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A No.

Q Did you go into any specifics or details as to what people you wanted contacted?

A No.

Q Did you go into any specifics or details about what kind of people, whether they be agency people, immigration specialists, or whatever?

A No.

Q And when you talked about what it would cost you you didn't make any distinctions as to legitimate costs to attorneys, to specialists or anyone else, is that right?

A Well, reading the statement here, Mr. Errichetti was the one who first indicated the figure or money.

He stated that with all the money the Arabs had they could afford to cover all the necessary expenses.

Q When you say figure, I would ask you to reconsider, is not a figure a precise amount in the language of the street or of the drawing room in America?

When you say figure you mean a precise amount of money?

A Yes.

Q And Errichetti never mentioned a precise amount?

A No.

Q And as a matter of fact, what he did say was expenses, is that right?

A Yes.

Q Okay.

Now, when he said expenses he didn't refer to the fact that as to whether these would be legal expenses or consultive expenses or anything else, is that right?

A In the context he gave it to me at that time it meant payment.

Q It meant payment?

A Yes.

Q Well, what was the language that was used that said when you get people to take care of this if you can pay their expenses, what word did he use that this is payment?

A In the way he used expenses.

Q That was your interpretation?

A Yes, it was.

Q Let's take the precise word so the jury can interpret it.

The precise words were, as you have recorded them and as best you recall them from your testimony, that Errichetti said, that with all the money the Arabs

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have they can afford to cover all the necessary expenses.

Is that righr?

A Yes.

Q He never said fee?

A Correct.

Q Never said pay-off?

A Correct.

Q Never said contribution?

A Correct.

Q Never said gratuity?

A Correct.

Q He said expenses?

A Yes.

Q And that's all?

A Correct.

Q And when you said find out what it cost, you did not specify, did you, as to whether it would be fees, pay-offs, contributions, gifts, you didn't, did you?

A No.

I know what I meant by it.

Q I understand that you knew what you meant, but the language which was proposed is the language which you have stated so that others can consider what the expense was, right?

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A Right.

Q So I want to make sure of one thing, if his Honor will indulge me, and that is this:

At no time did you or Errichetti say this is the specific thing I want done?

A Correct.

Q That was not said?

A Correct.

Q These are the specific people I want to do it?

A Correct.

Q No categories were mentioned of lawyers or specialists or immigration types or anything else?

A Correct.

Q Not one cent in terms of coin mentioned in a figure?

A Correct.

Q Not one statement other tahn the Araba have money and they can pay the expenses to get this help, is that correct?

A Yes.

Q And your statement was to try to contact people and see if you can't get something started and find out what it would cost?

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A Yes.

Q End of conversation?

A Yes.

Q Correct?

A Correct.

Q Now, byou are aware, are you not, that in the time, whatever time period it was prior to your coming on board the operation, that McCloud, known as McCarthy, and Margo Kennety and others had been talking with Mr. Errichetti and visiting him as his guests, is that right?

A Correct.

Q And in fact you too visited him as his guest, is that right?

A Correct.

Q Now, during the time of certain of the tapes which are proposed here and offered and accepted in evidence, like 2, 3 and 4, or 1,2 and 3 relating to August 6th, 7th and 8th of 1979, you in effect were a guest of Errichetti, were you not?

A (No response).

Q I will remind you of this if I may. Look at the first one, 1A and tell us where the meeting was held.

1
2 When he came to Florida or sometimes over to
3 New York we paid for his --

4 Q Well, now, when he came to Florida on one
5 occasion he paid for a lot of things, didn't he?

6 A When he came to Florida on one occasion?

7 Q Were you present when he first went to visit
8 the Left Hand, that's the name of the boat?

9 A Yes.

10 Q The Left Hand?

11 A Yes.

12 Q Were you present on the first occasion when
13 he visited the Left Hand?

14 A That was on the 26th of July.

15 Q Who paid for food and liquor?

16 A You are talking about the prior time?

17 Q The first time.

18 A Yes, yes.

19 Q So either --

20 A You are talking about March?

21 Q Yes, yes.

22 A Yes.

23 Q And on those occasions that was before your
24 coming on board?

25 A I was on board.

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Q You were on board the operation?

A Yes.

Q And who paid for the food and liquor on the first occasion -- on that occasion?

A I believe he paid for the liquor and another individual paid for the food.

Q Was he responsible for the payment, do you know, whether or not someone else paid?

A I think someone gave him a blank check.

Q To write out for the food?

A Yes.

Q But in that instance he paid, the instance in March I am referring to?

A Yes.

Q And then again we discussed it in these dates, the 6th, 7th and 8th of August, of course he paid?

A Yes.

Q How many people did he pay for then that were on the government payroll as undercover operators? Do you have any recollection?

A Offhand I don't know.

Q Could I try to refresh your recollection?

A Sure.

Q Wasn't McCloud there?

- 1
- 2 A No.
- 3 Q Wasn't Bradley there, a special agent named
4 Bradley?
- 5 A I believe so.
- 6 Q So there would have been at least three
7 special agents there, Mr. Bradley, Mr. McCloud and yourself?
- 8 A Yes.
- 9 Q And perhaps other syou can't recollect at
10 this time?
- 11 A Correct.
- 12 Q And of course Errichetti paid for everything?
- 13 A Well, he paid I believe for some of the
14 liquor.
- 15 Q He paid for food and lodging, didn't he?
- 16 A He didn't pay. He had a check from somebody
17 else. I didn't consider him paying.
- 18 Q Well, what would you consider if his
19 credit card reflected that?
- 20 You know they have been subpoenaed by the
21 government, do you not?
- 22 A No, I didn't?
- 23 Q You did not?
- 24 A No, I didn't.

* * *

1
2 (Following occurred in open court.)

3 MR. BROWN: Your Honor, I will defer that
4 line of questioning with your permission.

5 THE COURT: All right.

6 Q Mr. Amoroso, you had indicated that you had
7 not made any special -- you had indicated during examination
8 that -- this morning in playing your role you were just
9 plating yourself, you did not make any special differences in
10 your personality or act differently?

11 A I didn't say that.

12 Q You did not say that, I'm sorry.

13 A I asked for a specific point or time that
14 he was referring to.

15 Q I see.

16 Well, is it true then that you did in the
17 course of this operation act out of your true self and
18 in the sense be an actor or a character?

19 A Yes.

20 Q As a matter of fact, I strongly believe and
21 I will show you an example without --

22 THE COURT: Mr. Brown, your beliefs have
23 nothing to do with this case.

24 MR. BROWN: May I show you what I am doing,
25 your Honor?

1
2 THE COURT: REphrase what you are saying.
3 It is not proper for an attorney to say to the
4 jury I believe or I think.

5 Lawyers are not supposed to think.

6 MR. BROWN: I never have to make that
7 decision, your Honor.

8 MR. BEN-VENISTE: Sometimes that is
9 apparent.

10 MR. BROWN: May I approach the witness with
11 this transcript, your Honor?

12 THE COURT: Yes.

13 Q For example, if I may show you an extract
14 from a transcript of 3500-24, which is related to
15 Saturday, March 24th, which is outlined by me in yellow.

16 I would ask you to examine that before I
17 ask you the question.

18 A Yes.

19 Q Now, the extract that I have shown you was
20 certainly an instance on your part where you were acting
21 out a part contrary to your true personality, isn't
22 that right?

23 A I don't know.

24 I may have said that in my true personality.

25 Q Are you sure when they ask you, what are you

1
2 laughing at, and Weinberg says good morning, and you said,
3 so I had a good party last night after that huge party,
4 that that's you?

5 A Yes.

6 Q What did that mean?

7 A That the party before was terrible, which is
8 an expression.

9 Q Huge party means good?

10 A No, it was terrible.

11 Q I see.

12 Q You are a facile in more than one language,
13 apparently.

14 Were you ever present at a time, and I will
15 show you the portion of the transcript without identifying
16 it any further.

17 MR. BROWN: This is another one here.

18 (Mr. Brown confers with Mr. Puccio.)

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

20 THE COURT: Yes.

21 Q I show you 3500-22 and I have selected from
22 a paragraph a phrase and I want to make sure that you see
23 it in its whole context.

24 A This is not me.

25 Q I am going to ask you about what he is saying,

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whether it fits and a pattern.

Do you see what I mean? No, you didn't say that.

MR. PUCCIO: May I have the page, please?

THE WITNESS: 13, page 13 of the transcript.

MR. PUCCIO: Thank you.

MR. BROWN: 3500-22.

THE WITNESS: Just where it is marked?

Q Were there ever occasions in the course of this operation when Mr. Errichetti said to you as a person, I can write the script better for this thing.

A You just pointed it to me.

Q I just pointed it out to you?

A Yes.

Q There were such occasions when he said things like that, is that right?

A Yes.

Q And he also said, is it not true, give me the script, tell me what to say; is that true?

A I don't know.

You would have to give me the instance and I will agree with you if you have it.

I just can't recall.

Q I see.

1
2 But in this one instance that I showed you
3 he said in effect I can write the script better than you
4 can?

5 A Not in effect. It is whatever was said.

6 Q I will withdraw the in effect. You said
7 you object to the phrase, is that right?

8 A Whatever is there is what was said.

9 He says I can write the script better.

10 Q And what was he referring in that instance
11 where he says I can write the script better, what was he
12 referring in that instance as to you or members of your
13 agent party?

14 A He was referring to a meeting from what you
15 showed me there between McCloud and Mr. McDonald.

16 Q So he was referring to McCloud?

17 A Correct.

18 Q Now, then, McCloud then continued in the
19 operation up through '79, is that right?

20 A Yes.

21 Q Well, now, I understood and please correct
22 me, that you replaced McCloud in January of '79?

23 A Yes.

24 Q Am I correct?

25 A Well, there was a phasing out period there.

1
2 He was still involved, I believe, for a
3 couple of months between January and February and March.

4 Q I am not asking about what he was involved
5 in. I am only asking if he was still involved in the
6 operation.

7 A Yes. It was a phasing out from him to me
8 during the phasing out period.

9 Q And this reference then was to Mar. McCloud,
10 I could write the script better, is that correct?

11 A Yes.

12 Q Now, it is true, then in terms of -- I'll
13 withdraw that.

14 Was this operation, these activities, given
15 a particular name, the activities that involved you, Mr.
16 McCloud, Mr. Bradley, Margo Kennedy and others for the
17 government, with respect to my client and others in this
18 indictment?

19 Was the entire indictment given a name?

20 A I don't know what you refer to as a name.

21 Q I have heard the name ABSCAM, I don't know
22 if it was given a name by the bureau or the operatives
23 or not, ~~or~~ I don't know if that is a media term.

24 MR. PUCCIO: I object, your Honor.

25 THE COURT: Overruled.

1
2 A I believe the title of the case was Abdul
3 scam and they shortened it to ABSCAM.

4 As far as the title of communications being
5 sent from office to office.

6 Q So in fact, the FBI did have a nom de guerre,
7 a code word for this, and there was a code name for it.

8 A It was not a code name. It was just the
9 shortening of the entire name.

10 Q Was there a code name for this operation
11 employed by the bureau which denominated a sting
12 operation.

13 MR. PUCCIO: I object to this, Judge.

14 THE COURT: What ground?

15 MR. PUCCIO: On the ground of relevancy as
16 to what the bureau characterized it as.

17 THE COURT: Overruled.

18 -Q You have known it to be referred to as a
19 sting operation, have you not?

20 A From the news media and not from within.

21 Q No one including Mel called it a sting
22 operation?

23 A Not that I know of.

24 Q Do you know or can you tell this jury whether
25 or not this entire operation, whatever it was called, was

1
2 originated or suggested by Mr. Weinberg?

3 MR. PUCCIO: I object.

4 THE COURT: Overruled.

5 You may answer it.

6 A I stated before that I don't know. Bu the
7 time I got it, into it, it was already in existence.

8 Q Did you not research the history about the
9 operation that you were about to supervise?

10 A No.

11 Q You were not concerned about its genesis, how
12 it began and what its central theme was?

13 A No. Because I was starting a new theme.

14 Q So the central theme of this operation
15 changed when you came in?

16 A Correct.

17 Q And was Mr. Weinberg the one who suggested
18 the change?

19 A Not to my knowledge, no.

20 Q Isn't it a fact that this operation was
21 at least in part based on his recommendation as to how
22 to con people?

23 A Not to my knowledge.

24 I don't know.

25 Q Well, you don't say yes, and you don't say no.

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You don't know?

A I don't know.

Q Well, how often were you with Mr. Weinberg from January '79 up to should I say February of '80?

A I would say probably fifty percent of the time.

Q That would mean almost every other day, every other night, something like that?

(Continued on next page.)

1
2 A It would work probably in periods of a two-week
3 run and a two weeks off, a week on and a week off.

4 It would depend on what we were doing and where
5 we were going.

6 Q And your testimony despite this intimacy
7 of January to February of '80, when you were with him half
8 of the time, which is half of about 400 days which I
9 counted quickly, you were with him about 200 days and you
10 never asked him about his past activities as a con man?

11 A No, I was not interested.

12 Q Wasn't his value to the bureau the fact that
13 he was a superb con man?

14 A Yes.

15 Q Wouldn't you then be concerned as to what
16 his qualification was as a con man since that was essen-
17 tial to his utility to you?

18 A No.

19 He never asked me what my qualifications were.

20 Q Was he your supervisor?

21 A No.

22 Q You were his supervisor?

23 A Correct.

24 Q And now in the course of this procedure,
25 these activities, did you observe him as a con man?

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Wasn't that your job?

A To observe him? Not to observe him, no.

Q Didn't you observe him conning people,
working his particular talent?

A Working with me, yes.

Q Wasn't the bureau paying him \$3,000 a
month to execute a con, a skillful con operation?

A Yes.

Q Didn't you observe him in the performance
of this duty he was being paid for?

A Yes.

Q Was the superb con artist?

A Yes.

Q Was he the best you have ever seen?

A Close.

Q And he conned everybody but you, is that
right?

A I can be conned just like everybody else.

Q Did he con you?

A I don't think so.

He conned everybody else though?

Q By everybody else, whom do you mean?

Let's take my client. He conned my client,
didn't he?

1
2 A I would say so.

3 Q He conned him in a superb fashion, is that
4 right?

5 A Yes, I would think so.

6 Q So I will just deal with my client without
7 referring to the other gentlemen at the table.

8 He was good enough to con my client into
9 seeming to do something that was never carried out,
10 to wit, having congressman of the United States interfere
11 with the business of government, is that right?

12 Wasn't that the purpose of the design that
13 is embodied in this indictment?

14 A In this indictment.

15 But that is not originally what we were
16 involved in.

17 Q Let's deal with this indictment.

18 With respect to this indictment, wasn't there
19 a con which flowed only from the total operation right into
20 this indictment?

21 MR. PUCCIO: I object to the form of the
22 question.

23 MR. BROWN: I'll withdraw it.

24 Q Isn't it a fact this indictment is only
25 one of several facts of the operation called ABSCAM?

MR. PUCCIO: I object, your Honor. Irrelevant.

THE COURT: Sustained.

Q Well, you were working on Errichetti from January on, weren't you, to con him into doing something that he could be arrested for?

A We were involved with Mr. Errichetti to see from the beginning as I stated, involved with organized crime, in casino gambling, in Atlantic City, but it just spread out into other areas.

Q It was the same con, that was your technique?

A Yes, the technique.

Q Your technique was con all the way through no matter which episode we are talking about, it was con all the way, is that right?

A Yes.

Q So the con was designed to con or trick my client into doing something that would be unlawful; isn't that right?

A No, I don't think so.

Q Well, in whatever area it was, you were going to con him to do something, you just said so.

A If he didn't want to do it he could have walked right away.

Q Tell me this:

14 Amoroso-cross-Brown

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2 Were you trying to confidence him into doing
3 something?

4 MR. PUCCIO: I object to the terminology
5 used, confidence.

6 MR. BROWN: He has answered already,
7 your Honor.

8 THE COURT: No need for response to the
9 objection.

10 Objection overruled.

11 Q Your whole operation from the day you got
12 into it and before, was to exercise a confidence technique
13 on Errichetti to confidence him into doing certain things,
14 is that right?

15 A I disagree with the way you are doing.

16 Q Didn't have to fool him or confidence him?

17 A Yes.

18 Q And wasn't the total operation designed to fool
19 him or confidence him?

20 A Yes.

21 Q And wasn't the object of the fooling or
22 confidence technique to have him doing certain techniques
23 that you had designed?

24 A If he so desired.

25 Q I understand what you just said. But you

1
2 wanted to confidence him into doing something. Is that
3 right?

4 A Correct.

5 Q Let's take this indictment and the naturaliza-
6 tion concept of immigration.

7 That sprang from your head, didn't it?

8 A Yes.

9 Q And that was initiated by you, wasn't it?

10 A Correct.

11 Q And in effect it was to have somebody doing
12 something unlawful concerning the immigration of your
13 fictitious superiors, is that right?

14 A If he was disposed to.

15 Q If he was disposed to, but you didn't tell
16 him specifically what you wanted.

17 You were going to con him into doing anything,
18 is that right?

19 A I didn't have to. He did it.

20 Q You were the one who asked him to do it,
21 were you not?

22 A Yes.

23 Q And Weinberg was the one who continued
24 to work with you to ask him to do it, is that right?

25 A Yes.

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Q And without your having asked him to do it, you don't know if there would have ever been such genesis of any idea, such idea in his head, do you?

A Correct.

Q So you were responsible for the genesis, is that correct?

A Yes.

(Continued on next page.)

1
2 Q And you were responsible for the continuing
3 technique of con and fool?

4 A Yes.

5 Q And you knew in the first place that there
6 would never be any influence exercised on the government
7 of the United States with respect to immigration and
8 naturalization, isn't that right?

9 A Correct.

10 Q So that from the very beginning you not only
11 had fictitious prisons, fictitious idea, ideas to con,
12 but you even knew there would never be anything carried
13 out pursuant to these objects?

14 MR. PUCCIO: I object.

15 It's been asked and answered.

16 Q Well, now, at the time that you obtained
17 the money in order to carry out the activities that were
18 filmed as to August 22nd, who was it that suggested the
19 money, the amount of money?

20 A At that time?

21 Q With respect to the filmed events of
22 August 22nd which were shown here yesterday, can we
23 zero in on that?

24 A Yes.

25 Q Who suggested the amount of money to be

1
2 involved.

3 A Mayor Errichetti.

4 Q How much did he say would be involved?

5 A \$100,000.

6 Q Is that what you did?

7 A No.

8 Q You modified that, is that correct?

9 A Yes.

10 Q You injected your own ideas, is that correct?

11 A Yes.

12 Q Were you aware of the number of conversations
13 that Mr. Weinberg had with Mayor Errichetti throughout
14 that period at that time?

15 A Yes.

16 Q How many conversations did Weinberg have with
17 Mayor Errichetti from, I'll start from January when you
18 first came into the picture until August 22nd, do you have
19 any idea?

20 A From January?

21 Q You first came into the picture in January?

22 A Yes.

23 Q Until August 22nd, which is the film we
24 had.

25 A I don't know.

1
2 Q You didn't dictate when those conversations
would be held?

3 A No.

4 Q You don't know whether all those conversations
5 were taped or not?

6 A Correct.

7 Q You don't know which portions of the
8 conversations were taped, do you?

9 A Are you referring to specific conversations?

10 Q Well, let's take the conversations where you
11 said -- which was shown to you, the tape--referred to this
12 morning, when you said, well; who cut it off when the
13 secretary was on so he would not waste the tape, is that
14 right?

15 A It was not that he would cut it off.

16 He would not turn it on until the mayor got
17 on the phone.

18 Q I see.

19 So you didn't supervise those activities?

20 A No.

21 Q So everything he did he did on his own?

22 A Not everything. Taping those conversations
23 he did on his own.

24 Q How many conversations did you actually
25

1
2 supervise in which Mayor Errichetti had with the master
3 con man?

4 A I don't know.

5 If I was present then I would take the
6 tape at the time or one of the other agents who was
7 present.

8 If we were not present and he was alone at
9 home he would maintain custody.

10 Q Are there no FBI records who -- that would
11 show who supervised him on these various occasions?

12 A No.

13 (Continued on next page.)
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21 Amoroso-cross-Brown

Q Are there any FBI records that would show how many tapes he actually acquired and how many he later delivered to you?

A I believe there is a list right there of the tapes that we have.

Q Of the tapes that you have. Do you know whether or not he taped anybody without using those particular tapes?

A Are you referring to the ones that are missing?

Q Right.

A I would say then that there are some that are missing.

Q Did you supply him with the tapes?

A At times I did, at times other agents did.

Q Is there any record of those that are supplied him?

A No.

Q Is there any record that would indicate how long he talked in terms of a particular tape, any tape that he did?

A Any record?

Q Yes.

A From the telephone records I imagine you could

1
2 determine that.

3 Q Beyond that any of them that are taped by
4 telephone, do you have any knowledge of that?

5 A I don't know what you are referring to.

6 Q Any tape other than by Mr. Weinberg the
7 con man?

8 A Are you referring to Nagra recordings?

9 Q Any type of tape recordings, any kind
10 whatsoever.

11 A I believe every time he used a Nagra he was
12 supervised by an agent.

13 Q What would be the difference between the
14 supervision of a tape recording denominated Nagra
15 because of equipment and the supervision of a tape
16 recording whatever the name of the item?

17 A Because at the time the Nagras were made
18 we were meeting with individuals.

19 At the time the tapes were made at his
20 residence he was home in Florida by himself awaiting the
21 next trip out of town but maintaining contact with the
22 various people we were dealing with.

23 Q Carrying out the con?

24 A Yes.

25 Q So it is true that the majority of the time

1
2 that Weinberg contacted persons like my client, Mr.
3 Errichetti, he was totally unsupervised in the sense of
4 anybody monitoring what he said or being a party to the
5 act, is that right?

6 A No.

7 I wouldn't say the majority of the time.

8 Q Well, do you know how many Nagra conversations
9 he was privy to when you and others were present?

10 A I don't have a count, no.

11 Q You know he made well over fifty of the other
12 cassettes that you did not monitor, is that right?

13 A Correct.

14 Q You know he never made nearly fifty Nagras?

15 A Yes.

16 Q So the vast conversations of the people he was
17 conning was unsupervised then in the sense of whether
18 it was taped or not?

19 A You are talking about the taped conversa-
20 tions as opposed to the timing of the jurisdiction of the
21 agent, within the jurisdiction of an agent?

22 A Within the jurisdiction of an agent?

23 Q Yes.

24 An agent being with him. We had somebody
25 with him as I said before, approximately fifty percent

1
2 of the time.

3 A Sometimes those phone calls are five minutes
4 long , made at his house, very innocuous conversations
5 that are recorded.

6 Q That is your interpretation, innocuous.

7 A Okay.

8 Q With respect to the agents, how many phone
9 calls that he made, whether on tape or in person, were
10 actually under the supervision of a special agent?

11 A I don't know.

12 Q Well, the majority you say were not under
13 the supervision of an agent?

14 A Of phone calls, yes.

15 Q And how many meetings were there when an
16 agent was present, if you have any knowledge?

17 A I would say most of them. I don't want
18 to say all of them.

19 I would say most of them.

20 (Continued on next page.)

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Amoroso-Cross-Brown

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2 Q Now, is there anywhere an outline, a script
3 and a count of what this man did which shows what each
4 agent's report was when they supervised him?

5 A No.

6 Q There is no such log?

7 A No.

8 Q If I may call it that?

9 A No.

10 Q So this master conman was allowed to go
11 unsupervised in many of the details of the operation; is
12 that right?

13 A I don't agree.

14 Q Well, he was off on his own, wasn't he?

15 A He was off on his own at home.

16 Q What does home have to do with it?

17 A Home has to do with being in Florida and out
18 of the proximity of the people we were dealing with at the
19 time, only by the telephone calls we have referred to.

20 Q Well, the telephone calls put him in close
21 electronic proximity, didn't they?

22 A As far as telephones, yes.

23 But the way you phrased the question I was
24 led to believe that you were talking about personal contacts.

25 Q Even personal contacts, were you with him on

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all personal contacts or some agents?

A Not on all, no.

Q Well, you know ether was a great many in which he was not personally supervised by any agent; is that right?

A I don't believe so.

Q Do you know of occasions that he went to Mayor Errichetti's office unsupervised by people?

A Mayor Errichetti's office?

Q Yes.

A Not to my knowledge.

Q You don't know about that?

A No.

Q Do you know about the gifts he received, such as Beta Max, tape recorders, other items, microwave ovens? Do you know of that?

A No, I don't.

Q Do you know of any other occasions where other than the Mayor's office you say that there were no other occasions, including the Mayor's office where Mr. Weinberg was alone with Mayor Errichetti, unsupervised by an agent?

A I didn't say that. I said I didn't know of any.

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2 Q Would you state then -- have you ever asked
3 him that?

4 A I believe Mr. Weinberg met with Mr. Errichetti
5 on a number of occasions alone. How many, I don't know.

6 Q But you do concede that you know that he met
7 with him on a number of occasions alone unsupervised by
8 agents?

9 A Yes.

10 Q And you do also know that they had many
11 conversations unsupervised by agents, whether or not from
12 home; is that correct?

13 A You are referring to telephone?

14 Q Yes, telephone, yes.

15 A Yes.

16 Q So that, to the degree you have described,
17 the numerous occasions they have met alone, the telephone
18 conversations this man was not supervised by any
19 representative of the United States Government; isn't that
20 right?

21 A Correct.

22 MR. BROWN: Excuse me just one moment, your
23 Honor.

24 THE COURT: All right.

25 (Pause.)

1
2 Q Do you know where the Elan Club is in
3 Philadelphia?

4 A Elan?

5 Q Yes.

6 A I think I do, yes.

7 Q Do you recall in the course of this operation
8 going to that club for the purposes relevant to the operation
9 to show what kind of guy you were?

10 A Offhand I don't recall. I may have, yes.

11 Q Part of your purpose was to show that you
12 were a swinger, a guy who was with it, is that right, your
13 part in this thing?

14 A I guess, yes.

15 Q And you used to -- were you to be observed
16 to flash your money and talk about women as you did in the
17 Elan Club on a number of occasions, to show your character?

18 A I don't recall being there a number of times.
19 I just recall one time.

20 Q You did these things to enhance the character
21 that you were supposed to be playing, isn't that right?

22 A I would like you to rephrase the question or
23 make it clearer.

24 Q Sure.

25 You don't customarily in your true character

Amoroso-cross-Brown

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2 as an FBI Agent talk about women and flash money and that
3 sort of thing, do you?

4 A Talk about women.

5 Q Well, since Mr. Hoover's death rules have
6 changed.

7 How about flashing money?

8 A I don't have that to do.

9 Q Well, you have plenty of that in this
10 operation, right?

11 A I wouldn't say I had plenty.

12 Q You had money for expenses?

13 A Yes.

14 Q Particularly related to the type of character
15 you were supposed to be?

16 A Okay.

17 Q Which was swinging Tony; is that right?

18 A Not really. I don't know that I portrayed
19 that image.

20 Q McCloud was an old stiff and didn't understand
21 an old stiff, and you were the kind of guy who was with it;
22 is that right?

23 A If you say so.

24 Q You recall occasions where Errichetti would
25 say, what is the speech I am going to make, when he was with

Amoroso-cross-Brown

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2 you, and Weinberg and you had him ready to go in a con?
3 Do you recall any such instances?

4 MR. PUCCIO: I object, your Honor.

5 Q I show you 3500-37, which is page 4.

6 THE COURT: Is there an objection?

7 MR. PUCCIO: Yes, to the form of that
8 question.

9 MR. BROWN: I withdraw the question.

10 THE COURT: All right.

11 Q I show you for your information April 9th,
12 '79, page 4. It is denominated 3500-37.

13 MR. PUCCIO: Thank you, Mr. Brown.

14 Q I am referring to this here, and I will ask
15 you a question which relates to this.

16 MR. PUCCIO: May I have the page, please?

17 MR. BROWN: Page 4. I thought I said
18 page 4. Had I not?

19 THE WITNESS: Three lines from the bottom.

20 MR. BROWN: Right.

21 Q Were there occasions such as the one set forth
22 in the script -- in the transcript I have shown you, where
23 Mayor Errichetti would say, here, well, what is this speech
24 I am supposed to make?

25 A I am trying to take it in context.

1 Amoroso-cross-Brown

2 Q Of course, absolutely.

3 And may I amend my question to say that what
4 I showed you was not stated in the course of the total
5 operation, and if you say so I will amend it.

6 By the way, I am reminded of something,
7 Mr. Amoroso. It says AA. And if that's not you, I will
8 withdraw it.

9 A It's circled here AD.

10 Q Yes. But AA indicates you were present?

11 A Yes.

12 Q It is true then on the transcripts from time
13 to time you are called TD, which is Tony DeVito, and sometimes
14 AA, which is Amoroso?

15 A Correct, correct.

16 THE COURT: Now what is the question?

17 Q The question is this: Isn't it a fact
18 within the context of the total con that Errichetti at least
19 on one occasion would turn to you and say, what is the script?
20 What am I supposed to say?

21 A That's what it says here.

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24 (Continued on next page.)
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Amoroso-cross/Brown

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Q That's what I'm asking you.

A He says what is the topic, what is the speech that I make. That's what he says here.

Q That would be within the context of the con?

A Unrelated to this matter here.

Q Yes. Unrelated to the matter before us. I'm talking about his attitude in the course of the total con.

So there were times as demonstrated by that incident where he says, what is the speech, what am I supposed to say; is that correct?

A Yes.

Q And I am talking not about that particular instance, but I am talking about attitude and response to coaching.

A Yes. However, no response was made to him here.

Q Was that though in the course of the kind of remark he would make when he was to be coached from time to time?

A I don't know if he ever had to be coached the way you put it.

MR. BROWN: I am just walking up to get the book, Judge.

Amoroso-cross/Brown

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2 Q Do you deny that within the context of the
3 total scheme he was not coached as to what he was to say
4 to certain people?

5 A He knew from what we probably would have
6 said to him what we expected from the people that came to
7 see us. If you call that coaching, then that's coaching.

8 Q Let me put it this way: Was he coached in
9 the sense of told what to say to certain people so that
10 they would say what you wanted them to say?

11 A No. He was coached the way you are putting
12 it in the sense that he was told anybody that he brought
13 to us would have to know what they were coming there for
14 and why they were there.

15 Q They would have to say certain things?

16 A To know why they were there, yes.

17 Q For example, with respect to the August 22nd
18 television show yesterday, it was understood that Mr. Myers
19 would be told what to say when they went on camera in order
20 to impress the sheik; isn't that right?

21 MR. PUCCIO: I object, your Honor.

22 THE COURT: Sustained as to form.

23 You can refer to it as a videotaped meeting,
24 if you wish.

25 Q With respect to the videotaped meeting of

Amoroso-cross/Brown

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2 August 22nd, it was part of the con that through Errichetti,
3 he was to be told what he would say in order to meet the
4 standards of this sheik's approval; isn't that right?

5 A Excuse me, Mr. Errichetti was told what we
6 were looking for. It was then whatever he said to Mr.
7 Myers to then get him to meet with us is unknown to me.
8 He knew what we were asking for. And what he told Mr.
9 Myers, I have no knowledge of.

10 Q You don't know, you don't know what to ex-
11 pect --

12 MR. BROWN: The videotape episode, may I
13 call it that?

14 THE COURT: That seems reasonable.

15 Q With respect to the videotape episode, are
16 you telling this jury that there was no preparation made
17 so that when he came before the audience, before the
18 cameras, that matters would proceed within the design that
19 you had anticipated?

20 MR. PUCCIO: I object, your Honor.

21 THE COURT: Strike the audience.

22 Q When you came before the camera, isn't it
23 a fact that you had so arranged matters and either so conned
24 Errichetti or told him directly that when the person came
25 before the cameras that he would act in a way designed as

Amoroso-cross/Brown

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2 you put it to come on strong to convince the sheik; isn't
3 that right?

4 A Well, he was told what we wanted.

5 Q For what purpose, Mr. Amoroso?

6 A For what purpose?

7 Q Yes.

8 A So the party that we brought there before
9 he got there had understood what the meeting was all about.

10 Q What was the meeting about in terms of the
11 video episode of August 20th, what was the meeting about,
12 or 22nd?

13 A I think it's self-explanatory.

14 Q I ask you the question and you were the
15 designer. Would you be good enough to tell us what the
16 meeting was all about.

17 A I will read it to you.

18 Q Just tell me, what was the subject of the
19 meeting? What was it all about?

20 I will withdraw the question if you have a
21 problem.

22 It is a fact that what it was all about was
23 is that you wanted there to appear on these video cameras
24 and ultimately on tape for some future jury a scene which
25 would depict people like my client performing, supposedly

Amoroso-cross/Brown

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2 for the sheik, but actually so that you could say that he
3 committed a crime; isn't that right?

4 A Yes.

5 MR. BROWN: I have no further questions at
6 this point.

7 THE COURT: Any redirect?

8 MR. PUCCIO: Yes, your Honor. We may have
9 a few -- may I have a few minutes on that?

10 THE COURT: It's five minutes of one. Why
11 don't we break for lunch. I have a couple of
12 matters I have to handle during the luncheon hour.

13 We will resume at quarter after two. During
14 the recess please do not discuss the case.

15 (The jury leaves the courtroom.)

16 (Luncheon recess.)

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2 MR. PUCCIO: I call Ellis Cook, Judge.

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4 E L L I S C O O K, having been first
5 duly sworn by the Clerk of the Court, took the stand
6 and testified as follows:

7
8 THE CLERK: Please state your full name for
9 the record.

10 THE WITNESS: Ellis Cook.

11 THE CLERK: Please spell your last name.

12 THE WITNESS: C-o-o-k.

13 MR. PUCCIO: May I proceed?

14 THE COURT: Proceed.

15 DIRECT EXAMINATION

16 BY MR. PUCCIO:

17 Q Mr. Cook, are you married?

18 A Yes, sir.

19 Q Do you have any children?

20 A Yes, sir.

21 Q How many do you have?

22 A Two.

23 Q What is your occupation, sir?

24 A I am an attorney.

25 Q Are you a member of the Bar of the State of

1
2 Pennsylvania?

3 A Yes, sir.

4 Q And when were you admitted to the bar?

5 A I think it was January, 1968.

6 Q And have you been a practicing lawyer in the
7 State of Pennsylvania ever since?

8 A Yes, sir.

9 Q Now, you know the defendant Howard Criden?

10 A Yes, sir.

11 Q How did you make his acquaintance?

12 A I met Mr. Criden I think it was in December,
13 1968 while we were negotiating opposite sides of a sale
14 of a restaurant. At that time we were negotiating and he
15 asked me if I was looking for other employment. I was just
16 a new attorney at that time. And I said if it's a good
17 job, yes.

18 And at that time he made me an offer and I
19 went with him in his firm at that time.

20 Q And in what year was that, sir?

21 A I think that would be in the end of December
22 or beginning of January, 1968 -- I think it was the end of
23 1968.

24 Q And have you remained -- well, did you remain
25 in association with Mr. Criden from that time until on or

Cook-direct

1
2 about February 2nd or February of this year?

3 A Yes, sir.

4 Q Now, do you know the defendant Louis Johanson?

5 A Yes, sir.

6 Q And how did you make Mr. Johanson's
7 acquaintance?

8 A At the time I originally met Mr. Criden in
9 1968 he and Mr. Johanson were partners. And, of course,
10 when I went with Mr. Criden I was also with Mr. Johanson.

11 Q What was the name of the law firm, do you
12 recall?

13 A Fine, Criden & Johanson.

14 Q What were the successor names?

15 A Fine, Criden, Johanson, Dolan and Morrisey;
16 and then Criden, Johanson, Dolan, Morrisey and Cook.

17 Q And what is the name of your present firm
18 with which you are associated?

19 A Romiser, Cook & Richman.

20 Q And these gentlemen were previously associated
21 with you, Mr. Cook?

22 A Yes.

23 Q They were part of the former law firm?

24 MR. BEN-VENISTE: Objection, your Honor.
25 Relevance.

Cook-direct

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2 MR. PUCCIO: I will withdraw it.

3 Q Now, Mr. Cook, what type of work have you
4 done at the -- have you done at the Criden, Johanson law firm?

5 A The first year I did personal injury work
6 with Mr. Fine. Thereafter I became really under Mr. Criden
7 doing real estate and corporate and commercial law.

8 Q For how long a period of time did that
9 continue, sir?

10 A I would say from the latter part of 1969 to
11 February of this year.

12 Q Did you ever do any legal work with or for
13 Mr. Johanson?

14 A Certainly.

15 Q What type of work did you do with him or for
16 him?

17 A Well, Louis -- most of the work I would do is
18 not with Lou but for him. Let's say his schedule is busy
19 and I would take a hearing for him or that type of thing.
20 I didn't work day-to-day with Lou or anything in that regard.

21 Q Would you be able to describe your relationship
22 between you and Mr. Criden during the period of time that
23 you were associated with him?

24 A It was more like a father and son than a
25 partner and associate. I love the man.

Cook-direct

Q And what was your relationship to Mr. Johanson?

A Fine. I really liked Mr. Johanson.

Q Was it the same kind of relationship you had with Mr. Criden?

A No, sir.

Q Now, sir, did you ever hear of a man named Neifeld?

A Yes, sir.

Q Who is Mr. Neifeld?

A Mr. Neifeld is I guess the best term is an investor. He buys and sells real estate.

Q Where is he located?

A I think it is the Warwick Hotel in Philadelphia.

Q When for the first time, if you recall, Mr. Cook, did you hear of Mr. Neifeld?

A It may have been a few years ago. I don't recall how I heard the name.

Q Do you recall how you heard Mr. Neifeld's name?

A Mr. Criden knew him. I think he had either done some work with him or he knew him.

Q Now, Mr. Cook, during the year 1979 did there come a time when you heard Mr. Neifeld's name in connection with a piece of property in Atlantic City?

Cook-direct

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A Yes, sir.

Q When did that occur?

A To the best I could say is the spring of 1979.

Q And who did you hear about this from?

A Mr. Criden.

* * *

Cook - direct

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2 Q To get back to my question, Mr. Cook, I direct
3 your attention to the first conversation that you had with
4 Howard Criden and try to place the day, if you can, at
5 least the month, about the Neifeld property in Atlantic
6 City, and tell us the best you can recall what you said
7 to him and what he said to you.

8 A I would say Mr. Criden had indicated sometime
9 in the spring of 1979, and that's the best I can put as
10 the date, that Mr. Neifeld had a property that's a square
11 block on the boardwalk in Atlantic City, New Jersey, had
12 an option to purchase it. And he was looking to finance
13 it so he can build a hotel casino on that site. And we
14 discussed -- and this was Howard and I, Mr. Criden and I --
15 different ways of possibility financing the hotel casino.
16 There was no specific conversation. It was more a dis-
17 cussion, not a sitting down -- it was more a discussion.

18 Q Was this at your office?

19 A Yes, sir.

20 Q Where is your office located?

21 A 1424 Walnut Street, Philadelphia.

22 Q Downtown Philadelphia?

23 A Yes, sir.

24 Q Now, did there come a time when some arrange-
25 ment took place concerning the Neifeld property?

Cook - direct

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2 A Yes, sir. I guess it would be the early part
3 of July 1979 that Mr. Johanson came back to the office
4 and indicated he had been down the shore, I guess the
5 Atlantic City area, over the weekend and he had met a
6 fellow by the name of Meiler -- I don't remember his first
7 name -- who indicated he knew somebody who knew somebody
8 who had money who would be interested in financing a hotel
9 casino down in Atlantic City...

10 Q And whom did Mr. Johanson tell this informa-
11 tion to?

12 A I believe it was to Mr. Criden and myself.
13 Or it might have been to Mr. Criden who then told me.
14 I'm not sure, sir.

15 Q In any event, you found out about it; is
16 that right?

17 A Yes, sir.

18 Q And would you have heard about it in your
19 law office in Philadelphia?

20 A Yes, sir.

21 Q Now, prior to the time that Mr. Johanson said
22 that Meiler had a friend who had a friend, as you described,
23 did you, Mr. Criden or any member of the law firm, the law
24 firm itself, have any arrangement with Mr. Neifeld concern-
25 ing the sale or financing a casino on that property?

Cook - direct

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2 A Prior?

3 Q Prior to the time that Mr. Johanson talked
4 about Mr. Meiler's friends.

5 A At that time I think it was pretty tentative
6 with nothing in writing. It is just that someone would
7 be able to finance it and there would be a fee. I don't
8 think there is anything reduced more definite to that at
9 that point.

10 Q Did you understand there was a fee involved
11 if the property was sold or financing was obtained for
12 Mr. Neifeld?

13 A Certainly, sir.

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15 (Continued on next page.)
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Cook-direct-Puccio

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Q Now, in that conversation wherein Mr. Johanson had advised what he found out from Mr. Meiler, was there any mention of whom Mr. Meiler's friend was?

A I think it was Mayor Errichetti. It was either mentioned that day or a day or two later.

Q So you learned in any event that it was Mr. Errichetti; is that right?

A Yes, sir.

Q And according to your testimony Mr. Errichetti was Mr. Meiler's friend; is that right?

A He knew him. I don't know if "friend" is a proper word, sir.

Q And according to your testimony you heard that Mr. Errichetti in turn had a friend who had money for the Neifeld property possibly; is that right?

A . Yes, sir.

Q And during his first conversation with Mr. Johanson or Mr. Criden were you told who this friend of Mr. Errichetti's was?

A I think it was just some Arabs who had a lot of money and were interested in this type of thing.

Q Were the Arabs identified by name at that time?

A I would say no, sir.

Cook-direct-Puccio

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2 Q Now, was there any further conversation
3 about these friends of Mr. Errichetti?

4 A When?

5 Q After your very first conversation was there
6 another conversation about them?

7 A I think the next thing that happened was
8 that there was a meeting arranged. I think Mr. Criden
9 and Mr. Johanson and Mr. Errichetti met with Mr. Meiler.
10 I am not sure, but that seems to have happened.

11 MR. BROWN: I ask that it be stricken, your
12 Honor. He mentioned my client and he isn't sure,
13 so I object.

14 THE COURT: Read it back, please.

15 (The Court Reporter reads back as requested.)

16 THE COURT: You said it seems to have happened?

17 THE WITNESS: Sir, I remember there was a
18 meeting set up and I don't remember -- I think what
19 I was saying is I don't remember Mr. Meiler. There
20 was a meeting with Mr. Johanson and Mr. Criden where
21 they were supposed to meet with Mr. Errichetti. I
22 am not sure Mr. Meiler was there or not.

23 THE COURT: Did that meeting occur?

24 THE WITNESS: The best I know they went for
25 that meeting and we left a letter agreement to have

Cook-direct-Puccio

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2 signed with Mr. Neifeld if we were successful to
3 have the property sold or financed.

4 THE COURT: Motion to strike is denied.

5 Q Let me take you back, Mr. Cook.

6 Was there a time after you first heard of
7 Mr. Errichetti in this context that you were advised
8 by Mr. Johanson or Mr. Criden or both that there
9 would be a meeting with Mr. Errichetti and Mr.
10 Meiler?

11 A Yes, sir.

12 MR. BROWN: I object to that as leading,
13 if your Honor please. All he has to say is yes
14 or not. It's a classic response.

15 THE COURT: Overruled.

16 A Yes.

17 Q Approximately or to the best of your
18 recollection when were you advised that this meeting with
19 Mr. Meiler and Mr. Errichetti and Mr. Johanson and Mr.
20 Criden was to take place?

21 A Either the day before or the day the meeting
22 was to take place.

23 Q And would you be able to give us some point
24 of time as to when this occurred?

25 A My best recollection would be the second week

Cook-direct-Puccio

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2 of July.

3 Q Of last year?

4 A Yes sir, 1979.

5 Q All right.

6 Now, did there come a time after you were
7 advised that this meeting was to take place that you met
8 with Mr. Criden and Mr. Johanson again?

9 A I don't think so.

10 Q Well, you certainly met with them after they

11 MR. BEN-VENISTE: Objection, your Honor,
12 to the form of the question.

13 THE COURT: I haven't heard the question yet.

14 Strike the "well".

15 Rephrase the question.

16 Q After you were advised that the meeting
17 with Mr. Meiler and Mr. Errichetti was to take place,
18 did you have a further conversation with Mr. Johanson and
19 Mr. Criden about it?

20 A The answer is, I think only with Mr. Criden,
21 not with Mr. Criden and Mr. Johanson.

22 Q All right.

23 What did you say to Mr. Criden and what did
24 he say to you? And place the time if you can.

25 A The best I can do, sir, is just between the

Cook-direct-Puccio

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2 second week of July and the 25th of July. That's the best
3 I can identify it timewise.

4 Q All right.

5 Where did the conversation take place?

6 A It would be in our office.

7 Q Go ahead. Tell us as best as you can recall
8 what you said and what Mr. Criden said.

9 A Mr. Criden and I prepared a letter agreement
10 to be signed by Mr. Neifeld embodying what our law firms
11 fee would be in the event we were successful in having
12 the hotel site either sold or financed.

13 Q And what were the terms of this agreement,
14 if you recall?

15 A The sales agreement I remember. It stated
16 that any sum in excess of 12 million dollars that we got
17 from Mr. Neifeld would be ours. However, the person who
18 bought it would also have to pay 8 million dollars, which
19 was the least purchase price to the owners of the property.
20 So that actually meant that anything in excess of 20
21 million dollars the buyer actually came up with would be
22 our commission or fee.

23 As to the financing arrangements, it's a
24 staggered fee and I just remember it was a percentage of
25 the financing and some other conditions. I don't remember

1
2 that as well, sir, because it started to be at all times
3 talking about a sale. Financing went out of the picture
4 very quickly.

5 Q In any event, there were two agreements with
6 Mr. Neifeld; is that right?

7 A Yes, sir.

8 Q And you participated in the drafting of
9 these two agreements?

10 A Ys, sir.

11 Q And was there any conversation before these
12 agreements were drafted concerning what had happened at
13 the meeting with Mr. Meiler and Mr. Errichetti?

14 A They had arranged a meeting to take place
15 in Florida and that's the reason we wanted one of the
16 agreements for Mr. Neifeld we wanted to be prepared and
17 signed.

18 Q Were you told by Mr. Criden or anyone who
19 was to be met with in Florida?

20 A It was these representatives of a Sheik.

21 Q Now, were any names furnished at that point
22 to you?

23 A No, sir.

24 Q And do you know where in Florida this
25 meeting was to take place?

Cook-direct-Puccio

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2 A It was Fort Lauderdale.

3 Q Now, Mr. Cook, did there come a time when
4 Mr. Neifeld to your knowledge signed these two agreements?

5 A Well, they were amended by his counsel and
6 redrafted and then eventually I think on July 25th they
7 were both signed by Mr. Neifeld and his partner.

8 Q Did there come a time when you were advised
9 by Mr. Criden or Mr. Johanson that they would travel to
10 Fort Lauderdale?

11 A I would say everybody in the office knew
12 at least a week before they went down that there was going
13 to be a meeting. We were very excited about it.

14 Q Do you know what date they would travel,
15 they traveled to Fort Lauderdale?

16 A I think they left the 25th because I think
17 the meeting was the 26th.

18 Q Do you know if anyone else was going to
19 Fort Lauderdale?

20 A Well, Mayor Errichetti was supposed to be
21 there and I don't remember whether Mr. Meiler was supposed
22 to go or not.

23 Q Now, Mr. Cook, did you have occasion to
24 speak to Mr. Criden and Mr. Johanson after that trip to
25 Fort Lauderdale?

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A Yes, sir.

Q And how long after they returned did you speak to them?

A I would say immediately. They were both very excited. The deal looked good.

Q Okay.

And was that during July that you spoke with them?

A It had to be a few days after the meeting. I don't know if they came back then or after the weekend, but it would have been in a few days.

(Continued on next page.)

Cook-direct-Puccio

1
2 Q So within a few days of the meeting you
3 spoke to them?

4 A Yes.

5 Q Where was it that you spoke with Mr. Criden
6 and Mr. Johanson after their return?

7 A It would have been in the office, sir.

8 Q All right.

9 Now, tell us as best you can recall what
10 you said, what Mr. Criden said and what Mr. Johanson said
11 during that meeting?

12 A Well, most of the meeting he had indicated,
13 that's Mr. Criden, I believe he would have done all the
14 talking, most of the talking, that they met with the
15 representatives of the Sheik, they took down with them
16 blueprints, prospectus, a report of the contract and
17 the estimated cost of the hotel casino. The entire package
18 was taken down.

19 They indicated they met on a yacht, that they
20 met a Mr. Weinberg and a Mr. DeVito; that Mr. Weinberg
21 was the financial advisor for the Sheik and Mr. DeVito
22 was like his right hand man, like in his stead when he is
23 not around.

24 They explained the entire package and the
25 casion deal and they said, I believe that Mr. DeVito is the

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2 man who said it and that it looked very good and he was
3 going to take the package to London with him because that's
4 where the Sheik was, but he said almost definitely that's
5 the deal the Sheik would want and we could almost start
6 counting the money already from our commission on the sale
7 price.

8 The sale price to be taken down to Florida
9 was 25 million dollars, so there was a five million
10 dollar commission in the deal for the sale of the hotel.

11 Q Who was to split the five million dollar
12 commission?

13 A It was predominantly our firm because we
14 had the deal with Mr. Neifeld. But I think it also had
15 to be split, as I remember Mr. Criden saying, with Mayor
16 Errichetti and Mr. Meiler, because they introduced us to
17 the Sheik. And I also understood that Mel and Tony would
18 get a piece of the commission.

19 Q And how many different ways is that?

20 A As I understood it, we would get half and
21 everybody else would split the other half.

22 Q So you would get --

23 A Two and a half million dollars.

24 Q Two and a half million dollars?

25 A Yes, sir.

1
2 Q And Mayor Errichetti and Mr. Meiler and
3 Tony and Mel would split the rest?

4 A Yes, sir.

5 Q This is what you were told?

6 A Yes, sir, by Mr. Criden, yes, to the best
7 of my recollection.

8 Q Was there any mention during this conversa-
9 tion, Mr. Cook, of Mr. Criden's plane trip back from Fort
10 Lauderdale?

11 A Yes. Mr. Criden indicated that on the way
12 back he sat with Mayor Errichetti on the airplane and they
13 got to talking and Mayor Errichetti also indicated that
14 the Sheik was very interested in meeting with various
15 Congressmen and we could make some fees if we introduced
16 him to Congressmen.

17 Q Did Mr. Criden tell you that Mr. Errichetti
18 had said anything else?

19 MR. BEN-VENISTE: Objection, your Honor,
20 to the form of the question. Leading.

21 THE COURT: I didn't get the last part of
22 the question. It wasn't leading up to the part I
23 heard.

24 Read me all of it, Mr. Rapaport.

25 (Court Reporter reads back as requested.)

1 Cook-direct-Puccio

2 THE COURT: Overruled.

3 A Yes, sir.

4 Q Tell us, please, Mr. Cook?

5 A He indicated that Mayor Errichetti had told
6 him that he had already introduced I believe Senator
7 Williams to the Sheik.

8 Q Yes.

9 A And he had received \$100,000 for that.

10 Q Who had received \$100,000 for that?

11 A I don't know, sir.

12 Q What did Mr. Criden tell you?

13 A He just said that they introduced Senator
14 Williams to the Sheik and received \$100,000. I don't
15 know who was at the meeting, sir.

16 Q Mr. Cook, Mr. Criden told you that Mayor
17 Errichetti told him; is that right?

18 MR. BROWN: I object, your Honor. I object.
19 That's an improper recapitulation and obviously
20 leading. The question has been asked and answered
21 on two separate occasions.

22 THE COURT: Overruled.

23 Q Mr. Criden told you that Mayor Errichetti
24 told him what about Senator Williams?

25 MR. BROWN: That's why I object, your Honor.

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2 It's been asked and answered and, therefore,
3 a leading question.

4 THE COURT: Overruled.

5 MR. BROWN: It's irrelevant.

6 A He had indicated that he had introduced
7 Senator Williams to the Sheik. They had received \$100,000
8 at that time.

9 Q And who is the they?

10 A I would assume Senator Williams.

11 MR. BROWN: Objection.

12 Q What were you told?

13 MR. BROWN: He has already said that three
14 time already.

15 A To the best I recall, sir --

16 MR. BROWN: I object for the repetition.

17 THE COURT: Overruled.

18 A The best I recollect is he said they
19 introduce^d Senator Williams to the Sheik and \$100,000 was
20 passed and received at the meeting. I can only assume
21 it was the people at the meeting.

22 MR. BEN-VENISTE: Objection, your Honor,
23 to the presumption.

24 THE COURT: Was anything more said as to
25 who, quote, they, unquote were?

Cook-Direct-Puccio

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2 THE WITNESS: No, sir. There were no other
3 names that I can recall.

4 THE COURT: Mr. Cook, so that I understand
5 what you are saying, were Mr. Criden's words to
6 you that they received \$100,000?

7 THE WITNESS: Let me think for a second,
8 sir.

9 THE COURT: Yes.

10 (A pause in the proceedings.)

11 THE WITNESS: Just that there was a meeting
12 and there was \$100,000 passed. It wasn't definite
13 that I remember as to who received it or was handed
14 the money. It was just that there was \$100,000
15 paid for meeting with the Sheik, sir.

16 THE COURT: All right. Proceed.

17 Q And, Mr. Cook, were you told by Mr. Criden
18 what the \$100,000 was paid for?

19 A No, sir.

20 Q Now, was there any discussion during this
21 conversation about Congressmen?

22 A He had said that Mayor Errichetti had told
23 him that if we knew any Congressmen and we could introduce
24 them to the Sheik, we could make some fees.

25 Q And what did you say at this meeting?

Cook-direct-Puccio

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A I didn't know anybody. I -- we --

Q Did Mr. Johanson say anything?

A Basically it was just that he would see around if there was anybody who wanted to meet with the Sheik.

Q Do you want to finish? I'm sorry.

A I was just going to say he was active in politics and knew a lot of people.

Q He was a City Councilman at that time; isn't that right?

A And still is, sir.

Q And he was a Ward leader at the time; is that right?

A He still is and he was, yes.

Q What is a Ward leader, Mr. Cook? Do you know?

A That's somebody who in this case is a democratic chairman who is a chairman of a certain political area which encompasses 200,000 people, I believe is the amount.

Q Did Mr. Johanson say at this meeting that he would attempt to contact any Congressman?

A I think he indicated that he would see if anybody he knew was interested in meeting with the Sheik.

Cook-direct-Puccio

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- 2 Q Did he mention any names?
- 3 A I don't think so at their first meeting, sir.
- 4 Q Now, you used the word, "fee"; is that
5 right?
- 6 A Yes, sir.
- 7 Q When describing what Mr. Criden told you;
8 is that correct?
- 9 A Yes, sir.
- 10 Q And were you told who was to receive this
11 fee?
- 12 A Well, the Congressman was to get the money.
13 and we were to get a portion of it for delivering him,
14 taking him to the meeting wherever it would be, whatever
15 would happen.
- 16 Q So everybody was to get a fee; is that right?
- 17 MR. BEN-VENISTE: Objection, your Honor.
- 18 MR. DUFFY: Objection.
- 19 THE COURT: Sustained.
- 20 Q Well, what was the Congressman going to get?
- 21 A He was going to receive money, as I under-
22 stood.
- 23 Q How much?
- 24 A At that time I had no idea, sir.
- 25 Q And what was the Congressman going to get the

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money for Mr. Cook?

A At that time I had no idea, sir.

Q Well, didn't you ask Mr. Criden what the Congressman was going to get the money for?

A Are we still at the first meeting?

Q Yes.

A At that time, to be honest, we thought it was a fantasy, a war story. We didn't think anybody would pay money.

Q You already heard that \$100,000 was paid; is that right?

MR. BEN-VENISTE: Objection, your Honor.

Argumentative with his own witness.

THE COURT: Sustained.

Q Well, during this conversation, Mr. Cook, were you told what you receive money for?

A At that time it was indicated that if we could have some Congressmen meet with the Sheik we could make some money and at that point that was it at that meeting, sir.

There was nothing further about it.

Q And this would be a fee; is that right?

A That's what we work for, a fee, in our law office; yes, sir.

Cook-direct-Puccio

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Q Have you ever done anything like this before?

A No.

We had never been offered anything like this.
It seemed to be very easy.

(Continued on next page.)

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2 Q And as you understood it, what were you to
3 do for this fee, Mr. Cook?

4 MR. BEN-VENISTE: Objection.

5 A We had to introduce the Sheik to Congressmen
6 because he wanted to meet Congressmen and explain his
7 position and what he wanted to do and his theories and what
8 he wanted.

9 At that point it was too early -- what I am
10 saying, sir, at this meeting it was nebulous. We didn't
11 think there was anything real here.

12 Q I see.

13 But you learned through later meetings what
14 this was all about; is that right?

15 A Yes.

16 Q And when was the next such meeting that you
17 had, Mr. Cook, concerning this matter and with whom?

18 A I can't give you days, sir, but sometime --

19 Q As best you can recall.

20 A I would only say between the meeting in
21 Fort Lauderdale and the latter part of August is the best
22 I can do, sir.

23 Q Did you have occasion to discuss this matter
24 with Mr. Criden and Mr. Johanson again?

25 A At a later time, and I would say within

1
2 week or so Mr. Johanson had indicated he had talked with
3 Congressman Myers and he would be willing to meet with the
4 Sheik or the Sheik's representatives, I don't remember which
5 one it was.

6 Q And did Mr. Johanson say anything else?

7 A At that point, no, sir.

8 Q Now, at this point were you advised by anyone,
9 Mr. Cook, of the specific reason why the Sheik's
10 representatives wanted to meet with the Congressman?

11 A Yes.

12 Prior to the end of August we were told that
13 the Sheik was concerned that there may be a revolution in
14 his country and he would have to seek asylum in the United
15 States or he felt he may have to anyway.

16 Q I see.

17 And who told you this?

18 A Mr. Criden, sir.

19 Q And did he tell you anything else about the
20 Sheik's concerns?

21 A Just that he wanted to be able to leave his
22 country if a revolution happened and bring his family with
23 him.

24 Q And do you remember anything else about this
25 matter, the Sheik's concern, that is?

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2 A I know he was interested in investing in
3 this country also. That's one of the reasons we met with
4 him on the yacht.

5 Q Were you ever told at this time that the Sheik
6 and his representatives were willing to pay money to alleviate
7 certain concerns that you have?

8 MR. BEN-VENISTE: Objection to leading, your
9 Honor.

10 THE COURT: Overruled.

11 A He had indicated, we were told that the Sheik
12 would pay to meet with the Congressmen and explain his
13 position that he wanted to come into this country if there
14 was a revolution in his country.

15 Q And in this connection you were told that the
16 Sheik or his representatives wanted to pay the Congressman
17 money to do something; is that right?

18 MR. DUFFY: Objection to form, sir.

19 MR. PUCCIO: I would submit I am permitted
20 some latitude at this point.

21 MR. DUFFY: Objection to the commentary,
22 your Honor. We were instructed not to.

23 THE COURT: The jury will disregard the
24 comment.

25 Objection is overruled.

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2 A Would you reread the question, sir?

3 THE COURT: Yes.

4 (Record read.)

5 A It was never said to do something, sir.

6 What was indicated is that he wanted to have
7 the meeting, pay the Congressman so in the event anything
8 happened he would have a friendly face here in this country
9 if he had to come here quickly.

10 Q What would this friendly face do?

11 MR. BEN-VENISTE: Excuse me, your Honor.

12 I object to the form of the question.

13 If we are asking for conversations, I think
14 we should identify the participants in the conversation
15 and who said what.

16 MR. PUCCIO: I can rephrase that, Judge.

17 THE COURT: Clear that up, if you will,
18 please.

19 Q What were you told?

20 A I was told by Mr. Criden that the Sheik
21 wanted to meet with Congressmen so that he can explain
22 his position, that he was willing to invest in this country.
23 But he wanted to be able to come into this country with
24 his family in the event there was a revolution or he had
25 to leave his country. And he wanted to meet with various

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2 Congressmen so there would be a friendly face, if this event
3 ever occurred.

4 That's what I was told.

5 Q Were you told by Mr. Criden how the
6 Congressman's face would become friendly?

7 A It's just that there was somebody he could
8 approach that he had already met, somebody that wasn't a
9 stranger in the event of a revolution when he wanted to come
10 to somebody that sort of owed him a favor, was my understanding.
11 It was somebody who had done something for him, explaining --

12 MR. DUFFY: Your Honor, I object. This
13 witness is characterizing in a critical area, sir.

14 MR. BEN-VENISTE: May we have only the
15 conversation, your Honor, and we move to strike the
16 characterization. I believe he has given the
17 conversation.

18 THE COURT: Is what you have told us what
19 you were told by either Mr. Criden or Mr. Johanson?

20 THE WITNESS: Yes.

21 I was going into some more of what I was told,
22 sir.

23 THE COURT: The objection is overruled.
24 The motion is denied.

25 THE WITNESS: It was indicated to me by

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2 Mr. Criden that Mr. Errichetti told him that the
3 Sheik had like 100 million dollars in a safe deposit
4 box and he would pay 50 or \$100,000 like you or I
5 giving a \$5 tip to somebody in a restaurant, and
6 this was his way of transacting some business.

7 Q Who was the Sheik going to pay the money to
8 according to your conversation?

9 A The Congressman, sir.

10 Q And were you told by Mr. Criden or Mr. Johanson
11 what the Congressman was to do for this money?

12 A All it was is that he would help the Sheik
13 come into this country. And the expression was if he was
14 going to invest in this country and do this sort of thing,
15 could the Congressman help him if it was necessary to come
16 into this country.

17 Q Were you told by Mr. Criden and Mr. Johanson
18 that the money would be paid so the Congressman would be
19 beholden to the Sheik?

20 A That's the word I used with you, yes.

21 MR. BEN-VENISTE: I object, sir. Whether
22 it's the word Mr. Cook used is irrelevant in this
23 conversation with Mr. Puccio.

24 The question is what Mr. Cook was told by
25 someone else. If that is what Mr. Criden said,

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2 that's one thing. If that's what Mr. Cook is
3 characterizing, it's another.

4 THE COURT: Mr. Cook, counsel's comments
5 are at least partially correct.

6 Is that a term that Mr. Criden used in
7 describing this with you?

8 THE WITNESS: No, sir. That's my term.

9 THE COURT: That is your interpretation
10 of what it is Mr. Criden told you?

11 THE WITNESS: Yes, sir.

12 THE COURT: As long as the jury understands
13 whose term it is, I will let it stand.

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Cook-direct

CONTINUED DIRECT EXAMINATION

BY MR. PUCCIO:

THE COURT: You may proceed, Mr. Puccio.

Q Now, was it your understanding, Mr. Cook, from your conversations with Mr. Criden that the sheik was willing to pay money so that the congressman or men would be beholden to him?

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

THE COURT: I have problems with the question, Mr. Puccio. His understandings are a very broad concept. Can you narrow it down a bit?

MR. PUCCIO: Yes.

Q Was it your understanding, based upon your conversation with Mr. Criden that the sheik would pay a congressman so the congressman would be beholden to him?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: Overruled.

A Is that my understanding?

Q Yes.

A Yes, sir.

Q And that was based upon your conversation with Mr. Criden; is that right?

1 Cook-direct

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

3 Repetitive.

4 THE COURT: Asked and answered.

5 Q Now, did there come a time, Mr. Cook, when
6 any specific figure or number was mentioned as the amount
7 of money that was to be paid in connection with this matter?

8 A Yes. Mr. Criden indicated it was to be \$100,000,
9 sir.

10 Q And did he indicate who was to receive that
11 \$100,000?

12 A No. That was never talked about. Do you
13 mean divided? When you say "received," I don't know what
14 you mean, sir.

15 Q All right. Did Mr. Criden indicate to you
16 who would be the recipient ultimately of that \$100,000?

17 A No.

18 Q Were you told that anyone in your law firm
19 would receive part of that?

20 A When we discussed \$100,000, sir, I could
21 never remember any split-up being discussed, because we
22 still didn't think it was really even after the meeting
23 was set up.

24 Q Now, you said you didn't think it was really
25 even after the meeting was set up?

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2 A Yes, sir.

3 MR. BEN-VENISTE: Objection, your Honor,
4 as repetitive.

5 THE COURT: I will permit it.
6 Overruled.

7 Q And what meeting are you referring to?

8 A The meeting where Congressman Myers was to
9 meet with the sheik's representatives.

10 Q And did Mr. Criden ever say anything to you
11 about the meeting with the sheik's representatives not
12 being real?

13 A Yes. It had been cancelled a few times and
14 we just thought it was a story, a meeting would be set
15 up, cancelled, set up, cancelled. We just felt somebody
16 would be -- was talking, blowing smoke.

17 Q Had Mr. Johansen, to your knowledge by that
18 time contacted Congressman Myers?

19 A Yes, sir. There was a meeting set up, yes,
20 sir, there was.

21 Q And are you saying the meeting with Myers
22 was set up and cancelled a few times?

23 A To the best of my recollection, it was cancelled,
24 I believe twice, sir.

25 Q Well, Mr. Cook, do you remember the day

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in which -- withdrawn.

Were you told by Mr. Criden who was to attend this meeting with Congressman Myers?

A Yes, sir.

Q What were you told?

A I was told Mayor Errichetti and Congressman Myers would meet with the sheik's representatives.

Q And were you told anything else concerning this meeting with Congressman Myers and Mr Errichetti and the sheik's representatives?

A That it was going to be in New York, I think.

Q Were you told where it was going to be held?

A The only thing that sticks in my mind, sir, is that it was at Kennedy Airport.

Q Now, Mr. Cook, do you know or do you recollect whether or not Mr. Criden or Mr. Johanson were to attend this meeting?

A They were not to attend the meeting, sir.

Q Did either one or both of them tell you whether or not they were going to travel to New York?

A They were going to travel to New York , but they were not going to go to the meeting.

Q How did you learn that they were going to travel to New York?

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2 A Mr. Criden and Mr. Johanson told me.

3 Q What did they tell you they were going to
4 do?

5 A That Mr. Criden was going to go to New York,
6 that Mr. Johanson and Congressman Myers were going to drive
7 up to New York together. They were going to meet Mayor
8 Errichetti there, and then Congressman Myers, Mayor Errichetti
9 were going to meet the sheik's representatives.

10 Q Were you told how Congressman Myers and Mr.
11 Johanson were to go to travel to New York?

12 A Particularly from Longport, New Jersey,
13 where they both live.

14 Q By what means of transportation?

15 A I think it was car, sir.

16 Q Were you told?

17 A I am certain they said they were driving up
18 to New York from Longport.

19 Q Who told you that?

20 A We had discussed it, Mr. Johanson, Mr. Criden
21 and I had discussed the meeting going on, how they were
22 going to get up there.

23 Q So you discussed the actual travel arrangements,
24 is that correct?

25 A Yes, sir.

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2 Q And did you discuss Mr. Criden's travel arrange-
3 ments?

4 A I just knew at that time prior to the date
5 of the meeting that he was going to go up to New York.
6 That was all.

7 Q And do you know how he was going to go up
8 to New York?

9 A Not until the day he left for New York.

10 Q And you learned on that day how he was to
11 travel to New York?

12 A Yes. He left from the office, sir.

13 Q And did he leave with anyone?

14 A I am certain he left with his son, Michael.

15 Q Prior to the time that Mr. Criden -- withdrawn.
16 Did you learn whether or not they were to
17 travel by automobile to New York?

18 A He said --

19 Q That is the son of Mr. Criden and Mr. Criden
20 himself?

21 A They said they were going to drive to New
22 York.

23 Q All righth.

24 Did you learn Mr. Errichetti's travel arrangements
25 at this meeting?

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2 A I think he was told that he was going to
3 drive up separately in New York and meet them there.

4 Q From where?

5 A Camden, I would assume, sir.

6 Q Who told you that?

7 A It would either be Mr. Criden or Mr. Johanson.

8 Q Now, as I understand it, you were told that
9 Criden or Mr. Criden and Mr. Johanson were not going to
10 be in the actual meeting; is that right?

11 A Yes sir.

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

13 Asked and answered.

14 THE COURT: Overruled.

15 A They were not to be at the meeting, no, sir.

16 Q Did either one or both of them explain where
17 they were going to be or where the meeting would take place?

18 A Wherever they were to meet Mayor Errichetti,
19 wherever that was.

20 Q Did either one or both of them, that is Mr.
21 Criden or Mr. Johanson, explain to you why they were going
22 to be at the actual meeting?

23 A That's what Mayor Errichetti and the sheik's
24 representative had arranged.

25 Q That's what you were told?

Cook-direct

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2 A Yes, sir.

3 Q Now, let's turn to the day in which you said
4 you remember Mr. Criden leaving the office to attend the
5 meeting.

6 Did he say anything, that is, did Mr. Criden
7 say anything to you upon his departure?

8 A He said he was going to the meeting, he would
9 be back and hang around.

10 Q He told you to hang around; is that right?

11 A Yes, sir.

12 Q Did he tell you where to hang around?

13 A The office. He thought he would be back
14 about five, six o'clock. We would probably be there anyway.

15 Q Now, did you hang around the office that
16 day?

17 A Yes, sir.

18 Q Do you remember the day?

19 A No, sir.

20 Q Would you agree that the date was August
21 22, 1979?

22 A That sounds right, sir.

23 Q Did there come a time on that day, August
24 22, 1979, when any of the people who you were told attended
25 that meeting or went to New York returned to the office?

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A Yes, sir.

Q And who was the first person to return, if you recall?

A Mr. Criden and his son.

Q Where were you when Mr. Criden and his son came through the door?

A I was working at my desk.

Q And when Mr. Criden and his son, Michael Criden, that is, entered the office, were either of them carrying anything?

A Yes, sir.

Q Were they both carrying something or one of them?

A Michael Criden had an expansion folder on -- under his arm and I think a paper bag.

Q Was Mr. Criden carrying anything?

A I don't think so, sir.

Q Tell us, Mr. Cook, as best you can recall, what happened when they both returned to the office on that evening?

A Mr. Criden, that's Howard Criden, walked into my office, took the envelope from his son, and was walking with me.

Q What did he say?

Cook-direct

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2 A His son walked away at that point and I didn't
3 stay there. He said the meeting had taken place and there
4 wasn't \$100,000, it was only \$50,000. He then said he
5 had \$35,000, Mayor Errichetti had taken \$15,000, and left
6 \$35,000 there. And he didn't know what he was going to
7 tell Congressman Myers, because originally it was to be
8 \$100,000. It was like what do we do at this point type
9 of situation.

10 Howard and I then discussed if there was supposed
11 to be one hundred and there is only thirty-five left, when
12 Congressman Myers came back, we probably would get nothing.
13 And at that point we decided and took out \$10,000 and put
14 it aside and said we would tell Congressman Myers there
15 was \$25,000 left, and he should do with it whatever he
16 considered fair.

17 Q Then what happened?

18 A Congressman Myers came back in with Mr. Johanson.
19 They introduced me to Congressman Myers and I went back
20 to my own office. I was in Mr. Criden's office at that
21 time.

22 A few minutes later they called me in. Apparently
23 Congressman Myers had left. And they called me back into
24 Mr. Criden's office, and there was \$10,000, plus the \$10,000
25 I had in my office.

1
2 Q Well, after Congressman Myers left and you
3 walked into Mr. Criden's office, are you saying you observed
4 \$10,000?

5 A I don't know if I observed it or if they
6 told me it was \$10,00, but I did see it, I don't know
7 if it was that moment, or a few moments later.

8 Q Who was standing in the office at that time?

9 A Mr. Criden, Mr. Johanson and myself.

10 Q Was there a conversation?

11 A He said, Congressman Myers said if that's
12 all there was, it was fair that he took fifteen and left
13 ten.

14 Q Who said that?

15 A I think Mr. Criden.

16 Q What happened to the \$10,000 that had been
17 withdrawn from the thirty-five before Congressman Myers
18 left?

19 A I put it on Mr Criden's desk and he put it
20 with the other \$10,000. So he then had \$20,000.

21 Q What happened next?

22 A They gave me \$4,500 as my share and I left.

23 Q Were you advised, Mr. Cook, of the disappearance
24 of the rest of these moneys?

25 A As best I remember, Mr. Criden indicated

1
2 he got \$9,000, or \$9,500, and Mr. Johanson got either \$6,000
3 or \$6,500?

4 Q And that was indicated to you by Mr. Criden
5 and Mr. Johanson; is that right?

6 A I think by Mr. Criden. I don't think it
7 was Mr. Johanson.

8 Q Now, so you left that evening with \$4,500
9 in cash; is that right?

10 A Yes, sir.

11 Q Do you remember the denominations of the
12 bills, Mr. Cook?

13 A I think they were one hundred dollar bills,
14 sir.

15 Q What did you do with that money when you
16 left the office?

17 A Took it home with me, sir.

18 Q What did you do with it when you got it home?

19 A I put it in a metal lock box I have in the
20 house. Then I eventually put it in a safe deposit box.

21 Q Where is your safety deposit box located?

22 A Trevoze Federal Savings and Loan.

23 MR. PUCCIO: May I have a moment, your

24 Honor?

25 THE COURT: Let's all take a moment.

1 Cook-direct-Puccio

2 (After recess.)

3 THE MARSHAL: Please be seated.

4 THE COURT: Bring in the jury.

5 (Jury entered the Courtroom.)

6 THE COURT: All right, Mr. Puccio, you may
7 proceed.

8 BY MR. PUCCIO:

9 Q Mr. Cook, after the \$4500 that you had received
10 was placed in that box in your house, did you then begin
11 to believe that this matter was real?

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

13 THE COURT: Sustained.

14 MR. DUFFY: That's a rhetorical question,
15 your Honor. I object.

16 THE COURT: Sustained.

17 Q What happened to that \$4500?

18 A I eventually put all or most of it into
19 my savings account.

20 Q And -- that's your savings account?

21 A Yes, sir. It went to a savings account,
22 yes, sir, Bell Savings and Loan.

23 Q Well, Mr. Cook, did you have a safety
24 deposit box?

25 MR. BEN-VENISTE: That's already been asked!

1
2 and answered, that he put it first into the safety
3 deposit box, next into the savings account.

4 THE COURT: I'm not sure that the "first"
5 and "next" is accurate; but he has testified that
6 he did put it into a safety deposit box.

7 MR. PUCCIO: I'm sorry, Judge.

8 Q Where did you maintain this safety deposit
9 box?

10 A Prevost Federal Savings and Loan, sir.

11 Q And when did you put the \$4500 into that
12 safety deposit box?

13 A Sometime thereafter. I don't think too
14 long.

15 Q Well, on the 22nd, you put the \$4500 in the
16 box, in the locked box in your house; is that right?

17 A Yes, sir.

18 Q How many days after you put the \$4500 in
19 the safety deposit box at Prevost Savings and Loan?

20 A Number one, I don't know if I put it all
21 in, sir; and secondly, I would have to see the card from
22 the bank. I think it was sometime shortly thereafter.

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

25 THE COURT: Yes.

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2 Q (Handing documents) I show you Government's
3 Exhibit 13 and I direct your attention to this blue card
4 and this yellow slip, and I ask you to take a look at that.

5 A Yes, sir.

6 Q Do either one of those documents refresh
7 your recollection as to when in point of time you visited
8 that box after the August 22nd meeting?

9 A It appears to be August the 25th, sir; so
10 it would be a few days thereafter.

11 Q And to the best of your recollection how
12 many of these dollar bills did you put in that box on that
13 day?

14 A I would say most of it, sir.

15 Q What did you do with the rest of it?

16 A I know I paid some expenses with it, and I
17 don't remember exactly when that occurred?

18 Q Well, what type of expenses?

19 MR. BEN-VENISTE: Your Honor, I object
20 only as to the relevance of this in taking --

21 THE COURT: Is there some special element
22 to it, Mr. Puccio?

23 MR. PUCCIO: I'll move on.

24 THE COURT: All right.

25 Q Now, does your signature appear on those two

1
2 documents from that Exhibit that I showed you?

3 A Yes, sir.

4 Q And do you know what those two documents
5 are?

6 A One is the initial contract entered into
7 by and between myself and my wife, and Prevost Federal
8 Savings and Loan, for a safe deposit box, dated October
9 14, 1978; and the other is a record of a vault visitation
10 signed by myself, dated August 25, 1979.

11 Q And your signature appears on those two
12 documents, sir?

13 A Yes, sir.

14 MR. PUCCIO: Your Honor, I offer those two
15 documents into evidence.

16 THE COURT: Any objection?

17 MR. BEN-VENISTE: No objection, your Honor.

18 MR. DUFFY: No objection.

19 THE COURT: Received in evidence.

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

22 THE COURT: Yes. Is that Exhibit 13?

23 MR. PUCCIO: Yes, Judge. But at the present
24 time I'm only asking for part of it to be received.
25 Perhaps we can --

1
2 THE COURT: Just the blue card and the yellow
3 card you referred to?

4 MR. PUCCIO: Yes. Maybe we can mark these
5 as 13A, or some --

6 THE COURT: They are now referred to on the
7 record as Exhibit 13. We will mark those two
8 documents. You can staple them together or clip
9 them together. They will be Exhibit 13. If you've
10 got other parts --

11 MR. PUCCIO: I'll remove the others --

12 THE COURT: -- then you can designate those
13 by letters as well.

14 MR. PUCCIO: Thank you, Judge.
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17 (Continued on next page.)
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2 BY MR. PUCCIO:

3 Q Now, in the days after the August 22nd
4 meeting, was there any conversation that you had with any-
5 one about another safety deposit box?

6 A Yes.

7 Q And who did you have the conversation with
8 and when, to the best of your recollection?

9 A I would say shortly after the meeting with
10 Mr. Criden.

11 Q Shortly after the August 22nd meeting?

12 A Yes, sir.

13 Q You had a conversation with Mr. Criden?

14 A Yes, sir.

15 Q About another box?

16 A Yes, sir.

17 Q And what did you say and what did he say
18 to the best of your recollection?

19 A Mr. Criden said to me that Mr. Johanson did
20 not have a safety deposit box, and I should get the card
21 so Mr. Johanson could be added to the safety deposit box
22 that Mr. Criden and I had together.

23 Q And where was the safety deposit box that
24 you and Mr. Criden had together?

25 A Bell Savings and Loan Association.

Q Where was that located?

Cook-direct-Puccio

1
2 A 15th Street, Philadelphia.

3 Q And as a result of this conversation with
4 Mr. Criden, did you do anything?

5 A I went to Bell Savings and Loan and got
6 another signature card.

7 Q And on what date did you do that, do you
8 know?

9 A No idea, sir.

10 Q About how long after the August 22nd meeting
11 with Congressman Myers did you do that?

12 A I guess it would be a week, sir, within a
13 week.

14 Q And what did you do with those signature
15 cards after you got them from the Bell Savings and Loan?

16 A I signed them, Mr. Criden signed it, Mr.
17 Johanson signed it and I took it back.

18 Q Now --

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

21 THE COURT: Yes.

22 Q (Continuing) -- I show you a document which
23 is contained in Government's Exhibit 11 for identification.

24 I ask you to look at it and tell us if it
25 refreshes your recollection as to when you obtained the

Cook-direct-Puccio

signature cards from Bell Savings and Loan?

(Document handed to the witness.)

A It appears to be August 27, 1979, sir.

Q And is that the date, to the best of your recollection?

A That's the date on the cards, sir. I would presume it's correct.

Q And does your signature appear on that card?

A Yes, sir.

Q Does Mr. Criden's signature appear on that card?

A Yes, sir.

Q Does Mr. Johanson's signature appear on that card?

A Yes, sir.

Q That's the very card you obtained; is that right?

A I would presume so.

MR. BEN-VENISTE: Objection, your Honor.

We have no objection to the offer into evidence of this card; but these questions are repetitive, your Honor.

THE COURT: Are you offering it in evidence?

MR. PUCCIO: Yes, I am, sir.

Cook-direct-Puccio

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2 THE COURT: There is no objection. Received
3 in evidence.

4 THE COURT: May I approach the witness, sir?

5 THE COURT: Yes. You say this is part of
6 Exhibit 11?

7 MR. PUCCIO: Yes, Judge. They were premarked.
8 Could we receive this, then, as Exhibit 11,
9 if we -- to be consistent with the other one, or
10 however you wish.

11 THE COURT: That's fine with me. Exhibit 11.
12 (So marked.)

13 MR. PUCCIO: May I have a moment, your Honor.

14 THE COURT: Yes.

15 (Pause.)

16 BY MR. PUCCIO:

17 Q Now, Mr. Cook, were you ever told anything
18 by anyone about a script that Congressman Myers would have
19 to read for the Sheik's representatives?

20 A No, sir.

21 Q Were you ever told by anyone that at the
22 August 22nd meeting, Congressman Myers would put on an
23 act for the Sheik's representatives?

24 A What I was told is, he had to meet with
25 Mayor Errichetti beforehand, where they would prepare him

1
2 for what he would have to say; and then he would meet.

3 Q Were you ever told that he would put on an
4 act and say things that he really didn't mean?

5 Were you ever told that?

6 A No, sir.

7 Q Mr. Cook, did you ever meet with Mayor
8 Errichetti?

9 A Yes, sir.

10 Q When for the first time did you meet with
11 Mr. Errichetti?

12 A Sometime in September, I think the middle of
13 September.

14 Q And where did you meet with him?

15 A His office in Camden.

16 Q And prior to that time had you had any
17 conversations with anyone about other Congressmen?

18 A Yes.

19
20
* * *

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----X
: UNITED STATES OF AMERICA, :

: -against- :

80 CR 00249

: MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
: LOUIS C. JOHANSON, HOWARD L. CRIDEN, :: Defendants. :
-----XUnited States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201August 15, 1980
9:45 o'clock A.M.

B E F O R E :

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

HARRY RAPAPORT
OFFICIAL COURT REPORTER

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* * *

* * *

14 DIRECT EXAMINATION

15 BY MR.. PUCCIO:

16 Q Mr. Cook, when for the first time did you meet
17 Mayor Errichetti?

18 A I think it is in the middle of September,
19 1979.

20 Q And can you give us the date, please?

21 A No, I cannot, sir.

22 But I would say it is a few days before
23 September 19th.

24 Q September 19th was the day in which you took
25 a trip to Washington, D.C., is that right?

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A Yes.

Q And about how many days before that trip to Washington, D.C. did you meet with Mr. Errichetti?

A Within a few. I don't recall exactly.

Q This was the very first time you met with him, is that right?

A Yes.

Q Where did the meeting take place, Mr. Cook?

A His office in Camden, New Jersey.

Q Would that be the mayor's office?

A Yes.

Q Do you know where in Camden that was located?

A I guess they call it City Hall.

Q And do you know what time of the day the meeting took place?

A I have no recollection, sir. It was during the day though.

Q Was anyone with you at the time you met with Mr. Errichetti?

A Mr. Criden.

Q Now, tell us as best you can recall, Mr. Cool, what was said by you, Mr. Criden and Mr. Errichetti at this meeting?

1
2 A Basically what was said was in order to
3 invdst in the hotel casino, the sheik wanted to make
4 sure that this investment wanted to help get him in the
5 country, in other words, if he invested \$100 million to
6 build a hotel casino, he wanted to make sure he can
7 come into the country and live here and bring his family.

8 Q Tell us, please, who said that.

9 A It would be either Mr. Criden or Mr.
10 Errichetti.

11 Q Try if you can to identify, if you can, who
12 said what as you recount this.

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

14 He said either one.

15 THE COURT: Overruled.

16 Q Go ahead.

17 A I said I can't remember which one it was, sir.

18 Q What else was said, if you recall by whom?

19 A I really -- other than certain quotes, sir,
20 I probably only would be able to say almost everything
21 was either Mr. Criden or Mr. Errichetti, I can't remember
22 specifically who said what things at the meeting.

23 Q Go ahead.

24 A However, it was indicated that the sheik's
25 relatives wanted to meet with a member of the immigration

1
2 department to meet with a member of the immigration
3 department to satisfy the sheik that his investing in the
4 casino would allow him to get into this country with
5 his family.

6 And that Mr. Errichetti and Mr. Criden
7 didn't know anybody, if you have anybody to meet with.

8 And therefore I should go down as a member of the
9 immigration department and satisfy the sheik that by
10 investing in a casiono hotel would allow him a verhicle
11 to come into this country with his family, if it would.

12 Q - Was there any money mentioned?

13 A Yes.

14 Originally it was said the sheik through
15 this representative would pay \$25,000 to the representative
16 of the immigration department.

17 Q That would be with you, is that right?

18 A At that time they were talking about a real
19 member of the immigration department at that time.

20 It eventually became me. But I indicated
21 I would not take any money because I was afraid to.

22 Q Why were you afraid to?

23 A I was concerned that if the sheik found out I
24 was not a member of the immigration department I would
25 be killed.

1
2 Q Did you tell that to Mr. Errichetti and
3 Mr. Criden, Mr. Cook?

4 A As best I recall I think I told it to
5 Mr. Criden who indicated he told it to Mr. Errichetti.

6 Q Did you agree to do this, Mr. Cook?

7 A I agreed to go to Washington, yes.

8 Q Who did you go to Washington with?

9 A Mr. Johanson.

10 MR. BEN-VENISTE: I wonder whether we have
11 the whole conversation in Mr. Errichetti's office.

12 Mr. Puccio elicited I think only a portion
13 of the conversation. I thought the original
14 conversation before he cut off Mr. Cook was --

15 THE COURT: Mr. Ben-Veniste, that is what
16 cross-examination is for, and it is not to argue
17 the case now before the jury.

18 Please sit down.

19 MR. BEN-VENISTE: I'm sorry, your Honor.

20 THE WITNESS: I'm sorry, I forgot the
21 question.

22 Q I'll ask you another question. You have
23 talked to Mr. Ben-Veniste about this matter, isn't that
24 correct?

25 A Talked to him one time, sir, for about

1
2 20 minutes.

3 Q Now, you went to Washington with whom, Mr.
4 Cook?

5 A Mr. Johnanson and Mr. Criden.

6 Q And when you arrived in Washington you met
7 with whom, Mr. Cook?

8 A Mayor Errichetti and his nephew.

9 Q His nephew Joe?

10 A His nephew.

11 Q His nephew Joey is his driver, is that right?

12 A I understand it was his driver, yes.

13 Q And there came a time when you went to a
14 house in Washington, is that correct?

15 A Yes.

16 Q On W Street, is that correct?

17 A Yes.

18 Q And was this the 19th of September, 1979?

19 MR. BROWN: Judge, I do object to the leading.
20 It's become profound. I know you ruled otherwise
21 heretofore, but this is going into specifics, if
22 you will, sir.

23 THE COURT: I think it would be appropriate,
24 Mr. Puccio, if you would attempt to elicit the
25 information by usual direct examination techniques.

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2 If there are difficulties I'll give you
3 some latitude but let's first see if there will be
4 difficulties.

5 Q What happened in Washington, Mr. Cook?

6 A I went with Mayor Errichetti to the house on
7 Washington Street.

8 Q Do you mean on W Street?

9 A Excuse me, what did I say?

10 Q Washington Street.

11 A W Street, I'm sorry, sir.

12 Q All right.

13 A And Mayor Errichetti reminded me not to be
14 nervous, that there was nothing to be nervous about because
15 I knew I was not really the immigration person so why was
16 I so nervous and uptight about it.

17 And I said I am afraid. And he said not to be
18 afraid about it because they know you are not whom you are
19 supposed to be. Just go in and assure them that investing
20 in the hotel casino would allow the sheik to come into this
21 country.

22 At that time we drove to W Street, went
23 into the meeting. We met for a few minutes. They said
24 after I talked to them, you are now who you are supposed
25 to be. And the meeting was very short because apparently

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2 it appeared at the meeting that they didn't expect
3 somebody who was not whom he was supposed to be.

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

5 I would like just the conversation and not
6 the witness' characterizations.

7 THE COURT: At this point, Mr. Cook, please
8 tell us as best you can recall who said what, who did
9 what.

10 A Sat down at the meeting, introduced myself
11 as Mario Noto, who is the immigration official.

12 They asked me some questions about did I
13 have a card, and I said, no, I didn't.

14 And this is Mr. Amoroso doing most of the
15 talking, if not all of it at that point.

16 They said do I have any forms. I said no,
17 because there are many different forms. And then the
18 conversation got on into -- I talked about if he built
19 a hotel casino, he can come into this country as a
20 treaty merchant and under the immigration laws he is allowed
21 to and there would be no problem at all about emigrating
22 to this country and bringing his family as long as he had
23 an investment and a business here.

24 At that point either Mr. Amoroso or Mr.
25 Weinberg said to me, you are not as old as we expected,

1
2 or we sent somebody over to immigration and you are not
3 Mr. Noto.

4 And then the meeting broke up and about five
5 minutes later I left. I was told the meeting was adjourned
6 and I left.

7 Q Would it be fair to say that you were thrown
8 out, Mr. Cook?

9 MR. BROWN: Objection to that.

10 MR. DUFFY: Objection and move to strike
11 and ask for a cautionary instruction, sir.

12 THE COURT: Overruled.

13 A I was not thrown out but I was asked to
14 leave. They said the meeting was adjourned.

15 Q Who said that?

16 A Either Mr. Amoroso or Mr. Weinberg. I
17 don't remember, sir.

18 Q How long did this whole thing take?

19 A My best recollection is less than ten
20 minutes. I may be wrong.

21 Q Now, prior to your appearing here as a
22 witness, Mr. Cook, you enter into an agreement with
23 the United States Government, isn't that correct?

24 A Yes.

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

* * *

Cook-direct-Puccio

(The following occurred in open Court.)

E L L I S C O O K, having been previously duly
sworn, was examined and testified further
as follows:

DIRECT EXAMINATION

BY MR. PUCCIO:

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

THE WITNESS: Sir, if I remember something
different may I state it?

THE COURT: Mr. Cook has told me that he would
like to correct an answer that he gave a moment
ago?

What is it?

THE WITNESS: I met with Mr. Ben-Veniste
twice. After that very evening I met with him
in the park for about 20 minutes. And prior to that
I had met him in my lawyer's office, I guess about
a month ago, for about 45 minutes.

Q When did this meeting in the park take place?

A Wednesday afternoon, was it?

Q Was anyone else present?

A Yes, Mr. Fryman, my attorney. Mr. Duffy
came out a little later. Then I think it is Mr. Cacharis

1
2 came out and then left.

3 Q And that was about 20 minutes?

4 A I would think maximum, yes sir.

5 MR. BEN-VENISTE: If this is in the nature
6 of impeachment, your Honor, I object to it. If he
7 is impeaching the witness with this supposedly.

8 THE COURT: Overruled.

9 Q Now, Mr. Cook, this agreement that you
10 obtained with the Government provided that you would not
11 be prosecuted, is that right?

12 A Not be indicted or prosecuted, yes sir.

13 Q And that was in exchange for your providing
14 testimony, is that right?

15 A Yes, sir.

16 Q And, Mr. Cook, was it also part of this
17 agreement that you would return the money that you received
18 in connection with this matter?

19 A Yes, sir.

20 Q Did you in fact do that?

21 A Yes, sir.

22 MR. PUCCIO: No further questions at this
23 time.

24 THE COURT: All right.

25 Cross examination, Mr. Duffy.

1 Cook

2 MR. DUFFY: Yes, your Honor, but I think --
3 may we go out of turn this one time, sir?

4 THE COURT: Any time. As long as counsel
5 can agree to it. Who wants to go first?

6 MR. DUFFY: I don't know if he is prepared
7 to do it, but Mr. Ben-Veniste has been mentioned
8 as having met with this witness. I think he ought
9 to go first.

10 THE COURT: If that is agreeable with counsel
11 it is all right with me.

12 MR. BEN-VENISTE: Yes, it is.

13 THE COURT: If you don't agree then you have
14 to go in order.

15 CROSS EXAMINATION

16 BY MR. BEN-VENISTE:

17 Q Well, let's start with that, Mr. Cook.

18 I made the request to interview you sometime
19 ago of your attorney, did I not?

20 A Yes, sir.

21 Q And your attorney was present when I
22 interviewed you in Philadelphia?

23 A Yes, sir.

24 Q And that interview took place in your
25 attorney's office?

Cook-cross-Ben-Veniste

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2 A Yes, sir.

3 Q And that lasted about 45 minutes?

4 A That is my recollection, yes.

5 Q If there is any suggestion by reason of
6 Mr. Puccio's questions that I encouraged you to say anything
7 different from the exact truth in this case, you tell that
8 jury?

9 A No. You asked me what happened; what I
10 would testify.

11 Q And prior to that time that I interviewed you,
12 had you already testified before a Federal Grand Jury?

13 A I think three times, sir.

14 Q You had met with Mr. Puccio how many hours?
15 Can you estimate it?

16 A Twenty-four, thirty hours. I am not sure,
17 sir.

18 Q Thirty actual hours of talking to Mr. Puccio,
19 and I talked to you for forty-five minutes?

20 A No, I wouldn't say thirty hours of talking,
21 but thirty hours in his office.

22 Q Since the time I talked to you in Philadelphia,
23 you have spent some more time with Mr. Puccio?

24 A Last week, sir, yes.

25 Q And how many hours were you here in Brooklyn

Cook-cross-Ben-Veniste

1
2 last week?

3 A I was here from I think it was either 8:30
4 or 9:00 o'clock until about seven in the evening.

5 Most of that time wasn't spent, although,
6 with Mr. Puccio.

7 Q Whenever Mr. Puccio has asked you to come
8 in to talk to him about this case you have?

9 A Yes. I cooperate with him.

10 MR. BEN-VENISTE: I would ask the Court to
11 instruct the jury that that was perfectly okay,
12 and it was okay for me to talk to the witness,
13 your Honor.

14 THE COURT: I think that is fair advice to
15 be given to the jury. Nobody "owns" a witness.
16 Any attorney is permitted to interview any person
17 that they think is in some way related to a matter
18 that is in litigation whether or not he expects him
19 to be a witness. It is up to a witness as to whether
20 or not he wishes to talk to an attorney. And it
21 is only under certain supervised circumstances that
22 witnesses are compelled to talk to attorneys. There
23 is no impropriety on either side, either on the
24 Government's or defense counsel side, in their
25 talking to witnesses and trying to find out what the

1
2 particular witness' recollection is concerning the
3 events that are in question. All cases get prepared
4 for trial. There is nothing unusual about it on
5 either side.

6 MR. BEN-VENISTE: Thank you very much, your
7 Honor.

8 BY MR. BEN-VENISTE:

9 Q Now, Mr. Cook, you mentioned that Mr. Criden --
10 you love Mr. Criden; he was like a father to you; he
11 took you into his law firm and he trained you to be a lawyer?

12 A Yes, sir.

13 Q And obviously when all of the publicity about
14 this case came out it was apparent that you had evidence
15 relating to these transactions?

16 Correct, sir?

17 A Obvious to who?

18 Q Obvious to you?

19 A Yes, sir. Yes, sir.

20 Q And Mr. Criden told you, did he not, "Ellis,
21 you go in there and you tell the truth," did he not?

22 A Of course. Yes, he has.

23 Q And he never told you anything different?

24 A No. He said, "I understand your position.
25 Tell them what you have to tell them."

Cook-cross-Ben-Veniste

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2 Q And you have attempted here in this Courtroom
3 yesterday and today to tell the truth as you know it?

4 A I think I did more than attempt. I think
5 I did, sir.

6 Q Now, let's talk about the law firm, the law
7 firm of which Mr. Criden and Mr. Johanson were partners,
8 and you became a partner, is a small law firm in Philadelphia?

9 A Yes, sir.

10 Q And, however, you are aware, are you not,
11 that the law firm has the highest rating, the AB rating,
12 that a law firm is granted under the Martindale Hubbel --

13 MR. PUCCIO: I object to this.

14 THE COURT: Sustained.

15 Q With respect to the hotel casino deal,
16 had the firm ever been able to make an anticipated profit
17 like the one which was discussed in connection with the
18 New Jersey hotel deal? I mean before that?

19 A Do you mean the magnitude of this?

20 Q Yes.

21 A No, sir.

22 Q This was an extremely exciting opportunity,
23 was it not?

24 A It was, well, what I guess a lawyer calls
25 a once in a life time case.

1
2 Q It was a dream come true?

3 A Yes. It was all our retirement fund, yes
4 sir.

5 Q And if this was a real deal, if this Sheik
6 was real, and you had some question at the beginning, I
7 think you testified in believing that it was real, you stood
8 on th basis of this legitimate hotel casino construction
9 to make a great deal of money, a once in a life time
10 opportunity?

11 A Yes, sir.

12 Q Let me show you defense exhibit, I think,
13 B.

14 Have you ever seen that (indicating)?

15 A Yes, sir.

16 Q Do you recognize it as the architectural
17 drawings for the proposed hotel casino?

18 A Yes, sir.

19 Q And were there other documents that Mr.
20 Criden took down to Fort Lauderdale when he was meeting
21 the Sheik?

22 A I think there was two other documents. I
23 think they were in like blue backers. One was a cost
24 projection done by, I think, a New York construction
25 company as to what it would cost to make various parts of

Cock-cross-Ben-Veniste

1
2 the casino as a cost prospectus.

3 There was another document, I think, smaller.
4 I don't know what it was. But it may have been of
5 anticipated revenues of the casino, how it would make a
6 profit, and cash flow projections.

7 Q So there were more documents than just
8 these extensive drawings?

9 Is that correct?

10 A I think it was three sets of documents, yes
11 sir.

12 Q And all the parties concerned were very
13 serious about being able to build a hotel on the boardwalk
14 in Atlantic City?

15 This was an appropriate location, was it
16 not?

17 A Yes. It is vacant ground on the boardwalk,
18 sir.

19 Q And feasible in respect of this booming
20 new industry in New Jersey?

21 A The financial projection showed that it was.

22 Q Now, Mr. Criden -- I think I misspoke myself
23 when I said that Mr. Criden and Mr. Johanson were to meet
24 with this supposed Sheik -- they were supposed to meet with
25 his representatives according to what you were told?

1
2 A Yes, the Sheik's representatives, yes sir.

3 Q As a matter of fact, there was no suggestion,
4 was there, that there was anything whatsoever improper about
5 the reason that they were going down to Florida to make
6 this presentation?

7 A No. We, after a lot of searching and going
8 to a lot of financial sources that turned up empty thought
9 that there really was a real thing this time.

10 Q Now, as a matter of fact, when they came
11 back, Mr. Johanson and Mr. Criden, they were pretty
12 excited, weren't they?

13 A Yes, sir.

14 Q They told you, did they not, that the Sheik's
15 representatives were very positive about the presentation
16 that had been made to them?

17 A Yes, sir.

18 Q Their reaction was positive?

19 A Like I testified yesterday, they indicated
20 that Tony was going to take the documents over to the
21 Sheik in London so he could review them personally.

22 But it had their primary approval.

23 Q So that the representatives had approved of
24 it, Tony and Mel, Tony was going to make a recommendation
25 to the Sheik in London?

Cook-cross-Ben-Veniste

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2 A Yes.

3 Q A favorable recommendation?

4 A Yes. That is what I was told, yes sir.
5 They said it was the type of thing that looks good, the
6 type of thing that the Sheik would be interested in.

7 Q Now initially I think you said that while
8 Mr. Criden and Mayor Errichetti were discussing matters
9 on the airplane back, according to what Mr. Criden told you,
10 Mayor Errichetti said that the Sheik wanted to meet political
11 figures in the United States?

12 A Yes, sir.

13 Q And that there was some concern that this
14 Sheik who apparently was in some sort of country --
15 incidentally did they describe what country it was?

16 A Howard had mentioned to me -- Mr. Criden,
17 United Arab Emirates was the country he always indicated to
18 me.

19 Q And did you ever get that from anyone other
20 than Mr. Criden?

21 A No, sir.

22 Q That there was going to be a revolution in
23 that country?

24 A He was concerned that there may be.

25 Q And possibly the Sheik would then have to seek

Cook-cross-Ben-Veniste

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2 asylum?

3 A Well, he was concerned, he said to me, he
4 was a member of the ruling class and if the peasants were
5 to revolt he probably would be executed or made prisoner
6 or something.

7 Q Did he indicate this was a Government that
8 at this time was very friendly to the United States?

9 That is was a non-communist country?

10 A Well, what it was said was, that in talking,
11 that they didn't think there would be any problem with the
12 Sheik coming into this country if he was going to invest
13 money. I think it was a conversation talking about as
14 long as he wasn't a murder or a communist.

15 Q He wasn't a communist, he wasn't a terrorist?

16 A Yes, sir.

17 Q He was just a fat rich Sheik?

18 A Yes.

19 As a matter of fact it was stated to me
20 he owned ground that oil went over, and he received royalties
21 for the oil going over his land.

22 MR. BEN-VENISTE: Okay.

23 I think we can save time, Mr. Cook, if you
24 respond to my question with a yes or no if you
25 can.

1
2 THE WITNESS: Yes, sir.

3 MR. BEN-VENISTE: And then we will be able
4 to proceed.

5 THE WITNESS: Yes, sir.

6 BY MR. BEN-VENISTE:

7 Q Now, at that time I think you testified nobody
8 knew any Congressmen who would be appropriate to meet the
9 Sheik?

10 A No one was discussed at that time.

11 Q And then at a later time Lou Johanson said,
12 "Well, gee, I know Ozzie Myers. He is a Congressman in my
13 district. I think Ozzie Myers could meet with the Sheik"?

14 A I don't know if it happened that way or
15 he came in one day and said that Congressman Myers would
16 meet with the Sheik. I don't know.

17 Q Now, is it not a fact, Mr. Cook, and I want
18 you to be very careful about your answer, is it not a fact
19 you were told that there would never be any quid pro quo
20 for the Congressman receiving money from the representatives
21 of the Arab?

22 A Mr. Criden always used the term no quid pro
23 quo in describing the meeting with the Sheik's representa-
24 tives.

25 Q And quid pro quo means that the Congressman

Cook-cross-Ben-Veniste

1
2 would never have to do anything?

3 Is that correct?

4 MR. FUCCIO: I object to that as irrelevant.

5 Q Do you know what quid pro quo means?

6 A Something in return for doing something.

7 I do this; you do that.

8 Q Okay.

9 Are you absolutely clear that that was the
10 case, Mr. Cook?

11 A Mr. Criden has always said --

12 Q Yes or no?

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15 (Continued on next page.)
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Cook-cross-Ben-Veniste

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2 A I would say that would be it, yes sir.

3 Q Now, let me move on to something that was
4 brought at the end of Mr. Puccio's questioning, and that
5 is your first meeting with Mayor Errichetti.

6 At that meeting I think Mr. Puccio elicited
7 a part of the conversation and I would like you to tell
8 the jury the whole conversation, Mr. Cook.

9 MR. PUCCIO: I object to the statement, your
10 Honor.

11 THE COURT: Sustained as counsel's comment.

12 You are supposed to ask question, Mr.

13 Ben-Veniste.

14 Q I would like you to tell the jury, Mr. Cook,
15 whether Mayor Errichetti didn't say at that meeting that
16 when you were being asked to impersonate this Immigration
17 official that Mel Weinberg was going to know that you
18 wouldn't really be what you said you would?

19 A That is correct.

20 It was said to me they know you aren't
21 who you are supposed to be.

22 And I thought I testified to that. If I
23 did not, I am sorry.

24 MR. BEN-VENISTE: Well, it is not for you
25 to be sorry, sir. I think you testified about it

1
2 in terms of a later conversation with Mr. Errichetti,
3 Mr. Cook.

4 You are here to answer the questions.

5 MR. PUCCIO: I object to these statements,
6 Judge.

7 THE COURT: Sustained.

8 I do not want to warn you again, Mr.
9 Ben-Veniste.

10 MR. BEN-VENISTE: Very well.

11 THE WITNESS: The conversation was, sir --

12 THE COURT: There is no question.

13 THE WITNESS: Very well, sir.

14 Q Mayor Errichetti and Mr. Criden told you,
15 did they not, that Mel Weinberg would know when you came
16 in there that you were not who you were going to say you
17 were, that you were going to put on an act?

18 A Yes, sir.

19 Q And that act was going to be for the benefit
20 of Mr. DeVito?

21 Correct?

22 A No, sir.

23 Q That that act was to convince Mr. DeVito
24 who was the hard guy, and Mr. Mel Weinberg was the easy
25 guy?

1
2 Isn't that a fact?

3 A That is party true, sir.

4 Q You were surprised when Mr. DeVito walked
5 out of the room, were you not?

6 A Yes, sir.

7 Q Because you thought this was going to be
8 easy?

9 A Yes, sir.

10 Q Now, the name Mario Noto was supplied to
11 you by whom, sir?

12 A Mayor Errichetti, sir.

13 Q And do you know now at the time there was
14 no such person as Mario Noto at the Immigration Service,
15 that is, in September of 1979 when you went to the
16 Williams Street House in Washington; that Mario Noto didn't
17 even work for the Government any more?

18 A I was told that now; I didn't at that time.

19 MR. BEN-VENISTE: Now, your Honor, at this
20 time I would like the jury to see a video tape
21 recording. And it has been marked as Exhibit 3500-143,
22 I believe. I would like to have that Exhibit,
23 please, and mark it as Defense Exhibit.

24 MR. PUCCIO: We have no objection to having
25 it played your Honor.

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2 THE COURT: Very well. That is 3500-143
3 which is received in evidence.

4 MR. BEN-VENISTE: Well, I would like to mark
5 it as a defense exhibit.

6 THE COURT: It doesn't matter how it is
7 marked in evidence. The record shows you are
8 offering it.

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

10 MR. PUCCIO: Your Honor --

11 MR. BEN-VENISTE: May I ask whether there
12 are any transcripts prepared by the Government
13 relating to that?

14 We haven't received any if there are.

15 MR. PUCCIO: Your Honor, we have a copy
16 here. We don't have the original in Court.

17 THE COURT: You have a copy of it?

18 MR. PUCCIO: Yes. If there is a problem
19 we can get the original.

20 THE COURT: Well, do you want a copy or the
21 original?

22 MR. BEN-VENISTE: Well, I don't know.

23 I think probably the original has probably
24 the best fidelity. I would like to get that played
25 to the jury if there is not any delay. I don't want

Cook-cross-Ben-Veniste

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2 to delay the proceedings. I thought that the
3 originals were here in Court.

4 THE COURT: Well, you do what it is you have
5 to do.

6 We will take a ten minute recess while
7 they put things together, ladies and gentlemen.

8 (The jury thereupon retired from the Courtroom
9 at 11:35 o'clock P.M.)

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5 (whereupon, the video tape recording
6 referred to is played.)

7 THE COURT: All right, Mr. Ben-Veniste,
8 you may proceed.

9 MR. BEN-VENISTE: Would it be more
10 convenient if we removed those?

11 THE COURT: No. We don't have that much
12 to go before lunch.

13 MR. BEN-VENISTE: Very well, your Honor.

14 CROSS EXAMINATION BY

15 MR. BEN-VENISTE: (Continuing)

16 Q Mr. Cook, the person that said, I am the one
17 who is very friendly with the Mayor, got very friendly with
18 the Mayor, that was Mr. Weinberg; is that right?

19 A Yes, sir.

20 Q And he was the one who stayed behind?

21 A He was to the right of the camera.

22 Q He stayed behind after Tony left after a
23 short period and then Mr. Weinberg followed?

24 A Yes, sir.

25 Q Okay.

1 Cook-Cross-Ben-Veniste

2 Now, is it not a fact, sir, that you were
3 told before that meeting that Tony is the straight one, he
4 is the one who has to go back and report to the Sheik?

5 A Yes, sir.

6 Q And who told you that?

7 A Mr. Criden, sir.

8 Q Did Mr. Errichetti tell you that, too?

9 A I don't recollect. I know Mr. Criden did,
10 sir.

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

13 THE COURT: Who is next?

14 MR. DUFFY: I am, your Honor.

15 THE COURT: All right, Mr. Duffy.

16 CROSS EXAMINATION BY

17 MR. DUFFY:

18 Q To take it up from there, Mr. Cook, didn't
19 the Mayor tell you and Howard Criden that not only did
20 Mel know that you weren't going to be the person that you
21 represented to be, but that he was in on it and he could
22 handle Tony? Didn't he use those words?

23 A He said he could take care of Tony.

24 Q Take care of Tony, all right.

25 Let's let the jury know about this fellow

Cook-cross-Duffy

1
2 supposedly from immigration.

3 I noted on the tape that in the early
4 portion Mr. Amoroso said there was going to be a fellow
5 arriving whose name, as he put it, was Mario Thomas Moto.
6 I heard it as M-o-t-o, Moto. And then I heard you in
7 your masquerade characterize yourself as Nopo, N-o-p-o,
8 and you spelled it.

9 Am I correct up to there?

10 A Yes, sir.

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

13 THE COURT: It's a compound question. I
14 don't know that the witness' observations as to what
15 was on the tape are any better than the rest of us
16 as to what occurred when he was not in the room.

17 As to what the witness said, that's something
18 else.

19 MR. DUFFY: Maybe I can break it down, sir.

20 THE COURT: Break it down and we can address
21 it separately.

22 Q Did you conceive what was on the tape as I
23 did that the agent spelled the expected visitor -- not
24 spelled, pronounced the expected visitor's name as Moto?

25 A Yes, sir.

1 Cook-cross-Duffy

2 MR. PUCCIO: I object to that.

3 THE COURT: It can only be replayed.

4 Overruled.

5 Q And then when you came in in your masquerade
6 and then I think it was Weinberg who asked you your name,
7 didn't you think the name you were supposed to give was Nopo
8 and then you spelled it N-o-p-o?

9 A Yes, sir.

10 Q And haven't you found out since that the
11 fellow that you were supposed to be impersonating was Mario
12 Noto, N-o-t-o?

13 A That's what I have been told, yes, sir.

14 Q So they even gave you the wrong name; isn't
15 that right?

16 A Yes, sir.

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18 (Continued on next page.)
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2 BY MR. DUFFY: (Continuing)

3 Q Now, before you went down to conduct this
4 impersonation did you do a little research on immigration
5 law?

6 A Yes.

7 Q Before then did you know anything at all
8 about immigration law?

9 A No, sir.

10 Q Did you know anything about, for example,
11 what it would take to sponsor a private immigration bill?

12 A No, sir.

13 Q Have you ever heard that even discussed in
14 connection with any of these proceedings?

15 A No, sir.

16 Q Up until then?

17 A No, sir.

18 Q So you came on with this, if he invests
19 here he can be a treaty merchant?

20 A Yes, sir.

21 Q Did you know what a treaty merchant was?

22 A Yes.

23 It was explained to me if you make an
24 investment in this country under certain treaties we have
25 with foreign countries, such as the United Arab emiratus,

1
2 a person can come in with a visa by making certain
3 investments in this country.

4 Q The question is: Did you know what a treaty
5 merchant was?

6 A Yes, sir.

7 Q Then you mentioned something about navigation
8 in commerce.

9 Did you know really what you were talking
10 about?

11 A A small amount, sir.

12 Q I had you clocked on the tape, and we can
13 disagree or not, as having been virtually frozen for three
14 minutes and 26 seconds by the clock on the tape.

15 How did you feel during that time? Is that
16 when you were frightened?

17 A I was frightened the entire time, but I was
18 more frightened then.

19 Q Because you thought somebody would do away
20 with you, behead you, perhaps?

21 A I think the word I used before was petrified,
22 and that probably describes it.

23 Q If they ever found out that this was going
24 on, this masquerade --

25 A If the Sheik found out, yes, sir.

1
2 Q By the way, this came up about two weeks
3 earlier in the very beginning of September, did it not?

4 A I know it came up prior to this --

5 Q Would you answer my question yes or no.

6 A Sir, I know it came up before that. I
7 don't know if I can answer it yes or no. I know it was
8 somewhat prior, within a week or two.

9 MR. DUFFY: I will accept that, your Honor.

10 THE COURT: All right.

11 Q What I want you to tell this jury is this:
12 Isn't it so that Howard Criden came to see you and said,
13 Mayor Errichetti has got a deal going with these Arabs,
14 they got all this money, all we got to do is bring down
15 a body to impersonate an immigration man? Am I right
16 up to there?

17 A Yes.

18 Q And he said, you can impersonate a guy from
19 immigration and we can get 25 grand to split up? Weren't
20 those his words?

21 A Yes, sir.

22 Q And then did you talk about that to Louis
23 Johanson?

24 A Yes, sir.

25 Q And didn't he veto it?

1
2 A Yes, sir.

3 Q Didn't he say that's crazy, that's going too
4 far?

5 A I don't know if those were his exact words,
6 but he vetoed it, sir.

7 Q All right.

8 Then you had another conversation with Criden
9 who assured you that the Mayor had set it up with Weinberg
10 and all they wanted to do was that they would file a report
11 with the Sheik and for that you can get \$25,000?

12 A Yes, sir.

13 Q And Weinberg was in on the scam; is that
14 right?

15 A I wasn't whom I was supposed to be, yes, sir.

16 Q Didn't he tell you that money was going to
17 be cut up with Weinberg?

18 A No, sir.

19 Q He didn't tell you Weinberg was going to get
20 part of the \$25,000?

21 A No, sir.

22 MR. DUFFY: I don't have any more questions.

23 THE COURT: All right.

24 Mr. Cacheris.

25 MR. CACHERIS: Yes, your Honor.

1
2 CROSS EXAMINATION BY

3 MR. CACHERIS:

4 Q Mr. Cook, you were asked about a term, quid
5 pro quo.

6 A Yes, sir.

7 Q You are an attorney, aren't you, sir?

8 A Yes, sir.

9 Q And you explained that to mean what, sir?

10 A Get something for giving something.

11 Q Now, in this case you know nothing could be
12 given didn't you?13 A Assurances of a friendly face I think was a
14 term used to me, sir.15 Q You were told earlier in the game that the
16 meeting that was set up for Ozzie Myers was for the purposes
17 of blowing smoke?

18 A Yes, sir.

19 Q Is that correct?

20 A Yes, sir.

21 Q For doing nothing?

22 A No, sir.

23 That's not what I think I said.

24 Q You said blowing smoke?

25 A We said we didn't know, didn't think there

1
2 would be a meeting.

3 Q You were also told if there was to be one
4 it was talk and blowing smoke?

5 A No, sir.

6 Q You never said that?

7 A No, sir.

8 MR. CACHERIS: May I have the transcript,
9 if your Honor would forgive me?

10 (Pause.)

11 MR. CACHERIS: Page 1144.

12 Q Yesterday on your direct examination, and
13 I am reading from page 1144, you were asked these questions:

14 "Question: And did Mr. Criden ever say to
15 you about the meeting with a Sheik's representative
16 not being real?

17 "Answer: Yes. It had been cancelled a
18 few times and we just thought it was a story, a
19 meeting would be set up, cancelled, set up,
20 cancelled. We felt somebody was, would be talking,
21 blowing smoke."

22 A If that's my testimony, yes, sir.

23 Q Now, when you went down to Washington and
24 became an imposter, you, too, were blowing smoke, weren't
25 you?

1
2 A Yes, sir.

3 MR. CACHERIS: Thank you.

4 THE COURT: Mr. Brown, any questions?

5 MR. BROWN: Very few, your Honor.

6 CROSS EXAMINATION BY

7 MR. BROWN:

8 Q Did you know Mayor Errichetti prior to the
9 events you described?

10 A No, sir.

11 Q Did you meet him other than on the occasion
12 that you described where you talked to him in his office
13 about Mario Noto?

14 A Just the next day after that or a few days
15 thereafter in Washington.

16 Q And then you went down to the episode
17 described on the screen?

18 A Yes, sir.

19 Q Is that right?

20 A Yes, sir.

21 Q Did you know from the very beginning that
22 this was a total charade?

23 A No, sir.

24 Q Did you think it was serious, that you were
25 going to carry it out as being the real Mario Noto?

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2 A No, sir. I thought you meant the entire
3 transaction. I misunderstood your question.

4 Q Let's talk about what happened on the TV
5 screen.

6 A I'm sorry, I misunderstood your question.

7 Q You knew from the beginning it was a total
8 charade?

9 A Yes, sir.

10 Q And it was your understanding that
11 Mr. Weinberg was aware of the fact that you were not indeed
12 Mario Noto?

13 A Yes, sir.

14 Q And when he sat and talked to you did he
15 give you any indication that he was aware of the fact that
16 you weren't Mario Noto except for your age?

17 A No, sir.

18 Q And he was the one who remained with you?

19 A Yes, sir.

20 Q That person we were referring to was off
21 screen?

22 A Yes, sir.

23 Q You watched the play here on the screen?

24 A Yes, sir.

25 Q He was off screen, wasn't he?

1
2 A Yes, sir.

3 Q Now, what was he doing?

4 Can you tell us physically, was he standing,
5 sitting, was he giving you any signals or anything?

6 A He was sitting in a chair talking to me.

7 Q Just talking to you straight?

8 A Yes, sir.

9 Q And did he tell you that there would be any
10 consequences of your not being the Mario Noto in question,
11 the difference in age?

12 A No, sir.

13 Q Did he say anything to you about the fact
14 that your purpose was to come there to put on this act?

15 A I never talked to him other than on the tapes.

16 Q That's all?

17 A Yes, sir.

18 Q And we saw Amoroso on there and you know he is
19 the other agent?

20 A Yes, sir.

21 Q The man with the cigar?

22 A Yes, sir.

23 Q Did he say anything to you off screen?

24 A Afterwards I remember talking with Mr. Weinberg
25 outside, but I don't remember Mr. Amoroso, whether he came

1
2 out or not.

3 Q What did Mr. Weinberg say -- that's off screen,
4 outside; is that right?

5 A Yes, sir.

6 Q Can you tell us what Mr. Weinberg said to
7 you?

8 A He said he is sure we can work this out, get
9 it all straightened out, that Tony is just afraid that you
10 are not whom you said you are?

11 Q He never said, look, you are not Noto, you
12 have tried to pull a game on us, he never said that to you,
13 did he?

14 A No, sir.

15 Q In fact he had said it's going to be okay,
16 we will work it out; is that right?

17 A Yes, sir.

18 Q Was that in keeping with the concept given
19 you that he knew all about it and was going along with it?

20 A Yes, sir.

21 Q Did Mr. Weinberg ever at any time do anything
22 that was out of character as one of those hoping to set this
23 thing up?

24 A No, sir. He said he was trying to work it
25 out.

1
2 Q Which was in character with him being in
3 league with everybody; is that right?

4 A Yes, sir.

5 Q Now, when you went to Mayor Errichetti's
6 office you went as a result, I suppose, of conversations
7 with someone?

8 A Yes, sir.

9 Q Was it Errichetti, Criden or somebody else?

10 A Mr. Criden, sir.

11 Q Now, as far as the comment that you had made
12 on the stand about some money and a Senator, did you have
13 any direct knowledge as to whether or not that information
14 was correct or not?

15 A No, sir.

16 Q As a matter of fact, did you ever hear from
17 anybody that Mayor Errichetti was supposed to get any of the
18 money that was mentioned in connection with the Senator?

19 A No, sir.

20 Q Do you have any knowledge or proof that
21 Mayor Errichetti received any money with respect to the
22 information you gave as a result of Mr. Puccio's direct
23 examination of you?

24 A No, sir.

25 Q Is it not true that you said in fact that as

1
2 far as you know the Senator received it, as to whether he
3 received it you don't know what Mr. Errichetti's part was
4 in it?

5 A Yes, sir.

6 Q Is that not true?

7 A Yes, sir.

8 Q And I call to your attention something you
9 discovered -- withdrawn.

10 You have had an opportunity to read your
11 Grand Jury minutes?

12 A Yes, sir.

13 Q Did you discover in there something which
14 apparently is a typographical error as to the amount
15 involved in the senatorial transaction?

16 A No, sir.

17 Q I don't want to press the issue, and I
18 want to make sure --

19 MR. BROWN: May I approach the witness, if
20 your Honor please?

21 THE COURT: Yes.

22 MR. BROWN: 3500-263 happens to be at page
23 22.

24 Q I am sure you will recognize this document
25 as 3500-263 at the top?

1
2 A Yes.

3 Q And it purports to be your Grand Jury testimony?

4 A Yes, sir.

5 Q And I ask you to examine page 22 and if that's
6 indeed a typographical error I will not even mention it in
7 front of the jury.

8 A It's not a figure I ever said, sir.

9 Q It's wrong?

10 A It's wrong.

11 MR. BROWN: I have no further questions and
12 thank you, your Honor.

13 THE COURT: Is there any redirect?

14 MR. PUCCIO: Yes, your Honor.

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16 (Continued on next page.)
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Cook-redirect-Puccio

1
2 REDIRECT EXAMINATION

3 BY MR. PUCCIO:

4 Q By the way, that figure Mr. Brown showed,
5 you correctly appears later on down the page; is that
6 right?

7 A Yes, sir.

8 Q Now, Mr. Cook, with respect to the meeting
9 on the boat in July, I think you testified that you under-
10 stood that money was going to be split as a result of this
11 casino matter; is that right?

12 A Yes, sir.

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

14 Improper redirect.

15 THE COURT: I don't recall any cross on this
16 subject.

17 MR. PUCCIO: May I pursue it, your Honor.

18 MR. BROWN: We object.

19 MR. PUCCIO: I will ask another question,
20 Judge.

21 THE COURT: All right.

22 Q You testified, did you not, Mr. Cook, that
23 there was nothing improper about the casino transaction
24 to your knowledge?

25 A The hotel casino, that's correct.

Cook-redirect-Puccio

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2 Q And you also testified that it was your
3 understanding that Tony and Mel, the representatives and
4 the employees of the Sheik were themselves to receive
5 some money in the casino matter; is that right?

6 A They indicated they wanted a part of it,
7 yes, sir.

8 Q It was your understanding, was it not, that
9 the Sheik was going to supply the money for the casino
10 venture?

11 A Yes.

12 Q And the money transaction was to be negotiated
13 for the Sheik by Tony and Mel; is that right?

14 A Yes.

15 Q Now, wouldn't it be in your view improper
16 for Tony and Mel to receive some money as a result of this
17 transaction?

18 MR. BROWN: I object, if your Honor please.
19 Improper redirect and an improper conclusion drawn
20 by the question.

21 MR. BEN-VENISTE: I must differ with Mr.
22 Brown on this one. I don't mind that the witness
23 answers this.

24 THE COURT: We have a split in the defense.

25 MR. BEN-VENISTE: Slight.

1
2 MR. DUFFY: I may never live it down, but I
3 am with Mr. Ben-Veniste, sir.

4 MR. CACHERIS: May I join with Mr. Brown,
5 sir?

6 THE COURT: Well, the votes are even and I
7 guess the Chairman has the deciding vote.

8 MR. BEN-VENISTE: Always.

9 THE COURT: I will overrule the objection.

10 THE WITNESS: May the question be repeated,
11 sir?

12 THE COURT: Read it.

13 (The pending question is read by the Court
14 Reporter.)

15 THE WITNESS: Improper for them, yes.

16 Q You know that as a lawyer; is that correct?

17 A Yes.

18 Q Now would it be against the law for them to
19 do that?

20 MR. DUFFY: Objection.

21 MR. BEN-VENISTE: Objection.

22 MR. DUFFY: That calls for a conclusion,
23 sir.

24 THE COURT: Overruled.

25 A I don't think so under certain circumstances,

1
2 sir.

3 Q Well, under what circumstances would it be
4 proper under the law, Mr. Cook?

5 MR. DUFFY: Objection, again, sir.

6 THE COURT: Overruled.

7 A I think the price was the same no matter
8 whether they received a portion or not. So number one, it
9 did not change what the Sheik was paying. Number two,
10 if they would have left his employ before it happened,
11 I think it still would have been improper. They still
12 were employees at the time or if the price changed because
13 of their position, yes, I think it would have been then
14 wrong, sir.

15 Q Well, wouldn't it have been fair to say that
16 the Sheik would have gotten a better price if his own
17 employees weren't getting part of --

18 MR. BEN-VENISTE: Excuse me, your Honor.

19 I object to leading questions on redirect
20 into areas that were not gone into on cross.

21 MR. BROWN: And I object to the assumption
22 of fact.

23 THE COURT: I will sustain the objection
24 on th ground that it's argumentative.

25 Q Mr. Cook, have you ever been involved in a

1
2 transaction on behalf of a client where you have gotten
3 a kickback?

4 A No, sir.

5 Q Or any other fee not known to the clients?

6 MR. BROWN: Objection.

7 THE COURT: Sustained.

8 MR. BROWN: I ask the answer be stricken,
9 your Honor, and ask for a mistrial as a result
10 of the improper question and the imprudent answer.

11 THE COURT: The motion is denied.

12 Ladies and gentlemen, disregard the question.

13 Q In any event, Mr. Cook, when you were informed
14 by Mr. Criden and Mr. Johanson that the Sheik's representa-
15 tives would be receiving part of the money you weren't
16 troubled by that; is that correct?

17 A No, sir. It was coming from us, from our
18 share and not the Sheik's, sir. It was reducing our fee.

19 Q Now, you testified on cross examination
20 that you had a conversation about a quid pro quo; is that
21 right?

22 A Yes, sir.

23 Q And who did you have this conversation with?

24 A Mr. Criden and Mr. Johanson.

25 Q In your office?

1
2 A Yes. Mr. Criden's office, yes.

3 Q What did you say, what did Mr. Criden say,
4 what did Mr. Johanson say about quid pro quo?

5 A When all this was happening, sir, and we
6 talked about introducing Congressmen to the Sheik's
7 representatives, we had a discussion, the three of us,
8 whether there was anything wrong with it or whether they
9 thought it was improper. We talked about the deal. At
10 that time Howard said his understanding, there was no quid
11 pro quo, they wanted to meet the different Congressmen,
12 have friendly faces in the event he wanted to come to this
13 country. And we discussed what may have been improper if
14 we had to register as a foreign agent and if we had to
15 report income. That's the only things we thought was improper.

16 Q In this conversation you decided -- withdrawn.
17 What you are saying is --

18 MR. BEN-VENISTE: I object to the form of the
19 question now, your Honor.

20 THE COURT: Sustained as to form.

21 Q Well, Mr. Cook, was there any mention of the
22 word illegal during this conversation?

23 A I don't think the word illegal was used, no,
24 sir.

25 Q It was never discussed that this might be

1
2 illegal; is that right?

3 A We discussed whether we thought it was
4 improper under the circumstances. And that's when it came
5 about that we thought the only things we thought might
6 be wrong is not reporting the income for the non-registration
7 as a foreign agent.

8 Q And you did not intend to report any of the
9 money you received on your income tax; is that correct?

10 MR. FRYMAN: Objection.

11 MR. BEN-VENISTE: Objection.

12 MR. DUFFY: Objection.

13 THE COURT: Sustained.

14 MR. BEN-VENISTE: I ask that the jury be
15 instructed that this is not an issue in the case.

16 THE COURT: This is not a tax case, ladies
17 and gentlemen. I try lots of those, but this is
18 not one of them. Tax issues so far have no
19 bearing on the case. Disregard it.

20 Q Now, was it your understanding that the
21 Congressman, let us say Congressman Myers, was not to say
22 that he would do anything for the Sheik at the proposed
23 meeting? Is that your understanding?

24 A It was not disclosed to me. We didn't know
25 at the meeting what was going to happen.

1
2 Q Now, you testified on redirect examination,
3 on cross examination that Mr. Weinberg, you were told, was
4 aware that you were an imposter at this meeting in Washington;
5 is that correct?

6 A Yes, sir.

7 Q Now, were you told about Mr. Amoroso's
8 knowledge of your identity?

9 A I didn't think anybody cared who I was, sir.

10 Q What were you told about Mr. Amoroso's
11 knowledge?

12 A The only way I can answer that, and I am
13 sorry it's not yes or no, I was just told that they knew
14 I wasn't whom I was supposed to be. It was just me. It
15 was never really defined in particular as to who it was.

16 Q Well, who would they refer to?

17 A The only people I knew was the two people
18 I met, sir, Mr. Weinberg and Mr. DeVito.

19 Q So you believed that both of them knew that
20 you were an imposter; is that right?

21 A What was explained to me, sir, is that as
22 far as Mel Weinberg was concerned, there didn't have to be
23 a meeting and Mr. Amoroso was straighter and he felt that
24 somebody would have to come to a meeting before he could
25 send a report. He couldn't send a report without somebody

1
2 being present. That's what was explained to me.

3 Q So you were told that both Mr. Amoroso and
4 Mr. Weinberg knew that you were an imposter; is that right?

5 MR. BROWN: Objection.

6 MR. BEN-VENISTE: I object to form and to
7 repetitiousness.

8 THE COURT: Overruled.

9 A That was my understanding, sir.

10 Q Well, Mr. Weinberg knew you were an imposter?

11 A Yes, sir.

12 Q Mr. Amoroso knew you were an imposter?

13 A Yes, sir.

14 Q And obviously Mr. Errichetti knew you were
15 an imposter, is that right?

16 A Yes, sir.

17 Q So everyone at the meeting knew you were an
18 imposter?

19 A Yes, sir.

20 Q Why did you go to the meeting, Mr. Cook?

21 A Because it was explained to me that they needed
22 a report sent to the Sheik of why he should invest or what
23 would be the benefits of him investing in the hotel casino.
24 We wanted the hotel casino built because we have a five
25 million dollar fee riding on it. They said if you show him

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1
2 he being Mr. Criden, meaning Mr. Weinberg, showing Weinberg,
3 if you could show him why it would be a benefit to him
4 to build the hotel casino, then he would be more interested
5 in doing it. And that's how the Immigration thing came
6 about, so the casino could be built and we would make a
7 fee, sir.

8 Q What was your understanding of you walking
9 into a room and presenting to three people who knew who
10 you were that you were somebody else, Mr. Cook?

11 A Mr. Criden told me that Mr. Weinberg told
12 him he didn't care if there was no meeting or not. He
13 would send a report and Mr. DeVito was straighter and he
14 had to actually meet with somebody to send a report in.
15 That's what was told me.

16 Q He technically wouldn't be lying to the Sheik
17 if he met somebody who said he was Mr. Moto?

18 MR. BROWN: Objection. This is not redirect.
19 It's repetitive and argumentative and not redirect.

20 THE COURT: Overruled.

21 A That's what was told to me, sir. You are
22 asking me and I am telling you.

23
24
25 (Continued on next page.)

1 Cook-redirect

2 Q So it was told to you that Mr. Amoroso --

3 MR. BROWN: Objection. Here we go again.

4 THE COURT: Who made that comment?

5 MR. BROWN: I did.

6 THE COURT: You should apologize, Mr. Brown.

7 MR. BROWN: I do.

8 THE COURT: Don't let it happen again.

9 MR. BROWN: I apologize, but --

10 THE COURT: I said I don't want it to

11 happen again.

12 MR. BROWN: But, your Honor.--

13 THE COURT: I don't want it to happen again.

14 MR. BROWN: I understand, sir, and I

15 apologize.

16 THE COURT: Proceed, Mr. Puccio.

17 Q So it was told to you, Mr. Cook, by Mr. Criden,

18 that Mr. Amoroso didn't want to lie to the Sheik and you
19 had to go to that meeting; is that right?

20 A Yes.

21 Q Were you informed, Mr. Cook, of any efforts
22 made by Mayor Errichetti or anybody else to get the real
23 Mario Noto to go to that meeting?

24 A I understood they tried to get somebody
25 from immigration to go, but they didn't know anything about

1
2 it.

3 Q Were you told that they attempted to get
4 Mr. Mario Noto to go to that meeting?

5 A No, sir. I don't have any such recollection.

6 Q Who is Mr. Tetrizzini that you mentioned,
7 the so-called Mayor's man?

8 A I think it's somebody the Mayor knows in the
9 Immigration Department.

10 Q And who told you to use that name?

11 A Either Mr. Criden or Mr. Errichetti.

12 THE COURT: Do you have much more, Mr. Puccio?

13 MR. PUCCIO: I am just about finished.

14 (Pause.)

15 MR. PUCCIO: I have no further questions.

16 THE COURT: Is recross desired by anybody?

17 MR. BEN-VENISTE: Very short, your Honor.

18 MR. DUFFY: I have one or two, your Honor,
19 but he may touch upon them, sir.

20 THE COURT: Well, we will hope that he does.

21 RECCROSS EXAMINATION

22 BY MR. BEN-VENISTE:

23 Q It was absolutely clear to you and it was
24 explained to you that Tony was the straight one, that's
25 the language that was used?

1
2 A Yes, sir.

3 Q And after the meeting when Mel came outside
4 Mel said we will try to square it with Tony?

5 A Yes, sir.

6 Q Now, about this Mr. Tetrazzini, aside from
7 there being a dish called Chicken Tetrazzini, do you have
8 any idea whether there is any such real person in
9 Immigration or anywhere else?

10 A No, sir.

11 MR. BEN-VENISTE: That's all.

12 MR. DUFFY: I have a couple, sir.

13 THE COURT: Yes.

14 RECROSS EXAMINATION

15 BY MR. DUFFY:

16 Q You got scared, as you put it, Mr. Cook,
17 you said non-registration as a foreign agent. By that
18 do you mean that you thought you might have to register
19 as a representative of a foreign government?

20 A Yes, sir.

21 Q You went and looked up the law on that,
22 didn't you?

23 A Yes, sir.

24 Q And you found out that if you represented
25 Abdul Enterprises and that was a corporation, there would

1
2 be no requirement to register because you wouldn't be
3 representing a foreign government or the head of a foreign
4 government; isn't that right?

5 A Yes, sir.

6 Q You looked up the law?

7 A Yes, sir.

8 Q But you didn't know it before you looked it
9 up?

10 A No, sir.

11 Q Now, to go back to Howard Criden, you are
12 not pretending to say or you are not saying to this jury
13 that Howard Criden told you everything that was going on
14 between him and Mayor Errichetti, are you?

15 A No, sir.

16 Q So you only knew what he chose to tell you;
17 isn't that right?

18 A Yes, sir.

19 Q And he was a father figure to you; isn't
20 that right?

21 A Still is, sir.

22 Q He took care of you, didn't he?

23 A Yes, sir.

24 MR. DUFFY: That's all, sir.

25 MR. BROWN: I have one or two, Judge.

1
2 THE COURT: All right, Mr. Brown.

3 RECROSS EXAMINATION

4 BY MR. BROWN:

5 Q You recall the television photo that you just
6 watched?

7 A Yes, sir.

8 Q Now you had originally talked about \$25,000;
9 is that right?

10 A Yes, sir.

11 Q And I believe in examination Mr. Puccio
12 mentioned the fact that there would be \$25,000, or whatever
13 addition or division, whatever it was, it involved \$25,000.

14 Do you recall on that box that he said he
15 was putting \$50,000 in there?

16 A Yes, sir.

17 Q Now, if \$50,000 was going into the case, was
18 it ever explained to you whether or not Weinberg and/or
19 Amoroso were to get the extra \$25,000?

20 A No, sir.

21 Q Did you ever have any knowledge that \$50,000
22 was involved until you watched it on the box?

23 A Last Thursday, sir, when I saw the tape,
24 that's the first time.

25 Q That's the first time?

1
2 A Yes, sir.

3 Q All the conversation was \$25,000?

4 A Yes, sir.

5 Q But Amoroso and Weinberg had \$50,000?

6 A It appeared so, sir.

7 Q So whatever was promised for this false
8 performance, Amoroso and Weinberg had another \$25,000 on
9 top of that in that box, is that right, this television box?

10 A Yes, sir.

11 MR. BROWN: No further questions.

12 MR. PUCCIO: One further question.

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 BY MR. PUCCIO:

16 Q Mr. Cook, were you aware that impersonating
17 a federal official was against the law?

18 MR. FRYMAN: Objection.

19 MR. BEN-VENISTE: Objection.

20 MR. DUFFY: Objection.

21 MR. BEN-VENISTE: It's moot in this case.

22 There was no such official.

23 THE COURT: I will sustain the objection.

24 Q One final question, Mr. Cook.

25 If you knew or if you were told that

1
2 Mr. Amoroso and Mr. Weinberg and Mr. Errichetti obviously
3 all knew you were an imposter, why were you so petrified
4 at the meeting?

5 A I think I already testified, number one, I
6 was afraid not because of that. I was just afraid.

7 Q What were you afraid of if everyone in the
8 room knew you were an imposter?

9 A Because the Sheik may eventually have found
10 out and I think I testified to that before.

11 Q Did you realize something when you walked
12 into that room about Mr. Amoroso and Mr. Weinberg's knowledge,
13 Mr. Cook?

14 A I realized that somebody cared at that meeting
15 that I wasn't whom I was supposed to be, yes, sir.

16 Q And that was Mr. Amoroso and Mr. Weinberg;
17 is that right?

18 MR. BEN-VENISTE: Objection.

19 MR. BROWN: I object. It's an improper
20 recapitulation and it's argumentative in tone and in
21 form.

22 THE COURT: Overruled.

23 A I thought mainly Mr. Amoroso and Mr. Weinberg
24 had indicated to me he could work it out, we could go over
25 to Immigration and work it out. So he thought we would

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1
2 work it out, but Mr. Amoroso gave no impression of working
3 things out.

4 THE COURT: Is that all?

5 MR. PUCCIO: Yes.

6 MR. BEN-VENISTE: One question.

7 FURTHER RECROSS EXAMINATION

8 BY MR. BEN-VENISTE:

9 Q When you were afraid, it was Mr. DeVito you
10 were afraid of? Isn't that right, Mr. Cook?

11 A I was afraid for my life, sir.

12 THE COURT: All right.

13 You are excused, Mr. Cook.

14 We will recess for lunch, ladies and
15 gentlemen.

16 Don't discuss the case during the luncheon
17 recess.

18 We will resume at ten minutes after two.

19 (The jury left the courtroom.)

20 (Luncheon recess.)

21
22 * * *

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

5 THE COURT: Ladies and gentlemen, you may
6 recall that yesterday we interrupted Mr. Amoroso's
7 testimony in order to take Mr. Cook. We are now
8 back to Mr. Amoroso, who if you perhaps have forgotten
9 is the first witness in this case.

10 The cross examinations have been concluded.
11 We are at the point of redirect examination.

12 Mr. Amoroso, will you resume the stand.

13 THE CLERK: Mr. Amoroso, please be advised
14 that you are still under oath.

15 MR. PUCCIO: May I proceed, your Honor?

16 THE COURT: Yes, proceed.

17 REDIRECT EXAMINATION

18 BY MR. PUCCIO:

19 Q Mr. Amoroso, you indicated, did you not, that
20 prior to July 26, 1979, you had met with Mayor Errichetti
21 on several occasions, is that right?

22 A That is correct.

23 Q Now, with relation to one of those occasions
24 which you met Mayor Errichetti, I show you a document which
25 is marked Government's Exhibit 18 --

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1
2 MR. PUCCIO: May I approach the witness,
3 sir?

4 THE COURT: Yes.

5 Q (Continuing) Will you examine that document,
6 please?

7 A Yes, I have.

8 MR. BEN-VENISTE: Now, your Honor, may we
9 have a cautionary instruction with respect to the
10 defendant Criden as to this area?

11 THE COURT: Yes. I am not sure of the date
12 that is involved here. But I believe the incident
13 we are speaking of involves only the defendant
14 Errichetti and not any of the other three defendants.

15 MR. PUCCIO: That is correct, sir. I will
16 place a date on it.

17 THE COURT: There is a limiting instruction
18 that you are to consider this only with relationship
19 to Mr. Errichetti, subject to any further instructions
20 I may give you later.

21 MR. PUCCIO: May I proceed, sir?

22 THE COURT: Yes.

23
24 (Continued on next page.)
25

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1
2 Q Now have you seen that document before?

3 A Yes, I have.

4 Q And would you be able to tell us on what
5 date you first observed that document?

6 A Yes, March 3, 1979.

7 Q Where was it that you first observed that
8 document?

9 A In the parking lot of the Holiday Inn in
10 Hauppauge, New York.

11 Q When you first observed that document who
12 had it in his possession?

13 A Mayor Errichetti.

14 Q And who else was present, if anyone?

15 A Myself and Mr. Weinberg.

16 Q And what is that document, Mr. Amoroso?

17 A It is a legislative index of the State of
18 New Jersey.

19 Q It is a book with a number of pictures in
20 it of legislators in the State of New Jersey?

21 Is that right?

22 A That is correct.

23 Q And was there any conversation on March
24 3, 1979 had between you, Mayor Errichetti and Mr. Weinberg
25 concernin this document, and if there was, tell us what you

1
2 said, what Mr. Errichetti said, and what Mr. Weinberg
3 said as best you can recall?

4 A As best I recall, the conversation was mainly
5 directly between Mr. Errichetti and Mr. Weinberg. And
6 Mr. Errichetti gave Mr. Weinberg this index and indicated
7 that the people that were checked off, and I believe he
8 was going through the pages and pointing to several of them,
9 the people that were checked off would be with us in our
10 Atlantic City endeavors.

11 Q Was there anything else said about these
12 people?

13 A Yes, that the indication was -- well, not
14 the indication -- he said that they would be with us.

15 Q And how many pictures are there in that book?

16 A Shall I count them?

17 MR. BROWN: If your Honor please, the number
18 we have no objection of course because your Honor
19 has given a direction as to the general testimony --
20 but the number we would object to as irrelevant.

21 THE COURT: Overruled.

22 A Approximately a 120.

23 Q All right.

24 Was there any mention during this conversation
25 by the Mayor or anyone else about buying those people?

1
2 MR. BROWN: I object to that.

3 A Well --

4 THE COURT: Wait just a moment.

5 There is an objection. But before we get to
6 that. You said 120?

7 THE WITNESS: Approximately. That is the
8 total number in the book.

9 THE COURT: That is not the number of people
10 that you said would be with you?

11 THE WITNESS: No. I was asked about the
12 total number that were in the book.

13 THE COURT: Then the objection to the latter
14 question is overruled.

15 Q Would you answer it?

16 A Would you give me the question again.

17 Q Was there any mention by anyone in this
18 conversation about buying any of the people in that book?

19 A Yes, there was.

20 Q Well, what was said?

21 A Mr. Errichetti indicated that we could buy
22 these people.

23 Q Which people did he indicate you could buy?

24 A The people that were checked off.

25 Q How many people were checked off? Please

1
2 count them.

3 A I count 13.

4 Q 13 out of the total number?

5 Is that right?

6 A Yes, correct.

7 Q Is Mayor Errichetti's picture in that book?

8 A Yes, there is.

9 Q Is there a check mark next to his name?

10 A Yes, there is.

11 Q Now, Agent Amoroso, with respect to the
12 meeting on the boat about which you have testified and
13 with respect to the use of electronic equipment, I ask
14 you this question, how were you dressed on July 26, 1979
15 at the meeting of course with the defendants?

16 A In casual clothes, meaning a pair of slacks
17 and a shirt.

18 Q Now, you indicated that you had the attache
19 case which is marked as Government's Exhibit 16 with you,
20 is that correct?

21 A Yes.

22 Q There was a Negra concealed inside that
23 attache case?

24 A Correct.

25 Q Now, you have indicated that you have worn a

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1
2 Negra on certain occasions?

3 A Not I believe on this occasion?

4 Q But on other occasions you have worn a Negra?

5 A Yes.

6 Q And you did not attempt to put the Negra
7 on your body on that day, is that right?

8 A Correct.

9 MR. DUFFY: I object to the leading, sir.

10 THE COURT: I will let that question and
11 answer stand. But I do not think that is necessary
12 to lead at this stage.

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15 (Continued on next page.)
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1
2 Q How long would it normally take to outfit
3 yourself with a Negra worn on your body?

4 A Probably 15, 20 minutes.

5 Q And is that something that you would do alone
6 or with the assistance of someone else?

7 A You usually do it with the assistance of
8 someone else, depending upon where you want to conceal
9 the apparatus.

10 Q And where would it normally be concealed?

11 A Well, that varies with the individual who
12 is wearing it.

13 He could conceal it in the small of his back,
14 against a thigh. I think it is just a matter of choice,
15 depending upon the looseness of the clothing that you are
16 wearing.

17 Q Well, what clothing were you wearing on that
18 day?

19 A Well, I was wearing a pair of slacks and
20 a pullover shirt, in fact, a banlon shirt.

21 Q Was it a short sleeve or a long sleeve shirt?

22 A Yes, short sleeved.

23 Q In your view would you have been able to
24 successfully have concealed the Negra on that day?

25 MR. BROWN: I object to that as a leading

1
2 question and calling for a conclusion.

3 THE COURT: Overruled.

4 MR. BROWN: I beg your pardon?

5 THE COURT: Overruled.

6 MR. BROWN: Thank you.

7 A No, I don't think I could have.

8 MR. PUCCIO: I have no further questions,
9 your Honor.

10 THE COURT: Any recross?

11 MR. BROWN: I have one or two brief questions,
12 your Honor.

13 I am sorry. I didn't understand they were
14 involved in this.

15 (Addressing the Court and defense counsel.)

16 MR. PUCCIO: Oh, if I may, your Honor, I
17 have one additional question.
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20 (Continued on next page.)
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1
2 Q Mr. Amoroso, did you attend a meeting on
3 September 19, 1979 with an individual who at that time
4 represented himself to be someone with immigration service?

5 A Yes, I did.

6 Q And before the meeting who were you under
7 the impression that you would meet with?

8 A The number 2 man for immigration and
9 naturalization service, I believe his name was Mario
10 Noto.

11 Q Prior to --

12 MR. BEN-VENISTE: I didn't hear that name,
13 your Honor.

14 A Mario Noto.

15 Q Prior to September 19th meeting Mr. Amoroso,
16 had you had in your possession or had you seen a
17 photograph of Mr. Mario Noto?

18 A Yes, I had.

19 Q And approximately how long prior to the
20 meeting had you seen that photograph?

21 A At least the day before.

22 Q To your knowledge had Mr. Weinberg seen that
23 photograph?

24 A Yes, he had.

25 Q Do you know how he saw the photograph?

1
2 A Yes, I showed it to him.

3 Q And when did you show it to him?

4 A At least a day before when we got it.

5 Q By the way, with respect to Exhibit 18, does
6 it have a received stamp on it?

7 A Yes, it does.

8 Q What does it say?

9 A Received January 16, 1979, mayor's office,
10 City of Camden, New Jersey.

11 MR. PUCCIO: Thank you.

12 THE COURT: Mr. Duffy, any recross?

13 MR. DUFFY: I pass to Mr. Brown, sir.

14 MR. BEN-VENISTE: I have one question in
15 the in-between.

16 THE COURT: You got it.

17 MR. BEN-VENISTE: Because I think we have
18 that Nagra here in court.

19 THE COURT: Proceed.

20 MR. BEN-VENISTE: May I have it, please.

21 It is Exhibit 17.

22 RE-CROSS-EXAMINATION

23 BY MR. BEN-VENISTE:

24 Q Would you show the jury, please, Mr DeVito,
25 where you would put the machine if you were secreting it

1
2 in the small of your back.

3 A Do you want to turn around and I'll show
4 it?

5 Q Why don't you show it on you if you can.

6 A Strap it behind here with a belt, a band
7 belt, depending on your clothes, you could lock it in here,
8 down in here.

9 There are many, many areas depending on the
10 size and shape of the individual wearing it.

11 Q And you have worn it before in which places?

12 A I have worn it in the small of my back and
13 I have worn it just in a jacket pocket.

14 Q And you didn't have a jacket that day and
15 it would have looked kind of silly to wear a suit jacket
16 on a boat, but you dressed yourself that day, didn't
17 you?

18 A Correct.

19 Q Nobody told you what you were supposed to
20 wear other than yourself?

21 A Correct.

22 Q And it is fair to say if you wanted to
23 wear the Nagra that day you could have worn loosely-
24 fitting clothes and worn it in the small of your back or
25 in your thigh or in your trouser leg?

1
2 A Correct.

3 Q Isn't that true?

4 A Correct.

5 Q Okay.

6 Q Now, who did you send over to get a picture
7 of Mario Noto?

8 A I didn't. Mr. Good would have been responsible
9 for that.

10 Q Where were you on the 18th of September?

11 A I would have been there.

12 Q Where were you, in Washington?

13 A In Washington.

14 Q And where were you staying?

15 A At the town house.

16 Q You actually lived there in the town house?

17 A Yes, when we were utilizing there we lived
18 there.

19 THE COURT: That is the house on W Street?

20 THE WITNESS: On W Street, yes.

21 Q Did Mr. Weinberg live there?

22 A Yes, he did.

23 Q Who else lived there?

24 A Who else lived there?

25 Q Yes.

1
2 A Who would have been staying there?

3 Q Yes.

4 A Probably anyone driving for me at the
5 time, possibly Mr. Good. It depended.

6 Q Was Mr. Haridopolos staying there?

7 A Yes.

8 Q When you say driving for you he was the
9 chauffeur?

10 A No.

11 Mr. Bradley or Mr. Bursey probably would
12 have been.

13 Q And were they staying there too?

14 A I don't recall.

15 Q Would you tell this jury whether it is the
16 regulation of the Department of Justice that the FBI tell the
17 informant everything that the FBI knows about a case?

18 MR. PUCCIO: I object to that.

19 THE COURT: Overruled.

20 A Would you repeat the question?

21 MR. BEN-VENISTE: Would you read it back.

22 (Record read.)

23 A Is it regulation? No, it is not.

24 Q Now, are you familiar with the regulations
25 of the FBI regarding informants?

1
2 A I believe so.

3 Q And did you review them and apply them
4 in connection with this case?

5 A I did not review them, no.

6 Q Did you remember them in sufficient detail?

7 A In respect to what?

8 Q In terms of the control over the informant.

9 A I still don't follow what you are getting at.

10 Q Did you review -- what regulations are you
11 speaking of so that the jury understands?

12 A We have regulations on reporting information
13 you receive from them. Basically I would say that is what
14 the area is.

15 Q Are there regulations which cover the charac-
16 ter and motivation of the informatn?

17 A Not that I know of.

18 Q Are there regulations which measure, which
19 cover the ability of the FBI to control the informant's
20 activities so that his conduct would be consistent with
21 the instructions that are given to him?

22 A Yes. We attempt to do that.

23 Q And are you familiar with the regulations
24 concerning an informant violating the instructions set
25 forth in furthrance of his assignment, what he is supposed

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to do?

A Have I read them?

Q Yes.

A No.

Q Do you know what they are?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Do you know about any regulations regarding the reliability and truthfulness of the informant?

A I don't believe there are any regulations regarding that.

* * *

* * *

21 | RE-CROSS-EXAMINATION

22 | BY MR. BROWN:

23 | Q Mr. Amoroso, you referred in the course
24 | of your redirect examination by Mr. Puccio as to 3500-18.

25 | A Yes.

1
2 Q You said it was shown to you in a parking
3 lot in Hauppauge, is that correct?

4 A Yes. Holiday Inn.

5 Q Holiday Inn?

6 A Yes.

7 Q On or about March 31st of '79?

8 A Correct.

9 Q Am I right?

10 A Yes.

11 Q And you stated Mr. Weinberg was there?

12 A Yes.

13 Q Right?

14 A Correct.

15 Q Did Mr. Weinberg participate in this?

16 Do you know whether it was not he who checked
17 off the names physically?

18 A No.

19 The book had already been checked off. Mr.
20 Errichetti handed the book to Mr. Weinberg and as he did
21 he opened the book and he pointed to various photographs,
22 and referred to some of them by title.

23 Q Rather than name?

24 A Rather than name.

25 Q And he also said in effect that these people

1
2 will be with us in Atlantic City?

3 A Correct.

4 Q And Atlantic City referred to the project
5 which was then under way, which had been described I believe
6 as a legitimate project, and attempts to finance a
7 casino?

8 A No.

9 It was in relationship not only to the
10 funding of the casino, but the securing of the people
11 to insure that the casino licenses and any problems we might
12 incur.

13 Q I see.

14 So that these people were all members
15 of the legislature.

16 Were there any of them -- and this just a
17 general reference to the 19th?

18 A Yes.

19 Q They will be with us in Atlantic City with
20 all of the background that you have just explained?

21 A Yes.

22 Q But nothing specific about they will do
23 this or that, just the 19 out of 120 will be with us
24 when we go to Atlantic City.

25 A I believe I said 13.

1
2 Q I wrote down 19, I beg your pardon.

3 So it would be 13 out of 120?

4 A Yes.

5 Q No reference what they will do, just they will
6 be with us in Atlantic City?

7 A That they can be bought.

8 Q That they can be bought?

9 A Yes.

10 Q And that was the end of that reference I
11 take it?

12 A Correct.

13 Q And for the future that was the end of the
14 reference, is that correct, as far as 3500-18 is concerned?

15 A I don't know if any of the other names were
16 mentioned because I haven't gone over the names again.

17 Q But that was the end of the refernce insofar
18 as the use --

19 A That is that then.

20 Q Was 3500-18 ever brought out again at any
21 future day?

22 A No.

23 Q I am talking about the actual book.

24 A No, the actual book, no.

25 Q So the episode in the parking lot would be

1
2 the beginning and the end of any reference to 3500-18.

3 Am I correct?

4 A Yes.

5 Q And that took perhaps five minutes, ten
6 minutes?

7 A Maybe less.

8 Q And no prices named, no places of arrangement
9 to buy these folks?

10 A No.

11 Q And that is literally and practically the end
12 of the reference?

13 A Correct.

14 Q Now, it is also true, isn't it, that subse-
15 quently when we come to the Mario Noto meeting, the
16 episode of September 19th, I believe?

17 A Yes.

18 Q That you had had some information prior
19 to the--

20 MR. BROWN: Your Honor, I am approaching him.

21 May I?

22 THE COURT: Go ahead.

23 Q It is also true that you had obtained
24 certain information that prompted you to make inquiry the day
25 before the 19th?

17 Amorosso-recross-Brown

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It would be on the 18th you made inquiry?

A As to what?

Q As to the identity of Mr. Noto.

A It was a practice in any transaction to obtain a photograph and to find out who the individual we were dealing with was.

Q Now, I am showing you a draft of 3500-122.

You may refer to all of it but if I may call your attention to the part I will be concerned with, it relates to this, which I am pointing to, and that.

Examine it all if you please, but that is what I am concerned with.

A Just the first two pages?

Q My examination, if the court will allow me to say this, will be restricted to the first few pages.

THE COURT: All right.

Q You have access to all of it but my examination will be restricted to that.

THE COURT: Ask him some questions and if he wants to look at it again he can.

Q With respect to the date on it it is the 14th, you will notice, September 14th.

A All right.

1
2 Q We are now five days before the actual
3 meeting.

4 A Yes.

5 Q Isn't it a fact the name that was conveyed
6 to you as the name of the person who was going to appear
7 would be Mopo?

8 A It is listed here as Nopo.

9 Q N-o-p-o?

10 A Yes.

11 Q And that is not the name you said you checked
12 out, is it?

13 A No.

14 Q The name you checked out as I recall on
15 September 18th was Moto?

16 A Yes.

17 Q Now, the name that you got as far as you
18 personally were concerned was given to you by Mr. Weinberg?

19 A Correct.

20 Q And what name did Weinberg convey to you as the
21 name of the chap who was going to show up on the 19th?

22 A From this I would indicate, Mario Noto,

23 Q So that would be this name by you got from
24 Weinberg?

25 A Yes.

1
2 Q And that would be the name that had been
3 given to Weinberg by Errichetti, is that right?

4 A Yes.

5 Q Now, you said you checked out the man
6 on the 18th and found he was -- I will withdraw it.

7 What did you say the title was of the Noto
8 that you checked on the 18th?

9 A I didn't do the checking. The name was given
10 to the supervisor.

11 Q I'll withdraw it. I'm sorry.

12 What was the name -- Noto was the name.

13 What was the position of that man when you had
14 it checked out for your benefit?

15 A He indicates here, commissioner --

16 MR. BROWN: My objection is it is not
17 responsive, your Honor, excuse me.

18 THE COURT: I understand.

19 Q On the 18th you had it checked out, am I
20 correct about that?

21 A Correct.

22 Q What was the information you received after
23 you had the name Noto checked out?

24 A I believe it was Noto, N-o-t-o, Mr. Mario T.
25 Noto was the number two man of immigration and naturaliza-

1
2 tion service.

3 Q If that document before you refreshes your
4 recollection, may I ask you if it is not a fact when Mr.
5 Weinberg reported the name to you as he allegedly got
6 it from Mr. Errichetti, that it was Mopo, and he was
7 the commissioner of immigration; is that right?

8 A That is the way it appears here, yes.

9 Q So we have two differences, one was when you
10 checked it out it was a gentleman named Noto and he was a
11 deputy of some sort.

12 A I can't answer that.

13 I didn't check it out.

14 Q Again I misstated, I beg your pardon.

15 When you received the result of the check,
16 it came back to you as Noto, N-o-t-o, as some sort of
17 deputy?

18 A Correct.

19 Through our office we could have -- we would
20 have cross-checked the name with various cross-checks, and
21 come up with Mario Moto.

22 Q I understand you were not testifying from
23 direct experience.

24 A Yes.

25 Q So you are testifying indirectly that someone

1
2 checked out a deputy named Noto?

3 A Yes.

4 Q And the fact is that Weinberg reported
5 to you the man to appear was Commissioner Nopo, N-o-p-o,
6 is that correct?

7 A Yes.

8 Q Now, then did you ever check to find out
9 if indeed there had been a commissioner named Nopo as
10 opposed to Noto?

11 A Myself, no.

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13 (Continued on next page.)
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2 Q Did anyone report to you with respect to that?

3 A I was only given Noto. I don't know if there
4 was anybody named Nopo.

5 MR. BROWN: I will propose to receive it,
6 your Honor.

7 THE COURT: All right.

8 MR. BROWN: Thank you.

9 May I take this?

10 THE COURT: Yes.

11 Q Now, with respect to the Nagra recorder
12 which is G-17, you said that you didn't make any attempt
13 to put this on your body on July 26th, the date of the boat
14 ride?

15 A Correct.

16 Q Correct?

17 A Yes.

18 Q And you have stated you believe you could
19 not have in view of the clothing that you wore, but you
20 don't say absolutely that you could not, correct?

21 A Also the heat conditioners.

22 Q The heat conditioners would deter you from
23 using this?

24 A Yes.

25 In that heat the clothing sticks to you and

1
2 it would oueline the instrument so someone might be able to
3 see it.

4 And Ithought it was not worth being put in that
5 position.

6 Q Is this the only kind -- is the FBI immobilized
7 in hot weather as far as using body equipment?

8 A That type, what was accessible to me, that
9 was it.

10 MR. BROWN: Thank you.

11 I have no further questions.

12 THE COURT: Any other questions for Mr.

13 Amoroso?

14 MR. DUFFY: I am not knocked out of the
15 box, am I, sir?

16 I only passed.

17 THE COURT: No.

18 It sounds like a convention when you say you
19 pass.

20 MR. DUFFY: I am a politician, your Honor.

21 THE COURT: For late consideration.

22 Proceed.

23 RE-CROSS-EXAMINATION

24 BY MR. DUFFY:

25 Q Forgive me, please, Mr. Amoroso, I have

1
2 to go back to Nopo, Noto. I will be brief.

3 You told this jury, and I am really not
4 interested when you learned it, but sometime before
5 the 19th you got a picture of Mario Noto, the deputy
6 commissioner, is that right?

7 A Correct.

8 Q Now, what did you get, an eight by ten glossy
9 or something from a book like Government's 18?

10 A Something approximately that size, yes.

11 Q Did it tell you anything about him?

12 A We just knew how old he was and what his name
13 was.

14 Q Answer my question, please. Did it tell you
15 anything about Noto, the picture that you got?

16 A What way are you referring to?

17 Q Was there any writing connected with it?

18 Was it a thing out of that book which said
19 Mario Noto, father of six, lives in Pennsylvania and
20 so forth?

21 A I don't recall it right now.

22 Q There was some indication on the video tape
23 we saw, and I confess I think it came from Mr. Weinberg,
24 that you -- that would mean plural, you, expected someone
25 older?

1
2 A Correct.

3 Q Did you too expect someone older?

4 A Correct, from the photograph.

5 Q Do you have that photograph?

6 A I don't, no.

7 Q Did you turn that photograph in with a 302
8 in connection with that meeting?

9 A No.

10 Q Did you prepare a 302 report in connection with
11 that aborted attempt to scam you?

12 A No.

13 The film was the report.

14 Q Is there any way we could get our hands on the
15 picture that you got?

16 A I don't know if it is still an exhibit. I
17 am not sure.

18 Q When you got the picture you had asked for
19 some check-out, as it were, on a man named Mario Nopo, p-o,
20 is that correct?

21 A Yes.

22 Q And you got back a picture of a man and
23 you were told that his name was Noto, correct?

24 A Correct.

25 Q Now, how did you get the information that

2 his name was Noto?

3 Was it written on the picture?

4 A Mr. Good gave me the picture and gave me the
5 man's name.

6 Q You are holding your hand out.

7 Did he give you a piece of paper?

8 A Gave me a photograph of Mr. Noto.

9 Q Right.

10 THE COURT: How did he give you his name?

11 Did he say this is Mario Noto?

12 A His name was on the photograph.

13 Q Was there any biographic data on the
14 photograph?

15 A Not that I recall.

16 Q So you had a photograph on the 18th of
17 September that said, on the front there was a picture of
18 Mr. Mario Noto, correct?

19 Q I see.

20 And you discussed that with Me. Weinberg?

21 A As far as discussing, no. Just showing the
22 photograph of whom we were expecting.

23 Q I see.

24 When you did the predicate to the tape,
25 when you sat in that front room in the house on W Street

1
2 in Washington --

3 A Correct.

4 Q You knew from the day before that the man's
5 name was Mrio Noto, is that correct?

6 A Yes.

7 Q That is what you want this jury to believe,
8 is that right?

9 A Yes.

10 Q And why did you ay Mario Moto?

11 A I mispronounced his name.

12 MR. DUFFY: I have no further questions.

13 THE COURT: Any other questions?

14 MR. BEN-VENISTE: Yes, sir.

15 FURTHER RE-CROSS-EXAMINATION

16 BY MR. BEN-VENISTE:

17 MR. BEN-VENISTE: Just a second, byour Honor.

18 THE COURT: All right.

19 (Pause.)

20 MR. BEN-VENISTE: May I ask the question from
21 here?

22 THE COURT: Surely.

23 Q Mr. Amoroso, when did Mr. Weinberg provide
24 the name Mario Nopo to you as the person who Mayor
25 Errichetti mentioned?

1
2 A I don't recall.

3 Sometime within that time frame, from the
4 time he got it within a day.

5 Q Where were you during that week? The
6 meeting occurred on the 19th.

7 Where were you?

8 A I don't recall. I would have to look at some
9 of the exhibits.

10 Q What would you like to look at that might
11 help refresh your recollection?

12 A Possibly the list of exhibits might.

13 MR. BEN-VENISTE: May I approach the witness,
14 your Honor?

15 THE COURT: Yes.

16 A I would believe I was in that area, I was
17 in Washington at least a couple of days ahead of that
18 meeting.

19 I am not sure. Looking at the list I don't
20 see my name on any of the other exhibits within a few
21 day period.

22 Q Was Mr. Weinberg with you during let's say
23 the week before the meeting?

24 A For part of the time, yes.

25 THE COURT: Mr. Amoroso, would you look at

1
2 the September 14th entries.

3 THE WITNESS: September 14th?

4 THE COURT: The second page they appear on,
5 the second one from the top.

6 THE WITNESS: Yes, correct.

7 14 is Cherry Hill, New Jersey.

8 Q You were with Mr. Weinberg in Cherry Hill,
9 New Jersey?

10 A Yes.

11 I see my initials here on one of the exhibits.

12 Q And were you with him on the 15th?

13 A From this I can't tell.

14 Q But it is quite clear to you that you were
15 with him on September the 14th?

16 A I would imagine I was because we show a
17 telephone call from him in New York to Mr. Errichetti in
18 New Jersey.

19 Q And you remember that telephone call?

20 A No. Not without --

21 Q But in terms of your recollection in terms
22 of Cherry Hill reference it is quite clear that you were with
23 him on the 14th, quite clear to you?

24 A Yes.

25 Q May I have that, please?

1
2 Now, are you aware that Mr. Weinberg
3 on the 14th obtained the name Mario Nopo from Mr.
4 Errichetti.

5 A Only since my memory has been refreshed.

6 Q I see.

7 Did Mr. Weinberg tell you that he had had
8 a conversation with Mayor Errichetti that day on the
9 telephoen that he had tape recorded?

10 A I don't recall.

11 Q Do you remember reviewing a tape recording
12 relating to Mayor Errichetti and Mr. Weinberg setting up
13 that meeting?

14 A I don't recall.

15 Q Have you since reviewed those relevant tape
16 recordings?

17 A I have been reviewing tape recordings during
18 a period that is ahead of this.

19 Q Okay.

20 Is it not a fact, sir, that on September the
21 14th, the same day you were presnt with Mr. Weinberg,
22 that Mr. Weinberg made a tape recording that you were
23 not a party to between him and Mayor Errichetti?

24 A I don't recall.

25 Q Let me show you Exhibit 3500-132.

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A That is the same one I just saw.

Q Does that refresh your recollection, sir?

A As to whether I was present when it was made?

Q Yes, sir.

I don't recall. I don't recall where it was made from. It was made from New York.

I would have to see the location from which it was made.

I don't know.

Q You don't know?

A Correct.

Q Is it not a fact, sir, that this conversation, the tape recorded version of it, does not begin at the beginning of the conversation, and that the first words that are recorded are the words, commissioner of naturalization in that conversation.

A I haven't listened to the tape. Based on your transcript I see it starts with commissioner.

MR. BEN-VENISTE: If I may your Honor --

THE WITNESS: Our transcript.

Q This is your transcript?

A Yes.

Q And you have no reason to doubt that your transcript is an accurate transcription of the material

1
2 that is contained on the tape recording such as it is?

3 A Yes.

4 Q And does it strike you odd that the conversa-
5 tion that is tape-recorded begins with not hello, how
6 are you, but with the word only commissione?

7 A No, it doesn't.

8 (Continued on next page.)
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2 Q It doesn't strike you odd?

3 A No.

4 Q Do you think maybe there was some conversations
5 between Mr. Errichetti and Mr. Weinberg that it is
6 not contained on that tape recording?

7 MR. PUCCIO: I object.

8 THE COURT: Sustained.

9 Q On the basis of your investigative abilities,
10 and your experience, sir, is it not true that
11 conversations do not normally begin in the way that this
12 conversation appears to begin on this tape recording?

13 MR. PUCCIO: I object.

14 THE COURT: Isn't that fairly obvious, Mr.
15 Ben-Veniste?

16 MR. BEN-VENISTE: I think so, sir.

17 THE COURT: I don't know if it takes expertise
18 of the FBI to determine that Ben-Veniste if it is
19 conceded I'll accept the concession of the
20 government.

21 THE COURT: Concession does not mean a thing.
22 It is for juries to determine based on their
23 practical common sense.

24 MR. BEN-VENISTE: I have no questions of
25 this witness.

1
2 THE COURT: Any other questions?

3 MR. PUCCIO: May I just examine Exhibit 18
4 for a moment?

5 THE COURT: Yes.

6 MR. PUCCIO: I may have another question,
7 your Honor.

8 THE COURT: Just a moment, Mr. Amoroso.

9 MR. BEN-VENISTE: I'm sorry, your Honor,
10 may I ask one or two more questions while Mr.
11 Puccio is leaving through that?

12 THE COURT: Proceed.

13 Q You have spoken to Mr. Weinberg recently
14 about his practice of tape recording, haven't you, sir?

15 A Recently?

16 Q Yes.

17 I mean, you have seen him every day and you
18 have testified that you have spoken to him every day?

19 A I have spoken to him.

20 Q Do you know, not that there are some questions
21 about these tape recordings as I pointed them out, at
22 least some of them --

23 MR. PUCCIO: I object.

24 THE COURT: Overruled.

25 I'll let him answer it.

1
2 A Can we have that again?

3 Q You know that there are some questions about
4 some of these tape recordings that either don't begin where
5 they would logically appear to begin as far as the taped
6 version is concerned, don't you?

7 A Your question?

8 Q Yes.

9 You don't have any question apparently?

10 A No.

11 Q And you know also there are some questions
12 about tape recordings that appeared to have been stopped
13 at some point and started again?

14 A Correct.

15 MR. PUCCIO: I object, your Honor.

16 THE COURT: You are objecting to the
17 argument being made about the tape recorders through
18 these questions?

19 MR. PUCCIO: I am objecting to these tape
20 recordings being asked through this witness,
21 your Honor.

22 THE COURT: Overruled.

23 Q You are aware of that, aren't you?

24 A Yes.

25 Q You are shaking your head yes?

1
2 Q Did you ever visit --

3 MR. BROWN: Your Honor, excuse me, may I
4 approach Mr. Puccio for just one minute?

5 (Mr. Brown confers with Mr. Puccio.)

6 THE COURT: Proceed.

7 Q Did you ever visit Mr. Weinberg's residence
8 in Florida?

9 A Yes, I have.

10 Q And did you know where he had his tape machine
11 set up down there?

12 A Yes, I did.

13 Q Where?

14 A Where he would normally have it set up?

15 Q Yes.

16 A In an outside screened area.

17 Q What is called a Florida room? Inside the
18 house or outside the house?

19 THE COURT: A screened-in porch?

20 A If I say much more I could possibly give
21 away the location of the residence.

22 Q I don't think a porch in Florida is doing
23 to give away too much, Mr. Amoroso.

24 A I have to add to that. It is not a porch.

25 Q Could you just describe the room for the

1
2 jury, please?

3 A No, I don't think I could.

4 THE COURT: How about the interior of it?

5 THE WITNESS: The interior would have a glass
6 top table where the recorder would have been placed.

7 Q And how high a table is that?

8 A Breakfast-type table.

9 Q About as high as this table or lower, more
10 like a coffee table?

11 A About that height.

12 Q All right.

13 And where was the telephone located?

14 A The telephone would have been located about
15 five or six feet to the right of it.

16 Q And was there an easy chair or some kind of
17 chair next to the table?

18 A I believe that there was, plus the chairs
19 that went with the table.

20 Q And did you ever observe Mr. Weinberg tape
21 record a conversation?

22 A Yes, I did.

23 Q In that room?

24 A Yes.

25 Q And would you describe for the jury where

1
2 he would sit while he was tape recording?

3 A He would sit possibly on the easy chair
4 or on one of the other chairs.

5 Q And where would he put the tape recorder?

6 A It would be on the glass-top table.

7 Q And how far is the chair from the table?

8 A It could be as close as he wanted to pull
9 it.

10 Q And how far was the telephone from the glass-
11 top table?

12 A It was approximately five feet. It had an
13 extension cord so that he could bring it over to the table.

14 Q When he was tape-recording the conversations he
15 basically used the table as his base of operation and put
16 everyting on it?

17 A Correct.

18 Q The phone, the tape recorder next to the
19 phone?

20 A Correct.

21 Q And what was the floor of that room? Was it
22 carpet or linoleum or what?

23 A I would say it would be concrete with an indoor-
24 outdoor type of carpet.

25 Q It was carpeted?

1
2 A Yes.

3 MR. BEN-VENISTE: I have no further questions.

4 MR. DUFFY: Just one, sir.

5 FURTHER RECROSS-EXAMINATION

6 BY MR. DUFFY:

7 Q Was the tape recorder up against the wall
8 or in the middle?

9 A It was close to the wall but not the middle.

10 Q Tell me how close.

11 A It was close to the side but not in the
12 middle of the room.

13 Q Could you walk all the way around the table?

14 A No.

15 Q Because you would bump into the wall?

16 A You bump into the wall.

17 MR. DUFFY: Thank you.

18 THE COURT: Thank you, Mr. Amoroso, you
19 may step down.

20 MR. PUCCIO: Judge, I have some questions.

21 THE COURT: I'm sorry.

22 MR. PUCCIO: I'll be very brief.

23 THE COURT: Proceed.

24 FURTHER REDIRECT EXAMINATION

25 BY MR. PUCCIO:

1
2 Q You testified you received that book on the
3 31st of March 1979, is that correct?

4 A Yes.

5 Q Would you look through it, please and tell
6 us whether you met with any of the checked individuals
7 after that date?

8 Don't tell us the names, jut how many you
9 met with, other than Mayor Errichetti, of course.

10 MR. BROWN: My only objection would be of
11 course not in the context of Mayor Errichetti
12 introducing him or -- may I come to the side
13 bar? Perhaps I am going too far.

14 THE COURT: Could you focus that question a
15 little bit, Mr Puccio?

16 Q Mr. Amoroso, did Mr. Brown -- Mr. Brown ask
17 you if anything was done with respect to this book after
18 the 31st or whether it was over and done with as of that
19 date?

20 Do you recall those questions?

21 A Yes.

22 Q I ask you, did you meet with any of the people
23 who were checked?

24 A Yes.

25 MR. BROWN: I object, your Honor, for this

1
2 reason.

3 May I, your Honor?

4 THE COURT: Yes.

5 MR. BROWN: I asked him if it was over and
6 done with, with respect to this book and Mayor
7 Errichetti, and he said no.

8 Now, I submit it is improper redirect if there
9 are other areas. And that is why I know your
10 imitations on argument and I am trying to be very
11 careful.

12 THE COURT: The objection is overruled.

13 Q Did you meet with any of those people after
14 that day?

15 A Yes.

16 MR. BEN-VENISTE: I would have an objection
17 and ask for a cautionary instruction insofar as
18 Mr. Criden is concerned.

19 MR. BROWN: Would you permit a side bar,
20 please? I think there is one matter I should call
21 to your attention.

22 THE COURT: It gets deeper and deeper.

23 Side bar.

* * *

1
2 (The following occurred in open court.)

3 MR. PUCCIO: I will not pursue that line of
4 inquiry any further, your Honor.

5 No further questions.

6 THE COURT: Step down, Mr. Amoroso.

7 MR. PUCCIO: We call Michael Criden.

8 M I C H A E L C R I D E N, having been
9 first duly sworn by the Clerk of the Court,
10 testified as follows:

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

13 THE WITNESS: Michael Elliot Criden.

14 THE CLERK: Please spell your last name.

15 THE WITNESS: C-r-i-d-e-n.

16 THE CLERK: Please be seated.

17 DIRECT EXAMINATION

18 BY MR. PUCCIO:

19 THE COURT: All right, Mr. Puccio, you may
20 proceed.

21 MR. PUCCIO: Thank you, Judge.

22 Q Mr. Criden, you are the son of the
23 defendant Howard Criden, is that correct?

24 A Yes.

25 Q Now, I direct your attention to August of

1
2 of 1979, more specifically August 22nd.

3 Did you have occasion to take a trip to New
4 York with your father on that day?

5 A Yes, I did.

6 Q And tell us how you and your father traveled
7 to New York and from where you traveled?

8 A We drove to New York from Philadelphia.

9 Q Who drive the car, do you recall?

10 A I did.

11 Q And about what time did you arrive in New
12 York and where?

13 A We arrived roughly about 12:00 at Kennedy
14 Airport.

15 THE COURT: Twelve noon?

16 THE WITNESS: Twelve noon, yes.

17 Q And was it just you and your father
18 in the automobile?

19 A Yes.

20 Q And where at Kennedy Airport did you first
21 arrive?

22 Can you recall?

23 A I think it was the Pan Am Terminal.

24 Q And what happened when you arrived at the
25 Pan Am Terminal?

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A We parked the car up front and went into the terminal.

Q And what took place then?

A We waited there for a few minutes. Then we went upstairs -- we waited for a few minutes.

My father was supposed to meet someone. And we didn't see whom he was supposed to meet. And then we went upstairs and I think we had a soda or something, just to wait.

And he said we had to wait a few minutes.

Q And what happened next?

A A little time elapsed and we went back downstairs and my father saw the people he was supposed to meet with.

And he went over to speak to them.

Q And how many people were there?

A I don't recall exactly. There were a few. Three or four.

Q And you recognized some of these people, is that right?

A Yes, that's correct.

Q Whom did you recognize?

A I recognized Mayor Errichetti and Mr.

1
2 Johanson.

3 Q And there was another gentleman, is that
4 right?

5 A I think so, yes.

6 Q And you were introduced to him, is that
7 right?

8 A Yes, briefly.

9 Q Who was that, Mr. Criden?

10 A They introduced him as Congressman Myers.

11 Q Anyone else present at that time?

12 A Not that I recall, no.

13 Q What happened after you and your father
14 observed Mr. Johanson, Congressman Myers and Mr.
15 Errichetti?

16 A I stepped aside and I think they all
17 talked privately for a few minutes. And then Congressman
18 Myers, Mr. Johanson, and Mayor Errichetti left and
19 my father and I waited in the terminal.

20 Q Do you recall where you waited in the terminal?

21 A We waited up on the first floor again.

22 We had gone down to the basement to meet
23 them and we were up on the first floor again.

24 Q And for how long did you wait?

25 A I would say it was about an hour or so, maybe

1
2 an hour and fifteen minutes, hour and a half.

3 Q And what happened then?

4 A We were waiting in the front lobby there of
5 the Pan Am terminal, and Mayor Errichetti came back in
6 by himself and motioned for my father.

7 And my father went over to speak to Mayor
8 Errichetti. And I waited inside.

9 Q Then what?

10 A Then I am not positive. I think I went
11 outside. My father told me to go outside. Mayor
12 Errichetti's father was outside.

13 And he said go talk to him and say hello.
14 His name is Joey. He said go introduce yourself.

15 So I went outside.

16 Q And you went outside and you left your
17 father and Mayor Errichetti in the terminal?

18 A Yes.

19 Q Did you introduce yourself to Joey?

20 A Yes, I told him I was Michael Criden and we
21 introduced ourselves and just talked about tings.

22 Q And then what happened?

23 A Then my father and Mayor Errichetti came
24 back out and we went in our car and Mayor Errichetti got in
25 his car and went home or wherever he was going to go.

1
2 Q Now, when you got back in your car to leave,
3 Mr. Criden, did you and your father have anything
4 in your possession?

5 A My father had given me his briefcase. As
6 usual I usually carry his briefcase.

7 And when we walked out of the terminal I
8 took his briefcase and put it in the car.

9 Q And did he have his briefcase when he left
10 that morning?

11 A Yes.

12 He always had it.

13 Q And did he carry it with him when he left the
14 car when you first arrived at the Pan Am Terminal?

15 A Yes, yes.

16 I brought it out of the car and we were
17 standing there.

18 Q The briefcase was taken out of the car?

19 A Yes. He always takes it.

20 Q When you prepared to leave the briefcase
21 was put back in the car, is that right?

22 A Yes.

23 Q And any other packages or envelopes?

24 A No. Just the briefcase.

25 Q Did you look in the briefcase on that day?

1
2 A No. I never looked in the briefcase.

3 Q Excuse me?

4 A I never looked in the briefcase.

5 Q Tell us what happened after you and your
6 father got back in the car at the Pan Am Terminal with the
7 briefcase?

8 A I asked where we were going and he said he had
9 to go back to his office.

10 So we drove back to his office in Philadelphia.

11 Q Now, about what time was it that you departed?

12 A I would say somewhere between 1:30 and 2:00.

13 Q By the way, had your father told you what
14 the purpose was for your trip to New York?

15 A No, he didn't.

16 Q Well, did he say that he was going to meet
17 with anyone or that anyone was going to meet with anyone?

18 A He said he had to meet some gentlemen.

19 When I saw them that is the first time I
20 knew --

21 Q Excuse me?

22 A That is the first time I knew who it was.
23 When we got there I didn't know.

24 Q Had he told you -- you knew Mr. Johanson
25 for years, is that right?

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A For many years, yes.

Q And you had met Mayor Errichetti before, is that right?

A Once, yes.

Q And had he told you, that is, he, your father, told you when you left Philadelphia that morning that ou would be meeting with Mr. Johanson and Mayor Errichetti?

A Not that I recall, no.

Q Did he tell you that you would be meeting with Congressman MYes?

A I never heard Congressman Myer's name mentioned before I met him.

Q Did your father tell you, before your left or before you arrived in New York that day, that he would be meeting with Tony and Mel?

A No. I neve heard their name.

Q Now, how long did it take you to drive back to Philadelphia?

A It take only about two hours.

Q Tell us what happend upon your arrival in Philadelphia.

First when you arrived and what happened.

A We parked the car in my father's garage around

1
2 the corner and went into his office.

3 Q And was anyone present up in the office when
4 you arrived?

5 A Yes.

6 Mr. Cook was present.

7 Q Anyone else that you recall?

8 A No, no. I just remember Mr. Cook.

9 Q What happened after you arrived?

10 A We came into the office and Mr. Cook motioned
11 for my father that he wanted to talk to him privately.

12 Q Then what happened?

13 A My father and I, we went into Mr. Cook's office
14 where Mr. Cook and my father had a private, a quiet
15 conversation between the two of them.

16 Q And did you overhear any of this conversation?

17 A A few words.

18 I really didn't -- I kind of feigned myself out
19 of it because it really is none of my business.

20 Q What few words did you hear?

21 A I heard Mr. Cook say something that there was
22 some kind of problem, something or another, and something
23 with money, there was a problem with money.

24 Q Did you hear that there was less money
25 than they expected, something to that effect?

1
2 A No, not in those words, just that there was a
3 problem with the money.

4 That's all I heard.

5 Q Did you hear that there was not as much
6 as expected?

7 A Not in those words. Something maybe to that
8 effect.

9 Q Did you hear anything about giving someone
10 fifteen?

11 A Yes. I recall Mr. Cook saying he had
12 figured out a way to alleviate the problem. I think those
13 were his words, that they would give fifteen, that's
14 correct.

15 Q Mr. Cook said he had a way to alleviate the
16 problem?

17 A Yes.

18 Q And they would give someone fifteen?

19 A Yes.

20 Q And did you take that to refer to money?

21 A Would I take it?

22 Q Yes.

23 A I would imagine so, yes.

24 Q And do you know who was to receive the
25 fifteen to alleviate the problem?

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2 A No, it would not. It would be unfair to say.
3 I would not.

4 MR. PUCCIO: May I have one moment, your
5 Honor?

6 THE COURT: Yes.

7 Mr. Criden, how old are you?

8 THE WITNESS: Twenty.

9 THE COURT: Thank you.

10 MR. DUFFY: I am not sure everyone heard
11 that answer. Maybe I am butting in.

12 THE COURT: The answer was twenty.

13 Q Now, do you recall testifying before the grand
14 jury -- perhaps let me -- first, would you answer that
15 question.

16 Do you recall testifying before the grand
17 jury?

18 A Yes, I do.

19 Q Let me show you --

20 MR. PUCCIO: May I approach the witness?

21 Page 32 --

22 Q Let me show you page 32 of the grand jury
23 minutes, Mr. Criden, and ask you if you look at that
24 and see if it refreshes your recollection to Mr. Cook's
25 conversation with your father.

1
2 MR. BEN-VENISTE: I'm sorry, I didn't hear the page
3 number.

4 MR. PUCCIO: 32.

5 MR. BEN-VENISTE: Thank you.

6 (Handed to witness.)

7 MR. BEN-VENISTE: Is there a pending
8 question that this is to refresh on?

9 THE COURT: With respect to something
10 to the conversation between Mr. Cook and Mr. Criden,
11 Sr.

12 Q Have you looked at it, Mr. Criden?

13 A Yes, I have.

14 Q Does that refresh your recollection as to
15 whether or not it was mentioned that there was not as
16 much money as expected?

17 A Yes, I think so, yes.

18 Q Tell us what you recall now.

19 A Basically like I said there was a problem
20 with money, and I guess the fact that there was supposed
21 to be more and that it turned out to be less.

22 Q Now, what happened after you overheard
23 this conversation? What was the next thing that happened?

24 A My father left Mr. Cook's office, which is
25 adjoining to his office, and he went into his office and

1
2 shut the door and left Mr. Cook and myself in his office.

3 Q When your father opened the door to go
4 into his office, did you see anyone?

5 A Yes, I did.

6 Q Whom did you see?

7 A I saw Mr. Johanson and Congressman Myers.

8 Q And after that the door was closed, is that
9 right?

10 A es, yes, sir.

11 Q And did there come a time when that door
12 opened up again?

13 A Not that door, no.

14 The other door in my father's office that meets
15 the hallway, and he called for me and asked me to get the
16 key and open the door and let Congressman Myers out.

17 Q And how long was it that you first saw
18 your father say to get the key and let the congressman
19 out?

20 A How long was the conversation?

21 Q How long was it that they were inside the
22 room?

23 A 20 minutes, maybe.

24 Q After your father told you to let Congressman
25 Myers out, did you do that?

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A Yes.

Q What happened next with Congressman Myers after this day?

A We, my father and I and Mr. Johanson -- Mr. Johanson asked if my father can drop him off, he had a speaking engagement or something.

And we left the office and we drove to drop Mr. Johanson off.

Q And where was it -- withdrawn.

Did ou drop Mr. Johanson off somewhere in the City of Philadelphia?

A Yes, we did.

Q And do you remember whereabouts it was that you dropped him off?

A Yes. It was in the West Oak Lane section of Philadelphia.

Q And he had a speaking engagement in that vicinity?

A I think it was.

Q At least that is what he said?

A Yes.

Q Prior to you and your father dropping Mr. Johanson off and while the three of you were in the car together, did anything happen?

1
2 A Yes.

3 The West Oak Lane SEction of Philadelphia
4 is a little bit of a dangerous section so Mr. Johanson,
5 he gave me some money to hold for him. He didn't want to
6 take all his money with him.

7 And he handed me some money and said if I was
8 coming into the office the next day would I bring it in
9 because he didn't want to carry his money with him.

10 Q And how much money did Mr. Johanson give you?

11 A I don't know. It was wrapped up in a
12 rubber band.

13 Q About -- was it a stack of bills?

14 A Well, it was folded over in two.

15 Q With a rubber band?

16 A Yes.

17 Q About how thick was the stack?

18 A I don't really remember. It's hard to say.
19 I didn't really pay attention.

20 Q Did you count the money?

21 A No.

22 Q What did you do with it, Mr. Criden?

23 A I put the money in my pocket and when I
24 got home to my father I said it was ridiculous for me to
25 have to come in. I gave him the money. I said, if you are

1
2 going to the office you take the money.

3 Q You take it and give it to Mr. Johanson?

4 A Yes. I didn't understand why he gave it to
5 me in the first place.

6 Q And what were the denominations of the
7 bills that Mr. Johanson gave you?

8 A I don't really remember. It was large. It was
9 either a fifty or a hundred, I think. The outside bill
10 is the only bill I saw.

11 (Continued on next page.)
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Q Was the outside bill a hundred?

A It was folder over.

Q Was that a \$100 bill?

A It was eigher a fifty or a hundred. It's hard to say now.

Q Now, shortly after this date, Mr. Criden, did you have occasion to have a discussion with your father about a safe deposit box?

A Yes.

Q And as best you recall -- well, first, when did this conversation take place in relation to August 22nd?

A That would be real hard to say. I really don't remember.

Q Was it a few days?

A I can't rememer. A week maybe.

Q Excuse me?

A A week or so maybe. I can't really be sure.

Q Well, as best you can recall what did your father say to you about the safe deposit box?

A Just to the effect that he wanted to open a safe deposit box and he wanted me to go with him and sign it so I can enter the box along with him.

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2 Q Where did he want to open the safe deposit box
3 up?

4 A At Provident National Bank.

5 Q At the time he said this to you he already
6 had a safe deposit box, is that correct?

7 A He had one himself. I never had any.

8 Q And where did he have the one himself?

9 A I think it was at Girard BANK.

10 Q And is that a box with your mother?

11 A Yes.

12 MR. PUCCIO: May I have a moment, your
13 Honor?

14 THE COURT: Yes.

15 Q Now, did you have occasion to go with your
16 father to the Provident National Bank to open up a
17 safe deposit box?

18 A Yes, I went with him to open the box, yes.

19 MR. PUCCIO: Your Honor, I would like to
20 show the witness some records which have been
21 marked as Government's Exhibit 12 for identification.

22 THE COURT: Proceed.

23 Q First I show you a card that is marked
24 as Government's Exhibit 12 or as part of Government's
25 Exhibit 12 for identification.

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Do you recognize that?

A Yes, I do.

Q Can you tell us what it is, please?

A It is the slip for opening the box with the signatures of my father, myself and my younger brother.

Q And is that the card pertaining to the Provident National Bank box that you spoke of?

A Yes.

Q And does that card refresh your recollection as to the date on which this box was opened up?

A Yes.

Q What was the date?

A August 24th.

THE COURT: Mr. Puccio, did I misunderstand you as to the number of that exhibit?

Is it 12 or 13?

MR. PUCCIO: I'm sorry, Judge. It's No. 12.

MR. BEN-VENISTE: We have it as 13..

THE COURT: The list that you gave us identifies the Provident Bank records as 13.

MR. PUCCIO: I'm sorry, Judge, we'll change it.

THE COURT: Change what to what?

1
2 MR. PUCCIO: Since this is marked we
3 will change the list. It might be easier.

4 THE COURT: 13 was referred to yesterday
5 in connection with Mr. Cook's testimony. That
6 I think would have been the Trevoze Bank records.

7 Would that be correct?

8 MR. CACHERIS: Yes, your Honor.

9 THE COURT: All right. So 12 and 13
10 are reversed on that exhibit list.

11 MR. PUCCIO: 13 would be Bell Savings and
12 12 would be Provident.

13 THE COURT: I didn't write down the name
14 of the bank. Yes, Bell Savings & Loan.

15 So it is 11 and 13 that is reversed.

16 We have them all mixed up then. 11 is
17 Bell -- no, 13 is Bell. You said 12 is
18 Provident -- not it is worse than that.

19 11 is Bell. I didn't write down the name
20 for 13.

21 And you say now 12 is Provident. And it
22 leaves Trevoze?

23 MR. PUCCIO: Right.

24 THE COURT: Which must be No. 13.

25 MR. PUCCIO: I'll just verify it, Judge.

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2 MR. BEN-VENISTE: May I examine the proferred
3 exhibit?

4 THE COURT: Yes. This is the one the witness
5 has.

6 MR. PUCCIO: Yes, Judge, 13 is Trevoze.

7 THE COURT: All right.

8 That straightens me out and I guess everyone
9 else is clear.

10 11 is Bell. 12 is Provident and 13 is
11 Trevoze.

12 MR. DUFFY: It may not be important, but
13 down our way that first Tis a long one and
14 it's Trevoze.

15 THE COURT: Trevoze?

16 MR. DUFFY: Yes.

17 THE COURT: It sounds like an upstata pronun-
18 ciation.

19 MR. DUFFY: The Philadelphia reporters are
20 here.

21 MR. BEN-VENISTE: May I ask a question on voir
22 dire?

23 THE COURT: It is not offered.

24 MR. PUCCIO: Yes, I am.

25 THE COURT: Yes, you may ask.

1
2 VOIR DIRE EXAMINATION

3 BY MR. BEN-VENISTE:

4 Q On this card your name appears, your father's
5 name appears and there is another name which appears as
6 well?

7 A Yes.

8 It is Arthur Criden, my younger brother.

9 MR. BEN-VENISTE: I have no objection,
10 Judge.

11 THE COURT: All right.

12 Exhibit 12 is received in evidence.

13 That is one card, Mr. Puccio?

14 MR. PUCCIO: Yes.

15 I also have an access slip dated the
16 24th, Judge, which I would offer, but in the absence
17 of a-- this is a record that does not bear the witness
18 signature, but it is part of the Provident record
19 if there is a stipulation.

20 MR. BEN-VENISTE: No.

21 MR. PUCCIO: I will call someone from the
22 bank for that.

23 MR. PUCCIO: Judge, may I approach the
24 witness?

25 THE COURT: Yes.

1
2 BY MR. PUCCIO: (continued)

3 Q Now, I show you your grand jury testimony,
4 page 35, and I ask you to look at that page and tell
5 us if it refreshes your recollection concerning the
6 amount of money Mr. Johanson gave you on August 22nd,
7 gave you to hold.

8 A As I said I saw the \$100 on the outside. I
9 don't recall seeing any more.

10 Q But it was a large sum of money, is that
11 right?

12 A It was a good deal folded over in two.

13 Q And you saw at least one \$100 bill?

14 A I said a 50 or a 100.

15 Now I see maybe it must have been a \$100
16 bill.

17 MR. PUCCIO: I have no other questions.

18 THE COURT: Mr. Duffy?

19 MR. DUFFY: Your Honor, I will defer to the
20 lad's father's lawyer.

21 THE COURT: All right, Mr. Ben-Veniste.

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

23 CROSS-EXAMINATION

24 BY MR. BEN-VENISTE:

25 Q Michael, you are 20 years old, are you not?

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A Yes.

Q And you interrupted your college studies when the publicity in this case broke, did you not?

MR. PUCCIO: I object to this, Judge.

THE COURT: Sustained.

Q Well, how far in college have you gotten?

A I had completed over two and a half years.

Q At what college?

A Temple University.

Q And do you have any brothers or sisters?

A I have a younger brother, Arthur.

Q How old is Arthur?

A He is eighteen.

Q And did you have an older brother --

MR. PUCCIO: I object.

THE COURT: You object to the next question?

MR. PUCCIO: Yes.

THE COURT: You are way ahead of me. I have to hear it first.

Q The question is, did you have an older brother?

MR. PUCCIO: I object.

THE COURT: Sustained.

Q On August 22nd you testified that your

1
2 father asked you to come with him to New York.

3 What was the reason for that as he explained
4 it to you?

5 A He didn't explain it to me. My father is
6 not very well. He has diabetes.

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

8 MR. BEN-VENISTE: Your Honor, the --

9 THE COURT: Overruled.

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

11 Q All right.

12 A He has diabetes and blood pressure, high
13 blood pressure.

14 He can't drive long periods himself, from lack
15 of sugar he gets sleepy. So whenever he has to take a
16 long drive I always go with him. When he asks me I go.

17 Q There was no other purpose for your going except
18 to help drive the car and to make sure that your father
19 got there safely and back safely?

20 A That's correct.

21 Q Did your father ever mention to you anything
22 about an Arab sheik?

23 A Yes, he did.

24 Q Or an Arab business man or some Arab in
25 connection with a hotel project?

1
2 A Yes, he did.

3 Q Would you tell the ladies and gentlemen,
4 please, what your dad told you about it?

5 A He told me that there was an Arab who
6 was incredibly wealthy and that money meant nothing
7 to this man and that he would possibly finance and buy
8 the hotel and casino that my father was working on.

9 And he was very excited. It would be like
10 a dream come true for my family because it would make
11 everything possible for my brother and myself to finish
12 our education.

13 I wanted to go to law school and my brother
14 had just been starting school and he wants to go to
15 graduate school also.

16 And it was just a very excited time and he was
17 very excited about it.

18 And that's all he really told me about it.

19 Q Now, you testified about what you saw in your
20 presence, sums of money and meetings and you indicated
21 that you had testified in the grand jury as well?

22 A Yes.

23 Q And had you told this jury the truth to the
24 best of your knowledge?

25 A Yes, I have.

1
2 Q And did your father tell you to do anything
3 other than to tell the truth here in this courtroom?

4 A No.

5 He told me to tell the truth, and that the
6 truth would be the best thing and it would prove his
7 innocence.

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

9 THE COURT: Mr. Cacharis?

10 MR. CACHERIS: No.

11 THE COURT: Mr. Brown?

12 MR. BROWN: No.

13 THE COURT: Mr. Duffy?

14 MR. DUFFY: I don't dare. One minute after
15 four.

16 THE COURT: Any redirect?

17 MR. PUCCIO: No, your Honor.

18 THE COURT: Thank you, Mr. Criden, step down.
19 That's reasonable timing.

20 We will recess for the weekend, ladies
21 and gentlemen.

* * *

I N D E X

- - - - -

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
ELLIS COOK	1233	1258	1304 1319	1315 1321
MICHAEL CRIDEN	1390	1412		

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of)
) Investigation Pursuant to H. Res. 608
Representative)
)
MICHAEL O. MYERS)

Appendix to Special Counsel's
Preliminary Inquiry Report

Volume II

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Special Counsel
Allen R. Snyder

Hogan & Hartson
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Washington, D.C. 20006

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

-----X		
UNITED STATES OF AMERICA,	:	
	:	
-against-	:	80 CR 00249
	:	
MICHAEL O. MYERS, ANGELO J. ERRICHETTI,	:	
LOUIS C. JOHANSON, HOWARD L. CRIDEN,	:	
	:	
Defendants.	:	
-----X		

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

August 18, 1980
 9:30 o'clock A.M.

B E F O R E :

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

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

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Strike Force
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* * *

* * *

Very good, you may proceed, Mr. Puccio.

Call your next witness.

MR. PUCCIO: We call Malvin Weinberg to
the stand.

(Continued on next page.)

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2 M E L V I N W E I N B E R G, a witness called herein,
3 having been first duly sworn by the Clerk of the
4 Court, testified as follows:

5 THE CLERK: State your name for the record,
6 and spell your last name.

7 THE WITNESS: Melvin Weinberg, W-e-i-n-b-e-r-g.

8 THE CLERK: You may be seated.

9 MR. PUCCIO: May I proceed, Judge?

10 THE COURT: You may.

11 DIRECT EXAMINATION

12 BY MR. PUCCIO:

13 Q Mr. Weinberg, how old are you?

14 A 55.

15 Q Have you ever been convicted of a crime, sir?

16 A Yes.

17 Q When?

18 A 1977, I think it was.

19 Q Where?

20 A Pittsburgh, Pennsylvania.

21 Q In the Federal Court?

22 A Yes.

23 Q What was the charge?

24 A Mail fraud and wire fraud.

25 Q Now, Mr. Weinberg, what was your original

Weinberg - direct

sentence in connection with that charge?

A Three years probation.

Q Prior to receiving three years probation, had you received a three-year jail term?

A Yes.

Q You didn't serve that jail term?

A No.

Q Would it be fair to say --

MR. BEN-VENISTE: I object to the question.

I will object to the leading nature of this question when Mr. Puccio finishes.

THE COURT: Proceed.

Q Did anyone intercede on your behalf with the Federal Court in Pittsburgh?

A Yes.

Q Who?

A The FBI.

Q Had you prior to the FBI intervention agreed to cooperate?

A I had.

Q Now, during the year 1978, and -- years 1978, '79, and '80, were you working with the FBI?

A I was.

Q Were you paid for your services?

1
2 A I started receiving a salary in 1978.

3 Q Was that on a monthly basis?

4 A Yes.

5 Q How much starting in '78 were you receiving?

6 A \$1,000 a month.

7 Q Was this for your activities in connection
8 with the so-called ABSCAM investigation?

9 A That is correct.

10 Q Did there come a time when you started to
11 receive additional monies per month?

12 A Yes, in 1979, in March, I started receiving
13 \$3,000 a month.

14 Q Was your monthly salary ever raised after that?

15 A In 1979, I think November, I got extra money.

16 Q In addition to this salary, did you receive
17 any expense money from the FBI?

18 A Yes. Whatever expense I laid out I got reim-
19 bursed.

20 Q Now, Mr. Weinberg, do you know the defendant
21 Angelo Errichetti, the mayor of Camden, New Jersey?

22 A Yes.

23 Q Do you see him in the courtroom?

24 A Yes.

25 Q Would you point him out, please?

1
2 MR. BROWN: No question of the identification.

3 MR. PUCCIO: Thank you, Mr. Brown.

4 Q Do you recall when for the first time you met
5 the defendant Angelo Errichetti?

6 A Around November of 1978.

7 Q Do you recall where this meeting occurred?

8 A At Abdul Enterprises on Vets Highway.

9 Q Where?

10 A Holbrook.

11 Q In Long Island?

12 A Yes.

13 Q That was the office of Abdul Enterprises?

14 A That is correct.

15 Q Did you have occasion to see Mayor Errichetti
16 after that occasion?

17 A Yes.

18 Q I direct your attention specifically to July
19 26, 1979. On that date, did you have occasion to meet with
20 Mr. Errichetti and others in a boat in Fort Lauderdale, Flor-
21 ida?

22 A That is correct.

23 Q Now, did you have occasion to speak with Mayor
24 Errichetti on the telephone later that day?

25 MR. BROWN: I object. It's leading in a

1
2 critical area, your Honor.

3 THE COURT: Rephrase the question, please.

4 Q After the meeting on the boat, did you have
5 occasion to speak with Mayor Errichetti by telephone?

6 A I did.

7 Q As best you can recall, what time of day was
8 that?

9 A Late in the evening.

10 Q Was this telephone call recorded?

11 A No, it wasn't.

12 Q As best you can recall, can you tell us what
13 you said and what Mayor Errichetti said during this conver-
14 sation?

15 A I spoke to him. He called the hotel room
16 and said the meeting went very well, they were very satis-
17 fied, and he could do something about the immigration
18 problem.

19 Q Did you have occasion to speak with Mayor
20 Errichetti approximately three days later, on the 29th of
21 July?

22 A That is correct.

23 Q Was this conversation by telephone?

24 A That is correct.

25 Q Do you recall where you were, sir, at the time

1
2 the call took place?

3 A The best of my recollection, I think I was
4 in Florida at the time.

5 Q Do you recall where Mr. Errichetti was?

6 A In his office, most likely.

7 Q Did you have occasion to record this telephone
8 conversation?

9 A Yes, I did.

10 Q What type of recording equipment did you use?

11 A I used Lanier.

12 Q Lanier, L-a-n-i-e-r?

13 A I think that is correct.

14 Q Was there any device attached to this to enable
15 you to --

16 A The thing you put over the earpiece of the
17 phone.

18 MR. PUCCIO: Your Honor, may I approach the
19 witness with three exhibits, sir?

20 THE COURT: Yes.

21 (Pause.)

22 Q First, with respect to the envelope marked as
23 Exhibit 19-B -- by the way, after you made this recording of
24 this phone call on July 29th, what did you do with the
25 cassette?

1
2 A The cassette, I would mark it and put it on
3 the side.

4 Q Ultimately, would that be turned over to anyone
5 in the FBI?

6 A Yes. He would pick it up or I would deliver
7 it to him.

8 MR. BEN-VENISTE: I object to the form of
9 the question as put in a hypothetical, what would
10 you have done with that exhibit.

11 THE COURT: Rephrase the question.

12 Q What did you do with that exhibit, do you
13 recall?

14 A I would mark the exhibit, the time, who I
15 spoke to, and where the call was made from. And I would
16 put it on the side of the telephone until I delivered them
17 to the FBI or they were picked up.

18 Q Would you look at 19-B.

19 A Yes.

20 Q Would you tell us what that is?

21 A This is an envelope.

22 Q Open it, please, and take a look.

23 A A cassette tape.

24 Q Is that a cassette tape you made ont he 29th
25 of July?

Weinberg - direct

1
2 A No. It is not.

* * *

18 Q Let me show you this tape and ask you to look
19 at the handwriting and see if it refreshes your recollection.

20 I direct your attention to this writing,
21 three lines on top.

22 (Pause while witness examines cassette.)

23 A It is my writing all right.

24 Q Does that refresh your recollection as to
25 whether or not that is a tape of a telephone call made on

1
2 July 29, 1979, between you and Mr. Errichetti?

3 MR. BEN-VENISTE: I object to the form of
4 the question. The witness did not say he could
5 not recall if that was a cassette, he said it was
6 not the cassette.

7 Therefore, his recollection does not need
8 to be refreshed.

9 THE COURT: Overruled, you may answer the
10 question.

11 A The writing is mine. There is a telephone
12 recording I made. What threw me off, the cassette ain't
13 the type I was using at the time.

14 Q Well --

15 THE COURT: What type were you using? You
16 said a Lanier machine was used --

17 THE WITNESS: Most of them were like this
18 here (indicating).

19 THE COURT: I don't --

20 THE WITNESS: Maxell tapes --

21 THE COURT: You are referring to the brand?

22 THE WITNESS: There is a possibility I ran
23 out and we got hold of this.

24 MR. BROWN: I object and ask it be stricken.

25 THE COURT: Overruled.

Weinberg - direct

Proceed, Mr. Puccio.

Q Now that you looked at it and have had an opportunity to look at it, can you tell us whether that is the cassette that you made on the 29th?

A It is my writing, it has to be the one I made one I made on the 29th.

MR. BROWN: I object and ask that it be stricken. That is not responsive to Mr. Puccio's question.

MR. PUCCIO: Overruled.

Q Recently, did you have occasion to be present when a copy was made of an excerpt of that tape?

A Yes.

Q That is with Mr. Leonard, seated to my left?

A Yes.

MR. PUCCIO: May I approach the witness?

THE COURT: Yes.

Q I direct your attention to Exhibit 19 and ask you if that is an excerpt that was made from Exhibit 19-B.

A That is an excerpt, yes.

Q Take a look at Exhibit 19-A.

A Yes.

Q Do you see it?

A Yes.

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Q What is that?

A That is the transcript from the tape.

Q Did you have occasion to listen to the tape?

A Yes.

Q That is 19. Did you have occasion to compare it with 19-A?

A Yes, I did.

Q Is that an accurate transcript of the excerpt?

A To the best of my ability it was accurate.

MR. PUCCIO: Your Honor, I offer transcript 19-A and the excerpt 19 into evidence.

MR. BROWN: My objection is based upon two grounds. First, we ask for a voir dire as to how it was made and what circumstances. Secondly, as to the offer I believe it is extracted, and we object to the extracted version.

THE COURT: I am not sure what you are saying.

MR. BROWN: We have been given a redaction, and we ask the Court to consider whether or not in fact that redaction gives a comprehension version with respect to the events and ask your Honor to permit -- out of the presence of the jury -- to consider that matter.

THE COURT: That request is denied.

1
2 You think there is more to be taken from the
3 original from which the redaction was made, the excerpt
4 was made? You may offer whatever other portions of
5 the tape you feel are pertinent here. But you may
6 have a voir dire.

7 MR. BROWN: May I voir dire as to that redac-
8 tion?

9 THE COURT: Certainly.

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11 (Continued on next page.)
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Weinberg-direct

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MR. PUCCIO: Your Honor --

THE COURT: Are there objections?

MR. DUFFY: It might be better if

Mr. Ben-Veniste voir dire first on authenticity,
et cetera.

MR. BROWN: I defer, with your permission.

THE COURT: Yes.

A JUROR: I would like the witness to
speak up.

THE COURT: Mr. Weinberg, it's necessary
that we all hear you.

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

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, let's look at Exhibit 19-B
first.

Do you see any of your handwriting on
19-B, Mr. Weinberg?

A No.

Q Now, with respect to 19-A, you say it is
your handwriting on the cassette itself, is that correct?

A That is correct.

Q Is it all your handwriting, or is there

1 someone else's?

2 A On the top it is my writing.

3 Q On the bottom?

4 A I don't know who is on the bottom.

5 Q Do you remember when you bought this cassette
6 or someone gave it to you?

7 A The government gave me those cassettes.

8 Q You think the government gave you a different
9 kind of cassette?

10 A Most of the cassettes I had was this in the
11 beginning (indicating).

12 Q I am sorry. Maybe I should ask the question
13 from back here.

14 A What threw me off was the box the cassette
15 was in.

16 Q The box is different?

17 A Yes.

18 Q But, I thought you said that you were using
19 Maxell which is a brand name?

20 A Some of the brands were Maxell.

21 Q This is called Audio Set?

22 A That is correct. Either I bought that
23 myself or a tape somebody gave me was different.

24 Q You think somebody may have given you some
25

1
2 different tapes other than Maxell?

3 A Yes.

4 Q You mean someone from the FBI or someone else?

5 A The FBI.

6 Q The FBI is the only one who provided you with
7 tapes?

8 A Provided me with the tapes plus what I bought.

9 Q At the time that you made this tape, sir,
10 you had a Lanier tape recorder and it has an earpiece that
11 fits over the telephone receiver?

12 A That is correct.

13 Q That earpiece is plugged into the Lanier
14 recorder?

15 A That is correct.

16 MR. BEN-VENISTE: Do we have one of those
17 here?

18 MR. PUCCIO: It was turned over to counsel,
19 your Honor, at their request.

20 THE COURT: Mr. Ben-Veniste, if you need --
21 if you need --

22 MR. BEN-VENISTE: I'm sorry, I'm in no man's
23 land. I'm sorry, your Honor.

24 (Pause.)

25 Q In the Lanier recorder, for the jury, maybe

1
2 we can get one at lunchtime.

3 It has a series of buttons in the front and
4 "record" is one of them?

5 A Yes.

6 Q You had to depress the record button with
7 another button to get record?

8 A There was a button the bottom.

9 Q I'm sorry?

10 A I think there is a button on the bottom that
11 you can stop it.

12 Q Record button?

13 A Record, forward, reverse, and stop.

14 Q In order to record, do you have to push one
15 button or --

16 A I think it's one button, to the best of my
17 recollection.

18 Q One only?

19 A Yes.

20 Q You used that machine for how long?

21 A About a year.

22 Q How long had you had that particular machine
23 in your possession prior to the 29th of July?

24 A I got the machine around April, March or
25 April.

- 1
- 2 Q You kept it down in Florida?
- 3 A I kept it with me.
- 4 Q When you travelled you took it with you?
- 5 A That is correct.
- 6 Q Who gave you the machine?
- 7 A I bought the machine.
- 8 Q You bought it yourself?
- 9 A That is correct.
- 10 Q Where did you buy it?
- 11 A From the Lanier people.
- 12 Q In a store or what?
- 13 A The salesmen came around. They sell it to you.
- 14 Q House to house?
- 15 A No, he came down to the yacht.
- 16 Q Someone came on the yacht and sold you a
17 tape recorder?
- 18 A Yes.
- 19 Q When was that?
- 20 A Around March or April.
- 21 Q You say the FBI didn't give you any tape
22 recorder, you bought it?
- 23 A This one I bought myself.
- 24 Q How long did you have that tape recorder?
- 25 A I still have it. You have it right now.

1
2 Q The expert has it.

3 When you say you, you know an expert is
4 looking at some of these tapes, is that correct?

5 A That is correct.

6 Q Indeed, you talked with an expert from the FBI,
7 haven't you?

8 A I spoke to the fellow from the FBI who asked
9 me something about it.

10 Q He asked you some questions concerning things
11 either on the tapes or not on the tapes?

12 MR. PUCCIO: I object to this as not proper
13 voir dire.

14 THE COURT: Confine the voir dire to the
15 two offered exhibits.

16 MR. BEN-VENISTE: Yes.

17 Q When you say the transcript was -- may I
18 approach the witness?

19 THE COURT: Yes.

20 Q The transcript which is marked as Exhibit 19-A
21 actually sets forth the excerpt, your not suggesting to the
22 Court or to the jury, are you, that it reflects the whole
23 conversation you made with Mayor Errichetti on that occasion,
24 are you?

25 A That is not the whole conversation.

1
2 Q Indeed, there is a portion missing from the
3 beginning of the conversation, isn't there, sir?

4 A You are talking about when the tape first
5 started?

6 Q When you delivered this tape, Exhibit 19-A --
7 I'm sorry, 19-B -- you don't hear the whole conversation --

8 MR. PUCCIO: Excuse me, may I interrupt?

9 Can you move over?

10 MR. BEN-VENISTE: I better move back. It's
11 dangerous here, there is a wire here, Mr. Puccio.

12 (Pause.)

13 Q When you listened to this tape recording,
14 Mr. Weinberg, you don't hear, nor does anyone else, the whole
15 conversation that you had with Mr. Errichetti on the 29th of
16 July, do you?

17 A There is about 15 seconds missing because I
18 wouldn't put the machine on until he got on the phone.

19 Q There is 15 seconds missing, you could be
20 sure of that?

21 A From the time he got on, the run in the tape
22 that is missing. From the tape -- putting the tape on
23 until the time you start recording, that is missing.

24 Q You are saying there is a lag of about 15
25 seconds from the time you push the record button and the time

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the machine starts recording?

A Yes.

Q That is what you are saying?

A Yes.

Q You are saying that is all that is missing?

A That is all.

Q Is it a fact you were given instructions to record the whole conversation?

A I was.

Q Would you place this call or did you receive it from Mr. Errichetti?

A Let me see the tape.

Q Do you recall?

A I think I placed that call.

Q You knew you were going to record it right from the very beginning of the conversation?

A That is correct.

Q It was your intention to record it when you placed the call?

A One of the problems --

Q Is that correct?

A You want to repeat the question?

Q It was your intention to record the conversation when you placed the call, is that correct?

1
2 A That is correct.

3 Q Even before you placed the call, you said:
4 I am now going to call Mayor Errichetti and I am going to
5 tape him?

6 A I don't know if I said that to myself.

7 Q You thought it to yourself, there was no FBI
8 agent present at the time you made this?

9 A No, there was no FBI agent present.

10 Q You were under instructions at this time to
11 record the entire conversation of any tape recording that
12 you made, is that correct?

13 MR. PUCCIO: That has been asked and
14 answered.

15 THE COURT: Sustained.

16 Q You were told also that you were to put one
17 cassette -- strike that.

18 You were instructed to put one conversation
19 per cassette; do you understand what I am asking?

20 A That is correct, I understand.

21 Q You were to take a separate cassette, put it
22 in the machine every time you wanted to record a
23 conversation, is that correct?

24 A That is correct.

25 Q After you recorded the conversation, you were

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to remove that cassette, right, and put it aside?

A That is correct.

Q May I approach the witness, your Honor?

THE COURT: Yes.

Q Showing you again Exhibit 19-A, it's true, is it not, that that cassette runs for 90 minutes?

A That is correct.

Q Per side?

A No, I think it is for both sides.

Q 45 minutes for each side?

A Yes.

Q You knew when you made the recording you would have plenty of tape to record the whole telephone conversation, is that correct?

A That is correct.

Q But you did not press the record button on the tape recorder, you say, until Mayor Errichetti actually got on the phone, is that correct?

A That is correct.

Q You also say that you knew prior to that day that when there was some kind of a lag you say between the time you pressed the recording button and the time you would actually start recording something, 15 seconds I think you said?

1
2 A That is about the time, 15 seconds lapse in
3 between.

4 If you take the minutes, you find that is all
5 that is missing.

6 MR. BEN-VENISTE: I think we may do that.

7 Q With respect to when you turned over this
8 tape to anybody at the FBI, do you recall seeing anyone from
9 the FBI at around this time, the 29th?

10 A I don't remember.

11 I can't remember that.

12 MR. BEN-VENISTE: May I have a moment, your
13 Honor?

14 THE COURT: Yes.

15 (Pause.)

16 MR. DUFFY: May we have a moment, your Honor?

17 THE COURT: Yes.

18 (Pause while counsel confer.)

19 MR. BEN-VENISTE: I would like to see 1234
20 and 1235 if I may? 1214. 3500-1214.

21 MR. PUCCIO: The numbers don't go that high.

22 MR. BEN-VENISTE: Number 90.

23 MR. PUCCIO: Judge, I request we deal with
24 one at a time.

25 MR. GOOD: We don't have the originals

1
2 available, they are in the safe.

3 MR. BEN-VENISTE: Your Honor, may we approach
4 side bar?

5 THE COURT: Side bar.

6
7 (Continued on next page.)

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2 MR. BEN-VENISTE: What warranted it to be
3 sealed?

4 MR. PUCCIO: I --

5 MR. BROWN: I don't think counsel asked
6 for it at that time, I have no objection.

7 MR. PUCCIO: I have no objection.

8 MR. CACHERIS: I have no objection.

9 MR. BEN-VENISTE: There may be information
10 relevant to --

11 MR. BROWN: We ask it be restricted
12 to counsel though.

13 THE COURT: I will say that.

14 MR. PUCCIO: He may sit here for another
15 hour.

16 THE COURT: Let's proceed.

17 (The following takes place in open court.)

18 MR. BEN-VENISTE: Would your Honor give
19 that advice to the jury that we requested?

20 THE COURT: Yes.

21 Ladies and gentlemen, I explained to you
22 essentially what a voir dire is. It's kind of a
23 preliminary cross examination focusing on an item
24 before it is admitted.

25 Sometimes it happens that that kind of an

1
2 inquiry just by its nature gets wrapped up with other
3 things that can be corresponded to a full cross
4 examination.

5 After discussing the matter with counsel, we
6 have agreed that with this particular problem, there
7 are a number of questions that apparently defense
8 counsel wish to explore about the original cassette,
9 Exhibit 19-B, and the excerpt, Exhibit 19, and it
10 may require protracted cross examination and counsel
11 have agreed they will defer that aspect of the voir
12 dire until the cross examination.

13 You are not to assume from the fact that they
14 are not going into at this point that they are not
15 going to raise those questions later.

16 So we are going to proceed. I think
17 Mr. Ben-Veniste has a few more questions on the voir
18 dire and then we will proceed with the direct
19 examination.

20 But we will get back to the question at a
21 later time, perhaps on the authenticity of Exhibits
22 19 and 19-B.

23 All right, Mr. Ben-Veniste.

24 MR. BEN-VENISTE: Thank you, your Honor.
25

1
2 VOIR DIRE EXAMINATION BY

3 MR. BEN-VENISTE: (Continuing)

4 Q Do you remember when you turned this cassette
5 over to an FBI agent or showed it for the first time?

6 A No, I don't remember.

7 Q Do you remember the circumstances in July of
8 1979 after you had this meeting on the boat?

9 A I don't follow.

10 Q You were with Mr. DeVito on the boat, is that
11 correct?

12 A Yes.

13 Q They left, did they?

14 A What do you mean? Left the boat?

15 Q Florida, and you stayed?

16 A Mr. DeVito was in Florida.

17 Q When did you see Mr. DeVito for the next time
18 after the boat?

19 A Most likely when we went back up north again.

20 Q When was that?

21 A I have to look up -- I don't know where I was
22 then.

23 Q The next time you travelled from Florida you
24 went with Mr. DeVito?

25 A I met him up north. I met him up north.

1
2 Q When did you see him for the next time in
3 Florida?

4 A I don't remember when.

5 Q You have no recollection?

6 A No.

7 Q Okay.

8 Is it fair to say, Mr. Weinberg, it's your
9 testimony to this jury that you tried, you tried to get the
10 whole conversation on the tape?

11 A I tried to get the whole conversation on the
12 tape.

13 MR. BEN-VENISTE: Nothing further at this
14 time, your Honor.

15 THE COURT: All right.

16 MR. PUCCIO: May the exhibits that were
17 offered be received and played to the jury?

18 THE COURT: 19 and 19-A are received in
19 evidence.

20 MR. PUCCIO: I am referring to 19-B.

21 MR. BEN-VENISTE: We have our objections
22 with respect to reliability and authenticity?

23 THE COURT: Yes. They are of course subject
24 to motions to strike.

25 MR. BEN-VENISTE: Thank you.

1
2 MR. PUCCIO: May we circulate Exhibit 19-A
3 to the jury and the Court?

4 THE COURT: Yes.

* * *

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(Tape played.)

Date: July 29, 1979 Ex. 19A'p. 1'
Time: 12:13 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida)
to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

MW: Beautiful, what's his name?
AE: Myers
MW: Myers?
AE: Congressman Myers
MW: Beautiful
AE: He's from Philadelphia.
MW: Alright. When we meet up there, we'll go the . . .
over that, alright?
AE: Well, there's a couple of other ones, too.
MW: Who else?
AE: Well, there's . . . there's a possibility . . . I .
chatted with him just briefly on it and I have to
meet with, you know, personally
MW: Who's that?
AE: Congressman Lederer
MW: Congressman Lederer?
AE: Lederer . . . L-E-D-E-R . . . let's see L-E-D-R . .
Lederer
MW: Alrighty
AE: He's also from . . . ah . . . Pennsylvania
MW: O.K.

AE: There's a possibility, like, there might be two from Florida.

MW: Yeah, which ones are them?

AE: Ah, they're checking them out.

MW: Oh

AE: They . . . they're checking them out for me (laughs)

MW: O.K. Beautiful.

AE: Now, ah, I've also has the potential for the Department of Naturalization . . . one of the officials.

MW: Alright

AE: For the green card.

MW: Right

AE: And he said . . . an . . . I said to him what about . . . ah . . . guaranteeing this . . . my, my friend the shiek . . . (IA) . . . needs one.

MW: Right

AE: O.K.

MW: Beautiful

AE: There can be two things there.

MW: O.K.

AE: Alright

* * *

~~AE: When you coming up?~~

MW: Well, we'll be up, if you get us by set by, say sixth, we'll come up that weekend, next weekend.

AE: For . . . ah . . . a couple of those things.

MW: Yeah, and we'll take care of everything at one time. We'll be up there for a couple of weeks then

AE: O.K. How many can you handle?

MW: As many as you can give me.

AE: O.K.

MW: Alright.

AE: Right

MW: As many as you can give me, I can handle.

AE: O.K.

MW: Cause that's number one priority with him.

AE: Well

MW: Specially after they came out with that Samoza thing.

AE: Well. There's a couple of Congressmen, I think we can work these things . . . at least, ah . . . may . . . could be five or six of them.

MW: Beautiful

AE: Alright?

* * *

MW: Alright. Now, you know what I meant to ask you something else I forgot . . . I wanted to ask you, it's no lie. I forgot what the hell it was now. Ah . . . oh, alright, you see if you get 'em set up for that date, alright. Around the sixth or seventh.

AE: I'll try to get everything set up.

MW: And then that means we'll come up.

AE: (IA) Well do everything.

MW: And we'll come up next weekend, maybe we'll come down and stay down in Atlantic City, me and Tony, and go over everything.

AE: Alright.

* * *

7 DIRECT EXAMINATION

8 BY MR. PUCCIO: (Continuing)

9 Q Mr. Weinberg, on the very next day, did you
10 have another telephone conversation with Mayor Errichetti?

11 A That is correct.

12 MR. PUCCIO: May I approach the witness, your
13 Honor?

14 THE COURT: Yes.

15 (Pause.)

16 Q Was this conversation, July 30th, 1979,
17 recorded by you?

18 A That is correct.

19 Q What means did you use to record the telephone
20 conversation?

21 A Lanier tape recorder.

22 Q I direct your attention to Government's
23 Exhibits 20, 20-A and 20-B. First with respect to an
24 envelope which is marked 20-B.

25 A That is correct.

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Q Will you open that up, please?

A Yes.

Q Will you examine that cassette, please?

A Yes.

Q Have you examined it?

A Yes.

Q Is that the cassette that you made of that conversation?

A That is the cassette I made of the conversation.

Q It bears your handwriting?

A Yes.

Q With respect to Exhibit 20, will you find that, please?

A Yes.

Q Do you recognize that?

A Yes, that is the one made part of the conversation.

Q That is the one you made with Mr. Leonard recently?

A Yes.

Q It only contains a portion of the overall conversation?

A Yes.

1 Q Will you look at the book in front of you.

2 A Yes.

3 Q The Exhibit under tab 20-A. Will you tell
4 us what that is?

5 A Transcript of the conversation.

6 Q Did you compare this transcript with the
7 excerpt, which is Exhibit 20?

8 A Yes.

9 Q To the best of your ability is it an accurate
10 transcript?

11 A Yes.

12 MR. PUCCIO: Your Honor, I offer Exhibit 20,
13 the excerpt of the conversation and the transcript,
14 Exhibit 20-A, into evidence.

15 MR. BROWN: Continuing objection subject to
16 the other ruling, your Honor.
17

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4 THE COURT: Mr. Ben-Veniste, you may proceed
5 if you want a voir dire.

6 MR. BEN-VENISTE: Yes, sir.

7 VOIR DIRE EXAMINATION

8 BY MR. BEN-VENISTE:

9 Q I show you Exhibit 20-B, Mr. Weinberg.

10 Is that all your handwriting on there?

11 A That is correct.

12 Q Look at the other side too.

13 A Yes. That is my handwriting.

14 Q On that one, there is no indication of when
15 you turned it over to an FBI agent as there was before?

16 A I don't follow.

17 Q There is no FBI little writing to show that
18 he received it, is that what you are saying?

19 A Right.

20 Q Do you happen to remember when you gave this
21 to the FBI?

22 A No, I don't remember.

23 THE COURT: Mr. Ben-Veniste, your questions
24 that you put to the witness relate to the cassette
25 itself?

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2 MR. BEN-VENISTE: To the original, yes.

3 THE COURT: 20-B I think is the envelope and
4 the cassette.

5 MR. BEN-VENISTE: Yes.

6 THE COURT: I assume there is writing on the
7 envelope not in the witness' handwriting?

8 MR. BEN-VENISTE: Yes. I was directing
9 myself to what appears on the cassette itself.

10 THE COURT: I am sure everyone in the court-
11 room understood but the record might not have been
12 crystal clear.

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14 (Continued on next page.)
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Weinberg-voir dire

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2 Q May I ask you, Mr. Weinberg, whether you
3 participated in all these -- the marking of the actual
4 transcripts, that is the writing out of what was said on
5 the tape?

6 A I did not write it out. I did check it
7 after it was typed up that it was correct.

8 Q Did you work with some FBI agents in doing
9 this?

10 A Yes, I worked with other agents.

11 Q Agent Amoroso?

12 A A few of them, I don't remember who I was
13 working with.

14 Q Mr. Puccio -- did you go over it with Mr.
15 Puccio?

16 A Mr. Puccio?

17 Q Yes.

18 A No. Not offhand.

19 Q Just another FBI agent?

20 A Right.

21 Q Do you know who actually made up the draft
22 transcripts?

23 A No.

24 Q But they were presented to you in draft and
25 you made some changes on them and they got typed up?

Weinberg-voir dire

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2 A No, they were corrected by other agents and
3 I listened to them.

4 Q If you had a correction you would tell them?

5 A Yes.

6 Q That got incorporated?

7 A What is that?

8 Q That would get incorporated into the final
9 version?

10 A That's correct.

11 MR. BEN-VENISTE: Nothing further at this
12 time, your Honor.

13 THE COURT: All right. 20 and 20-A are
14 received in evidence, as previously indicated.

15 Ready to proceed, Mr. Puccio?

16 MR. PUCCIO: Yes.

17 THE COURT: You may play the tape.

18 (Tape played.)

Date: July 30, 1979
Time: 4:25 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

AE: How's by you
MW: Okay
AE: I've got Mr. Criden sitting here
MW: Oh, yeah [like he -- see page 1951, infra]
AE: Howard just came in to say hello and Mike says have you heard from Mel and I say "Ain't that a bitch" (IA) on the phone with Mel (laughs)

* * *

AE: Alright, now, one more thing.
MW: Go ahead, right.
AE: When shall I schedule those people that we talked about?
MW: Ah schedule that . . . ah . . . that week . . . ah . . . the following week, alright?
AE: (IA) week
MW: Yeah, can, give me a week's time to raise, you know, to get the cash out
AE: (IA)
MW: Alright?

AE: Where, where you want to meet him, in New York?

MW: Ah . . . I'll have to let you know. Maybe we'll meet him in the office or what. We gotta take one at a shot.

AE: I understand

MW: Alrighty?

AE: Alright.

* * *

AE: (IA). You'll be up here after I call up, either seventh or eighth

MW: Oh . . . I'll be up on the sixth

AE: Okay

MW: I'll probably come up Sunday night

AE: Alright

MW: Alright

AE: Okay, bubby

MW: And you schedule the meetings between the sixth and seventh. Fact, we may even come down to Cherry Hill and stay there a couple of days so we can be close by and go over everything with you

AE: So you don't want any people there in Cherry Hill?

MW: Ah . . . no

AE: Gotta be in New York

~~MW:~~ Well, yeah, be preferable in New York there. But, you know, I don't want to walk around with all that cash

AE: I understand

MW: You know what I mean?

AE: Alright

MW: And . . . ah . . . well, there was something else I wanted to tell you. And . . . ya . . . you find about the guys in Florida?

AE: What guys?

MW: The two s . . . Congressmen

AE: Well, I don't have their names, but they're they're available

MW: Ah . . . alright . . . you get me their names?

AE: They're being worked on, yeah

MW: Okay

AE: Okay

MW: Okis doke, babe

AE: Alright, bubby

MW: Take care

AE: I'll talk to you

MW: Bye bye.

(End of Conversation)

19 DIRECT EXAMINATION

20 BY MR. PUCCIO (Continuing):

21 Q Mr. Weinberg, did you speak with Mayor
22 Errichetti on the next day, July 31, 1979?

23 A That is correct.

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

25 THE COURT: Yes.

Weinberg-direct

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(Pause.)

Q Was this a telephone conversation?

A That is correct.

Q Did you have occasion to record this conversation in the same manner?

A Yes, I did.

Q I show you, you have in front of you Exhibit 21-B. Will you examine that, please?

A Yes.

Q Would you tell us what that is?

A A cassette that I made a recording of from Florida to Mayor Errichetti's office.

Q On what day?

A July 31, 1979.

Q Now, will you examine Exhibit 21, please?

A Yes.

Q Can you identify that?

A A cassette that was made as part of the conversation.

Q Turn to tab 21-A in the book in front of you and tell us what that is.

A A transcript of the conversation put on the cassette.

Q Put on 21?

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A Exhibit 21.

Q Which is the excerpt?

A Yes.

Q Is that transcript an accurate transcript
of what was on the excerpted cassette?

A To the best of my ability it was correct.

MR. PUCCIO: Judge, I offer 21-A and 21 in
evidence at this time.

THE COURT: The same objection, I assume.
The same ruling.

Do you have a voir dire, Mr. Ben-Veniste?

Weinberg-direct

* * *

8 VOIR DIRE EXAMINATION

9 BY MR. BEN-VENISTE:

10 Q Mr. Weinberg, have you reviewed both of the
11 conversations you had with Mayor Errichetti on the 31st?

12 A I read both transcripts.

13 Q Did you listen to the tape also?

14 A I think I did.

15 Q Mr. Puccio asked you a moment ago if you
16 listened to the tapes and compared the transcripts and
17 you seemed certain that you had.18 A You're asking me about other transcripts,
19 both of them.

20 Q Did you?

21 A I assume I listened to the other one.

22 Q One of the conversations doesn't start at
23 the very beginning, is that correct?24 A It is the same thing, I put it on when he
25 got on the phone.

1
2 Q The same explanation? There was a lag between
3 the time you pushed the button of some 15 seconds?

4 A That is correct.

5 Q Do you recall having testified on some other
6 occasion it was 30 seconds?

7 A I may have said 30.

8 Q On one of the conversations on the 31st, there
9 is a gap in the tape, is there not, a time when you stop
10 recording and the machine starts up?

11 A The machine fell off the table.

12 Q You remember that happened that day?

13 A Yes.

14 Q By explanation, you mean to tell this jury
15 when it fell off the table it starts recording by reason
16 of the fact it fell off the table?

17 A That is what your expert said.

18 Q I don't think you really know what our ex-
19 pert said unless you talked to him.

20 A I haven't spoken to him. I heard that.

21 Q The jury will have an opportunity to listen.

22 I am asking you, what you're telling the
23 jury, on that day when your tape recorder fell on the
24 floor, that stopped it from recording?

25 A For about two seconds.

1
2 Q Two seconds?

3 A Yes.

4 Q In other words, on that day, when it stopped
5 for two seconds, you didn't push the record down again,
6 is that what you're saying? It just got bumped but didn't
7 stop?

8 A I didn't say that.

9 Q You tell the jury what you understand happened
10 on the 31st when the machine fell off the table?

11 A The recorder fell off the table. I picked it
12 up and put it back on.

13 Q You picked the recorder up and put the re-
14 corder back on the table?

15 A No, I put it back that it was working.

16 Q Does that mean that you pushed the record
17 button in because it popped out?

18 A You don't have to put it in, you push it up
19 to record.

20 Q I am not sure I understand you, sir.

21 There is a button you push --

22 A You don't have to push the button.

23 Q You are saying you had to press some kind of
24 button in the machine after it dropped to get it to work?

25 A If you put the switch back on to record.

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2 Q You're saying on that day, after the machine
3 fell on the floor, you picked it up and you flipped some
4 kind of a switch to get it back to record; is that correct?

5 A That is correct.

6 Q Okay. The portion, so that the jury knows
7 where this happened, is not part of what is being presented
8 at this time?

9 A I don't know, I haven't read it.

10 Q I thought you had.

11 A I don't remember from yesterday to today on
12 it.

13 Q Okay. Go ahead. Take a look at it and tell
14 the jury if that portion is going to be played to them at
15 this time.

16 A I don't think it is in there.

17 Q I say it is not but --

18 MR. PUCCIO: Judge, I object. The entire
19 tape is here and marked. It will be offered. It
20 could be offered by either side.

21 THE COURT: Mr. Ben-Veniste was trying to
22 focus on the incident of the tape recorder falling
23 on the floor, and that did not occur during the
24 period we have covered by Exhibit 21 and Exhibit
25 21-A.

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MR. BEN-VENISTE: Yes.

THE COURT: I don't think there is a dispute on that, is there?

MR. PUCCIO: No.

THE COURT: 21 and 21-A received in evidence.
(Exhibits 21 and 21-A received in evidence.)

THE COURT: You may play it to the jury and give them the transcripts.

* * *

Date: July 31, 1979
Time: 5:00 P.M. (Approximate)
Place: Telephone call from Mel Weinberg (Florida) to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)
INAUDIBLE (IA)

MW: What else is doin'?

AE: Uh, the same old shit.

MW: Same old shit.

AE: I got those guys, I'm gettin' those guys lined up.

MW: Right.

AE: I got one of 'em definitely.

* * *

AE: All those things are ready for that for

MW: Everything is ready. No problem.

AE: Everything's ready?

MW: Everything is ready.

AE: Okay. Because I'm reaching out, this guy's reaching out for me. Okay, that's my man?

MW: Yeah.

AE: And he, he's talking to this other guys and he hopes to have two from Florida, one from Georgia, and maybe one from California.

MW: Besides the two from Pennsylvania?
AE: Yeh.
MW: Good. Now what price we using?
AE: One.
MW: One? You think we should cut it down to fifty?
AE: No.
MW: Huh?
AE: They're getting five zero (IA)
MW: Okay.
AE: That there's a, I thought I was explaining to them what the deal was. How it was gonna be done. And they said fine.
MW: All right. I'll take care of that, too.
AE: Okay?
MW: Okay, and I'll get back to you in the half hour. Okie doke.
AE: All right bubby.
MW: Bye bye
AE: I'll talk to you.
(End of Conversation)

* * *

10 THE COURT: Go ahead, Mr. Ben-Veniste.

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

12 If the Court please, I would like to take a
13 moment and ask another question. I think I misspoke
14 myself addressing myself to the wrong transcript
15 on the question of a gap.

16 THE COURT: You want to clear that up?

17 MR. BEN-VENISTE: Yes. I take responsibility
18 for not being more precise.

19 THE COURT: All right, I will let you do it.

20 VOIR DIRE EXAMINATION

21 BY MR. BEN-VENISTE (Continuing):

22 Q Look at page two of the transcript, Mr.
23 Weinberg, July 31, 1979, 5:00 o'clock p.m.

24 A Yes.

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

Weinberg-voir dire

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2 for this purpose?

3 THE COURT: Yes.

4 Q Look at the portion where Mr. Errichetti's
5 initials appear. "They're getting five-zero."

6 Do you see that, sir?

7 A I don't see it.

8 (Pause.)

9 A I see it.

10 Q Did you listen to that and hear an interrup-
11 tion in the recording? Is that where the tape recorder
12 fell?

13 A I don't remember. I know there is an inter-
14 ruption of recording.

15 Q You listened to it and then -- may I ask the
16 question after the witness listens to the recorder?

17 THE COURT: You want to know after he hears
18 it what happened at that point when the tape
19 recorder fell on the floor?

20 MR. BEN-VENISTE: Yes.

21 THE COURT: Will you keep that in mind?

22 THE WITNESS: Yes, your Honor.

23 MR. PUCCIO: May we play it, Judge?

24 THE COURT: Play it.

25 (Tape played.)

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

3 THE COURT: To keep orderly procedure, let
4 me ask a question.

5 Mr. Weinberg, did you listen to that portion
6 of the tape carefully as indicated in the transcript,
7 "They are giving five-zero"?

8 THE WITNESS: That's where it fell, your
9 Honor.

10 THE COURT: Having heard that, that is what
11 you recall?

12 THE WITNESS: That is correct, your Honor.

13 THE COURT: You may proceed.

14 DIRECT EXAMINATION

15 BY MR. PUCCIO (Continuing):

16 Q On the second page of that transcript, you
17 say, "Good. What price we using?" And Mr. Errichetti
18 says, "One."

19 You say, "One? You think we should cut it
20 down to 50?"

21 I ask you what you took one to refer to?

22 A \$100,000.

23 Q 50 is --

24 A \$50,000.

25 Q Later on the same day, did you have another

1 Weinberg- direct
2 conversation with the Mayor of Danden?

3 A That is correct.
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1 Weinberg-direct

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

3 THE COURT: Yes.

4 Q That was a telephone conversation that was
5 recorded by you?

6 A Yes.

7 Q In the same manner?

8 A Same manner.

9 Q I show you Exhibits 22-B, 20 and 22 and I
10 ask you to refer to the book in front of you.

11 A Yes.

12 Q With respect to 22-B, will you examine it,
13 please?

14 A This is a recording I made.

15 Q 22, will you examine that, please?

16 A Yes.

17 This is a trial copy that was made.

18 Q The excerpt?

19 A Yes.

20 Q 22-A?

21 A 22-A is a transcript made from this here
22 recording (indicating).

23 Q You checked that over for accuracy?

24 A Yes.

25 Q The transcript is correct to the best of your

1
2 ability?

3 A Yes.

4 MR. PUCCIO: We offer 22 and 22-A into
5 evidence at this time.

6 THE COURT: Same objections?

7 MR. BEN-VENISTE: May I just see the
8 originals, your Honor?

9 THE COURT: Yes.

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

11 THE COURT: All right.

12 The same ruling as with respect to the three
13 preceding tapes.

14 VOIR DIRE EXAMINATION

15 BY MR. BEN-VENISTE:

16 Q Do you know whether this conversation is one
17 that began -- that you began to record at the beginning of
18 the conversation?

19 A I recorded the same way. I put it on when
20 he got on.

21 Q Tell the jury, because this is an excerpt
22 they are looking at, the very beginning, was it on tape,?
23 does that reflect the whole conversation or --

24 A To the best of my knowledge, I think you are
25 missing a portion.

1
2 Q A portion is missing?

3 A That is correct.

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

5 THE COURT: All right. You may distribute
6 22-A to the jury and play 22.

7 Anyone who does not have a transcript?

8 One, Juror No. 10.

9 (Pause.)

10 THE COURT: All right, you may play Exhibit 22
11 to the jury.

12 (Tape played.)

Date: July 31, 1979
Time: 6:00 P.M.
Place: Telephone call from Mel Weinberg (Florida) to
Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICETTI (AE)
INAUDIBLE (IA)

* * *

MW: Yeah. Now one other thing, you got to get me those names of those Congressmen.

AE: Okay, I'll have the names for you.

MW: Okay?

AE: Alright.

MW: Get me all the names and we'll get that and then Monday we'll a . . . in fact we can go right from there probably down to Cherry Hill.

AE: To meet who?

MW: Well, we'll have a meeting with the lawyers down there.

AE: You want to see the guy there? In Cherry Hill?

MW: Well, how far is Philly from there?

AE: Fifteen minutes.

MW: So, we might as well take Cherry Hill and stay there.

AE: And have, and have him come there?

MW: Yeah.

AE: Instead of going to New York?

MW: Well, if you want him to come to New York, he can come to New York.

AE: No, it's better in Cherry Hill.

MW: And this way we can look at the site and everything.
And then we can shoot down to Atlantic and look at
the site.

AE: Do anything you want bubby.

MW: Alrighty?

AE: I would make it for Tuesday though.

MW: Alright.

AE: Cause Monday, the Senate's (IA) got me all screwed
up in the Senate.

MW: Okay.

AE: Shall I tell that guy to be there, to be there
Tuesday.

MW: Tell him to be at Cherry Hill Tuesday.

AE: Okay, you'll have the, you'll have, you'll have the
stuff for him?

MW: When you say, what stuff?

AE: The suitcase

MW: No, no you're misunderstanding me now.

AE: I thought you meant that there was Congressmen you
wanted there.

MW: No, let me get the, I got . . . I need some t . . .
Na. I need some time.

AE: Okay.

MW: The fellows . . .

~~AE: --~~ -- Who do you want to see, who do you want to see
Tuesday?

MW: The fellows who were down on the yacht.

AE: You mean Miler and that bunch?

MW: Yeah.

AE: Oh, positively. I'll set it up.

* * *

DIRECT EXAMINATION

13 BY MR. PUCCIO: (Continuing)

14 Q Now, Mr. Weinberg, on August 5th, 1979, did
15 you attend a meeting at Kennedy Airport with Mr. Amoroso,
16 Mayor Errichetti?

17 A Yes.

18 Q On the 6th, 7th, 8th of August, 1979, did you
19 attend meetings at Cherry Hill, New Jersey?

20 A That is correct.

21 Q With respect to --

22 MR. BEN-VENISTE: May we have who was present?

23 Q Do you recall who was present at the meeting
24 in Cherry Hill on the 6th first?
25

1 Weinberg-direct

2 A On the 6th I think Meiler was there, I think
3 Egnie Haridopolos was there, and I think Criden was there.

4 Q Mr. Weinberg, do you recall if there was a
5 meeting with Mr. Criden and Mr. Meiler and Mr. Errichetti
6 on the 7th?

7 MR. BEN-VENISTE: I object to the leading,
8 your Honor.

9 THE COURT: Overruled.

10 A I remember that we had a meeting between the
11 5th, 6th, and 7th down there. Who was at the exact
12 meeting of the 5th, I would have to see the transcript.

13 MR. PUCCIO: May I approach the witness?

14 THE COURT: Yes.

15 Q First, with respect to the 6th, will you
16 examine the document which I just gave you?

17 A Yes.

18 Q Does that refresh your recollection who you
19 met with on the 6th?

20 A Yes.

21 Q Who did you meet?

22 A Errichetti and Tony DeVito.

23 Q With respect to the 7th?

24 A Mr. Criden, I was there, Angelo Errichetti,
25 and Tony DeVito.

1
2 Q On the next day, the 8th of August, do you
3 recall who was at the meeting in Cherry Hill?

4 MR. BROWN: I assume these are transcripts
5 that were introduced?

6 MR. PUCCIO: Yes.

7 MR. BROWN: He is showing him --

8 THE COURT: Yes.

9 A I was there, Errichetti, and DeVito.

10 Q Now, may I approach the witness?

11 THE COURT: Yes.

12 Q With respect to August 22, 1979, were you at
13 the Travel Lodge International Hotel on that day?

14 A That is correct.

15 Q Mr. Weinberg, did you meet with Congressman
16 Myers on that day?

17 A Yes.

18 Q With Mayor Errichetti?

19 A Mayor Errichetti was there.

20 Q Was Mr. Amoroso present?

21 A Yes.

22 Q Do you recall -- where do you recall this
23 meeting taking place at the International Travel Lodge?

24 A A place in a suite of rooms we had upstairs.

25 Q Prior to this meeting taking place on the

1
2 22nd, did you have occasion to speak with Mayor Errichetti?

3 A Yes, I was told to go downstairs and tell the
4 Mayor --

5 MR. DUFFY: Objection to that.

6 Q Tell us what you did? You spoke to the
7 Mayor prior to the meeting?

8 A Yes.

9 Q How long prior to the meeting did you speak
10 with him?

11 A Ten or fifteen minutes.

12 Q Tell us what you did?

13 A I went downstairs and spoke to the Mayor and
14 told him we were only giving him \$50,000 instead of \$100,000.

15 Q How long did that conversation take?

16 A Approximately ten minutes.

17 Q Prior to this day, had you ever met or
18 spoken with Congressman Michael Myers?

19 A I never met him before or spoke to him.

20 Q Since August 22nd, 1979, did you ever speak
21 or meet with Congressman Myers?

22 A I never met him after that meeting.

* * *

* * *

9 (The jury thereupon returned to the Courtroom
10 at 3:17 o'clock P.M.)

11 M E L W E I N B E R G, called as a witness,
12 having previously been duly sworn, resumed
13 the stand and testified further as follows:

14 THE COURT: All right, we are still on the
15 examination of Mr. Weinberg.

16 Proceed, Mr. Puccio.

17 DIRECT EXAMINATION

18 BY MR. PUCCIO: (Continued)

19 Q Mr. Weinberg, did you ever have a conversation
20 with Mayor Errichetti concerning someone called the Chief
21 Investigator?

22 A Yes, I did.

23 Q And as best you can recall, what was said by
24 you and what was said by Mr. Errichetti concerning this
25 gentleman?

Weinberg-direct-Puccio

1
2 A He said he had a friend who was a Chief
3 Investigator in the Department there and that he could
4 get us a green card for the Arabs.

5 Q And was this person supposedly in the
6 Immigration Service?

7 A Yes, that is correct.

8 Q Was there any mention of any money in
9 connection with this matter?

10 MR. BROWN: I object, your Honor. It is
11 leading. Can we have the conversation?

12 THE COURT: Sustained as to form.

13 Q All right.

14 As best you can recall tell us what the
15 conversation was?

16 A The conversation was that \$50,000 was to be
17 given to this Chief Investigator who was going to send his
18 boss in, the second in charge, and they were going to
19 split 25 each, or whatever it was.

20 Q And what was the boss of the Chief Investigator
21 called? Do you remember?

22 A Mr. Noto.

23 Q Now, who did you first hear that name from?

24 A Mr. Errichetti.

25 Q And did he say Noto, N-o-t-o, or something else?

Weinberg-direct-Puccio

1
2 A Noto or Nopo. The name wasn't pronounced
3 right.

4 Q Do you remember which way it was pronounced
5 by Mr. Errichetti?

6 A Not offhand.

7 Q Did you ever hear the name Nopo?

8 A Nopo, yes.

9 Q Did Mayor Errichetti ever call this gentleman
10 Mr. Nopo?

11 A Yes, that is correct.

12 Q Now, did you attend a meeting in Washington,
13 D.C. at the Town House on the 19th of September, 1979?

14 A That is correct.

15 Q And who was at that meeting, do you recall?

16 A Mr. Noto was there, Errichetti was there,
17 Mr. DeVito was there and I was there.

18 Q And prior to that meeting had you seen any-
19 thing?

20 A Yes, I had seen a picture of Mr. Noto.

21 Q And when you say this individual at the
22 meeting on the 19th --

23 MR. BEN-VENISTE: Can we fix a time, your
24 Honor.

25 Q When did you see the picture, Mr. Weinberg?

1
2 A The day before the meeting.

3 Q By the way, prior to the meeting had you
4 ever seen photographs before?

5 A Yes. Everytime a Congressman would come in
6 we would see a picture of him.

7 Q Before the meeting?

8 A Before the meeting.

9 Q Would it be fair to say then that your seeing
10 this picture of Mr. Noto --

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

12 THE COURT: Sustained.

13 Q Now, when you saw this gentleman on the 19th,
14 was it the same gentleman that you had seen in the picture?

15 A No, it wasn't.

16 Q Do you recall anything that was different?

17 A Well, he as much younger than the picture.

18 Q Now, after this meeting with Mr. Errichetti
19 and yourself and Mr. Amoroso, and this gentleman who called
20 himself Noto or whatever, was there another meeting that
21 same day?

22 A Yes. Right after Mr. Noto left we sat down,
23 Mr. Errichetti, myself and DeVito, and we spoke.

24 Q And as best you can recall, what was said
25 by you and what was said by DeVito, and what was said by

Weinberg-direct-Puccio

1
2 Errichetti?

3 A Well, we asked him, you know, if the FBI
4 was involved in this; did he say anything out of the way
5 that we could get into trouble --

6 MR. BEN-VENISTE: I object, your Honor.
7 There is a tape recording of this. I think the
8 best evidence is that and not this witness'
9 characterization.

10 MR. PUCCIO: Judge, I have no objection.

11 I offer the tape into evidence.

12 THE COURT: What Exhibit is this?

13 MR. PUCCIO: Your Honor, the original has
14 been marked as 23B.

15 We have a redacted trial copy which is marked
16 as 23.

17 And we have a transcript which I would like
18 the witness to authenticate which is marked as 23A.

19 I also have Agent Birch in the Courtroom
20 who made the tape if necessary.

21 If there is an objection, I will ask to
22 excuse Mr. Weinberg and call Agent Birch to the
23 stand.

24 THE COURT: It may not be necessary. Let us
25 see if the witness can identify the documents. Perhaps

1
2 there won't be any question.

3 BY MR. PUCCIO:

4 Q Mr. Weinberg, will you look at Exhibit 23A
5 that has been put in front of you, please?

6 A Yes.

7 Q Do you recognize that Exhibit?

8 A Yes. It is a transcript of the tape.

9 Q Is that the tape of the meeting that you had
10 with Mr. Errichetti and Mr. DeVito after the gentleman
11 called Noto or Nopo left?

12 A That is correct.

13 Q And is that as accurate as you were able to
14 get it?

15 A Yes, that is correct.

16 MR. BEN-VENISTE: Just one or two questions.

17 THE COURT: You are offerring 23 and 23A in
18 evidence?

19 MR. PUCCIO: That is correct.

20 THE COURT: All right. Voir Dire.

21 VOIR DIRE EXAMINATION

22 BY MR. BEN-VENISTE:

23 Q Mr. Weinberg, of course you didn't operate
24 the video equipment, did you?

25 A No, I did not.

Weinberg-Voir Dire-Weinberg

1
2 Q You had no control over that except to come
3 in or out of the camera range?

4 A That is correct.

5 Q But you knew that you were being video
6 taped and you knew that the FBI was going to have immediate
7 control of the video taped material?

8 A That is correct.

9 Q In other words, it was not going to come
10 into your control at all as far as you were concerned?

11 A That is correct.

12 MR. BEN-VENISTE: We have no objection.

13 THE COURT: All right.

14 MR. PUCCIO: May we distribute 23A and play

15 23?

16 THE COURT: Yes.

17 (Articles referred to were received and
18 marked Government's Exhibits 23 and 23A in evidence.)

19 THE COURT: All right.

20 MR. PUCCIO: We are ready to begin.

21 (Tape played.)

22 (Tape completed playing.)

Date: September 19, 1979

Ex. 23A p. 1

Time: 12:40 P.M

Place: 4407 W Street, N.W.
Washington, D.C.

Participants: ANGELO ERRICHETTI (AE)
MEL WEINBERG (MW)
TONY DE VITO (TD)

INAUDIBLE (IA)

AE: That's a, that's the prerequisite. Huh.

TD: Ya didn't say anything to this guy right that would nail him down?

AE: No I, I don't know, I told you

TD: Oh, no, no what I'm lookin' at now is if ya got two guys that are gonna go against ya

AE: Jackpot you

TD: Yeah

AE: Yeah, I understand. No.

TD: We didn't, we didn't really say anything in here to the guy.

AE: No.

TD: To the guy. So there's no problem as far as what we're, we're talkin' of, but now we gotta protect you

AE: I'm covered

~~TD:~~ Huh

AE: I'm covered

MW: How the hell can you cover it?

AE: We'll see

TD: Well he's only on

AE: I had

TD: He's only

AE: Only the one conversation that's gotta be mouth to mouth, him and I.

TD: Yeah

AE: OK (pause) and him I'll, confront him with it.

MW: Did your friend introduce ya to him as a

AE: This morning?

MW: Yeah.

AE: All he said; yeah that's that's where I met this morning, then he brought him in. Brought him down. Said this was a, commissioner. I said, fine thank you, I said, he said things arranged? I says as far as I know, I don't really know, I'm sure it is. But that was the conversation, there was nothing of any, no monies discussed, or none of that shit in my presence and the kid didn't say to me do ya have the money for me, you know, he didn't he didn't like bait me.

TD: Hum-hum

AE: This, in front of this guy. But you know seemed awfully awfully perfect. (Laughs)

TD: Yeah maybe it was too perfect, huh?

AE: Well

TD: Alright, the only thing I can see is we, we're we're on safe grounds, as far as the guy's concerned. The only thing that could be a problem

AE: Me and that guy

TD: Is you and that guy, but you say it's just one on one with conversation, your word against his. Unless, unless

AE: The only time I spoke to him

TD: He got, he got you recorded, I don't know.

AE: Well that you never know

MW: I don't think he had anything on him

TD: No, I don't mean this guy, I'm talkin' about Angelo talkin' with his friend. That's the only thing

AE: That's the a, that's the, well that's the only a, a, drawback in conversation, a conversation is not, is not suffice its gotta be conspiracy, with three, three of us gotta be sitting.

MW: And you weren't followed though?

AE: No, I'm positive of that.

MW: Can we get off the subject a second

* * *

TD: Alright

AE: But you have, you have

MW: Our other problem is, no chance of us being grabbed on the way to the airport now is there?

AE: Nothing was said

TD: I don't think so, 'cause we didn't say anything. That's why when

AE: Not here

TD: That's when I come in here and asked him for the card and you know just ah, he seemed too nervous, this guy. He seemed very nervous

AE: Well we talked as you know, we talked outside, just for a few minutes

MW: He was talkin about he came from ah

AE: Peoria, Illinois. He's been there since 1970. A, he's a career guy, he's 42 years old, he's a career bureaucrat, he's gonna be there, he's seen them all come and go. And he is the administrative officer, he says the commissioner's the one who makes speeches, he goes about. He's a Mexican, what is Castile (PH) he name was, Castile?

MW: Mexican guy he said

TD: I don't know

AE: Mexican guy's his boss

TD: Yeah

AE: He's never in the office, he's always out on the street, on the roads whether it be with a Mexican-Americans or whoever, Spanish-Americans

TD: Well, I don't know who he was but Ernie, Ernie spotted now I use Ernie for that a lot and the guy that we were talkin' about, Noto, N-O-T-O is the guy. That's not him, he says.

AE: That's not him

TD: That is not him, now unless this, I don't know that's when, he gave me the sign, I says

AE: Well there's also, there's also

TD: Come in here

AE: I'm thinkin' there's another thing you know, with my guy, OK, who's bullshitting me. Meaning he's got somebody. I'm convinced this guy works there as

TD: Yeah

AE: OK, so, I don't think he's FBI, to be very honest with ya

TD: Yeah

AE: Not when I got done talkin' anyway. I think he may be

MW: I don't know he didn't say nothin' out there

AE: One of his, one of his

MW: To say he is isn't FBI

AE: Excuse me

MW: He didn't say nothin' that didn't say he wasn't FBI

AE: I didn't say, I'm not I'm not sitting here saying he is or isn't. I says I gotta believe in my heart that he, I'm just tryin' to analyze it

TD: Yeah

- AE: Objectively without, without being emotional. I could think he I'm not gonna crack up because I think he's FBI, I don't give a fuck. OK, I can handle that my way. I gotta believe that he's in the department, but he's not the deputy, as Ernie says, he may be somebody above this guy or in between
- TD: Well now he may be a friend or your friends and they're gonna just a
- AE: Yeah
- TD: You know we'll never know anything else
- AE: No. I think that my guy, OK, the chief investigator who is, so-called friend proposed to me that this deputy commissioner's his man and he gets the green cards. OK? And that's what he told me, fine set him up and we can get the things worked out. He may be one of the guys in the office
- TD: Yeah
- AE: Not at the same level as the deputy, or maybe under or in between or something or he maybe has some strength he can do something okay
- TD: I don't know
- AE: I don't, I don't know either
- TD: We don't take, you know, like if he woulda come to us with the fact that that's who the guy is that he's got
- AE: It's different story
- TD: You know that makes me feel better and we meet the guy as who is is, tells us
- AE: Well I, well I'll find out (IA)
- TD: You know, but based on on what
- AE: My, my my immediate thoughts are. Okay because h_g's conning me okay
- MW: That's takin' a big chance though

AE: I don't know the guy from a bag of piss, the
guy that sat here.

TD: I, I agree, I think ya got one or two situations
here

AE: Oh, it's either FBI or it's a con game one or the
other

TD: Yeah, I think it's either . . .

AE: (IA)

TD: It's either the, you know, tryin' to

AE: Jackpot me

TD: Make a score, alright on their own

AE: Positively

TD: Or it's that they settin' you up. It's one of
the two

AE: Well there's no other, there's nothin' in between

TD: And I hope it's that they're tryin' to set ya up,
ya know, jack pot ya for money, ya know, not set
ya up. The money's no problem but a

MW: You'll find out soon enough

AE: I'll find out soon enough

TD: Yeah

AE: I personally will find out soon enough

TD: Alright, what time you guys gotta go over there.
You gonna leave now

~~MW~~: We gotta leave now

AE: Okay

TD: Alright. Why don't you go ahead, I'll call ya, I
you're gonna be down at the hotel, alright. I
gotta see some people here tonight and a I got an
afternoon flight so I'll be down there in the
afternoon

AE: Okay

TD: In fact I can give ya, when ya talk to Rusty, I'm gonna, be

AE: It makes ya think

MW: Ruh?

AE: Makes ya think

MW: I don't like it

AE: Neither do I. You don't like it, you oughta been me sittin' here

MW: Well, I expect to see some cars comin' up outside any second

TD: No, no, we didn't say anything we didn't, what the fuck, we said hello to him. That's all we said hello

AE: That's right, I'm the guy that did all the talkin'

TD: I'm only worried about Angelo

AE: At this stage

TD: Angelo's the guy that's a

AE: It's a very simple thing, it's either for real and they've latched on ta me, with that fucken' telephone, maybe, now you never know

TD: I'm gonna try to make the flight that gets in at 4:42, alright. If not I'll take this National flight and it'll get in 6:15 but it'll be in Miami

MW: This ones in Lauderdale

TD: No they're both Miami

MW: OK

TD: Two different airlines, I'm gonna I think I'm gonna make the first one

MW: Alright

TD: Alright, but if I can't make the first one I'll definitely make the second one and I'll be in by 6:15. We don't have to meet the guy until 8:30 right?

MW: Yeah

TD: Alright, so tell Rusty that I need ta have him bring the car over to the airport. I'll call, try and call, those are gonna be either one of the two times, so, he'll keep himself available for me. Alright why don't yo: guys get going.

AE: Mind if, I use, to call

TD: No, sure

AE: Before I get, on the plane, wants make a phone call. Dial direct? Fucker. (IA)

MW: Who

TD: It's a good thing I'm a careful guy

AE: A, Theresa, is Dani there, Babe? You being careful, might of saved the whole ball of wax, err, yes Dan how are ya darlin' whata ya got kid, yes, ya better stop somethin' before it happened

TD: Well you know

AE: That's the most important part

TD: Ya see with congressmen and senators there's no problem, 'cause all ya do is go to the newspaper morgues and ya got a picture, right, and that's easy ya see, you know, look at the picture you see the guy you know who you dealin' with, but with a guy like this who's not in a picture I gotta send somebody to look, see what he looks like

AE: What I said, what I don't control, I can't say

TD: No

AE: I say, I don't know. I don't know. Yeah, Dan.

* * *

AE: Right, yeah Ton, I think we napped something in the bud here.

TD: Huh

AE: The worst, the worst is FBI and a, and a, and a, the least is a con game.

TD: Well I hope really that they're tryin' to rip you off because this could be a you know a serious problem for us. Because if they start looking at us ah you guys gotta be very careful now when you go down there.

AE: Huh telling me

TD: If it seems to you in any way I think that somebody is following you

AE: I'll divert em

TD: Just, you know, I a wouldn't even make those meetings.

* * *