

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

SEPTEMBER 24, 1980.—Referred to the House Calendar and
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(II)

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
587-603	1352-1355	2435	3347-3349
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785-836	1854	2664-2674	3564-3638
853	1909-1916	2891	3643-3645
883-894A	1930-1938	2928-2937	3653-3683
899-917	1980-1983	2944-2957	3687-3688
963-969	1986-1988	2959A	3744-3762
971-972	2035-2042	3008-3013	3853
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1101-1114	2206-2207	3179	4076-4094A
1153A	2214	3201-3209	4100-4115
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UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

IN RE REPRESENTATIVE MICHAEL O. MYERS }
} Investigation Pursuant To
} House Resolution 608

STIPULATION

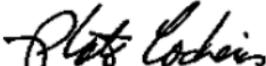
It is hereby stipulated by and between Special Counsel for the Committee on Standards of Official Conduct of the House of Representatives ("the Committee") and counsel for Representative Michael O. Myers that for purposes of the above-entitled investigation:

1. The transcript of the trial docketed as Number 80 Cr. 00249 in the United States District Court for the Eastern District of New York ("the trial"), now in the possession of Special Counsel, shall be deemed a true and accurate copy of the original trial transcript, so that a certified copy of the original trial transcript need not be made a part of the Committee records.
2. The videotapes and audiotapes which are now in the possession of Special Counsel, the originals of which were introduced at the trial as Exhibits 1 through 10 and 19 through 25, shall be deemed true and accurate copies of the original tapes, so that a witness need not authenticate the tapes now in the possession of Special Counsel for purposes of admission into the Committee records.

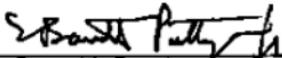
3. The transcripts of videotapes and audio tapes which are now in the possession of Special Counsel, the originals of which were introduced at the trial as Exhibits 1A through 10A-1 and, 19A through 25A, shall be deemed true and accurate copies of the original trial transcripts, so that certified copies 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. 606

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

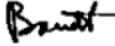
September 8, 1980

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 ANTHONY AMOROSO, 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?

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.

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 also:
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.

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 THE COURT: 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

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.

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.

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

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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25

1 BY MR. PUCCIO: (Continuing)

2 Q And where was the Nagra recorder contained?

3 A In a briefcase.

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

6 A Yes.

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

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

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

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

16 THE COURT: Yes.

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

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

22 A Yes, it was.

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

1 A Yes, it is.

2 Q Is there a device in the suitcase right now?

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

4 Q And there are actually microphones embedded
5 in that suitcase?

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

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

11 If it is seriously contested that this suitcase
12 contains --

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

16 MR. PUCCIO: All right.

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

20 THE COURT: We haven't gotten to the second
21 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

Amoroso-direct

recording device?

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

Q So there are microphones?

A. Yes.

Q And what does the microphone do?

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

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

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

Q And that piece that you are holding --

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

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

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

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

A Yes.

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

3 A Yes, it was.

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

6 A Yes, it was.

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

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

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

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

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

20 THE COURT: Who is he?

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

23 Q Well, who was he?

24 A Mr. Meiler was the associate of the other

1 Amoroso-direct

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.

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.

Amoroso-direct

THE COURT: All right.

Q As best as you can recall --

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

BY MR. PUCCIO:

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

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

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

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

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

Amoroso-direct

And he said, "Fine."

That was basically the end of the conversation.

Q Now, did you have occasion to meet with

Mr. Errichetti again?

A Yes, I did.

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

August 5th, 1979.

Q Where did that meeting take place?

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

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

A In Queens, yes.

Was there anyone else present at this meeting?

Yes, Mr. Weinberg.

Q Anyone else?

NO. Just the three of us.

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

A yes, I did.

And was it activated?

Yes, it was.

Q About How Long Did This Meeting Take?

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

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 produced by you? Is that right?

2 A Yes, it was.

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

4 A Yes.

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

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

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

14 A Yes, it is.

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

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

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

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

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

1 but objections would be in open court.

2 THE COURT: Are you offering the tape?

3 It may not be objected to.

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

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

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

10 THE WITNESS: Yes.

11 THE COURT: Is it an accurate copy?

12 THE WITNESS: Yes.

13 THE COURT: Any other objection?

14 * * *

* * *

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

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

13 14 THE COURT: 1B for identification?

15 16 MR. PUCCIO: Yes.

17 18 THE CLERK: So marked, as Government Exhibit
19 1B.

20 21 (So marked.)

22 23 MR. PUCCIO: May I approach the witness, sir?

24 25 THE COURT: Yes.

BY MR. PUCCIO:

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

(Document handed to the witness.)

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

Q Was that the recording that was made by you

7 Amoroso-direct

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

8 Yes, yes, sir.

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

λ Yes, sir.

Q -- was that made from the original recording?

A Yes, it was.

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

A. What portions?

Q Yes.

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

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

Λ Yes.

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

λ Yes, I was, myself and Mr. Lennick.

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

X Yes, it is.

so you've listened to them both; is that right?

1 8 Amoroso-direct

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-Veniste.

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

1 9 Amoroso-dirett-voir dire

2 again, your Honor?

3 It may be helpful if I ask questions near
4 the witness stand so that I may refer to Exhibit number
5 1B.

6 THE COURT: Go ahead.

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

9 A Yes.

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

12 Did you place that sticker on the envelope?

13 A Yes, I did.

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

16 A The first time?

17 Q Yes, sir.

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

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

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

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 CONTINUED DIRECT EXAMINATION

2 BY MR. PUCCIO:

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

5 A Yes, I did.

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

7 THE COURT: Yes.

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

10 (Document handed to the witness.)

11 A Yes, I do.

12 Q And what is it, please?

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

16 Q All right.

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

19 A Correct.

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

23 A Yes.

24 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

cough.

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

All right, 1A is received in evidence.

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

THE COURT: Allen, mark it, please.

MR. PUCCIO: And the transcript as well.

THE CLERK: Yes, sir, thank you.

(Tape and transcript, Government's Exhibits 1 and 1A, 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

2 Q What is used?

3 A Tony DeVito is represented by, I see here,
4 D.T.

5 | Page

6 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.

17 (Whereupon tape recording referred to is
played.)

Date: August 5, 1979 [Exhibit 1A: Transcript of
Time: 4:00 P.M. Audio Tape Exhibit 1]
Place: Northwest Airlines Lounge
John F. Kennedy International Airport
Queens, New York
Participants: TONY DE VITO (DT)
MEL WEINBERG (MW)
ANGELO ERRICCHETTI (AE)
INAUDIBLE (LA)

MW: Gettin' older.
TD: HA . . . He finally . . . it finally hit ya, ha.
MW: (LA)
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: Lader?

AE: Laderer . . . 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 Congressman 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: Hah

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

1 3 Amoroso-direct

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?

1 4 Amoroso-direct

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 to the Court.

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

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

8 THE COURT: Yes, do that.

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

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

15 THE COURT: I understand.

16 MR. BEN-VENISTE: We -- referring to Exhibit
17 2B.

18 VOIR DIRE EXAMINATION

19 BY MR. BEN-VENISTE:

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

22 A Correct.

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

1 6 A This shows Mr. McCarthy took it for duplication.

2 It says February 26th of 80.

3 Q When did you first turn it in?

4 Can you tell from looking at it?

5 A From this?

6 Q Yes.

7 A I ascertained the original report on 8/6/79.

8 It doesn't indicate anything after 2/26/80.

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

12 A No.

13 Q You can't tell that?

14 A Not from there.

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

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

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

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

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

24 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.

Amoroso-direct /voir dire

THE COURT: Sidebar?

MR. BROWN: Judge, may I just for the purposes of voir dire for the sidebar have a voir dire?

THE COURT: Proceed.

VOIR DIRE EXAMINATION

BY MR. BROWN:

Q Mr. Amoroso, you have had the excerpt number 2B; is that correct?

A Yes, that's right.

Q And as his Honor indicated to the jury, it's actually about eleven sentences; is that correct?

A. Xanth.

Q Can you tell us what proportion of the total tape that represents, that is to say, the tape which has been marked 2A, dated August 6th, '79, 9:30 A.M.?

A I would say a very minute portion.

Q Would you say that it probably represents ten or eleven lines out of twenty-five pages, approximately?

A. It's a possibility.

I don't remember how long the original is.

Q I understand. I will not hold you to that.
Roughly, that's true, isn't it?

A It could be, yes.

MR. BROWN: I have no further examination.

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Amoroso-direct

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

4 THE COURT: Ladies and gentlemen, I have over-
5 ruled the objection that we have discussed at the side-
6 bar. Exhibits two and 2A are received in evidence.
7 Again, we are dealing here with a conversation where
8 the only defendant that is a participant is the
9 defendant Errichetti. And you should consider this
10 as a limiting instruction of the nature that I gave
11 you somewhat earlier in connection with Exhibit 1A.
12 At this stage of the trial you may consider it only
13 with respect to Mr. Errichetti and not with respect
14 to any of the three other defendants.

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

17 THE COURT: Yes, please do.

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

20 THE COURT: Yes.

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

24 THE CLERK: Your Honor, 2 and 2A are both
25 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 ERRICNETTI (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.

1 I N D E X
2 -----

3 WITNESSES DIRECT CROSS REDIRECT RECROSS

4 RICHARD Mc MULLEN 356 366

5 ANTHONY AMOROSO 560

6 GOVERNMENT'S DESCRIPTION FOR IN
7 EXHIBIT NO. ID. EVID.

8 16 Document 572

9 1B " 604

10 1, 1A " 612

11 2B " 618

12 * * * * *

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

:

80 CR 00249

-against-

:

MICHAEL O. MYERS, ANGELO J. ERRICCHETTI,
LOUIS C. JOHANSON, HOWARD L. CRIDEN,

:

:

Defendants.

:

-----x

United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201August 13, 1980
9:30 o'clock A.M.

BEFORE:

HONORABLE GEORGE C. PRATT, U.S.D.J.

HARRY RAPAPORT
OFFICIAL COURT REPORTER

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

2
3 EDWARD R. KORMAN, ESQ.,
United States Attorney for the
Eastern District of New York
45
6 Department of Justice
Strike Force
7 Brooklyn, New York8 BY: THOMAS P. PUCCIO, ESQ.,
9 LAWRENCE H. SHARP, ESQ., and
10 Special U.S. Attorneys
11 Attorneys for the Government12 MESSRS. HUNDLEY & CACHERIS, P.C.
13 1709 New York Avenue, N.W.
14 Washington, D.C. 2000615 BY: PLATO CACHERIS, ESQ., and
16 LARRY S. GONDELMAN, ESQ., of Counsel
17 Attorneys for the Defendant Michael O. Myers18 BROWN & BROWN, ESQS.,
19 26 Journal Square
Jersey City, New Jersey20 BY: RAYMOND A. BROWN, ESQ., and
21 HENRY F. FURST, ESQ., of Counsel
22 Attorneys for the Defendant Angelo J. Errichet
23

24

25

2
MESSRS. CARROLL, CREAMER, CARROLL & DUFFY
3 Suite 326 Three Penn Center Plaza
Philadelphia, PA 19102

4 BY: JOHN J. DUFFY, ESQ.,

5 Attorney for the Defendant Louis C. Johanson

6
MESSRS. HELROD, REDMAN & GARTLAN
7 1801 K. Street, N.W.
8 Washington, D.C. 200069 BY: RICHARD BEN-VENISTE, ESQ., and
10 NEIL I. LEVY, ESQ., of Counsel

11 Attorneys for the Defendant Howard L. Criden

12 * * *

25

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

THE CLERK: Mr. Amoroso, please be advised

that you are still under oath.

MR. PUCCIO: May I proceed, sir?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continuing)

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

A Yes.

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

λ Yes.

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

A Yes.

Q When did that occur?

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

1 Q Where?

2 A At the Hyatt House Hotel, Room 1028.

3 Q Was anyone else present at that meeting?

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

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

8 A Yes, Mr. James Meiler.

9 Q Was that the same gentleman present on the
10 26th of July in Fort Lauderdale on the boat?

11 A Yes.

12 Q Now, about how long did this meeting take?

13 A The entire meeting, approximately one hour.

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

16 A No, he was not.

17 Q Was a tape recording made of this meeting?

18 A Yes, it was.

19 Q And how was that recording made, sir?

20 A By the same method previously stated, by the
21 use of the Magra.

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

24 A Correct.

25

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.

2 Q And have you listened to the original recording?

3 A Yes.

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

5 A Yes, it is.

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

8 A Yes.

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

11 A Yes, it is.

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

14 A Yes.

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

16 THE COURT: Yes.

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

19 A This is the transcript that I participated in.

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

22 A Yes.

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

25

1 of the transcript of that excerpt?

2 A Yes, to the best of my ability.

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

5 MR. BROWN: I object to that, your Honor.

6 That's gratuitous and improper.

7 THE COURT: Sustained as to form.

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

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

12 I beg your pardon.

13 THE COURT: Please, Mr. Brown.

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

16 THE COURT: Objection overruled.

17 Do you remember the question?

18 THE WITNESS: No.

19 THE COURT: Read it back.

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

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

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

1 evidence, your Honor.

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

3 THE COURT: Yes.

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

6 THE COURT: Yes.

7 VOIR DIRE EXAMINATION

8 BY MR. BEN-VENISTE:

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

11 A No, it does not.

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

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

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

18 A That's correct.

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

21 A Correct.

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

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

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 ERRICHETTI (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 you 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.

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

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

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

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?

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?

2 A Possibly, yes.

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

5 A Yes.

6 Q Is that correct?

7 A Yes.

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

10 A Yes.

11 Q And Vincent Cuti.

12 Who is Vincent Cuti?

13 A Vincent Cuti is an attorney from Long Island,
14 New York.15 Q Was he participating in this investigation
16 in some way?17 A No. He was not present when this excerpted
18 copy was done.

19 Q You mean he wasn't present --

20 A He wasn't present when the conversation was
21 recorded. He had already left.22 Q Was he working with you in the investigation
23 or was he brought in for some other purpose?

24 A He was brought in for some other purpose.

25 Q Who brought him in?

1 A Myself and Mr. Weinberg.

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

3 A No, he was not.

4 Q You are sure of that?

5 A I am sure of that.

6 Not at the time I was involved there.

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

10 A Correct.

11 Q And that was in accordance with policy?

12 A Correct.

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

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

17 Q Well, who told you?

18 A Who told me?

19 Q Yes, how to do all this.

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

22 Q But you knew it before this investigation?

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

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.)

21
22 (Continued on next page.)

23

24

25

Date: August 8, 1979
Time: 4:30 P.M.
Place: Hyatt House Hotel
Room 1028
Cherry Hill, New Jersey
Participants: MEL WEINBERG (MW)
ANGELO ERRICCHETTI (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.

* * *

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.

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

MR. PUCCIO: We call Mr. Kirk.

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

THE WITNESS: Norman T. Kirk.

THE CLERK: Please spell your last name.

THE WITNESS: K-i-r-k.

THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. Kirk, what is your occupation?

A special agent with the FBI.

Q How long have you been so employed?

A Nine years.

Q Are you assigned to any particular office
within the FBI?

A Presently with the Philadelphia office.

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

A Yes, I was.

3 Kirk-direct-Puccio

2 Q During August of 1979 were you so assigned?

3 A Yes.

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

6 A I was on the technical service squad.

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

10 A Yes.

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

13 A I operated the video tape recorder.

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

16 A Yes, I did.

17 Q What type of installation did you make?

18 A I made installations that would record audio
19 and video on the video tape recorder.20 Q So you installed certain electronic equipment
21 in the room?

22 A Yes.

23 Q Microphone?

24 A Yes.

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

1 5 Kirk-direct-Puccio

2 Q Now, as a result of -- withdrawn.

3 Do you have any tape recordings with you
4 today?

5 A Yes, I do, sir.

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

8 A Yes.

9 Q What are the exhibit numbers in their
10 appropriate order?

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

13 Do you want that number also?

14 Q No. Just the government exhibit number
15 is fine.

16 A Government Exhibit 5 and Government Exhibit
17 6.

18 Q All right.

19 And can you identify Exhibit 5 for us,
20 please?

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

24 Q And is that the recording that was made?

25 A Yes.

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.

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

1 back on?

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

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

7 A Yes, I believe that's correct.

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

10 A Yes.

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

13 Q They didn't leave?

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

16 Q I want you to tell the jury.

17 I don't need to be correct. I want your
18 recollection.

19 A My recollection is that that would be
20 correct.

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

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

1 9 Kirk-direct-Puccio

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

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

4 A Yes.

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

11 A Yes.

12 Q And even down to this very day?

13 A Yes, yesterday.

14 Q You didn't get today?

15 A I took custody of it yesterday.

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

19 A Yes.

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

23 A No.

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

11

Kirk-direct-Puccio

2 right back, is that correct?

3 A Yes.

4 Q Like we do with the home movies?

5 A Yes.

6 Q And every move that this tape has made has
7 been logged all the way down to yesterday, has it not?8 A That is the 8-11 at 11:00, and this is the
9 12th.10 Q Where it says trial evidence, is that
11 right?

12 A Yes.

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

17 A Yes.

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

21 A Yes.

22 MR. DUFFY: Do you have any further questions?

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

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

2 CROSS-EXAMINATION

3 BY MR. BEN-VENISTE:

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

5 A Yes.

6 Q Is that the official title?

7 A Well, they call it squad 14.

8 They are basically technical services.

9 Q And you are out of the Manhattan office?

10 A That was the Manhattan office, yes.

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

12 A Yes.

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

14 A Yes.

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

16 A I don't have a manual like that.

17 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?

18 A I am not aware of a manual.

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.

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.

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, generally 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?

X 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?

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?

1 A Not necessarily.

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

3 A Yes.

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

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

9 Q A particular type of incidence of importance.
10 Would you accept that as the objective of a
11 302?

12 A Yes.

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

15 A Yes.

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

19 A Yes.

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

23 A I don't know that there is any requirement.
24 I would think it would be up to the discretion of the
25

1 person or the agent.

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

4 A Customary, yes.

5 Q It would be customary?

6 A Yes.

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

10 A No.

11 I did not prepare one.

12 Q I did not prepare one.

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

18 A Yes.

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

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

22 THE COURT: Yes.

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

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 57

λ 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?

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 right?

2 A Yes.

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

5 A Right.

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

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

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

13 A Yes.

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

17 A Yes.

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

22 A Yes.

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

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

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

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

A No, it wouldn't.

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

A Well, not here, no.

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

A Yes. It would be on the tape.

Q On the tape itself?

A Yes.

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

A I cannot.

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

A Yes.

Q Would you examine that for a minute, please?

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.)

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

6 A Yes.

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

8 A Yes.

9 Q Which one? Any recollection?

10 A I am not really sure.

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

13 A Yes.

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

16 A Yes.

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

21 Did you video tape the happenings in the
22 preamble?

23 A I believe so, yes.

24 Q Now, was there an interval between the

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.

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

3 A It would show the speaker was Mr. Amoroso.

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

6 A I don't recall.

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

9 A Not to my knowledge, no, sir.

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

13 A Well, it would be on the tape.

14 Q It would show the actual time gap?

15 A Yes.

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

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

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

23 Q Like a digital clock?

24 A Yes.

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

A Yes,

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

A Yes.

It would show the times.

Q Fine.

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

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

Q I see.

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

A Yes.

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

1 A Yes.

2 Q Would that be correct?

3 A Yes.

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

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

9 A I cannot be positive.

10 Q Could not be positive?

11 A No.

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

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

16 Q Can you tell me whether or not it is customary
17 in such situation for one agent to be in charge so that
18 he is responsible for any customary reporting like the
19 302s we talked about?

20 A Yes.

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

23 A It was Mr. John Good.

24 Q Mr. John Good would have been in charge?

25

1 A Yes.

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

4 A Yes.

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

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

9 He was there with me in the same room.

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

12 A Yes.

13 Q You would call him that?

14 A Yes.

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

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

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

23 Right?

24 A Yes.

25

1
2 Q Did you notice at the beginning of this
3 second episode, 6A, that there is a note that the telephone
4 rings? You may examine it, if you will. I think it is
5 reflected in the script, Mr. Kirk, at the top of 6A, sir.

6 A 6A?

7 Q Yes.

8 A I think it says that, does it not?

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

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

13 Q The phone rings on page 2.

14 A Yes.

15 Q Is that it?

16 A Yes.

17 Q Is that what you observed?

18 A Yes.

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

21 A I don't know.

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

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

1 Q It could have been?

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

3 Q To your knowledge --

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

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

8 A Yes, that's correct.

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

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

12 A I don't know.

13 I suppose investigative matters, yes, sir.

14 Q Wasn't this investigative matters?

15 A Yes.

16 Q Well, sir, do you recall whether or not
17 from one room, whether it was 380 or the other room,
18 379, whether there were phone calls made back and forth
19 with respect to directions or anything at that time?

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

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

24 A That was my basic job, yes.

25

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

4 A No.

5 I don't know if there was or not.

6 Q Your cameras certainly didn't have the
7 capability?

8 A No.

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

11 A That's correct.

12 MR. BROWN: Thank byou very much.

13 THE WITNESS: Yes.

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

16 THE WITNESS: No, it did not.

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

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

20 MR. BROWN: Thank bou, sir.

21 THE COURT: With respect to Exhibits 5 and
22 6, are they the original tapes as you recorded
23 them?

24 THE WITNESS: Yes.

25

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

2 THE COURT: Any redirect?

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

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

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

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

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

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

15 CROSS-EXAMINATION

16 BY MR. DUFFY:

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

22 A I don't know.

23 Q Tell me this, sir:

24 If a phone call had been made from the room

25

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

1 a call to my knowledge.

2 MR. DUFFY: Thank you.

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

5 BY MR. BEN-VENISTE:

6 Q. With respect to the equipment that you are
7 familiar with on the technical services squad, in addition
8 to video tape of equipment that you testified about, and
9 audio equipment --

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

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

16 A. With that particular briefcase?

17 Q. In general, to record conversations.

18 A. Yes.

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

23 A. Yes.

24 Q. And indeed one of those devices is a Nagra

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

3 A Yes.

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

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

7 Q I am not talking about with you.

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

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

11 A That's correct.

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

15 A No.

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

17 THE COURT: Any other questions for Mr.

18 Z Kirk?

19 MR. PUCCIO: I have a couple of questions.

20 Judge.

21 THE COURT: All right.

22 REDIRECT EXAMINATION

23 BY MR. PUCCIO:

24 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 worn on someone's body?

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

3 MR. PUCCIO: I have no other questions,
4
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 RECROSS-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.

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 him 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?

2 You have probably used this particular one.

3 A I guess I can open it.

4 Q Thank you.

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

7 THE COURT: You are referring now to Exhibit
8 16?

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

11 (Pause.)

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

14 A You do it.

15 Q I will not do it.

16 A You are better on it than I am.

17 Q I will not.

18 In this thing we have been told, unit
19 17 -- which you have, was put in that thing and it picked
20 up conversations.

21 A No.

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

24 A I don't know that.

25 Q That is not within your technical field.

1
2 A I could do it if I had to, but I was not
3 responsible for anything like this being placed in that
4 briefcase.

5 Q I am certainly not attempting to hold you
6 responsible.

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

10 A I have no direct knowledge that it was.

11 Q Do you have knowledge that such equipment
12 would wrk in that fashion?

13 A Yes.

14 This recorder should work in that one without
15 any problem.

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

19 A Yes.

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

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

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

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 RECROSS-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

2 A That's a very iffy question. You could. It
3 all depends 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 are 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 you 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

1 Amoroso-direct

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

4 A Yes, it was.

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

7 A Yes, I did.

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

10 THE COURT: Yes.

11 Q I show you Government's Exhibit 5A. Would
12 you identify that, please?13 A This is the transcript that I participated
14 in completing.15 Q And is that an accurate transcript of the
16 meeting?

17 A To the best of my abilities.

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

21 A Yes.

22 Q Is that right?

23 A Yes.

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

1 A I would say within fifteen to twenty minutes.

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

4 A Yes. When one terminated and when one continued.

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

7 A Yes, it was.

8 Q Was this second meeting held in the same
9 room?

10 A Yes, it was.

11 Q And who was present at the second meeting?

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

13 Q Just the three of you?

14 A Yes.

15 Q Now, I show you -- I ask you to look at Exhibit
16 6A, Government's Exhibit 6A for identification. What is
17 that, sir?

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

20 Q Is it an accurate transcript of this second
21 meeting?

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

23 MR. PUCCIO: Your Honor, I offer into
24 evidence Government's Exhibits 5 and 5A, 6 and
25

2 6A.

3 THE COURT: I think we have alrmdy 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

Amaroso-voir dire-Brown

1 that you went there with a briefcase, the preamble describes
2 that. Is that right?

3 A The preamble doesn't describe I went there
4 with the briefcase. It describes that I was there and
5 I placed an envelope in the briefcase.

6 Q Now, when you did all of that, was there
7 a time gap between doing all of that and the greeting of
8 your guests, Mr. Amaroso?

9 A Yes, there was.

10 Q What was the gap?

11 A I don't know. It should be recorded on the
12 tape.

13 Q You have no knowledge either but it should
14 be recorded?

15 A The exact time, no.

16 Q Now, you said between the meeting described
17 in 5A?

18 A Yes.

19 Q The transcript?

20 A Yes.

21 Q And the meeting described in 6A, the transcript,
22 there is a gap of approximately fifteen to twenty minutes;
23 is that correct?

24 A I believe so, but the tape will show whether

1 Amoroso-voir dire-Brown

2 one terminated and when the next one began.

3 Q I understand. And whendid 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 Honr, 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.

1 Amoroso-voir dire-Brown

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 delay in time and then the starting of 6A?

2 A Yes.

3 Q And you described that as fifteen to twenty
4 minutes, the ending of the first and the beginning of the
5 second?

6 A Yes, to the best of my knowledge.

7 Q With respect to this, sir, have you prepared
8 a 302 with respect to the times and circumstances?

9 A The time between one ending and one beginning?

10 Q Or reciting the events of these two episodes.

11 A No, I did not.

12 Q No written report whatsoever?

13 A No.

14 Q I see.

15 So with respect to the movements of Mr. Weinberg
16 and yourself and what happened, there is no 403 reports;
17 is that correct?

18 A No, sir.

19 MR. BROWN: Thank you, sir. With those
20 questions, your Honor, I have concluded my
21 examination.

22 THE COURT: Any objection, then to 5A
23 and 6A?

24 MR. BROWN: No, your Honor.

25 * * *

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 MIERS (MM)
ANGELO ERICCHETTI (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" MIERS and ANGELO ERICCHETTI. 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 that's 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 basicly the spokesman for the Southeastern region. And, we put together our deals on how we're cutting things and uh, you know, all we have to do with the administration or against the administration to get our point across. And that's basicly 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, wha-what became very prominent was the fact that, uh, this government was talkin' about, at one time, or it appeared in the newspaper, lets say...

MM: Um, hmm.

TD: ...that they were gonna expel the guy and send him back, right? We're talking about Sermosa (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, uh, in that - first of all getting that done is, euh, 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 its 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'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, you're 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 you're 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, uh, is in our favor. OK? whatever you could conceive...

MM: (IA) the worst.

TD: ...of as bein' the worst possible situation for this guy comin' in, 'muh 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: Basicly, 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 friend. And that's the reason I made the trip up here today.

TD: Alright, well, you know, that's uh, 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 hundred...

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, depending 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 - auh, wo-would it be to our advantage, now you know more about it than I do, is to, auh, possibly get together with another, auh, another person in your position from another state to, ah, you know to in other words, when, when you introduce it, to, to...

MM: Have another friend?

TD: ...to augment, auh, your...

MM: Yeah, I think, sure.

TD: ...your end of, of this thing, and ah, you know, and, and boost us along?

MM: Yeah. Let me...

TD: There, there's a lot of money in this, OK?

MM: Uh 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: Uh 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, a, 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 ah.

TD: Right, you'd only be an assheld 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 get 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: Uh hm.

TD: ...uh, 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, uh, 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 areas. 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.

MW: ...become a permanent resident.

NW: He's got a lot of relatives he wants to bring over, too, when the time comes.

MW: Well, see, through the business venture would be the best way to handle that.

TD: OK.

MW: 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.

NW: Well he,...

MW: Thats how...

MW: ...most of his money he puts into his mortgages.

MW: Well, that's even, you know, that's good.

AE: That's the best way.

MW: 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,...

MW: That would even...

TD: ...you know.

MM: ...which is a great idea because, whu, whu you have something in Phili.

AE: If you go in his District with somethin'...

MM: If your in my District, you.

AE: ...now your in better shape.

TD: Well, uh...

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.

SD: 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, uh, you know, he started out at, at this, and uh,...

MM: We'll make him fit the scene...

MM: Yeah.

TD: ...through his,

MM: Absolutely.

TD: Through his father's, uh, 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 investing, 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 man 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, um know, uh, ya know, I, I wanna put you in as
good uh 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
Phili...

AE: He and I'll discuss somethings.

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 swattes (PK)
MM: And all of West Philadelphia (IA)
AE: (IA) ballparks (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, uh, 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)

ID: Eat your heart out.

MW: 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...

MW: The reason I say that...

TD: ...would be the...

MW: ...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)

MW: 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.

MW: Do you have any trouble with the unions?

MW: 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.

MW: How about anybody breaking his chops, you know, the boys?

MW: No.

MW: No?

MW: 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 then 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, ah, Scotto and them guys.

MW: Right. Now -

MM: Yeah, and I don't blame, I wouldn't come here.

TD: Yeah.

MW: 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 lookin' for business. And we ha - we, we, we'd have a welcome, open, ah, open door policy with the I.L.A in Philadelphia and with the Port...

AZ: 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, basicly runs the operation up here. Now, Teddy Gleason is the President. And then, we have one of the international Vice President, ah, Jimmy Moke (PH) out of Philadelphia.

AZ: (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.

MW: Oh, yeah, we got, ah, no problem with anykind of a port operation.

MM: (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 bring him in. Now ya got some expert that handles certain stowage of cargos. We created a j-, we create a position for some eh, 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, eh, we have a lot of space available right now. Philadelphia is the; eh, when I say Phil I'm includin' the whole, eh, 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: Ni - there's nine counties.

MW: See, his biggest worry, like I say, is in people, because we don't know...

MM: Me, 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, uh, is a lot different - the way they 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, ya got that covered.

MW: Anything, uh, 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... Ex. 5A p.29

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 bubbly.

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 Phila. ~

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 mayor 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 ERRICHETTI (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 longshoreman'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, Longshoremen's 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 phoneys. 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' phoneys.

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, hey I, 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, Mum, 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: Bowie 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 Bowie 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 (PB) Lou Johanson (PB) 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

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 Yassir'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 Ernies (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, eh, 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: Mai 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' at is well, ok, no, now what I was getting at is I'm still on the check cashing thing. 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 yamica (PH)

AE: This is October 14. Um hm. OK, what else? I gather that, but, I, I...that, son ab 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 my, ya know, honor me.

TD: Ah, the fourteenth.....

AE: Hmmm.

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 either 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 don'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:Angs. 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 spսsted (PH) sometimes. You understand that?

TD: Yeah. Will I, you know, with all the runnin' around I can understand that.

AE: These guys aren't easy to nail. In the summertime those are bad, 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' deals 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 'im.

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 a-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 outta 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.

AE: 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: Mel, 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 take 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 mention nothin' about when we start. Ain't gonna say nothin' about what the fuck, I'll just be hiddin 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: Went 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, or 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 got 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
11 THE COURT: Ladies and gentlemen, the
12 last thing we did before the luncheon recess was to
13 see the video tape, the records which were marked
14 in evidence as Exhibits 5 and 6.

15 I would like to remind you again of the
16 limiting instruction which you will recall I gave
17 you that limiting instruction both with respect
18 to the individuals who were saying things in the
19 particular conversation and that you should
20 consider it only with respect to them at that stage.

21 And further, that some of the matters that
22 were touched upon in the conversations were matters
23 that are not directly in issue before you and me
24 as being the particular crimes that are charged in
25 this case.

So there are two levels of limitations of your consideration there.

You should keep in mind always the particular offenses that are charged against the defendants. Some matters may have some peripheral relevance on one or more aspects of the case, and I assume that will be argued to you by counsel in the summations.

But keep in mind that there are only the three specific charges against each of the defendants here, and also with respect to these exhibits, 5 and 6. Exhibit 5 only involved the defendants Myers and Errichetti. And Exhibit 6 involved only the defendant Errichetti.

So I ask you to keep those things in mind and I will keep reminding you of that as we proceed.

All right, Mr. Puccio.

MR. PUCCIO: No further questions at this time, Judge.

THE COURT: All right.

Mr. Duffy, cross examination.

(Continued on next page.)

Amoroso-cross-Duffy

CROSS-EXAMINATION BY MR. DUFFY:

Q Mr. DeVito, I want to take you back -- Mr. Amoroso, I want to take you back to when you first got involved in ABSCAM.

Did you tell his Honor and the jury that
war around January of 1979?

A **Correct.**

Q In December of 1979, I don't necessarily want to know the work that you were involved in, but were you somewhere else?

A Yes, I was.

Q Where was your home base then?

A Washington, D.C.

Q And there came a time in January 1979 when you got orders to join Mel Weinberg in what was then already characterized as ABSCAM. Is that right?

D. NO.

MR. PUCCIO: I'm sorry, did you say December '78 or '79?

MR. DUFFY: I thought counsel was to address his remarks to the court, sir.

MR. PUCCIO: I will withdraw it.

THE COURT: You will leave the record
where it stands?

MR. DUFFY: I will make up a new question,

2 sir.

3 THE COURT: I think you misspoke as to the
4 year.

5 Q Did there come a time in January 1979 --
6 is that where I made my mistake -- where you were
7 ordered to join Mel Weinberg somewhere and become
8 involved in the ABSCAM?

9 A Yes.

10 Q And where did you actually go in January of
11 1979?

12 A Atlantic city, New Jersey.

13 Q Had you theretofore ever met Mel Weinberg?

14 A No.

15 Q Did you know anything about him before you
16 joined forces with him?

17 A Vaguely a little background on him.

18 Q Tell the jury what you knew vaguely?

19 A Vaguely?

20 Q Yes.

21 A Vaguely I knew that he had been convicted of
22 a felony and that he was a government informant working
23 for the FBI.

24 Q Who briefed you on Weinberg's background?

25 A Mr. Good.

1
2 Q That is the fellow seated, who was seated
3 at counsel table this morning?

4 A Correct, correct.

5 Q And is that all that he told you, that
6 you were going to work with Mel Weinberg who was
7 employed or affiliated with the bureau, and that Mel
8 had a felony background?

9 A No. That is not the way it occurred.

* * *

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?

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 Q 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?

2 Did you learn anything else about him?

3 A That he was a con man.

4 Q Right.

5 I think it is a 137, an FBI 137, informant's
6 file is?

7 A Correct.

8 Q Was there one on Mel Weinberg?

9 A I believe so.

10 Q Do you know?

11 A I have never seen it.

12 Q You didn't look to it?

13 A No.

14 Q Can you tell the jury, a 137 informant file
15 is a file that is kept on an individual who works as an
16 informant for the bureau, is it not?

17 MR. PUCCIO: I object on the grounds that it
18 is irrelevant.

19 THE COURT: Overruled.

20 Q Is it not?

21 A Correct.

22 Q And every contact that the bureau has with
23 that informant is memorialized in that file, is it not?

24 A With Mr. Weinberg?

25 Q With any informant.

1 A I don't follow your question.

2 Q The purpose of the 137 informant's file
3 is to keep a record of bureau contacts and employment,
4 contacts with and employment of informants, is that
5 right?

6 A Correct.

7 Q Now, did you look at Mel Weinberg's 137
8 file?

9 A No.

10 Q Do you know if he had one?

11 A Yes.

12 Q How do you know?

13 A I was told since the trial started that
14 there is one.

15 Q Have you looked at it since the trial
16 started?

17 A No.

18 Q Were you ever told that there was one before
19 the trial started?

20 A I ay have.

21 Q But you didn't look to it to find out
22 what kind of man you were dealing with in this particular
23 operation?

24 A No, I didn't examine his file.

2 Q Now, as regards the felony record, were
3 you told what kind of felony it was that Mel Weinberg
4 had fallen for?

5 A He was convicted or if I remember right
6 he pled guilty to being involved in some type of swindle.

7 Q It was mail fraud, was it not?

8 A If you say so.

9 Q I want you to say to the jury what you knew.

10 A I told you that he was involved in some type
11 of a swindle.

12 I didn't know until you just mentioned it
13 that it was mail fraud.

14 Q That is the name of the crime, but you say
15 the name of the game was swindle?

16 A Yes.

17 Q And were you aware that that swindle was
18 in the amount of over \$200,000?

19 A No.

20 Q You didn't know that until this afternoon?

21 A Until you mentioned it.

22 THE COURT: Mr. Amoroso, just so that we are
23 clear, just because counsel says something does
24 not make it so.

25 He asks questions.

What we are trying to determine is what
you knew.

Did you know it?

THE WITNESS: No.

Q Were you ever --.strike that, please.

I'll come back to your original involvement but along this line, your relationship with Mel Weinberg, did you ever counsel or instruct Mel Weinberg to tell people who were going to arrange for congressmen or politicians, let's use the generic term, did you ever tell Weinberg to tell these middle men who were going to procure the politicians to come to you that he should rehearse the middle men, the middle man, so as to get them to the politicians.

MR. PUCCIO: I object to the form, your

Honor.

THE COURT: Do you understand the question?

THE WITNESS: Yes, sir.

THE COURT: Overruled.

THE WITNESS: NO.

Q Did you ever tell Mr. Weinberg that he should tell the people who were going to bring in the politicians that he should come on strong, the politicians?

A Did I ever tell him that?

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,

it is excellent for us, excellent as far as time
only because it is two hours away but it is the
Garden State Parkway, it is right there, the
Turnpike is right there. It all comes together anyway
you want.

HC, Howard Criden says, all right.

MW says, that's Mel Weinberg, isn't it?

THE WITNESS: Correct.

Q Doesn't he say, this is when he meets
Yassir, just tell him to come on strong. Is that what he
says?

A Correct.

Q You were there, were you not?

A Yes.

Q And Criden says, well, he is going to give
him, give him a briefing.

About whom was Criden talking then?

Apparently two people, there are two
pronouns.

A I don't know who he is talking about there.
I know he is not talking about Mr. Weinberg.

Q Who was going to get the briefing?

A I would assume that the congressman was
getting the briefing.

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 Errichetti 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.

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 presence, 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?

2 A No.

3 Q I see.

4 And you never told Weinberg to say things
5 like that?

6 A No.

7 Q But it was all right with you if he did,
8 is that right?

9 A Yes.

10 Q And part of the con, is that right?

11 A Part of the con?

12 Q Yes.

13 A I would say yes.

14 MR. DUFFY: May I have a moment, your
15 Honor, I am a little clumsy with my notes.

16 THE COURT: All right.

17 Take your time.

18 (Pause.)

19 Q Tape No. 2A, the transcript, this again
20 is a conversation that involves you and there is only one
21 page in this one, it involves you with Errichetti and
22 Weinberg.

23 Errichetti says he is all set, he is all
24 set and you say he is all right.

25 Weinberg says, you understand I want to
especially now extra double careful, all right?

1 What does that mean or don't you know?

2 A What I would assume he meant I can answer.

3 Q Do you know first of all?

4 A No.

5 MR. DUFFY: May I have a moment, sir?

6 THE COURT: Yes.

7 (Pause.)

8 THE COURT: What di you understand he meant
9 by that?

10 THE WITNESS: In our transaction in securing
11 the money and paying the money to the congressman.

12 THE COURT: With respect to that, that is what
13 is meant by being extra double careful.

14 THE WITNESS: Yes.

15 Securing the money as he stats here prior.

16 Q Were you afraid somebody would steal it?

17 Is that what you meant?

18 A Afraid somebody would what?

19 Q Steal it.

20 A Steal the money.

21 Q Yes.

22 A No. The manner in obtaining the money.

23 Q Let's go to the first meeting so we can
24 put these others in context, Mr. Amoroso.

2 A The first meeting?

3 Q The first meeting with the people involved
4 here and specifically my client Lou Johanson.

5 Were you privy to the July 14th telephone
6 call in which Errichetti, Johanson and Weinberg converse,
7 1979?

8 A No, I was not present.

9 Q All right.

10 But you became aware that a contact was
11 made between Weinberg and Lou Johanson, were you not?

12 A Yes.

13 Q Can you tell the jury what the focus of
14 ABSCAM was at that time, July 14, 1979?

15 MR. PUCCIO: I object.

16 THE COURT: Relevance grounds?

17 MR. PUCCIO: Yes.

18 THE COURT: Overruled. I will permit it
19 as a general background.

20 A At that time?

21 Q Yes.

22 A At that time we were involved in Atlantic
23 City and organized crime and infiltration of the casinos.

24 Q I see.

25 Had you graduated, if that is the proper verb,

1 from dealing with the stolen paintings and security business
2 by July 14, 1979?

3 A I don't think I would say we graduated.
4 I think that if the opportunity presented itself at
5 any time and we could have effected a recovery, we would
6 have.

7 Q But in any case after your advent into this
8 operation the activities of Abdul Embtrprises, ABSCAM, if
9 you will, started to move into some new areas.

10 A Is that fair to say?

11 A Yes.

12 Q On July 14, 1979, were you or any of the
13 other people connected with ABSCAM working with, on or
14 about, politicians?

15 A I don't recall.

16 Q Well, you certainly know, do you not -- I
17 don't want to quarrel with you, Mr. Amoroso, but you
18 know from the tie you got into the operation when the
19 swing toward, to use your words, political corruption
20 occurred?

21 A We were involved with politicians in
22 relationship at the time to Atlantic City and the people
23 the mayor would introduce us to to effect the things that
24 we were interested in.

2 Q Answer my question.

3 A What politicians are you interested in?

4 Q I want to know and I want the jury to
5 know the politicians you were interested in.

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.

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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

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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

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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.

2 Q I beg your pardon. It is John Good; did
3 you not?

4 A No.

5 Q You didn't talk to John Good about it?

6 A Not until later on.

7 Q Did you have video tape equipment on the boat
8 that day?

9 A Yes.

10 Q But you didn't use it, did you?

11 A It was turned on.

12 Q We don't have any video tapes in court today
13 do we?

14 A It didn't come out, turn out.

15 Q Did you have a technician there to run it?

16 A No.

17 Q Let's go back -- my colleague, Mr. Ben-Veniste,
18 gives me some testimony that you gave in Philadelphia.

19 Do you recall testifying there?

20 A Yes.

21 Q Did you talk with John Good who was then
22 your supervisor about the immigration notion?

23 A Are you asking me a question?

24 Q Yes.

25 A Yes.

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.

Q Wer you asked in connection with the sheikh
immigration deal:

"Question: Did you discuss that with your supervisor?

"Answer: John Good, yes.

"Question: When did you discuss that with John Good relative to the meeting you actually had?

"Answer: The day before."

Is that what you said in Philadelphia?

A Yes.

Q Her you say the day after, is that right?

A Yes.

Q Pick one for the jury, sir; which one?

MR. PUCCIO: I object.

THE COURT: Sustained as to form.

Q What is the truth as far as your recollec-

tion is concerned?

A It was the day after.

9 So in Philadelphia you were mistaken?

A Yes.

Q You were asked, too, where did that conversation take place, and you sayd by teelphone between myself in Florida and him in New York.

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 afte ryou 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 supevisors at
18 all?

19 A Correct.

20 Q Just you and Mel?

21 A Just me.

22 Q Was Mel present during the converasation
23 on the yacht?

24 A On the 26th?

2 Q Yes.

3 A Yes.

4 Q Now, tell the jury who was present during
5 the conversation that you say was the embryo of this involve-
6 ment with the politicians that brings us here to court.

7 MR. PUCCIO: I object.

8 THE COURT: Sustained as to form.

9 Q Tell us who was present when you had
10 your conversation on the upper deck, the one that was not
11 taped?

12 A Myself, Mr. Weinberg, Mr. Criden and Mr.
13 Errichetti.

14 Q Johanson was not even there, was he?

15 A He was on another part of the boat.

16 Q The answer is yes, he was not there; is that
17 correct?

18 A Yes, he was not there.

19 Q Criden had no part in that conversation, did
20 he?

21 A No.

22 Q It was a conversation then limited to the
23 conversants being you, Mel and Angelo Errichetti; is that
24 right?

25 A I would limit it to Mayor Errichetti and

1 myself.

2 Q So Mel didn't even have anything to say?

3 A Correct.

4 Q Now, you had a Nagra recorder on the boat,
5 did you not?

6 A Yes.

7 Q And you could have, and I am not addressing
8 this question to your discretion at that time but more
9 to your ability.

10 You could have taken that Nagra recorder
11 up on the top deck with you, could you not?

12 A No.

13 Q You could not have brought the briefcase up-
14 stairs?

15 A No.

16 Q It would have, it is your position, looked
17 out of the ordinary?

18 A Yes.

19 Q You could have brought up the conversation
20 as you premeditated the day before about immigration
21 problems with these people in the area where the tape
22 recorder was on, could you not?

23 MR. PUCCIO: I object as to form, Judge.

24 THE COURT: Overruled.

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?

2 Q And you were not aware that Weinberg had
3 indeed ruin 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

he was identified as a city councilman from Philadelphia,
is that right?

A Yes.

Q And Howard Criden came to you and he was
identified as Lou's law partner, is that correct?

A Yes.

Q And you looked at the deal they had to get
financed and you said, and so did Mel Weinberg, this is
legitimate, isn't that right?

A Correct.

Q But you didn't dismiss it as out of hand,
did you?

A There was some conversation concerning --

Q Answer my question, Mr. Amoroso.

You didn't dismiss it, did you?

A No.

Q As a matter of fact, from the 26th of July
of 1979 until the 2nd of February, 1980, you strung
them along, didn't you?

A Yes.

Q Now, tell this jury whether or not when
you plugged in with Mel Weinberg there were any rules or
regulations as regards his taping conversations.

A He was supposed to tape whatever he could

1 tape.

2 Q What do you mean by whatever he could?

3 A If he had the means and accessibility to
4 tape he was to tape.

5 Q Let's address ourselves to that for a
6 moment.

7 If Mel Weinberg was driving down Highway 95
8 and he stopped to a phone booth and dropped a dime to call
9 someone and had no tape recorder with him he could
10 not tape that one.

11 Is that what you are talking about?

12 MR. PUCCIO: I object.

13 THE COURT: What grounds?

14 MR. PUCCIO: It's irrelevant; hearsay.

15 THE COURT: Overruled.

16 Q Would that be one of the exceptions about
17 which you spoke?

18 A It could be.

19 Q If Mel Weinberg called someone and intended
20 to have a conversation that touched upon the ABSCAM,
21 was he directed in all cases to tape that conversation?

22 A Yes, he was.

23 Q And that was with out exception, was it not,
24 sir?

2 A Here again, when he could.

3 Q Right.

4 We will put aside the cases when for example
5 he had no tape recorder.

6 . But if he had a tape recorder and he had
7 tape and he had a mark that he was reaching on the phone,
8 was it not mandatory that he tape the conversation?

9 MR. PUCCIO: I object as to form.

10 THE COURT: I take it it is the word manda-
11 tory that you are objecting to.

12 MR. PUCCIO: I always object to the word
13 mark, Judge.

14 THE COURT: As to the word mark, overruled.

15 As to the mandatory, I am not sure what it
16 means in the context of the relationship here.

17 Would you rephrase the question?

18 MR. DUFFY: Let me withdraw the question
19 and ask a foundation question or two, your Honor.

20 Q In the hierarchy of ABSCAM, if we were to
21 draw a table of the capacities, where would you have
22 ranged as opposed to Mel Weinberg? Were you his boss?

23 A Correct.

24 Q You were his supervising agent?

25 A Correct.

1 Q So you could give him orders, could you
2 not?

3 A Yes.

4 Q Did you ever give him an order, Mel, tape
5 any conversations you have with anyone with whom we are
6 doing business in ABSCAM?

7 A Correct.

8 Q Did you say to him tape every conversation
9 you have with anyone with whom we are doing business in
10 ABSCAM?

11 A I left the discretion on a number of
12 conversations of some of the things he was to do up to
13 him.

14 Q Like what?

15 A Like what?

16 Q Like tell the jury, like what?

17 A Depending on whom he was dealing with at the
18 time.

19 Q Like whom?

20 A I don't have the name.

21 Q Was he directed to tape every conversation
22 that he had, not that he had with all of them, or any
23 of them but with the four defendants in this case?

24 A Yes, he was.

1 Q If he ever called Errichetti the order was,
2
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.

2 Q Do you have any records?

3 A Of how much time I spent with him?

4 Q Of your whereabouts, of Mel's whereabouts?

5 A No.

6 Q Can you give the jury an idea of how much
7 time you and Weinberg spent together?

8 A Probably 50 percent of the time.

9 (Continued on next page.)

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1 Amoroso - cross/Duffy

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?

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Q. Yes.

A Not to my knowledge.

Q Except for the ones that were taped, the ones that -- I do not want to offend Mr. Puccio -- the ones where you had TV cameras set up, or bugs set up in advance, where you were both participants with others --

THE COURT: Are you asking whether Mr. Weinberg

taped those?

MR. DUFFY: Yes, sir.

A No, sir, he didn't tape anything that I know of.

Q Do you have any information you can tell the jury about the four tapes that were lost?

λ No, sir.

Q Do you know that Mel Weinberg says he lost four tapes?

MR. PUCCIO: I object, Judge.

THE COURT: Do you intend to go into this in any detail?

MR. DUFFY: No, sir. It was a witness who was close to him and I thought we might find something out, your Honor.

THE COURT: I assume that is the purpose of
every question. But it doesn't bear on admissibility.

1 Amoroso-cross/Duffy

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.

1 Amoroso-cross/Duffy

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

preamble to the arrival of the Congressman, and so forth.

And did you make -- excuse me -- did you make a written report, a 302, for either of those two meetings or both of them?

A No. The only thing I did was produce the transcript.

Q What do you mean by that? You listened to the tapes and dictated the transcript?

A I prepared the transcript of those two meetings.

Q When did you prepare the transcript?

A I don't know. Subsequent to the meeting.
I don't know when.

Q Well, it wasn't the next day?

Q Or ten days thereafter, or one month, or two months, was it?

A No, sir.

Q It was months and months later, wasn't it?

Λ **Correct.**

Q You made the tape, it was on the left hand, the audiotape, did you not?

A Yes.

Q You dictated a 302 of the events on the left

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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?

Which video?

Q The video of the end of the first meeting.

X Yes, sir.

Q Did you see Mr. Weinberg in there? I didn't

Amoroso-cross/Duffy

see him. I am asking you.

A We walked both Mr. Errichetti and Congressman
Myers to the door.

Q Do you deny that Weinberg left the room?

A Yes.

THE COURT: Are you saying that he remained in the room until the second video tape began?

THE WITNESS: Yes. During the five minutes between videos he was with me.

MR. DUFFY: Just a few more questions.

Q You testified on direct examination that all of the employees of Abdul Enterprises were FBI agents except for Mr. Weinberg, and he was an employee of whatever kind. He was a special employee of the FBI, is that right?

A He was an informant.

Q He was a what, sir?

A He was an informant.

Q He was called a special employee, wasn't he?

A Not by me.

Q He was paid regularly, was he not?

λ Yes.

Q Up to -- he got up to as high as -- he was making \$5,000 a month?

A Yes.

Amoroso-cross/Duffy

Q Were the pay checks made out, Abdul Enterprises to Mr. Weinberg?

A I don't know. I didn't handle that.

Q Was yours?

A Was mine?

Q Did you get a pay check from Abdul Enterprises?

A No.

Q So Abdul Enterprises really didn't have any employees, did it?

A Yes.

Q Was it ever incorporated?

A No. ,

Q Did it write any checks?

A I don't know. I wasn't -- I didn't handle that. Another agent handled that end of it. Maybe --

Q Did you get a W-2 -- ... , D- 12

MR. DUFFY: Excuse me. I interrupted you.

I am sorry.

A (continuing) -- I would assume that there had to be some checking account or whatnot because we had to pay the bills on the office we were renting, and what not, so I assume that.

Q Did you get a paycheck every week from Abdul

1 Amoroso-cross/Duffy

2 Enterprises?

3 A No.

4 Q Did you get a W-2 Form in January or February?

5 A No.

6 Q From Abdul Enterprises?

7 A No.

8 Q Do you know anyone else who worked for the
9 government who did?

10 A No.

11 Q So if you were employees of Abdul Enterprises
12 you were pretend employees; is that what you are telling
13 the jury?

14 A Yes, that is right.

15 Q Because there really wasn't any company,
16 was there?

17 A No.

18 Q Now, on tape No. 3 at page 2 --

19 MR. PUCCIO: May I please have that again?

20 MR. DUFFY: Tape 3, page 2.

21 MR. PUCCIO: Thank you.

22 MR. DUFFY: Just a few little points that
23 I would like to accentuate for the jury.

24 Q (Continuing) Howard Criden says, just a

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 candidate job; where you gonna do that, up in your place?"

22 Do you know what he meant by "up in your
23 place"?

24 A Yes. I assume he meant at our office in

1 Holbrook.

2 Q Where is that?

3 A Out in Long Island.

4 Q And Weinberg says: "No, no, no. I don't
5 even want it in the office. We'll get a suite of rooms
6 in a hotel."

7 Then he goes on and says: "...we'll take
8 it maybe near the, near the airport, near Kennedy or
9 LaGuardia some place." Is that right?

10 A No, I said that.

11 Q Oh, you say that.

12 Had you talked about that beforehand with
13 anyone?

14 A Yes.

15 Q With whom?

16 A With Mr. Goode.

17 Q Was it Mr. Goode's idea to have it at Kennedy
18 or at LaGuardia?

19 A No, it was a joint -- I don't know whether
20 it was mine or his. It was a joint decision.

21 MR. DUFFY: No, just a few final questions
22 about Lou Johanson.

23 Q You met him on the boat down in Florida where
24 he came to bring you a legitimate business proposal in his

Amokoso-cross/Duffy

role as a lawyer for a property entrepreneur?

MR. PUCCIO: I object. It has been asked and answered, and also calls for a legal conclusion as to what the word legitimate means, which this witness is not qualified to say.

Q (Continuing) Isn't that right?

THE WITNESS: Will you repeat the question.

Q You met Lou in Florida on the 26th on the boat in his role as a lawyer for a client who wanted to get funding for a legitimate business deal to build a hotel; is that right?

A right.

Q He was there as a lawyer, wasn't he? There is no question about that?

A Yes.

Q There was a conversation on the boat that had to do with immigration and he wasn't even there; isn't that right?

A **Correct.**

Q On that day when he left there and perhaps even to this, have you ever seen him anywhere else?

A No, sir. Just today.

MR. DUFFY: That is all.

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1 I N D E X

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2 WITNESS DIRECT CROSS REDIRECT RECROSS

3
4 ANTHONY AMOROSO 652
5 NORMAN T. KIRK 675 685 711 713
6 ANTHONY AMOROSO 721
7 JOHN P. GOOD 747
8 ANTHONY AMOROSO 782

9
10 GOVERNMENT' DESCRIPTION FOR IN
11 EXHIBIT NO. ID. EVID.

12 3B, 4B Articles 652
13 3, 3A Articles 660
14 4, 4A Articles 667
15 5, 5A, 6, 6A Transcripts 729
16 16, 17 Documents 887

17
18 DEFENDANT' s DESCRIPTION FOR IN
19 EXHIBIT NO. ID. EVID.

20
21 NONE

22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA, :

80 CR 00249

-against- :

MICHAEL O. MYERS, ANGELO J. ERRICCHETTI, :
LOUIS C. JOHANSON, HOWARD L. CRIDEN, :

Defendants. :

-----x
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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* * *

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.}

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.

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 note 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 Defendant's B.

MR. BEN-VENISTE: I see we have the exhibit
sticker upside down.

MR. PUCCIO: May I inquire if that is the

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 --

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.

1 Q Yes.

2 A But they --

3 Q Did you think that was encouragement or did
4 you think that that was discouragement, to say that you
5 would do what you could?

6 A I would say that it was both.

7 Q I see.

8 A A package --

9 Q Didn't you tell them that you would take the
10 package, meaning these plans in the feasibility studies
11 to London and to show it to the sheik?

12 A Yes.

13 Q Now, one of the principles of ABSCAM was to
14 make it appear that these Arabs were fabulously wealthy,
15 is that correct?

16 A That's correct.

17 Q Indeed, aside from the boat and down in
18 Florida, and that was not supposed to be the only boat these
19 Arabs owned, was it?

20 A Offhand, I don't recall.

21 Q They had airplanes, didn't they?

22 A Correct. You said boat.

23 Q Right.

24 In addition to that boat they had airplanes?

25

7

Amoroso-cross-Ben-Veniste

2 A Correct.

3 Q They had limousines?

4 A Yes.

5 Q They had various businesses all over the world?

6 A Correct.

7 Q And you at the FBI took some precautions to make
8 it look quite real that they had all this money, didn't
9 you?

10 A Correct.

11 Q As a matter of fact, you convinced someone
12 at the Chase Manhattan bank to say whether there was any
13 inquiry made of these Arabs that they had some \$400 million
14 just in the Chase Manhattan Bank on their account, isn't
15 that right?

16 A That's before my involvement.

17 Q Did you know that, sir?

18 A I knew we had an account at the bank.

19 Q Didn't you know that there was a Mr. Elzay
20 at the bank who was going to say if anybody made any
21 inquiries about these Arabs that they had some \$400
22 million just on deposit in this bank?

23 A I knew about Mr. Elzay. I didn't know what
24 the figure was.

25 Q You didn't know the figure?

1 A No.

2 Q But you knew it was a stupendous figure?

3 A A substantial figure, right.

4 Q And the purpose of that was to lend further
5 credibility to the fiction that these Arabs had a fabulous
6 amount of money?

7 A Yes.

8 Q And here is just one bank account?

9 A Correct.

10 Q As a matter of fact you told Mr. Criden that
11 a transaction of a couple of hundred million dollars was
12 not a big deal as far as these Arabs were concerned, didn't
13 you?

14 A Correct.

15 Q Now, I think the exhibit in evidence -- let
16 me just check this to be sure -- the jury has been shown
17 a portion of the transcript and heard a portion of the tape
18 of August 7, 1979, which was the meeting in which you
19 participated, Mr. Weinberg participated, Mr. Criden
20 participated, and Mr. Errichetti participated.

21 Do you recall that, sir?

22 A Yes, I have it.

23 Q And of course that is not the whole conversa-
24 tion?

2 A Correct.

3 Q Now, let me show you what has been marked
4 as Defendant's Exhibit A --

5 MR. PUCCIO: May I have the number?

6 MR. BEN-VENISTE: Page 100.

7 MR. PUCCIO: What document?

8 MR. BEN-VENISTE: August 7th.

9 MR. PUCCIO: Judge, I believe that is
10 already marked as a 3500 exhibit.

11 MR. BEN-VENISTE: Well, it's Defendant's
12 Exhibit A, your Honor, this one page, which I would
13 like to supplement the transcript of.

14 THE COURT: It is your intention to mark as
15 Defendant's exhibits all the 3500 material that
16 you are going to offer in evidence?

17 MR. BEN-VENISTE: No, sir. I don't know
18 whether -- I am going to only supplement at this
19 point, your Honor, with this witness, this document.
20 So the answer to your question as to this document
21 is yes, I thought it would be the easiest way
22 to mark it and offer it. If your Honor has a
23 different practice I am amenable to it.

24 THE COURT: I don't know why a document
25 should be marked with two identification numbers.

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.

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: Here 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.

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

jurors' books with this material. We don't have a hole puncher but if it is acceptable we would like to do that.

May I circulate this to the jury, your Honor?

THE COURT: Yes.

THE CLERK: Some jurors raised their hands.

MR. BEN-VENISTE: I thought we had twenty copies.

THE COURT: Do all the jurors have copies now? All right, proceed.

Q Now, does it appear the same, Mr. Amoroso, starting in the middle of the page where Mr. Criden asked you about --

A I don't have a copy. You took mine.

THE COURT: Take mine.

MR. BEN-VENISTE: If I can approach the witness, I can ask the questions from here.

THE COURT: Yes.

Q Now --

THE COURT: I think it will be better if he takes mine and you ask your questions from back there.

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 make the excerpts on your own, did you?

2 That is, someone told you what to excerpt
3 out of the major tape, the full tape?

4 MR. PUCCIO: I object.

5 THE COURT: What grounds?

6 MR. PUCCIO: Relevance.

7 THE COURT: Overruled.

8 Q You may answer.

9 A Yes.

10 Q Who told you what portions to leave in and what
11 to leave out?

12 A Mr. Puccio.

13 Q Now, you testified that you knew Mr. Johanson
14 and Mr. Criden were very serious about this hotel deal
15 and it meant a lot of them.

16 When you invited them down to Florida, is
17 it not a fact, sir, that you knew that you never intended
18 to go through with that hotel deal?

19 A Correct.

20 Q No question about that, is there?

21 A No.

22 Q Now, I have a note and we can go back to
23 it if you don't recall, but at the very beginning of the
24 tape that was played in the Myers' meeting of August 22nd,

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 started?

2 A Yes, he did.

3 Q Now, you never got a report from him that
4 you taped concerning what he did while he was gone, did
5 you?

6 That is the focus of my question.

7 A I never taped anything of Mr. Weinberg.

8 Q Okay.

9 Did I miss any of the things that you told
10 these individuals about the sheik's holdings, what kind
11 of businesses these Arabs were in?

12 They were in the oil pipeline business, weren't
13 they, according to what you are telling people?

14 MR. PUCCIO: I object as to form, Judge.

15 THE COURT: Sustained.

16 Q What business did you make up for this
17 fictitious sheik?

18 A Offhand, I don't recall. I think that you
19 mentioned most of them.

20 Q Well, the oil pipeline business, right?

21 A Yes. But I think we were not handling oil.
22 I think on one of the conversations Mr. Weinberg --

23 Q Obviously you could not produce any oil.

24 A We could not produce anything.

19 Amoroso-cross-Ben-Venista

Q What other business? Did you say he was in
the shipping business at some point?

A Sure did.

Q And the coal business?

A I believe so.

Q And in the hotel business, that he owned other hotels around the world?

A Possibly.

Q What else? Anything else that you can think
of?

A **No.**

Q Anything that basically came to mind to you
was in it.

Is that fair to say?

A Could possibly be.

Q Now, Mr. Weinberg was allowed to go up and make tape recordings of conversations when you were not physically present, correct?

A Telephone calls are you referring to?

Q Yen.

A Yes.

Q And I think Mr. Duffy elicited yesterday the only way you would know whether he actually taped a telephone conversation is if he told you he taped it?

2 A Yes.

3 Q Did you listen to all those tapes of conversa-
4 tions at about the time he made them?

5 A No.

6 Q You didn't review them at that time?

7 A No.

8 Q But you have reviewed some of them since that
9 time?

10 A Some of them, yes.

11 Q Is it fair to say that basically you took
12 Mr. Weinberg's word at what had occurred in the
13 conversations where you were not present?

14 A Of the ones I listened to or didn't listen to?

15 Q No, at the time, let's say, in July, August
16 or September, et cetera, when Mr. Weinberg would tell
17 you, I called Mr. Criden or I called Mayor Errichetti,
18 and this is what happened, instead of listening to the tape
19 you took Mr. Weinberg's word for what happened?

20 A Yes.

21 Q You sort of swapped information?

22 A No. I accepted information from him.

23 Q Okay.

24 When was the first time you started to
25 listen to the tape recordings that Mr. Weinberg had made

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 Q What do you consider frequency?

19 A 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?

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 you 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.

1 Q Did you hear any noise on the tape that
2 indicated to you that the taping had stopped and then
3 restarted?

4 A I am not qualified to say whether it stopped
5 or not.

6 Q Well, did it seem to you like there was an
7 interruption in the tape?

8 A Yes.

9 Q Now, did you ask Mr. Weinberg, and let's
10 deal with the conversations where they begin, the tapes
11 where the beginning of the conversation was not on tape.

12 Did you ask him, Mr. Weinberg, or Mel,
13 did you call him?

14 A Yes.

15 Q Did you say to him, Mel, what happened to
16 you, why didn't you get the beginning of the conversation?

17 MR. PUCCIO: I object to form, your Honor.
18 I also object unless the conversation that we are
19 talking about is specified.

20 THE COURT: Overruled on both grounds.

21 MR. BEN-VENISTE: Thank you.

22 A Can you repeat that?

23 MR. BEN-VENISTE: Would you read it back,
24 please?

1 THE COURT: Read it.

2 (Record read.)

3 A At that time, no. I knew why.

4 Q You were present when he didn't get the
5 beginning?

6 A No.

7 Q Well, what did you know as to explain why he
8 didn't get the beginning of the conversation?

9 A Well, you are referring to conversations with
10 the mayor.

11 And what would happen in those conversations
12 would be in order to get to the mayor you would have to
13 go through maybe two secretaries, the initial operator,
14 then a secretary and then possibly the mayor's
15 secretary, and then to the mayor himself.

16 So on occasion what would happen was that
17 Mr. Weinberg would not record that portion until the
18 mayor actually got on the telephone himself.

19 Q I see

20 So what you were taking Mr. Weinberg's word
21 for was the fact that he was saving the government some
22 money in not using the tape at the beginning of that
23 conversation?

24 A No.

I am not taking his word for it. It happened on a few other times where the mayor's secretary had been on and he had talked to her for a number of minutes before the mayor had come in, come on, an innocuous conversation that had no value.

Q But you told him to tape record the whole conversation?

A With the mayor.

Q So the only way that you would know that Mr. Weinberg didn't start taping at the beginning of the conversation is what Mr. Weinberg told you?

A Correct.

Q And you were inclined to believe what he told you?

A Correct.

Q Did you review the tape of July 29th, 1979?

A Did I review the tape?

Q Yes.

A Listen to it?

Q Yes.

A That is one of the tapes where the conversation doesn't begin right in the beginning of the conversation on the tape?

A Yes.

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 have 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 forgotten his instruction.

24 Q Is that true, Mr. Amoroso?

25 A To the best of my knowledge, that is the way

1 it was.

2 Q The tape starts, beautiful, what is his
3 name, by Weinberg, and Mr. Errichetti says, Myers.

4 Now, the only way you would know what happened
5 before today, what Mr. Weinberg said to Mr. Errichetti
6 and what Mr. Errichetti said to Mr. Weinberg are what
7 Mr. Weinberg told you, right?

8 A Correct.

9 Q Okay.

10 Did Mr. Weinberg ever tell you that he was
11 going to prepare Mr. Errichetti with a script or proposal
12 for Mr. -- for what Mr. Myers should actually say when
13 the actual taped meeting occurred?

14 A No.

15 Q Did you know that Mr. Weinberg was going
16 to have some contact with Mr. Errichetti between the time
17 of let's say July 26th and August 22nd when the actual
18 tape production was made?

19 A Yes, we both did.

20 Q Now, did Mr. Weinberg ever tell you that he
21 had told Mr. Errichetti that the congressman would never
22 have to do anything but put on an act?

23 A No.

24 Q And you have been in the FBI how long, sir?

2 A 16 years.

3 Q And prior to this case you worked in an under-
4 cover capacity, did you not?

5 A Yes.

6 Q And on many occasions?

7 A A number of occasions.

8 Q And have you ever had any acting experience?

9 A No.

10 Q Is that a part of how to be a good undercover
11 agent?

12 You get some training, don't you?

13 A No.

14 Q You never do?

15 A No.

16 Q It is just what you pick up?

17 A Yes.

18 Q Kind of extempraneous?

19 A (No response.)

20 Q On these tapes as compared to how you were
21 really, you acted like a pretty tough guy.

22 Q Lecturn, please, Mr. Ben-Veniste.

23 MR. BEN-VENISTE: I'm sorry.

24 A That's your interpretation. I wouldn't say
25 that.

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?

9
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 ever discuss with Mr. Weinberg the nature of the fraud
2 that he was convicted of in 1977?

3 A Other than the fact that he was convicted for
4 being a swindler, okay, I think what we referred to
5 yesterday, his terminology, advance scheme, I never went
6 into depth with him about it.

7 Q Did you ever discuss with him the fact that
8 part of his swindle that he got convicted of was to say
9 that he had access to a large amount of Arab oil money?

10 A No.

11 I didn't know that.

12 Q You didn't know that until very recently?

13 A Correct.

14 Q And did you know whether he used the same
15 idea of a phony sheik in that swindle?

16 A To my knowledge I don't know what that
17 involved.

18 Q Where did the name of these two phony Arabs
19 come from?

20 Who made those up?

21 A There again I don't know. When I came into
22 the operation the names were already in existence.

23 Q One of them was Cambeer Abdul Romon?

24 A Yes.

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 let me hear the question back again.

2 (Question read.)

3 MR. PUCCIO: I will withdraw it, your Honor.

4 THE COURT: All right.

5 You may answer.

6 A No.

7 Q Did Mr. Good or anyone else tell you that Mr.
8 Weinberg had lied to the FBI during the seventies to cover
9 up the illegal activities that he was involved in?

10 A No.

11 Q Did you know that Mr. Weinberg was working
12 with the FBI in some capacity in the 1960s and 1970s?

13 A I didn't know that Mr. Weinberg was working
14 for the FBI until sometime after I got into it. But
15 I didn't know for how long or what period or what the
16 details were.

17 Q Is it fair to say, Mr. Amoroso, that
18 you didn't ever know anything more than what you were told
19 about Mr. Weinberg?

20 A Not true.

21 Q Well, you never made any inquiry of him,
22 did you?

23 A When I was brought into this --

24 Q Answer that question if you can.

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.

1 Q How about last night?

2 A Yes.

3 Q And how about over the last couple of weeks?

4 A Continually.

5 Q Did you ever ask Mr. Weinberg what is all of
6 this now about all this criminal activity that you have
7 been involved in in the sixties or seventies?

8 A No.

9 Q Never did?

10 A No.

11 Q Isn't it fair to say that you don't want
12 to know?

13 A I don't care. It has nothing to do with
14 this case.

15 Q You don't care.

16 Now, incidentally, Mr. Weinberg is still
17 under -- he is still on salary, isn't he?

18 A I assume so. I don't know that for a fact.

19 Q Really. I don't know that he is on salary,
20 that he is being paid a salary?

21 A I don't know if he is still on. I assume he
22 is.

23 Q When you left the courthouse last night you
24 drove somewhere with Mr. Weinberg, didn't you?

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?

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.

1 A All but one that you had pointed out.

2 Q That one probably has two pages, and
3 the first page of it is somewhere else, I assume.

4 A Possibly.

5 Q Because it picked up, it was picked up several
6 months after the tape was made?

7 A Possibly.

8 Q Is that fair to say?

9 A Possibly.

10 Q Do you want to look inside and see which one
11 that was?

12 I think it's Exhibit 2.

13 (Handed to witness.)

14 A What happened is I neglected to sign the top,
15 the top one before it was entered.

16 Q Okay.

17 So that would show that it came in on or
18 about the date you made it, August 6th of 1979?

19 A Yes.

20 Q But that was just a slight inadvertence on
21 your part?

22 A Yes.

23 Q Nothing deliberate?

24 A No.

25 MR. BEN-VENISTE: Your Honor, I don't think

these envelopes have actually been offered, your Honor, 1B, 2B, 3B and 4B.

Am I mistaken?

MR. PUCCIO: We have no objection.

Is the entire tape being offered as well?

MR. BEN-VENISTE: Just the envelopes, your Honor, if we can have those to allow the jury to see how these are logged in and out.

THE COURT: You are offering the envelopes and not the contents of the envelope?

MR. BEN-VENISTE: Yes.

MR. PUCCIO: We have no objection to --

MR. BEN-VENISTE: I would like to be able to show them to the jury properly and they should not be shown unless they are in evidence.

THE COURT: Are the envelopes sealed?

THE WITNESS: Yes.

MR. BEN-VENISTE: Yes, sir.

MR. PUCCIO: No objection.

THE COURT: 1B, 2B, 3B and 4B are all received in evidence, but only insofar as the envelopes and those things attached to the envelopes are concerned.

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?

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

1 not others?

2 A I don't recall. I don't think I was there
3 at the time that he was picked up or that he arrived at
4 the office.

5 Q Well, as far as what you know now, was his
6 story that he lost all the tapes that he had or just some
7 of them?

8 A I don't know.

9 Q All I know is that he said three or four tapes
10 had been taken out of his luggage.

11 A Q He had checked them through as opposed to
12 carrying them on the plane?

13 A Yes.

14 Q They were checked in his luggage.

15 Q A And that is the only thing that was missing?

16 A No. Some cigars I believe were taken.

17 Q And I don't know if anything else was.

18 Q Some cigars and some tape recordings?

19 A A Correct.

20 Q And you believed it?

21 A A Yes, I did.

22 Q Now, do you know that Mr. Weinberg was paid
23 about \$100,000 in total with this, in connection with this
24 ABSCAM investigation?

25

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?

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
* * *

(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?

入 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?

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1 Amoroso-cross/Ben-Veniste

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

1 Amoroso-cross/Ben-Veniste

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

downstairs on August 22nd to see Mr. Errichetti, outside
of your presence?

A On which day, now?

Q August 22, 1979.

A **Correct.**

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THE COURT: (To the Witness) Have you any
ent or have you been approached by Mr. Weinberg
st him, either currently, in the past, or in
ture, with respect to the writing of a book?

THE WITNESS: No.

MR. BEN-VENISTE: Thank you.

BY MR. BEN-VENISTE:

Q Did you pose with Mr. Weinberg in any photographs at the W Street undercover house, or any other undercover location?

A No.

Q Did you --

A I don't believe so.

Q Did you ever take a picture of Mr. Weinberg in those surroundings?

2 No.

Q Are you aware of such photographs being made for the purpose of including them in some book?

MR. PUCCIO: Objection.

THE COURT: Sustained.

MR. BEN-VENISTE: I have nothing further,
your Honor.

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 A I don't know what you're referring to. If
2 you'd be more specific --

3 Q Well, when you had TV cameras set up on the
4 boat, you were trying to videotape a lot of these meetings,
5 weren't you?

6 A On the boat? Yes, but then we had a fire
7 and that was sort of not used any more.

8 Q But that was your contemplation, that was
9 your desire?

10 A Correct.

11 Q And you also had the contemplation of photo-
12 graphing Mr. Myers on August 22nd; isn't that correct?

13 A Correct.

14 Q And you wanted to do that?

15 A Correct.

16 Q And you know that the room was set up for
17 that purpose?

18 A Correct.

19 Q And you were a participant in that?

20 A Yes.

21 Q And you were to be one of the principal actors;
22 weren't you?

23 A Yes.

24 Q And you were, indeed, a principal actor?

Amoroso-cross/Cacheris

λ **Correct.**

Q In fact, when you used the name Tony DeVito, you were acting?

A **Correct.**

Q When you said you were working for a sheik,
you were acting?

λ Yes.

Q So when Mr. Myers came in, you had a script that you were following, didn't you?

A Not a script; just -- just how I felt the
thing was going.

Q You didn't have any idea what you were going to ask him?

A Basically, I knew what I wanted from him.

Q That's correct. You knew what you wanted from him.

A **Correct.**

Q And so that you asked him about the introduction of private bills; didn't you?

A **Correct.**

Q And that's what your suggestion was, wasn't it?

Or that, I'd have to look at the transcripts.

You don't have any doubt about it, do you, sir?

Amoroso-cross/Cacheris

A I don't know who brought it up. That was what I was referring to.

Q That's what you were referring to. And you also asked him about the State Department; you brought that up?

A. Correct.

Q Isn't that correct?

λ Sure.

Q And that was part of your script, wasn't it?

A **Correct.**

Q And you also asked him if he knew any key people in the State Department; didn't you?

A I don't think I mentioned key people. I just --

Q Well --

A -- I just mentioned the State Department, I think.

Q You brought up the State Department?

A Yes. I said I just mentioned the State Department.

Q And he said he had some key people, didn't he?

X I guess so.

Q Did you investigate to determine whether there were any key people in the State Department that Mr. Myers

Amoroso-cross/Cacheris

knew?

A No.

Q As a matter of fact, when you asked him on August 22nd, "Give me some names," what did he tell you?

A He didn't have any.

Q. That's right, he didn't know any names; did he? Correct?

A Yes. I didn't know whether he wanted to give
me or he didn't know --

Q He just said, "I can't give you any"; is that correct?

A COFFEE-

Q And you, in your subsequent investigation, found no key people in the State Department --

I didn't do any subsequent investigation.

Q That's right. And in fact, no private bills were introduced?

ANSWER CORRECT.

Q When you went through this TV drama, you were not surprised at the answers Mr. Myers was giving you --

MR. PUCCIO: I object to the form of that question.

THE COURT: Sustained as to form.

8 When you went through this August 22nd meeting,

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. Erric-
19 chetti, "He'd have 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"?

2 A That was the conversation, yes.

3 Q Is that right?

4 A Yes.

5 Q And that was what you subsequently wanted to
6 get on TV?

7 A Correct.

8 MR. CACHERIS: No further questions.

9 THE COURT: Thank you, Mr. Cacheris.

10 Mr. Brown?

11 MR. BROWN: May I, your Honor, may I in part
12 conduct my examination from this position, sir? I
13 have some books, and that's my only problem.

14 THE COURT: All right, if you remain there.

15 MR. BROWN: Yes, sir; I shall.

16 THE COURT: Or go over to the lectern.

17 MR. BROWN: I shall go from here over to the
18 lectern when that becomes necessary..

19 THE COURT: All right.

20 CROSS-EXAMINATION

21 BY MR. BROWN:

22 Q Mr. Amoroso, why did you adopt the name Tony
23 DeVito in this enterprise?

24 A Just a name.

25 Q No reason why?

1 Amoroso-cross/Brown

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.

1 Q What was his real name?

2 A McCarthy.

3 Q McCarthy was the real name. Now, you were
4 aware that McCarthy had represented himself as a friend of
5 the Kennedys in Massachusetts; isn't that right?

6 A I don't know what he had said his background
7 was, no. I'm not familiar with it.

8 Q So you weren't briefed as to what he had
9 done in the past?

10 A Not to what he said his background was.

11 Q You don't know in what way he presented him-
12 self, for example, to Mayor Errichetti, saying, "I am
13 McCloud" -- which was a false name, right?

14 A Correct.

15 Q "I'm Mr. McCloud; I have certain connections";
16 and so forth. You know nothing of that?

17 A I don't recall. no.

18 Q Isn't it a fact that in January you met,
19 along with McCloud and others, somewhere in New Jersey, at
20 which time you were introduced to Mayor Errichetti?

21 A Yes.

22 Q Could you tell us who was present on that
23 occasion and when it was, if you will?

24 A I don't think I can give you a date. I know

Amoroso-cross/Brown

it was the beginning of January '79 sometime, and I believe, maybe, Mr. Rosenberg and Mr. Eden might have been present. I'm not really sure who was present.

Q How about McCloud and a Margo Kennedy?

A Oh, yes, you had mentioned them. I was just referring to others.

Q All right. Margo Kennedy was a person whom you came to know about; is that right?

A Yes, I knew she was an agent.

Q And do you know why she was represented as Margo Kennedy? Unless in fact that was her true name, of course.

A No, I don't know why she was represented as
Marco Kennedy, no.

Q It was not her true name?

A No.

Q Do you know as a fact that she was represented as a cousin of Ted Kennedy, the senator? Isn't that a fact?

A No, not to my knowledge.

Q And as you said heretofore, you don't deny it, you just don't know anything about it; is that right?

A I don't know anything about it, no.

Q So you don't know anything about the manner in which Agent McCloud and Margo Kennedy conducted their

Англоязычные/Британские

activities vis-a-vis my client, prior to January of '79;
is that right?

A **Correct.**

(Continued on next page.)

1
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 operation?

2 A I assume so, yes.

3 Q Is it to your knowledge a fact that Weinberg
4 recommended or suggested that McCloud be replaced with you
5 or someother agent?

6 A I don't know whether he suggested it. I
7 know he was uneasy with Mr. McCloud because of the new
8 area they were going into.

9 Q So that in fact Weinberg did have in terms of
10 his reporting to the agents at least something to do with
11 McCloud being replaced, to that extent?

12 A To that extent, yes.

13 Q To the extent that he felt McCloud was not
14 an appropriate or proper agent to carry out the function?

15 A Experienced enough.

16 Q Appropriate I would assume would include
17 that, right?

18 A Yes.

19 Q Do you know what McCloud's experience was;
20 do you to this day?

21 A Not really. I think he worked a lot of
22 security work at one time. I am not really sure about that.
23 I don't have to ask him about that.

24 Q Well, is it customary when there is such a

1 replacement for an agent such as yourself, newly come into
2 the picture, to make a report or 302 explaining the exchange
3 of responsibilities?

4 A No.

5 Q You did tell about the \$50,000 which you put
6 in an envelope at a certain time as shown on TV here
7 yesterday, is that right?

8 A That's right.

9 Q And you said at one time you were either
10 sealing or unsealing the envelope.

11 It was unclear. Can you tell us what you did?

12 A I sealed it.

13 Q You did seal it?

14 A Yes.

15 Q So if the script says unseal it, that is
16 incorrect?

17 A Correct.

18 I think you saw me licking the envelope.

19 Q Are you familiar with the fact that the
20 script does say something as to whether you sealed or
21 unsealed it?

22 A I don't know.

23 Q Let's look at it.

24 MR. PUCCIO: Judge, I object to the use of the!

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 is that correct?

2 A Yes.

3 Q But I understood you to say that you did
4 participate in preparing these transcripts.

5 A Correct.

6 Q And in that one of course it could have been
7 an oversight or an error?

8 A Yes.

9 Q And that is exactly what it is?

10 A Correct.

11 Q And with respect to that occasion you did
12 have in your possession \$50,000 of government money, I
13 think?

14 A Correct.

15 Q Is that right?

16 A Yes.

17 Q Did you make a note in a 302 about obtaining
18 the money and what you did with it and what happened to it?

19 A Did I make a notation?

20 Q Yes.

21 A No.

22 Q You were not responsible as an agent to make
23 a precise report as to what happens with the money that
24 is turned over to you?

2

A What I did is when I received it I counted
it and then I placed it in that envelope.

3

Q Do you sign out for that money or do they
just give it to you?

4

A No. Another agent probably signed for it.

5

Q What agent would probably have signed?

6

A I have no idea.

7

That would be the responsibility of Mr.
Good.

8

Q But as far as you were concerned the money
would not be accounted for in writing or in any receipt
of any kind?

9

A Not by me. By someone.

10

Q I am asking, as far as you were concerned
you would not have accounted for the money by a writing
or a receipt of any kind?

11

A No.

12

Q So the \$50,000 given to you with respect
to that envelope, and of course it is an error as to whether
you did not seal it, is that right?

13

A Yes.

14

Q Now, it is an hour or so before the program
began after you sealed that envelope, is that right?

15

2 A Yes.

3 MR. PUCCIO: I object to the form.

4 THE COURT: As to the program?

5 MR. PUCCIO: Yes.

6 THE COURT: Sustained.

7 Q. You seem to accept the words -- I will withdraw that.

8 THE COURT: Letturn, please.

9 MR. BROWN: Yes, sir, I'm sorry I advanced
10 two feet.

11 Q With respect to the performance that came
12 on later on which was an acting performance, was it not?

13 A Correct.

14 Q And you were not offended when I used the
15 word program, were you?

16 MR. PUCCIO: I object.

17 THE COURT: Sustained.

18 Q With respect to that activity which came
19 on later, about an hour elapsed between the time you had the
20 money and the time you went through the prologue which
21 was the sealing or not sealing of the envelope and the time
22 of the actual activity which came on an hour later.

23 Would that be correct?

24 A Correct.

2 Q And in that interim who was in the room with
3 you?

4 A Myself, Mr. Weinberg, possibly Mr. Good,
5 possibly one or two other agents.

6 Q Some other persons that you don't particularly
7 remember?

8 A Yes.

9 Q And after this; when the performance was
10 finished, you then made no report whatsoever, is that
11 right, in writing, to anyone?

12 A No.

13 Q Did you make an oral report to anyone, a
14 supervisor or superior of yours?

15 A What type of oral report?

16 I don't know what you are getting at.

17 Q Is Mr. Good your supervisor or was he at
18 that time?

19 A Yes.

20 Q Are you required to report to him the activity
21 or did you assume that the video tape was sufficient
22 report?

23 A Sufficient.

24 Mr. Good was in the other room.

25 Q I see.

1
2
3
4
5
And in the course of this performance you did
as you say play a role1 you had a false name and you had
certain activity which was not exactly proscribed but went
into a pattern.

6
7
Would that be correct?

8
9
A
A pattern of what?

10
11
Q
You said when you came into the room and
when others entered including my client, while you had nothing
in writing you did expect certain things to happen, is that
right?

12
13
A
I did not expect things to happen. I was --

Q
Well, I'll withdraw the question.

14
15
16
17
Isn't it a fact when you undertook this
performance that you had some expectations as to the way
things would go, otherwise it would make no sense, would
it?

18
19
A
Otherwise I would not make a payment.

20
Q
It would not make any sense otherwise; you
had expectations how it would go?

21
A
No.

22
23
MR. PUCCIO: I object to the form of the
question, your Honor.

24
THE COURT: Overruled.

25
Q
You had expectations as to where it would go?

2 THE COURT: He answered it no.

3 Q You didn't have? You had no purpose in
4 the meeting?

5 A I had a purpose. I didn't have an expecta-
6 tion, I don't think.

7 Q Well, what was your purpose?

8 A My purpose?

9 Q Yes.

10 A My purpose was to elicit from Mr. Myers the
11 necessary material to insure me in my own estimation of
12 what his idea of that meeting was.

13 Q So that was your design?

14 A Yes.

15 Q And this had been set under way while previous
16 to that actual performance on the 22nd of August; isn't
17 that right?

18 It started as early as July 26th, I believe
19 it was; isn't that correct?

20 A With Mr. Myers, no.

21 Q Well, isn't it a fact that as of July 25th
22 you had read an article in the Miami Herald about
23 dictator Somoza of Nicaragua which caused a germ of an
24 idea to form in your head?

25 A Correct.

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

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?

12 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?

M **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.

Now that you have baited the trap with your

1 idea -- that is a correct statement, isn't it?

2 A Yes.

3 Q You expected my client to bite?

4 A It could be, yes.

5 Q Well, that would be the purpose of your doing
6 it I would assume?

7 A Yes.

8 Q Again a part of a design.

9 Now, as a matter of fact, is it not so, byou
10 even enlisted the services of the special agent who was
11 acting as the captain of the yacht?

12 A No, I didn't.

13 Q Was it accidental then that he commented
14 that there is a yacht that Somoza was on, they wiped their
15 hands on the curtains, they are pigs?

16 A He happened to overhear the conversation and
17 he happened to be passing that way and that is exactly
18 what happened.

19 Q He fell in without knowing about the design?

20 A He heard the conversation and as he went by
21 the boat he pointed it out.

22 Q He was helping out?

23 A Not by design.

24 Q Not by design.

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 Q Other than he had heard it and he figured
25 out who pointed out the yacht.

1 Q He must have said that to you later?

2 A Yes.

3 Q You discussed it with him later?

4 A Yes.

5 Q And he said I heard you saying that -- I
6 guess he addressed you as Tony in your role then?

7 A Yes.

8 Q But your name is Anthony anyway, is that
9 correct?

10 A Yes.

11 Q And he said Tony, I heard you say it and I
12 fell right in?

13 A I don't know if he used those words, but I
14 guess you can say it, yes.

15 Q It is a paraphrase of course, I don't have
16 any tapes, I assure you, and neither did you, by the way?

17 A Yes.

18 Q Because you left it downstairs.

19 A And you know when you left the tape downstairs
20 that you were going to pursue this design in another part
21 of the boat, isn't that right?

22 A Yes.

23 Q o that, after taping what you have described
24 as "a conversation on legitimate," legitimate purposes

1 downstairs, that is true, isn't it?

2 A Yes.

3 Q And you then by design moved to another
4 section of that boat where you would not have the taping
5 and pursued your design and asked the bait-in question,
6 is that right?

7 A At the time it was a very insignificant thing I
8 threw out to the mayor.

9 Q But it was important enough for you to have
10 formulated a design to do so, isn't that right?

11 A Yes.

12 Q And it was so significant that not only did
13 you realize the importance of it, but the agent, without
14 conference with you realized the importance of what you were
15 doing, is that right?

16 A I don't know if he realized the importance
17 of it.

18 He just picked up on what I said and expounded
19 on it.

20 Q Thank you.

21 I will not characterize it.

22 That is the fact and that is what happened,
23 is that right?

24 A Yes.

2 Q So it was important for you to have a design
3 and to move into position to at least throw out the bait
4 even though it was not a big bait, but just a minor piece
5 of bait?

6 | A Yes.

7 Q Is that correct?

8 | A Yes.

9 (Continued on next page.)

10
11
12
13
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19
20
21
22
23
24
25

1 Q And it just halpened that there was the
2 conversation with Mr. Errichetti?

3 A Yes.

4 Q Right?

5 A Correct.

6 Q And there are other persons present on the
7 boat from the first boarding, I assume, is that right?

8 A Yes.

9 Q And I think you have in your 302 --
10 you did make a 302 of this, is that not so?

11 A Yes.

12 Q Do you have a copy or I will question you
13 and would you like my copy?

14 A I believe there is a copy here.

15 Q I will get it for you.

16 MR. BROWN: May I approach the witness with
17 it, your Honor?

18 THE COURT: Yes.

19 MR. BROWN: This is Exhibit 3500-256.

20 THE COURT: Thank you.

21 MR. BROWN: It is indicated 7-30-79, your
22 Honor.

23 THE COURT: All right.

24 (Handed to witness.)

25

1
2 MR. BROWN: May I proceed, sir?

3 THE COURT: Yes.

4 D Mr. Amoroso, you have before you as I have,
5 a copy of the 302, is that right?

6 A Yes.

7 Q The 302 is generally considered a report
8 for the benefit of your superiors as to activities that
9 take place at a certain time.

10 Would that be correct? Would I be correct
11 in stating that?

12 A Correct.

13 Q Now, with respect to this particular 302, the
14 date of transcription is July 30th of 1979, is that
15 correct?

16 A Correct.

17 Q And if I may follow from what I call the
18 inception of the design on the 25th, there was the idea in
19 your head on the 25th, the implementation on the 26th on
20 the boat, right?

21 A Yes.

22 Q And you have so indicated that this relates
23 to the 26th, right?

24 A Correct.

25 Q Down on the bottom?

2 A Yes.

3 Q And in fact it was typed out, that is what
4 a transcription is, I assume, on the 30th, right?

5 Was that transcribed down in Florida?

6 A No.

7 Q Is there any custom, regulation, as to how long
8 it would take you to properly record conversations, for
9 example, we have a four-day lapse here; would that be
10 within the range, general practice?

11 A Four or five days.

12 Q Excuse me?

13 A Four or five days.

14 Q And what one does I assume is dictate it
15 it someone and that person in the employ of the FBI types
16 it out, is that right?

17 A Yes.

18 Q And in this instance I will remind you that
19 you have not even signed this.

20 So I will ask you since there is no
21 signature you do accept it as a reliable version of what
22 you dictated?

23 A The original should have my signature.

24 MR. BROWN: May I approach, your Honor, and
25 show my copy?

THE COURT: Yes,

Is that the original?

A No, it is not.

I would have initialled this copy right there.

Q I see.

The or

copies.

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 Somosa and the group of pigs prior to your conversation, but that is an error in the way it is dictated?

1 A No. Because in the next paragraph I said
2 during this period I just put one ahead of it.

3 Q And you would not be that precise about the
4 conversation, I am sure.

5 You do indicate however, that Mr. Criden was
6 present during the general conversation?

7 A Correct.

8 Q And you do indicate that Mr. Criden neither
9 spoke nor participated in that phase of the conversation,
10 correct?

11 A Correct.

12 Q You don't indicate whether or not Mr. Weinberg
13 participated.

14 Can you tell us whether he did?

15 A No, he did not.

16 He was just present.

17 Q Mr. Weinberg was aware, was he not,
18 of the design that you were about to put into effect?

19 A No.

20 Q He was equally innocent as Mr. Errichetti
21 was of your design?

22 A Yes.

23 Q And you have reported, have you not, that you
24 went into a speech which dealt with -- I'll withdraw that.

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?

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?

1 A Yes.

2 Q Such as trying to help a man to stay in a
3 country where he had assylum?

4 A Yes.

5 That's the way he phrased it.

6 Q In other words, that is nothing, I can introduce
7 you to a politician who can help with this problem?

8 A That was --

9 Q And what you presented was a very legitimate
10 problem, wasn't it, whether a man could continue in
11 assylum if he were thrown out of Ethopia or Nicaragua or any
12 other place?

13 A Yes.

14 Q And what he said is I think there are
15 politicians who can help with respect to that, is that
16 right?

17 A It's right there.

18 Q Okay.

19 Now, the fact is that he did not say to you,
20 what is the problem, which of your employers -- I believe
21 you used the plural, employers, is that correct?

22 It is written down here but it may not be
23 accurate.

24 A I probably would refer to both.

1 Q Both.

2 A Yes.

3 Q He didn't refer to which one, did he?

4 A No.

5 Q He didn't ask you what the situation was with
6 respect to their possible rejection?

7 A No.

8 Q And as a matter of fact he didn't even
9 ask you what country they came from, is that correct?

10 A Correct.

11 Q And as a matter of fact, throughout this entire
12 series of episodes up to this point, the sheik's country
13 had not been identified, had it?

14 A Correct.

15 Q So that when he replied to you his reply
16 was as general as yours was fictitious?

17 A Correct.

18 Q So that one charade was being answered by
19 another?

20 A I know what I was doing. I don't know what
21 he was doing.

22 Q Well, you knew he was answering something
23 that had no substance and had no specific purpose or
24 designation, is that right?

1 A Yes.

2 Q So if you would have said my employers want
3 to go to Mars it would be as fictitious as what you said,
4 is that right?

5 A It could be, yes.

6 Q And if he said I can get politicians to help
7 you, it would have been as fictitious as what you said,
8 is that correct?

9 A Correct.

10 Q And that is in effect what he said, correct?

11 A Right.

12 Q Now then, you then asked him to see if we
13 can't get in touch with these people that he referred to?

14 A Yes.

15 Q And to see if you could get something started
16 along those lines, right?

17 A Correct.

18 Q I am reading again, referring again to the
19 same paper you are looking at, correct?

20 A Yes.

21 Q I am using the language from there.

22 Now, when you say get started along these
23 lines, did you go into any specifics or details as
24 to what lines you are talking about?