 Q Let's go to August 10th, 5:10 p.m., two
13 minutes.

14 A Probably wasn't home.

15 MR. BROWN: May I mark one more sheet? If
16 your Honor please, a marking of Q, which is the
17 lawyer's notes to be used in comparison and R, which
18 is the telephone bill.

19 MR. PUCCIO: These are for identification.

20 MR. BROWN: Yes, only for identification,
21 of course.

22 Q I am going to show you something similar, that
23 is Q is similar to P, in the sense they are a manila yellow
24 sheet. I call your attention to May 24th, and show you the
25 actual telephone records coming from Islip to Camden, to

Weinberg-cross/Brown

the office number, right?

A That is correct.

Q 32 minutes. Do you have any recollection of that call, which is unrecorded?

MR. PUCCIO: What is the date.

MR. BROWN: The date is -- what was the date you have?

THE WITNESS: May 24th.

MR. BROWN: Right.

(Pause.)

THE COURT: The question, Mr. Weinberg, do you have any recollection of the May 24th telephone call?

THE WITNESS: No, I don't have a recollection. If it was recorded there's got to be a reference. I probably didn't have the recorder with me.

(Continue on next page.)

1 Weinberg-cross-Brown

2 Q You were at your home in Islip?

3 A Yes.

4 Q You would normally have your recorder with
5 you at home?

6 A Not necessarily.

7 Q Were you using the suction cup or the other
8 one?

9 A I was using the earpiece.

10 Q Now, you see there there are several calls,
11 there were occasions when you would call and not record
12 where the conversation would be for two minutes?

13 A Yes.

14 Q Most likely, as your recollection goes, it
15 would not be with the Mayor?

16 A Two or three minute calls wouldn't be with
17 the Mayor.

18 Q I see, thank you.

19 You testified that except for a wallet and
20 some liquor, and one or two other physical things, you
21 never received any gifts, is that correct? You did
22 mention something about money. And other than money,
23 you only list physical things like liquor, a wallet,
24 something else --

25 A Wristwatches.

Weinberg-cross-Brown

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2 Q Do you recall having received on or about
3 January 26th, 1979, a Seiko watch for \$300 purchased by
4 Angelo Errichetti for you and given to you?

5 A No.

6 Q You would state at no time while in Florida
7 did you receive in the month of January, 1979, a watch
8 purchased for you by Mayor Errichetti, is that correct?

9 A That is correct.

10 Q Could you tell the jury whether or not in
11 the first or second week of August, 1979, you received a
12 gift, three television sets, Soney, 17 inches, from
13 Mayor Errichetti?

14 A That is not true.

15 Q Is it not true that Mr. Joseph DiLorenzo
16 met you at the Cherry Hill Hyatt House in the first two
17 weeks of August, that you gave him the keys to your van
18 and asked him to put these television sets in the van?

19 A That is not true.

20 Q Is it not true that you told Mr. Joseph
21 DiLorenzo not to tell Mr. Amoroso about them?

22 A That is not true.

23 Q Is it not true that on or about the first two
24 weeks of September of 1979 Mr. Joseph DiLorenzo purchased
25 and delivered to you on behalf of the Mayor an ounce of gold

Weinberg-cross-Brown

1
2 worth \$432 from the People's National Bank of Haden Township
3 of New Jersey?

4 A Not true.

5 Q Is it not true Mr. DiLorenzo delivered the
6 gold coin to you at the Hilton Inn?

7 A It is not true.

8 Q Is it not true that on or before April 6th,
9 1979, a Genesis 3, brand name, stereo was delivered to you
10 by Mr. Joseph DiLorenzo as a gift from Mayor Errichetti,
11 it being designated as a birthday gift for Yassir?
12 Was that ever done?

13 A That is not true.

14 Q Did you receive on that occasion within the
15 first six days of April, 1979, at the time of the receipt
16 of this stereo, a letter dated April 4th, 1979, addressed
17 to the Honorable Yassir Habiz accompanying said gift?

18 A This is not true.

19 MR. BROWN: Your Honor, that will be marked

20 S for identification.

21 A This is not true.

22 Q Now, sir, with reference to the gifts I have
23 already called to your attention, did you ever received such
24 gifts in any form believing they were not paid for by
25 Mayor Errichetti but possibly by someone else?

Weinberg-cross-Brown

1
2 A I don't follow that question.

3 MR. BROWN: I will withdraw the question.

4 Q Did you say you didn't receive these items at
5 all?

6 A That is correct.

7 Q In other words, you do not say you received
8 them believing they were from someone else, you say you did
9 not receive them at all?

10 A That is correct.

11 Q Did you, on or about January 19, 1979,
12 receive a microwave oven, along with a set of dishes
13 delivered to you by Mr. Joseph DiLorenzo?

14 A That is not true.

15 Q Did you, sir, on or about March 19th or
16 April -- February or March, I'm sorry, if I may rephrase
17 it.

18 Did you on or about February or March of
19 1979 receive from Joseph DiLorenzo a four hour Betamax
20 RCA worth \$831. purchased from Best Products in Morristown
21 from Joseph DiLorenzo as a messenger accompanied by Angelo
22 Errichetti, the Holiday Inn in Long Island, New York, and
23 delivered directly to you?

24 A Not true.

25 Q Did you on that occasion say that nobody

Weinberg-cross-Brown

1
2 was to know that you have it?

3 A That is not true.

4 Q Did Mr. Joseph DiForenzo on that occasion
5 put the Betamax into your van?

6 A That is not true.

7 Q You did receive three watches from Mr. George
8 Katz?

9 A That is correct.

10 Q All of the gifts I have outlined you
11 unequivocally and absolutely deny having received as items
12 that is to say you never received them whether you believed
13 they were from Mr. Errichetti or not?

14 A That is correct.

15 Q Now, I want to call your attention to the
16 draft of a transcript of a telephone conversation, index
17 1183, dated July 12, 1979. There is a conversation which
18 is apparently of short duration such as you have described.

19 Would you examine it?

20 MR. PUCCIO: I object to the statement.

21 THE COURT: Sustained as to form. Disregard
22 the statement.

23 Q Mr. Weinberg, you have stated when phone calls
24 were only for two minutes and you talked to Danny, it wouldn't
25 be recorded?

Weinberg-cross-Brown

1
2 A When I called Danny up to speak to the Mayor,
3 if the Mayor wasn't there, I didn't record it.

4 Q Would you examine that particular transcript
5 which is a recording and tell us whether or not you ultimately
6 got the Mayor after that contact?

7 A I did not get the Mayor on this conversation.

8 Q But it is recorded?

9 A That is correct.

10 Q When you told us you generally called and
11 didn't get him, you wouldn't record it -- that is not an
12 example?

13 A Yes.

14 Q You didn't always do the same thing the same
15 way, sometimes you did record something and sometimes you
16 didn't?

17 A I guess so.

18 Q Thank you.

19 I think this is yours, Mr. Puccio.

20 MR. PUCCIO: Thank you, Mr. Brown.

21 Q Within the indictment that is here charged
22 against these people, it is a fact, is it not, that in
23 spite of the meetings or one meeting of August 22nd with
24 the Congressman, there is absolutely nothing that was done
25 in furtherance of any word, promise, or anything else?

Weinberg-cross-Brown

1
2 A I don't follow that question.

3 Q You did have a meeting with Congressman Myers
4 and others on the 22nd, is that correct?

5 A Yes.

6 Q On that date, in spite of the conversation
7 and in spite of whatever passed, absolutely nothing was
8 carried out to aid the Arab or doing anything in his behalf?

9 A That is correct.

10 Q The fact is, no matter what happened,
11 absolutely nothing was ever done by the Congressman to
12 carry out any of the so-called objectives?

13 A To the best of my knowledge.

14 Q It is also true that you stated that
15 Mayor Errichetti was with you up to September, but that was
16 the end of Errichetti and ABSCAM?

17 A He went down to Florida and there were a few
18 phone calls.

19 Q What date would you put for the end of
20 Errichetti and ABSCAM?

21 A I would say sometime in October.

22 Q In October of 19 --

23 A '79.

24 Q '79?

25 A Yes.

* * *

* * *

6 CROSS-EXAMINATION BY

7 MR. BEN-VENISTE:

8 Q Mr. Weinberg, we place in front of you Exhibit
9 22 A, which is a partial transcript of a conversation that
10 began on July 31st, 1979 at 5:00 and it was a telephone call
11 between yourself and Mr. Errichetti. Do you recall that?

12 A Correct.

13 Q You were in Florida at the time. And the
14 only question I have, sir, has got to do with the very
15 beginning of that conversation. I want to show you --

16 MR. BEN-VENISTE: May I approach the witness,
17 your Honor?

18 THE COURT: Yes.

19 Q The extract that begins at some point while
20 the conversation is in progress. Do you recall that, sir?

21 A Not offhand.

22 Q Well, do you see where these dots at the top --

23 A Right.

24 Q That indicates that something is left out.

25 Now, I am not suggesting that that is relevant, but I want

1 Weinberg - Cross/Ben-Veniste

2 to get your recollection as to what happened at the beginning
3 of that conversation when you started tape recording it.
4 For those purposes I ask you to put on your earphones -- and
5 ladies and gentlemen -- I ask the jury to put on their ear-
6 phones.

7 I am going to ask you, Mr. Weinberg -- would
8 you remove them for a minute.

9 I am going to ask you if you remember what
10 happened. There is some clunking around before there is
11 any conversation. My question is going to be directed
12 to what happened before the conversation actually started
13 being recorded.

14 THE COURT: What is it that we are listening
15 to?

16 MR. BEN-VENISTE: We are going to listen
17 to the very beginning of that conversation which
18 is not going to be reflected on the jury version of
19 the transcript.

20 THE COURT: I thought you had referred to 23A.

21 MR. BEN-VENISTE: 22A, your Honor.

22 THE COURT: 22A. Thank you. Proceed.

23 (Tape recording played)

24 (Tape recording stopped)

25 Q Now, Mr. Weinberg, you weren't suggesting

Weinberg - Cross/Ben-Veniste

1
2 that at that point in the conversation where you heard that
3 clunking, that you dropped the tape recorder at that
4 occasion, are you?

5 A No.

6 Q Could you tell the jury what happened before
7 that conversation got started?

8 A I think I was waiting for the Mayor to get
9 on the phone there.

10 Q Do you recall turning the machine on and
11 off on that occasion that you --

12 A No. Go ahead, finish.

13 Q Do you recall whether you turned the machine
14 on while you were preparing to make the call and then you
15 turned it off and you turned it on again when you got the
16 Mayor on the phone?

17 A I probably had the machine on once I knew
18 the Mayor was in.

19 Q So at the point before we hear the convers-
20 ation, that's where you started recording, activated the
21 recorder button?

22 A Yes.

23 Q Now, just one other question. In connection
24 with this time period, I want you to focus on July 29th and
25 July 31st while you are in Florida and you are calling

Weinberg - Cross/Ben-Veniste

1
2 Mayor Errichetti up in New Jersey. I want you to tell the
3 jury, sir, whether at that time you had more than one tape
4 recorder in your possession, if you recall?

5 A More than one tape recorder?

6 Q Yes.

7 A I don't think so.

8 Q Did you have access to more than one tape
9 recorder?

10 A Not that I know of.

11 MR. BEN-VENISTE: No further questions at
12 this time, your Honor.

13 THE COURT: All right. Redirect.

14 MR. MCCCIO: Yes, Judge.

15 Your Honor, you asked me to approach the
16 Side Bar on some questions.

17 THE COURT: Do you want to do that now?

18 Side Bar.

* * *

* * *

10 REDIRECT EXAMINATION

11 BY MR. PUCCIO:

12 MR. PUCCIO: May I approach the witness,
13 your Honor?

14 THE COURT: You may.

15 MR. PUCCIO: Thank you.

16 Q Mr. Weinberg, do you recall being asked by
17 Mr. Duffy about two separate lists of -- that purported
18 to record payments to you of monies by the Government?

19 A That's correct.

20 Q Now, with respect to the first list that was
21 shown you, I believe it's Defendants' Exhibit E.

22 A That's correct.

23 Q Does that record payments made to you in
24 connection with the ABSCAM investigation?

25 A That's correct.

1
2 Q Now, with respect to the second list which
3 covers a longer period of time -- that is, from 1963 I
4 believe to 1980, does that cover other payments that were
5 made to you in connection with other matters?

6 A That's correct.

7 Q Would it be fair to say that these other
8 matters included services you performed for the Government
9 and information you gave to the Government?

10 A That's correct.

11 Q All right. Unrelated to this case?

12 A Correct.

13 Q Now -- by the way, have you ever been indicted
14 or charged with a crime in any place other than Pittsburgh,
15 Pennsylvania?

16 A That's the only time I have been indicted.

17 Q And is that the only time you have been
18 convicted?

19 A Correct.

20 Q Now, do you recall some questions directed
21 to you about Agent Jack McCarthy of the FBI in his role in
22 the ABSCAM case?

23 A That's correct.

24 Q Now, did you ever have any discussion with
25 Mayor Errichetti about Mr. Mc Carthy?

1
2 A He was a little peeved at him, mad at him.

3 Q Do you recall any specifics of these conver-
4 sations?

5 A Just in general they just didn't get along.
6 One was the problem they had -- they had a payoff.

7 MR. BEN-VENISTE: Objection, your Honor.

8 MR. PUCCIO: Well, may I lead?

9 MR. BEN-VENISTE: We haven't fixed the time
10 and we are going into an area that Mr. Puccio has
11 been directed -- at least to get the Court's per-
12 mission. It's unrelated to this case. It seems
13 quite apparent.

14 THE COURT: The first as being unresponsive,
15 you are overruled. You are correct. He hasn't
16 fixed the time. And as to whether it's one of the
17 areas we originally discussed, I just don't know.

18 MR. PUCCIO: Well, may I ask the question
19 again, your Honor?

20 THE COURT: Yes.

21 Q Mr. Weinberg, would it be fair to say that
22 based upon conversations you had with Mr. Errichetti, Mr.
23 Errichetti's relationship with Mr. McCarthy was not that
24 good in the context of this undercover matter?

25 A That's correct.

1
2 Q And would it be fair to state that the reason
3 that Mr. -- one of the reasons that Mr. McCarthy was re-
4 placed was because he wasn't getting along with Mayor
5 Errichetti?

6 A That's correct.

7 Q And Mayor Errichetti in fact said that he
8 didn't like Mr. McCarthy, or words to that effect; is that
9 right?

10 A That's right.

11 Q Now, you testified at a hearing in Philadelphia
12 concerning the meeting on the boat on the 26th of July, 1979,
13 is that correct?

14 A That's correct.

15 Q And I believe it was brought out during cer-
16 tain questions that you had said Mr. Criden had brought up
17 the discussion of the Immigration matter on the boat; is
18 that right? that right?

19 A I told him I thought that Mr. Criden was the
20 one that brought it up.

21 Q I think you testified that later you checked
22 with Agent Amoroso and he refreshed your recollection that
23 it wasn't Mr. Criden who brought up the matter; is that
24 correct?

25 A That's correct.

1
2 Q I direct your attention --

3 MR. PUCCIO: And if I may approach the wit-
4 ness, sir?

5 THE COURT: Yes.

6 Q -- to page 3.144, the top of the page, at
7 the hearing in Philadelphia, I ask you to read that and
8 tell us if you in fact corrected that error right at the
9 hearing in Philadelphia before you got off the witness
10 stand.

11 MR. DUFFY: I object to the form of the
12 question, sir.

13 THE COURT: Overruled.

14 MR. BEN-VENISTE: I object to the form itself
15 and I ask -- I would ask that the Court be supplied
16 with the transcript.

17 MR. PUCCIO: Your Honor, I will withdraw
18 the question.

19 Q Mr. Weinberg, what else did you say about
20 that meeting at the hearing in Philadelphia?

21 MR. BEN-VENISTE: Objection. Irrelevant.

22 THE COURT: Overruled.

23 You may answer.

24 A We spoke about the Immigration ideas; asked
25 me about that and about the shah wanted to invest, putting

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up property over here.

Q Did you say anything about Mayor Errichetti in that connection?

A Yes. I said this is -- this is what the Mayor said. There is no problem. He can handle that. The Mayor said.

Q You said at the hearing at Philadelphia that the Mayor said at the boat they would be handling that?

MR. BEN-VENISTE: I object. He starts with saying that somehow he had corrected the misstatement about Mr. Criden in the Philadelphia hearing. That is not true. And now we are onto something else.

THE COURT: Mr. Puccio, wouldn't it be better procedure if there is more out of the transcript to put into context or correct or modify something that he has been questioned about on cross-examination, for you to read it to him and the rest of us, or else show it to him and ask him if it refreshes his recollection as to something. And if so, let him testify to it.

MR. PUCCIO: All right, Judge. I was going to ask to be permitted to read it and see if he --

THE COURT: Yes. If it relates to the

1
2 subject.

3 MR. BEN-VENISTE: The foundation is whether
4 he corrected the misstatement about Mr. Criden. I
5 would suggest that the testimony is irrelevant to
6 answering that question because he does not correct
7 that statement.

8 THE COURT: Are you saying that it does
9 correct it, Mr. Puccio?

10 MR. PUCCIO: My position, your Honor, is that
11 it clarifies that earlier question and answer and
12 does correct it to some extent.

13 THE COURT: Overruled. You may proceed.

14 Q Now, were you asked these questions and did
15 you give these answers at the hearing in Philadelphia?
16 I assume the questions were asked -- well --

17 Were you asked these questions and did you
18 give these answers?

19 "Q Now, you said earlier that it was on
20 that boat, as I understand it, that Criden came up
21 with the idea for the sheik's business?

22 "A Well, they discussed --

23 "Q Is that what you said earlier?

24 "A I said earlier before Criden was dis-
25 cussing with Tony about the Shah and Somoza at the

1
2 time Tony said, we had the same problem. We are
3 worrying about getting the Arabs in the country
4 if nothing goes wrong."

5 I would assume -- well, I assume that "if
6 something goes wrong, there should be no problem.
7 We can handle that. That is what the Mayor said.
8 That is when the Mayor said that."

9 MR. BEN-VENISTE: I object to the form of
10 the question, your Honor. Mr. Puccio is interject-
11 ing what he assumes a transcript should say.

12 THE COURT: Whether or not other people
13 interpret the transcript the same way, I will leave
14 it to the jury.

15 MR. DUFFY: Your Honor, I object and move
16 to strike.

17 THE COURT: On what grounds?

18 MR. DUFFY: On the grounds that the proffer
19 is that it's a correction and that it's not. It
20 is misleading to offer that conclusion.

21 THE COURT: Overruled.

22 Q Do you remember being asked those questions
23 and giving that answer?

24 A I do.

25 Q Now, do you remember testifying, Mr. Weinberg,

1
2 on cross-examination about a \$25,000 kickback from Mayor
3 Errichetti?

4 MR. BROWN: I object and ask to be heard
5 at side bar.

6 THE COURT: Side bar.

* * *

Weinberg-redirect

(The following took place in open court.)

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q With respect to the \$25,000, that had nothing to do with the matter under consideration here, is that correct?

A That is correct.

Q And it is a fact that the \$25,000 from Mr. Errichetti you never actually got personally, but it was delivered to an agent of the FBI who was undercover?

A Yes.

Q Mr. Brady, is that correct?

A Yes.

Q You kept no \$25,000 that Mr. Errichetti transmitted, is that correct?

A That is correct.

THE COURT: In view of the testimony, do you still want the limiting instruction?

MR. BEN-VENISTE: Apparently the first answer about receiving a gift was inaccurate, the witness did not receive --

THE COURT: Will you answer my question?

MR. BEN-VENISTE: The answer is no.

THE COURT: Next question.

Weinberg-redirect

Q Mr. Weinberg, directing your attention to the Myers matter.

Was there any discussion with anyone concerning you or Amoroso receiving a part of the \$50,000?

A Yes, at the meeting at the airport Amoroso told me to meet the Mayor and ask for a ten to \$15,000 kickback.

MR. BEN-VENISTE: May I have that? I didn't hear it.

MR. PUCCIO: Answer the question again.

MR. BEN-VENISTE: I would rather have the reporter read it.

(Above read by the reporter.)

THE WITNESS: Kickback of ten to fifteen thousand, that he needed money.

Q Did you in fact meet with the Mayor before the airport meeting on the 5th of August and ask him that?

A I met him downstairs on the main lobby and asked for -- Tony needed money, we would like to get \$15,000 kickback.

Q What was the purpose of asking that question?

MR. BROWN: I object and ask for a side bar.

THE COURT: Overruled.

Q What was the purpose in saying that to the

1
2 Mayor?

3 MR. DUFFY: I object, it is not relevant.

4 THE COURT: Overruled.

5 A Tony Amoroso and Mr. John Good spoke to --

6 MR. BEN-VENISTE: Your Honor --

7 MR. BROWN: Your Honor, there is a --

8 MR. PUCCIO: May I ask a different question?

9 MR. BROWN: It goes to the same thing.

10 THE COURT: Do I understand the defendants
11 are now taking the position that the state of mind
12 of Mr. Weinberg and Mr. Amoroso was not an issue in
13 this case?

14 MR. BEN-VENISTE: I object.

15 MR. BROWN: The rules of evidence still --

16 THE COURT: Let me hear the witness' answer
17 as far as he got.

18 (Record read.)

19 THE COURT: You better rephrase the question.

20 Q Mr. Weinberg, Mr. Good and Mr. Amoroso spoke
21 to you about this matter, is that correct?

22 A That is correct.

23 Q You were asked, were you not --

24 MR. DUFFY: Objection, leading.

25 THE COURT: Which way do you want it? You

object if it is leading and you object when he doesn't lead and the witness tell you hearsay.

MR. DUFFY: We are entitled to have it done right. That question is leading. I object to it.

THE COURT: Mr. Weinberg, with respect to the hearsay objection that has been raised, a witness is not supposed to tell us what someone else told him happened.

In other words, if Mr. Amoroso told you that Mr. Good had gone to Hauppauge, for example, that would not be admissible in court for the purposes of showing that Mr. Good went to Hauppauge.

THE WITNESS: All right.

THE COURT: It would be admissible to -- under some circumstances -- to show perhaps your belief that Mr. Good was in Hauppauge at the time if that were important.

I don't know if that gives you any insight into one of the many ramifications of the hearsay rule in this context, but with that bit of guidance, will you now answer the question and try not to give us hearsay.

A Mr. Amoroso told me to go downstairs because he wanted to find out who was sharing in the money by asking.

Weinberg-redirect

1
2 for \$15,000 back. He had an idea the Mayor would tell him
3 who else was sharing in the money.

4 Q As a matter of fact, on the tape, which is
5 admitted in evidence as Exhibit 1, the Mayor says: And it's
6 15 coming back, is that correct?

7 A That's correct.

8 Q Was this a reference to this 15,000 that
9 Mr. Amoroso had asked you to ask the Mayor about?

10 A That is correct.

11 Q Now, later on there is a conversation where
12 Mayor Errichetti uses the figure one, is that correct?

13 A That is correct.

14 Q I believe you testified that that referred
15 to \$100,000?

16 A That is correct.

17 Q Was there ever a conversation about who would
18 split the \$100,000?

19 A The hundred thousand dollars was to go to --

20 MR. DUFFY: Objection, sir. May I state
21 my ground?

22 THE COURT: You want to --

23 MR. DUFFY: The answer is not responsive
24 and the question does not ask time or place or person.

25 Q Was there ever any conversation with

Weinberg-redirect

1
2 Mr. Errichetti about the split of the hundred thousand
3 dollars?

4 A He said to me at one point that that has to
5 be split up with certain people.

6 Q Did he tell you who those people were at that
7 time?

8 A Not at that time.

9 Q Now, when the figure was reduced, as you
10 testified to \$50,000, was there ever any conversation then
11 about 15 coming back or anything to you and Amoroso?

12 A He balled him out at the meeting and told
13 him: You didn't think of Weinberg --

14 MR. BEN-VENISTE: Objection.

15 THE COURT: On what ground?

16 MR. BEN-VENISTE: We asked for a time and
17 place of this conversation to be fixed. If it is
18 not fixed with respect to the last question, I ask
19 it to be done when Mr. Errichetti said it had to be
20 split. We have no such time.

21 THE COURT: Time and place, please.

22 Q As best you can recall, when did Mr. Errichetti
23 say that it had to be split, that is, the hundred thousand
24 dollars?

25 MR. BROWN: That is not the question, your

Weinberg-redirect

Honor.

THE COURT: That is the last one
Mr. Ben-Veniste picked up --

MR. BROWN: Withdrawn, -hank you.

THE COURT: Can you recall when and where
that occurred?

THE WITNESS: That was on the way when I
went downstairs to meet him at the airport there to
tell him we wanted 15.

Q On the 5th of August, 1979?

A That is correct.

(Continued on next page.)

Weinberg-redirect-Puccio

Q The second conversation you mentioned where you say that -- next conversation you say Mr. Errichetti bawled out Mr. Amoroso, do you recall when that took place?

A Right after the payoff to Congressman Myers.

Q Now, on one or another of these transcripts, M. Weinberg, you used the phrase: "Come on strong," do you recall that?

A I do.

Q Can you tell us what your purpose was in telling Mayor Errichetti or anyone else to have someone come on strong?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: On what ground?

MR. BEN-VENISTE: The form of the question.

THE COURT: Overruled. You may answer.

MR. BEN-VENISTE: Can he fix the time? The question is Mayor Errichetti or someone else.

Q Whenever you used that expression, what was your purpose?

A The purpose, we didn't want to get in a situation like we got into once --

MR. BROWN: I object to this. The question calls obviously for --

THE COURT: Can you tell us without referring

1
2 to other situations that may have occurred that are
3 not involved in this trial, what your purpose was in
4 telling someone to come on strong?

5 A Yes, your Honor. Tell him to come on strong
6 that we get -- we knew that the man was taking the 50,000,
7 tell us what he was going to do.

8 Q The public official?

9 A The public official.

10 Q And you knew, did you not, that Mr. Errichetti
11 or someone was going to speak to the public official before
12 the meeting?

13 A That is correct.

14 Q Now, do you have any idea or can you approximate
15 for us, how many telephone conversations you recorded during
16 the course of this entire investigation?

17 A I think it runs close to a thousand.

18 Q To the best of your knowledge, how many tape
19 recordings of those thousand that you made are missing?

20 MR. BEN-VENISTE: Pardon me?

21 A Are you saying the ones I made?

22 Q Yes.

23 MR. BEN-VENISTE: Excuse me, I didn't hear the
24 question. Mr. Puccio is facing --

25 THE COURT: Read it back.

(The above was read by the Reporter.)

THE COURT: Is there an objection?

MR. BEN-VENISTE: As far as this witness knows, I assume by missing that means ones he recorded and knew were gone with the airline episode?

THE COURT: I don't know what you assume.

There is an objection?

MR. BEN-VENISTE: Objection to the form of the question.

THE COURT: Overruled. You may answer.

A The only ones that are missing are the ones stolen in the airline on January 23rd.

Q Do you have the year?

A 1980.

Q Now, Mr. Weinberg, do you remember a conversation that you had with Mr. Errichetti and another person on June the 28th, 1979, that was played by Mr. Brown, or a portion of it was played by Mr. Brown?

A Is that the one at the Marriott?

Q Do you remember a conversation at the Marriott?

A Yes, I remember that conversation.

Q Do you recall that -- withdrawn.

How many people were in that conversation?

Do you recall?

1
2 A Yes, I think it was three.

3 Q You and Mr. Errichetti?

4 A That is correct.

5 Q Who was the third individual at that meeting?

6 MR. BROWN: Objection. I think this is
7 one of the things discussed at side bar.

8 MR. PUCCIO: I will be glad to discuss it
9 if your Honor wishes.

10 THE COURT: Side bar.

* * *

I N D E X

2362

<u>WITNESS:</u>	<u>CROSS</u>	<u>REDIRECT</u>
MELVIN WEINBERG	2059	2272

E X H I B I T S

<u>DEPENEDANT'S:</u>	<u>Description</u>	<u>FOR ID.</u>	<u>IN EV.</u>
N	Document	2077	

COURT'S:

9	Mailgram		2051
10	Mailgram		2051
11, 12	Two letters		2186

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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-----X
:
UNITED STATES OF AMERICA,      :
:
      -against-                 :
:
MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
LOUIS C. JOHANSON, HOWARD L. CRIDEN,    :
:
                        Defendants.    :
-----X

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80 CR 00249

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

August 21, 1980
12:30 o'clock P.M.

B E F O R E :

HONORABLE GEORGE C. PRATT, U.S.D.J.

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13 * * *

* * *

Weinberg - redirect

2411

1
2 M E L V I N W E I N B E R G, having been previously
3 sworn, testified further as follows:

4 (Whereupon, the jury entered the jury box.)

5 REDIRECT EXAMINATION

6 BY MR. PUCCIO: (Continued)

7 THE COURT: Good afternoon, ladies and gentle-
8 men. My apologies for the delay in getting started
9 today. I think we are ready to proceed.

10 Before we do, however, I want to inquire of
11 you again since I last inquired of you yesterday,
12 has anyone attempted to speak to you or has anyone
13 spoken to you about the case? If so, raise your hand.

14 Has any one of you talked to anyone else about
15 the case? Have you seen any television broadcast
16 about the case or newspaper articles about it,
17 magazine articles, or heard any radio broadcasts
18 about it since yesterday?

19 Very good. You may proceed, Mr. Puccio.

20 MR. PUCCIO: Thank you.

21 THE CLERK: Mr. Weinberg, please be advised you
22 are still under oath.

23 THE WITNESS: Yes.

24 Q Now, Mr. Weinberg, I believe you testified
25 yesterday that on the 28th of June you had a meeting with

1
2 Mayor Errichetti and another individual; is that right?

3 A That's correct.

4 Q And do you recall that that was at the Marriott
5 Inn in Virginia?

6 A That's correct.

7 Q Who was the other individual at that meeting,
8 sir?

9 A Senator Williams.

10 Q Is that Senator Harrison Williams of New Jersey?

11 A That's correct.

12 Q Had you met with Mr. Errichetti and Senator
13 Williams before that day?

14 MR. BEN-VENISTE: Would your Honor be kind
15 enough to give the jury a limiting instruction with
16 respect to Mr. Criden?

17 THE COURT: This is -- with respect to Mr.
18 Criden or along the lines that I discussed at side bar.

19 MR. BEN-VENISTE: I only speak with respect
20 to Mr. Criden, but I think it would apply to all of
21 the defendants.

22 THE COURT: I will give a double limiting
23 instruction, ladies and gentlemen. First off, the
24 meeting they are talking about, you may recall from
25 the testimony yesterday, involved three people,

1
2 Senator Williams, the defendant Errichetti, and Mr.
3 Weinberg. None of the other three defendants were
4 present. And therefore until I tell you otherwise --
5 unless I tell you otherwise -- you should not weigh
6 the evidences as against them, the other three defend-
7 ants or any of them.

8 But there is another sense in which the evi-
9 dence that you are about to hear should be limited
10 in your consideration. The purpose for which I am
11 admitting this evidence is for you to weigh in con-
12 nection with the contention that what happened as
13 between the defendant Myers and the sheik's repre-
14 sentatives on the occasion which you have seen in
15 one of the videotapes when money was allegedly given
16 to Mr. Myers, what happened on that occasion is some-
17 thing that you are going to have to determine. What
18 the meaning of what happened -- what the witness
19 testified to about it, the defendants have argued
20 to you in their opening statements and apart from
21 questions that this is not what it appears to be
22 on the surface, but was in effect someone acting out
23 something they were supposed to be doing or were told
24 to do.

25 This evidence that you heard yesterday was

1
2 offered -- admitted for the purpose of your deter-
3 mining whether or not there is merit to the conten-
4 tion that this was in effect a stage play, that the
5 people who were dealing with the sheik -- sheik's
6 representatives -- in our case, that would be
7 Congressman Meyers -- was he acting or was he not?
8 And the contention with respect to the evidence
9 relating to Senator Williams is there was similar
10 conduct on the part of Mr. Weinberg, that he was
11 giving instructions as to exactly what should be
12 said. He did it on the one occasion. Therefore,
13 the argument would be that he -- that is what he did
14 with respect to Congressman Myers. It is what we
15 call similar act kind of testimony. Its significance
16 for your purpose is to determine whether or not there
17 was some kind of a plan, pattern, action carried on
18 by Mr. Myers and/ or the FBI agents to put words
19 into the mouths of the participants so it would appear
20 on television or on tape recordings that they were
21 taking money in return for being influenced in offi-
22 cial actions when in fact that was not the case.
23 That is one of the central issues that you are going
24 to have to determine. And this evidence relating to
25 Senator Williams is an entirely different transaction.

1
2 It does not involved any of the -- directly any of
3 the issues that you have to determine in this case.
4 But it is offered solely on this question of what
5 was it that was really going on. I am sorry. It
6 is offered solely on the question of was there some
7 kind of a pattern or plan of action on the part of
8 Mr. Weinberg and Mr. Amoroso to tell people what
9 they were to say.

10 It is contended that what happened before
11 Senator Williams is that he was told what to say.
12 And it is argued that it was part of a plan, and that
13 plan extended to include what happened before
14 Congressman Myers. There's no contention that
15 there is any direct connection between Senator
16 Williams and Congressman Myers. There is no indi-
17 cation of connections other than the possible common
18 connection of the defendant Errichetti having been
19 present on both occasions.

20 So it is in that limited sense that you are
21 to view this evidence together with the limitation
22 that it does not apply at this stage directly to
23 any of the other defendants except to the defendant
24 Errichetti.

25 Mr. Duffy?

1
2 MR. DUFFY: Your Honor, I am sure it was un-
3 intentional, but there was a point-- the precise
4 wording of which I now forget, but where your Honor
5 said Myers, when you meant to say Weinberg. You
6 instructed the jury that the question was whether
7 Myers and the agents and/or the agent said something
8 to effect a certain rule. "I am sure you meant to
9 say "Weinberg."

10 THE COURT: I am sure you must have understood
11 me. It is the claim that the common plan of Mr.
12 Weinberg and the agents that the defendants offer
13 the testimony of the tapes which you heard yesterday,
14 and, as I understand it, what Mr. Puccio wishes to
15 do is to explain a little more of what happened in
16 connection with the Senator Williams matter so that
17 you can better assess whether there was a plan of
18 that nature or whether it was a different kind of
19 transaction which would be viewed differently.
20 All of these things will be argued to you in the
21 summation and I will have more to say about it in
22 the charge.

23 Proceed, Mr. Puccio.

24 Q Now, had you met with Senator Williams before
25 this date, Mr. Weinberg?

1
2 MR. BROWN: I object to this, this question.

3 THE COURT: Overruled.

4 THE WITNESS: I really don't remember if we --
5 I think this was the first meeting with him.

6 Q Well, Mr. Weinberg, were you in Fort Lauderdale,
7 Florida --

8 MR. BROWN: I object, if your Honor please.

9 THE COURT: On what grounds?

10 MR. BROWN: Because he said he hadn't met him
11 before and this is an attempt to rehabilitate him.
12 And I submit it's improper.

13 THE COURT: Overruled.

14 THE WITNESS: That's correct. I met him at
15 the party on the boat.

16 Q That was in March of '79?

17 A Yes.

18 MR. BEN-VENISTE: I object to leading.

19 THE COURT: Overruled.

20 THE WITNESS: That's right.

21 Q Was Mayor Errichetti at that party on the boat?

22 A He was present at the boat.

23 Q Was that at Fort Lauderdale?

24 A No, it wasn't Fort Lauderdale. It was Delray
25 Beach.

1
2 Q Was a Mr. Feinberg present at that time?

3 A Yes, he was present?

4 MR. BROWN: Objection, your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: He was present, too.

7 Q Now, Mr. Weinberg, in the portion of the tape
8 that Mr. Brown played yesterday, there is a reference to
9 loans. Do you recall that?

10 A That's correct.

11 Q That is, reference to loans on the 28th of
12 June; is that right?

13 A That's correct.

14 MR. BROWN: If your Honor please, we ask that
15 the entire tape be played at this time.

16 THE COURT: Well, if it becomes necessary it
17 can be played again. But I will let Mr. Puccio
18 conduct his examination as he sees proper.

19 Q Now, what did that refer to? Do you know?

20 A That was for loans on a titanium mine.

21 MR. BROWN: I understood your Honor to say
22 there was some limitation. I won't go any further,
23 but I would like to jog his recollection if I may.

24 THE COURT: I understand what you are refer-
25 ring to. Overruled.

1
2 Q Who was supposed to loan money in connection
3 with the titanium mine?

4 A Yassir Ahsed was supposed to loan money to the
5 group to buy the titanium mine and a plant down in Savannah,
6 Georgia.

7 Q Okay. Who were members of the group?

8 MR. DUFFY: Objection.

9 MR. BROWN: Irrelevant and immaterial.

10 THE COURT: I think the full membership would
11 be irrelevant, Mr. Puccio.

12 Q Well, was Senator Williams a member of this
13 group?

14 A He was a member of the group.

15 Q Was Mr. Errichetti a member of the group?

16 A Mr. Errichetti was a member of the group, too.

17 Q And was Senator Williams asked to do anything
18 in connection with this matter?

19 MR. DUFFY: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: Yes. He was supposed to get
22 government contracts for titanium for us.

23 Q Now, in this conversation on the 28th --
24 withdrawn.

25 What was your purpose in speaking to Senator

1
2 Williams on the 28th of June?

3 MR. BROWN: Objection. The tape speaks for
4 itself. His interpretation is irrelevant.

5 THE COURT: Overruled.

6 THE WITNESS: The purpose for the meeting was
7 to -- the Senator was extremely nervous meeting
8 Yassir Abeeid. My meeting with him was to calm him
9 down, that it was no big deal to say to Yassir --
10 it was just a meeting. We were going to get the
11 loan. And all he had to do was just explain to
12 Yassir for us to get the loan what he was going to do
13 for us to get the contracts.

14 Q All right. And prior to this meeting, had you
15 been told that Senator Williams had already agreed?

16 MR. BROWN: Objection, your Honor, because
17 I think the burden of it is improper and to allow
18 him to continue is improper. I object to the leading
19 where he actually recites conversations, your Honor.

20 THE COURT: You object to the leading. All
21 right. I will sustain the objection.

22 MR. PUCCIO: All right.

23 Q Now, prior to this meeting, had you attended
24 a meeting at the Pierre Hotel in New York City?

25 A That's correct.

1
2 Q Was Senator Williams at that meeting?

3 A He was at that meeting.

4 Q Was this --

5 MR. BROWN: Objection. Unless Mr. Errichetti
6 was there, if your Honor please. I believe he was
7 not.

8 MR. PUCCIO: Your Honor, it's conceded that
9 he was not.

10 MR. BROWN: Then I object to it. And I would
11 like to have, if your Honor please, the transcript
12 upon which this is based. I have not received such.

13 THE COURT: Was this a taped meeting?

14 MR. PUCCIO: Yes.

15 MR. BROWN: I have received none --

16 THE COURT: Make the transcript available to
17 defense counsel before they have an opportunity to
18 recross. I will overrule the objection. You may
19 answer the question.

20 You understand, ladies and gentlemen, all this
21 testimony is being offered by way of background so
22 that you can better assess what it is that you heard
23 on the tapes yesterday.

24 Proceed.

25 Q Now, Mr. Weinberg, at this meeting in the Pierre,

1
2 was the subject of this titanium mine discussed with Senator
3 Williams?

4 A That's correct.

5 Q And was the subject of his getting contracts
6 discussed?

7 A That is correct.

8 Q Now, I direct your attention to the 24th of
9 June, 1979 and ask you if on that date you had a conversa-
10 tion with Alan Feinberg.

11 MR. BROWN: Objection, your Honor. If again
12 Mr. Errichetti, as I understand it, since I have
13 received no such information, was not present --

14 THE COURT: The objection is overruled.

15 THE WITNESS: Will you repeat the --

16 Q On the 24th of June, 1979, four days before
17 this meeting at the Marriott Inn, did you have a conversation
18 with Mr. Feinberg concerning Senator Williams?

19 A That's correct.

20 Q During this conversation, was reference made
21 to this proposed meeting with Yassir?

22 A That's correct.

23 Q Do you recall what Mr. Feinberg told you about
24 the Senator at that time?

25 MR. DUFFY: Objection.

MR. BROWN: Continuing objection. Hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. He told me that he had spoken to the Senator and everything will be all right.

Q Did he in addition say this, referring to the Senator, he's ready and willing to go?

MR. BROWN: I object, if your Honor please, and ask that that be stricken. And I wish to -- I am unclear, your Honor, as to whether a side bar is required for anything other than just the word "objection."

THE COURT: Tell me the grounds of your objection.

MR. BROWN: Well, my objection is that this material is hearsay. It is irrelevant. And I believe it reaches the posture where I must ask your Honor for a mistrial. And I am never certain as to your ruling, whether I said that -- but I -- that's why I asked for a side bar. But I do ask for a mistrial based on these proceedings.

THE COURT: The objection is overruled. It is not hearsay. The testimony is not offered for the truth of what may have been said by Senator -- by

1
2 Mr. Peinberg. It is offered, ladies and gentlemen,
3 only for you to better assess what was meant in the
4 tape recordings that were played by one or the other
5 of the defendants yesterday to determine how they
6 may have effect -- how they affect what was going
7 on in the minds of the people at the time the state-
8 ments were made. And knowing what happened earlier,
9 it is hoped you will be better able and more accurately
10 able to determine what it was that was being said and
11 what was meant by what was being said.

12 With respect to the motion for a mistrial,
13 it is denied.

14 - Will you read the question back, please.

15 (Record read.)

16 THE WITNESS: That's correct.

17 Q Now, did you attend the meeting with Yassir
18 Abeer on June 28th?

19 A Was that at the Marriott?

20 Q Yes.

21 A I was not at that meeting.

22 Q All right. To your knowledge, did Mr. Erri-
23 chetti and Senator Williams attend that meeting?

24 A They did attend that meeting.

25 Q And, by the way, at this meeting that you had

prior to the meeting with Yassir Abeer, that is the meeting you had with Mr. Errichetti?

MR. DUFFY: Objection. There is no Yassir Abeer, sir. Unless the Government has someone new.

THE COURT: I don't understand your objection, Mr. Duffy.

MR. BEN-VENISTE: I object to a conversation where the identity of the --

THE COURT: Let me take care of Mr. Duffy's objection first. I don't understand it.

MR. DUFFY: He is asking this witness who responded in the affirmative about a meeting with Yassir Abeer. And I thought he was fictitious, your Honor. That's why I am objecting. Maybe he is real.

THE COURT: Who is Yassir Abeer, Mr. Weinberg?

THE WITNESS: He's an FBI agent.

THE COURT: There was someone who used the name Yassir Abeer?

THE WITNESS: That's correct.

THE COURT: All right. What is your objection, Mr. Ben-Veniste?

MR. BEN-VENISTE: I had the same one. I would like it if the witness would identify who the person really was whom he's having this conversation with.

1
2 THE COURT: Who is the -- what was the name
3 of the FBI agent who used the name Yassir Abeer?

4 THE WITNESS: I do not know, sir.

5 THE COURT: All right.

6 Q Now, at the meeting you did attend in which
7 the tape was played concerning -- you said the word, all
8 bullshit, do you remember that?

9 A That's correct.

10 Q What were you referring to, Mr. Weinberg, when
11 you said that?

12 A I was trying to put the Senator at ease, that
13 it was just bullshit. The whole meeting, just wanted to
14 see you and hear what you are going to do for him.

15 Q Now, would you -- would it be fair to say
16 that the formality of a meeting with Yassir Abeer was
17 all bullshit?

18 MR. BEN-VENISTE: Objection?

19 MR. BROWN: Objection. That's a conclusion.

20 THE COURT: I'll sustain that objection.

21 Q Well, everything had been agreed to prior to
22 this meeting?

23 MR. BEN-VENISTE: Objection.

24 MR. BROWN: Objection.

25 THE COURT: Sustained as to fo...m.

1
2 Q Had everything been agreed to with the Senator
3 prior to this meeting, Mr. Weinberg?

4 A That's correct.

5 Q Now, do you recall saying at this meeting
6 with the Senator it goes no further?

7 A That's correct.

8 Q What did you mean by that?

9 A That it wouldn't go further out of the room,
10 what he was telling Yassir.

11 Q Now, a few additional questions, Mr. Weinberg.
12 Do you recall a meeting on the 16th of June, 1979 concerning
13 which Mr. Brown, I believe, played a tape yesterday in
14 which Mr. Errichetti said the following, I know what we
15 got to do with Pete and the other guy?

16 A That's correct.

17 Q Now, Pete refers to whom?

18 A Senator Pete Williams.

19 Q Now, the other guy is no one who has been
20 connected with this case; is that correct?

21 A That's correct.

22 MR. BROWN: That was stipulated, your Honor.

23 THE COURT: All right. Now it's been testified |

24 to.

25 Q Now, you testified yesterday that you never

1
2 accused the Mayor directly of being responsible for the
3 Nopo matter; is that right?

4 A That's correct.

5 Q Will you explain why you never accused him
6 directly?

7 MR. BEN-VENISTE: Objection. This was brought
8 out in -- objection.

9 THE COURT: Overruled.

10 THE WITNESS: Well, the reason we never
11 accused him directly, we didn't want to lose being
12 in touch with him and --

13 Q Now --

14 THE COURT: Did you finish your answer?

15 THE WITNESS: Yes, your Honor.

16 THE COURT: All right.

17 Q You did testify, did you not, that for some
18 substantial period of time you were keeping in continual
19 touch with Mayor Errichetti?

20 A That's correct.

21 Q For some period of eight months or more?

22 A Yes.

23 Q Why were you continuously keeping in touch
24 with Mayor Errichetti?

25 MR. DUFFY: Objection.

MR. BROWN: Objection. I ask for a side bar. This too is collateral and has gone to a certain point where we would ask respectfully --

MR. DUFFY: Beyond the scope of the offer, sir.

THE COURT: It is an entirely different area of redirect examination. Overruled.

MR. BEN-VENISTE: Your Honor, I would ask for a proffer at the side bar so that -- since this doesn't involve Mr. Criden, I don't have to move for a mistrial. If the witness blurts out something that he shouldn't --

THE COURT: I assume the witness will only answer the question. Overruled.

You may answer. What was the reason you were keeping in touch with him over this period of eight months?

THE WITNESS: The Mayor was bringing continuous deals to us in Atlantic City. When we got to the politicians, different politicians he was giving us, so we knew that he would be a source of information of people. So we kept in touch with him for that reason.

MR. BROWN: I ask for a mistrial based on the question and the answer.

1
2 THE COURT: Not again do you make a motion
3 like that in the presence of the jury, Mr. Brown.

4 MR. BROWN: I asked you before, your Honor,
5 for your direction.

6 THE COURT: You did not.

7 MR. BROWN: I beg your pardon, sir. I will
8 show you.

9 THE COURT: It's not quite the way it happened.
10 But you understand me now. You know very well such
11 matters should be taken up in recesses.

12 MR. BROWN: That's why I asked you before if --

13 THE COURT: Don't argue, please, Mr. Brown.
14 The motion is denied.

15 Ladies and gentlemen, disregard any discussion
16 between me and counsel. These are things that keep
17 you so penned up in the jury room. Sometimes many
18 things we have to discuss are out of your presence.
19 Occasionally something comes up that is a legal
20 problem that does not affect your deliberations in
21 any way. Disregard it.

22 MR. BEN-VENISTE: Your Honor --

23 THE COURT: It won't happen again.

24 MR. BEN-VENISTE: Your Honor, may I respectfully
25 ask for a side bar if Mr. Puccio is going to pursue

any of these other areas that we have not discussed previously in any detail.

MR. PUCCIO: I am going to a different subject.

THE COURT: The request is denied. Proceed, Mr. Puccio.

MR. PUCCIO: Thank you, Judge.

Q Do you recall, Mr. Weinberg, being questioned by Mr. Brown concerning a certain gift you allegedly received?

A That's correct.

Q Now, would you tell us now during the entire period you were working in the ABSCAM investigation, to the best of your recollection, other than money which has been mentioned, what gifts did you receive?

A I received three gold wrist watches, received the liquor for the party, the food for the party, briefcase, a bottle of liquor and a wallet. --That's to the best of my knowledge. my knowledge.

Q That money you received was turned over to the FBI?

A The 25,000 was picked up by FBI agents.

MR. BROWN: Objection. Asked and answered.

I believe your Honor indicated --

THE COURT: I think that was covered yesterday.

1
2 MR. PUCCIO: Yes, your Honor.

3 THE COURT: With respect to the 25,000.

4 MR. PUCCIO: Now, your Honor --

5 MR. BEN-VENISTE: Can we have an instruction
6 with respect to that that it hasn't anything to do
7 with this case?

8 THE COURT: I think it is not disputed.

9 Well, the matter in connection with which you
10 say the \$25,000 was given back to you, that was not
11 this case, was it?

12 THE WITNESS: It was never given to me, your
13 Honor.

14 MR. BROWN: There we go. I object.

15 THE COURT: Do you understand the transaction
16 we are discussing?

17 THE WITNESS: Yes, your Honor.

18 THE COURT: Did it have anything to do with
19 this case?

20 THE WITNESS: No, your Honor.

21 THE COURT: All right.

22 Q Now, who gave you those watches, Mr. Weinberg?

23 A Mr. Katz.

24 Q What kind of watches were they?

25 MR. BROWN: Irrelevant. They don't pertain

to my client, if your Honor please.

THE COURT: I am sorry. I didn't hear all that.

MR. BROWN: I say it's irrelevant. It does not pertain to my client. He mentioned another person's name. Nothing to do with this case, as far as I know.

THE COURT: No. It is a matter which has been gone into on cross-examination. Overruled.

THE WITNESS: Paget.

Q Piaget, P-i-a-g-e-t?

A I think so.

Q About how much were those watches worth?

A About \$18,000.

Q The three totalled were worth about \$18,000?

A That is correct.

Q Now, did you keep those watches?

A I turned them over to Mr. John Good the same day.

Q Mr. Good with the FBI?

A That's correct.

Q Do you know Margo Kennedy's real name?

A Yes.

Q The FBI agent I am talking about.

A Yes.

1
2 Q What is her real name?

3 A Dennedy.

4 Q Margo Dennedy?

5 A Correct.

6 MR. BEN-VENISTE: Will you spell that? Can
7 we get that spelling?

8 MR. PUCCIO: D-e-n-n-e-d-y.

9 Q Mr. Weinberg, did you ever hear the expression,
10 you can't con an honest man?

11 A That's correct.

12 MR. BEN-VENISTE: Objection. I move for a
13 mistrial. I'm sorry, your Honor. I would like to
14 approach the side bar with a motion.

15 THE COURT: We will take up motions at the
16 end of the day. At the present time the motion is
17 withdrawn. Proceed.

18 MR. DUFFY: I object and ask that the prose-
19 cutor be admonished, sir.

20 THE COURT: The objection is sustained. Dis-
21 regard the question and the answer, ladies and
22 gentlemen.

23 MR. PUCCIO: I have no further questions.

24 THE COURT: Recross.

25 MR. BROWN: Yes, your Honor. If I may.

* * *

8 RECCROSS EXAMINATION

9 BY MR. BROWN:

10 Q Why was the name Kennedy used for the lady
11 Margo Kennedy? Why was Kennedy selected? Do you know?

12 A That I don't know.

13 Q Does it have anything to do with the fact that
14 Mr. McCartney was referred to as a Kennedy man?

15 A I don't know.

16 Q You don't know whether it had any political
17 meaning or not?

18 A I haven't the slightest idea why she picked
19 the name. She is the one who picked the name.

20 Q Not in conference with others of the FBI?

21 A Not that I know of.

22 Q You always conferred with the FBI before
23 making decisions, right?

24 A That's correct.

25 Q But she was allowed to pick Kennedy?

1
2 A I don't know,

3 Q Well, I thought you just said that she picked
4 it herself.

5 A She picked -- she may have used it before
6 as an undercover name.

7 Q Do you know as a fact that she picked Kennedy
8 personally?

9 A I don't know.

10 Q When you say she picked Kennedy, you were
11 saying something you don't know?

12 A As far as I know, she picked it. That's
13 all I know.

14 Q What is it that gives you the authority to
15 say? How do you know that she picked Kennedy?

16 MR. PUCCIO: I object. Asked and answered.

17 MR. BROWN: I will withdraw it.

18 THE COURT: What is the question?

19 MR. BROWN: Well, depends on what he is con-
20 cerned about.

21 THE COURT: Well, you said you withdraw the --

22 MR. BROWN: Yes.

23 Q What experience did you have that indicated
24 that she personally selected Kennedy rather than having
25 the FBI select the Kennedy name?

1
2 A Because most of the agents pick their own
3 undercover names.

4 Q As far as Margo is concerned, you don't know
5 that she picked her own name, do you?

6 A That's correct.

7 Q So when you said you know she picked the
8 name, that was not right?

9 A I didn't say I know she picked the -- I said
10 as far as I know, she picked it.

11 Q You have no such knowledge; is that right?

12 MR. PUCCIO: Objection.

13 Q Now, as far as Senator Williams was concerned,
14 you say he was nervous about meeting someone named Yassir
15 Abeer?

16 A That's correct.

17 Q Who in truth didn't exist as Yassir Abeer?
18 It was the name for an agent, you said?

19 A That's correct.

20 Q And did Senator Williams tell you why this
21 man was -- who was the head of -- who was on this high
22 status in Government was nervous about meeting a fictitious
23 sheik?

24 A No.

25 Q Did he say that?

1
2 A No, he didn't tell me.

3 Q He didn't tell you he was nervous, did he?

4 A He said he -- he didn't say he was nervous.

5 He was worried about the suit he wore, what name he should
6 call him.

7 Q Now, with respect to this matter that you
8 said was already locked up, I think that's what you said,
9 wasn't it? The deal was already made?

10 A The deal was already consummated.

11 Q So what was the reason for bringing him in
12 to go before the fictitious Yassir Abeer?

13 A Before Yassir would make the loan he wanted
14 to hear it from Senator Harrison himself.

15 Q What was the reason -- I will withdraw that.
16 Well, Yassir Abeer wasn't going to make any
17 loan?

18 A That's correct.

19
20 (continued on next page)
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Q Whatever you say happened had already been consolidated and solidified?

A We were together, they were going to go ahead and do it.

Q Why would he be brought in?

A (No response.)

Q Why was he induced to go before the fictitious sheik at this time?

MR. PUCCIO: I object to the form.

THE COURT: It is a little confusing.

MR. BROWN: The inducement?

THE COURT: Are you asking from the point of view of the FBI agent, why was he brought in or from the point of view of Mr. Williams, why was he there?

MR. BROWN: It's already established they induced him to come in --

MR. PUCCIO: I object.

MR. BROWN: All right, I'll ask it.

Q Was it a fact that Senator Williams was induced to come --

MR. PUCCIO: Objection to the form, Judge.

THE COURT: Sustained as to form.

Q Was Senator Williams asked to come?

1
2 A I believe so.

3 Q Was it part of the plan to bring him in to
4 watch or whatever you were to do before the sheik?

5 A He was in Washington.

6 Q Was it part of the plan to bring him to the
7 Marriott Hotel to go before the sheik?

8 A I don't follow that.

9 Q Was it part of the FBI design to bring him
10 to the Marriott to go before the sheik, as you described it?

11 MR. PUCCIO: I object.

12 THE COURT: Overruled.

13 A I don't know if it was part of the plan or
14 part of the FBI, he was supposed to come in front of the
15 sheik and explain to the sheik, Yassir, exactly what he
16 was going to do for him to loan him the money.

17 Q Who set up the money and arranged for Mr.
18 Williams to come?

19 A Set up by a group of people, set up by his
20 attorney, Mr. Feinberg, set up by us and Mr. Er richetti.

21 Q Who was it that suggested the meeting to go,
22 was it the FBI?

23 A No, it wasn't the FBI suggested the meeting
24 to go.

25 Q What was the purpose of the meeting?

1
2 A To prove that Yassir, that Mr. Williams was
3 going to do what he said he was going to do.

4 Q Yassir was a fiction?

5 A Come again?

6 Q Yassir was a fiction, he wasn't truly an Arab
7 sheik?

8 A That is correct.

9 Q Why were you bringing the United States Senator
10 before an FBI agent?

11 A For part of the acting there to get him to
12 say in front of the Arab sheik what he would do in order to
13 get the loan.

14 Q It was part of the acting to set him up so he
15 would be available for trial?

16 A He was not set up. He knew exactly why he was
17 going there.

18 Q Was it part of the act to go before the sheik
19 to get evidence?

20 A I would say that is correct.

21 Q That's what the acting was designed to do, to
22 give you evidence?

23 A I would say that is partly true.

24 Q Tell me this, isn't it a fact that although you
25 say things were locked up that you used certain language to

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direct Mr. Williams as to what to say?

A That is correct.

Q You told Mr. Williams to stress how important he was in the Senate, is that correct?

A That is correct.

Q What did that have to do with the deal which you already said was locked up, to investing in a titanium mine?

A The whole deal relied upon he could give government contracts.

Q What was the meeting before Yassir that you planned in the Marriott, what did it have to do with him getting government contracts?

A The meeting he said originally he could get the government contracts for the titanium mine. And the meeting was set up for him to tell Yassir to put up \$100 million.

Q No money ever passed?

A No.

Q When you brought him in you told him that Tony is -- Tony is a partner of ours?

A That is correct.

Q Shall I read that?

A Yes.

1
2 Q "Tony is, you got to know Tony is a partner
3 of ours, he's going to be, the main thing he thinks he's
4 got to ask, he will ask you"?

5 A That is correct.

6 Q Is that clear?

7 A That is correct.

8 Q Therefore you were saying to him that Tony was
9 a partner with you and others, not with the Arab?

10 A We owned 10 percent and the rest owned 18 per-
11 cent of the mine.

12 Q So that you and Mr. Amoroso were to be partners,
13 is that right?

14 A That is correct.

15 Q But according to the script the sheik was not
16 supposed to know that?

17 MR. PUCCIO: Objection..

18 MR. BROWN: There is a script, a scenario,
19 your Honor. Acting is what the gentleman said.

20 THE COURT: Sustained as to form.

21 Q There was a plan worked out in your mind that
22 was to be followed, is that correct?

23 A There was no plan. Everything was worked out
24 by ears.

25 Q By?

Wainberg-recross/Brown

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2 A There was no plan. We didn't know what was
3 going on.

4 Q But there was a general idea?

5 A Maybe a general --

6 Q Wasn't there a plan which you advanced to the
7 person you were talking to as follows: Tony is, you got
8 to know Tony is a partner of ours, that is part of the
9 plan; wasn't it?

10 A He knew Tony was a partner before the meeting.

11 Q That was part of the plan?

12 A There was no plan.

13 Q Was there not a plan whereby you and Tony would
14 represent yourselves as partners in this venture?

15 A We would own shares in the venture.

16 Q Wasn't that a part of your predetermined idea
17 that you would pretend?

18 A As we went along we made it up. We didn't
19 have a plan.

20 Q Didn't you say to the person at this time,
21 here is what you should say, you got to just play and blow
22 your horn, the louder you blow and mention names who you
23 control -- was that a part of your plan to induce that kind
24 of statement?

25 A There was no plan, Mr. Brown.

1
2 Q Wasn't that part of your idea, what you want
3 to occur?

4 A We had no idea what would happen at a meeting
5 or what was to be said.

6 Q You're suggesting what would be said?

7 A We told him in order to get the \$100 million
8 from Yassir he has to make sure Yassir understands he would
9 get the government contracts.

10 Q Now, let me ask you this. If you will examine,
11 please, this transaction -- and I ask the Government to
12 supply their copy of the June 20th draft as well as the
13 28th --

14 MR. BROWN: May I conduct it this way, Judge?

15 THE COURT: Is there a copy for the witness?

16 MR. PUCCIO: Starting with --

17 MR. BROWN: Hold it --

18 THE COURT: What is the exhibit number?

19 MR. PUCCIO: 70-A, the 28th.

20 THE COURT: 3500-70A?

21 MR. BROWN: 70-A, your Honor.

22 THE COURT: All right.

23 MR. PUCCIO: The other one was the 20th.

24 3500-68-A.

25 THE COURT: Thank you.

1
2 Q Now, you were in the first part of your ad-
3 dress to him, starting with: "Tony, upstairs" --

4 MR. PUCCIO: I object to the form of that.

5 THE COURT: I don't understand it.

6 MR. BROWN: The 28th, his address to the man.

7 THE COURT: What is the question?

8 MR. BROWN: The question is, I will call his
9 attention to the first statement that is made. Tony
10 is upstairs. To identify the page.

11 Q Do you have that page?

12 A No, I don't.

13 Q It would be page 2 --

14 THE COURT: Tell us when you find it, Mr.
15 Weinberg.

16 THE WITNESS: On page 2?

17 Q Let me try to show it to you.

18 May I approach, Judge?

19 THE COURT: Yes.

20 MR. BROWN: Maybe we don't have the same one.

21 THE WITNESS: That is page one.

22 MR. BROWN: It says "2" up here, right?

23 THE WITNESS: I'm sorry.

24 Q As far as that tape is concerned, starting
25 with what is called page 2, by your interpretation, I can

Weinberg-recross/Brown

1
2 understand the first page is the cover, page two would be
3 the first with the typewritten material. You say, "Forget
4 the money, all you have to do is tell him, all right?"
5 You are addressing that to the person you brought in, is
6 that correct?

7 A That is correct.

8 Q Now, then you go on to ask him about -- tell
9 him what he should say, who you know in the Senate can do
10 you favors, right?

11 A That is correct.

12 Q In other words, you're telling him what he
13 should say when he goes in to see Yassir?

14 A I'm telling him he's got to come on strong
15 in order to get the \$100 million from Yassir.

16 Q You're telling him precisely what areas he
17 should cover, is that correct?

18 A If you put it that way.

19 Q When you say who you know in the Senate could
20 do you favors, aren't you saying to him, you tell Yassir
21 who you know in the Senate?

22 A If the man says he's got government contracts,
23 he's got to know who's going to get them.

24 MR. BROWN: I move to strike it as not responsive

25 THE COURT: Overruled..

1
2 Q Do you know --

3 MR. BROWN: May I withdraw my question and
4 ask to play the entire tape since it's been touched
5 upon? Let the jury make an interpretation.

6 THE COURT: Any objection?

7 MR. PUCCIO: No.

8 MR. DUFFY: No.

9 MR. BEN-VENISTE: No.

10 MR. BROWN: Play the entire tape.

11 Q Mr. Weinberg, this tape when played will be
12 the total conversation that you had with this gentleman
13 before he went into the room to see Yassir?

14 A Yes.

15 Q Did you not go into the room to see Yassir?

16 A No.

17 Q All that is about to be played is preliminary
18 to his going in?

19 A That is correct.

20 Q The conversation which you have here is the
21 result of his arriving at the Marriott because that is where
22 you had your setup to do the photographing?

23 MR. PUCCIO: I object.

24 THE COURT: I'm sorry --

25 MR. BROWN: I will withdraw it.

1
2 Q By the way, he arrived and you gave him this
3 talk about what is about to come out on the tape?

4 MR. PUCCIO: I object to the speeches.

5 MR. BROWN: I have to put it in its context.

6 THE COURT: Overruled.

7 Q At the time the tape which is being played
8 was produced in terms of sound, there was a room set up
9 in the Marriott already prepared for pictures to be taken;
10 is that correct?

11 A I was not in the room, I don't know.

12 Q You don't know that there was already a room
13 set up prepared to take the pictures?

14 A I knew there was a camera up there.

15 Q Your preliminary conversations on the tapes
16 were prepared so that when he went in the room certain
17 things would be discussed; is that correct?

18 A That is correct.

19 Q In that room in the process of this discussion,
20 you knew that government agents were prepared to take pic-
21 tures?

22 A That is correct.

23
24 (Continued on next page.)
25

1
2 Q So that in a sense the tape preparation is
3 the way you prepared the man before he went in?

4 A This is what I said to the man.

5 THE COURT: Look at the list of 3500 material.
6 It indicates under 3500-70 a tape for June 28, 1979.
7 at the Marriott Inn, 1790. And two conversations.
8 The first conversation and the second conversation.

9 Are we to hear both of those conversations or
10 one?

11 MR. BROWN: Both. The one we provided is
12 the first one, your Honor. And the second one is --

13 THE COURT: The first one is indicated to be
14 among Mr. Weinberg, Mr. Williams and Mr. Errichetti.

15 Is that the one you want played or do you
16 want them both played?

17 MR. BROWN: Would you give His Honor the
18 number before you start, Mr. Furst?

19 MR. FURST: 1790.

20 THE COURT: The Exhibit list indicates two
21 conversations with different participants. Mr.
22 Errichetti is the same participant in both.

23 MR. FURST: Yes.

24 THE COURT: All right.

25 MR. FURST: Just the second one.

Weinberg-recross-Brown

1
2 THE COURT: That is the one that does not
3 involve Mr. Weinberg or Senator Williams?

4 MR. FURST: Mr. Errichetti, Senator Williams,
5 and Mr. Weinberg.

6 THE COURT: It seems to be indicated the
7 persons on the Exhibit list --

8 MR. PUCCIO: That is Side B of the tape.
9 There are two conversations. What they want is
10 Side B.

11 THE COURT: That is the one we are going to
12 hear?

13 Those three participants, Williams, Weinberg,
14 and Errichetti.

15 Still in the limited area of this evidence,
16 ladies and gentlemen.

17 You may play the tape.

18 (Tape played.)

19 MR. PUCCIO: Judge, I understood we were
20 playing the whole tape. Apparently now it's a
21 portion.

22 THE COURT: The request was the whole tape.

23 MR. BROWN: Yes.

24 MR. PUCCIO: Start it from the beginning.

25 MR. BROWN: I would say so. It's the whole

Weinberg-recross-Brown

tape referred to in the transcript.

MR. PUCCIO: That's what I thought.

MR. BROWN: I can't take responsibility
for the electronics.

MR. FURST: Ready to play it.

THE COURT: Ready to play it, play it.

(Tape played.)

MR. BROWN: I have no further questions,
your Honor.

THE COURT: Any other questions?

MR. DUFFY: I have a few, sir.

THE COURT: All right.

REXCROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Weinberg, let's stay right on tapes for
a moment.

You testified both on direct examination
and cross examination and I think on recross examination,
about the missing tapes.

Do you remember those four or more or less
tapes that are missing?

A That is correct.

Q You are aware, are you not, that National
Airlines has reported to the Court in response to our

Weinberg-recross-Duffy

subpoena that there was never any claim filed for lost or damage to your baggage?

A I haven't filed a claim.

Q There never was one filed, no one from the Government filed a claim, are you aware of that?

A The Government investigated, I didn't say filed a claim.

Q Would you like to see Government's Exhibit 7 -- Court Exhibit 7. May I approach the witness, your Honor?

THE COURT: Yes.

Q Would you read that to yourself?

(Pause while witness reads document.)

THE COURT: What is the question, Mr. Duffy?

MR. DUFFY: The question is whether the witness is aware no claim was filed by anyone in connection with tapes or anything allegedly lost or damaged on the flight he came up from or any other flight.

THE COURT: Can you answer?

THE WITNESS: I didn't file a claim with National Airlines. I turned it into the FBI to check it out. The FBI made an investigation in West Palm and up here for the missing tapes.

1
2 Q But they never asked the airline, did they?

3 A You have to ask the FBI, not me.

4 MR. DUFFY: I offer Court Exhibit 7.

5 THE COURT: Any objection?

6 THE COURT: May I see it.

7 MR. PUCCIO: I have no objection.

8 MR. DUFFY: May I read it to the jury?

9 THE COURT: Court Exhibit 7 received in evidence.

10 You may read it.

11 MR. DUFFY: It's a document addressed to the
12 Clerk of the Court, United States District Court,
13 Eastern District of New York, 225 Cadman Plaza East,
14 Brooklyn, New York.

15 Reference is United States of America against
16 Errichetti, Cuden and Johanson.

17 It reads: "Dear Sir: Pursuant to the
18 subpoena served on Pan American World Airways, Inc.,
19 on August 15, 1980, and upon the instruction of Mr.
20 Lou Raino, a clerk of Henry F. Furst, Esq., please
21 be advised that National Airlines, Inc. ("National")
22 does not have a copy of a ticket issued to Melvin
23 Weinberg for Flight 181 from Florida to New York
24 (LaGuardia) on January 23, 1980 or for any other
25 National flight from Florida to New York on that date.

Weinberg-recross-Duffy

"Please note that National did not have a Flight 181 to New York on that date. However, National's passenger name record (PNR) does indicate that an 'M.Weinberg' purchased a ticket on January 22, 1980 from Sergeant Travel Agency, a Florida travel agent, for National's January 23, 1980 Flight 180. Since the ticket was not issued on National ticket stock, National does not have a copy of it and therefore cannot verify that Melvin Weinberg was a passenger.

"In addition, National does not have any record of a baggage claim for loss or damage to any of Melvin Weinberg's property for a flight from Florida to New York."

Q Mr. Weinberg, you told us earlier, I think you didn't know when the tapes were made, is that correct?

A That is correct.

Q Can we say with some certainty that the tapes were made within the month of January?

A They weren't made that far back, they were made within that week.

(Continued on next page.)

1
2 CONTINUED RECROSS EXAMINATION

3 BY MR. DUFFY:

4 Q Certainly in the month of January, because
5 that is the month you flew up here, right?

6 A Right.

7 Q Now, have you any notion or have
8 you done any checking since you first got on the witness
9 stand to determine of whom those were tape recordings?

10 A No.

11 Q Mr. Puccio asked you in redirect examination,
12 whether you have ever been, in his words, indicted or
13 charged of any crime or for any crime other than Pittsburgh.
14 Your answer as I have it noted is that you were only ever
15 indicted in Pittsburgh; is that correct?

16 A That's correct.

17 Q But you were charged with crimes in Miami,
18 were you not?

19 A That was thrown out.

20 A Specifically interstate transportation of
21 stolen securities; am I right?

22 MR. PUCCIO: I object, Judge.

23 THE COURT: Sustained.

24 MR. DUFFY: May I inquire along this line?

25 I think the time is relevant.