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MR. PUCCIO: Your Honor, we are going to
shut the T.V. monitors off.

THE COURT: All right.

(Assistants comply.)

THE COURT: All right, Mr. Puccio.

DIRECT EXAMINATION

BY MR. PUCCIO: (Continued)

Q Now, Mr. Weinberg, prior to this meeting at the house in Washington with this gentleman who said his name was Koto did you know that the person who was coming to the meeting was going to be an imposter?

A No, I didn't.

Q Now, after this conversation with Mayor Errichetti that we just observed, did you have occasion to speak with the defendant Howard Criden about this imposter?

A That is correct.

Q Where did this conversation take place and when as best you can recall?

THE COURT: Mr. Puccio, before you go into that there is one thing I want to clear up in my mind. At the very end of this transcript that we just heard what was Mr. DeVito doing while Mr. Errichetti was on the telephone?

THE WITNESS: He was stading there your Honor.

THE COURT: Talking to someone?

What it is we just heard, I think my question

Weinberg-direct-Puccio

1
2 really is, was he on an extension phone or was he
3 just talking to Mr. Errichetti?

4 A No, he was just talking in the room --

5 THE COURT: I am sorry, Mr. Puccio.

6 Q When did you have this conversation with
7 Mr. Criden about the imposter and where?

8 A I had the conversation with him at the
9 Holiday Inn, in Hallandale, Florida.

10 Q And about how long after this meeting we
11 just observed did you have this conversation?

12 A The following morning he came over to see us.

13 Q And as best you can recall what did you
14 say to Criden and what did he say to you about this matter?

15 A I told Mr. Criden that I think the Mayor
16 set us up with a ringer.

17 Q Now, had you accused the Mayor himself of
18 setting you up?

19 A No. But we didn't want to scare the Mayor
20 away --

21 MR. BROWN: I object to this, your Honor.
22 He asked for a yes or no answer.

23 THE COURT: Sustained. The answer is no.

24 Q The answer is no, you didn't accuse the
25 Mayor?

Weinberg-direct-Puccio

1
2 A No.

3 Q But you had told Mr. Criden --

4 MR. BEN-VENISTE: Objection as leading,
5 your Honor.

6 THE COURT: Overruled.

7 Q (Continuing) But you told Mr. Criden that
8 is what your suspicions were?

9 A That is correct.

10 Q All right, now, on October 3, 1979 did you
11 have a telephone conversation with Mayor Errichetti?

12 A That is correct.

13 Q Did you record that conversation in the
14 same way that you had recorded previous conversations?

15 A That is correct.

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

18 THE COURT: Yes.

19 Q I ask you to turn to Exhibit 24A in the book
20 and in conjunction with that I would like you to look at
21 Exhibit 24B and Exhibit 24.

22 Now, first with respect to 24B, can you
23 identify that?

24 A Yes. This is the tape I made.

25 Q And is it a conversation between you and Mayor

1
2 Errichetti?

3 A This is a conversation between me and Mayor
4 Errichetti and myself.

5 Q On October 3rd?

6 A October 3rd at Toms River at the Holiday
7 Inn.

8 Q With respect to Exhibit 24, what is that?

9 THE WITNESS: Will you say that again?

10 Q Exhibit 24, the other Exhibit, what is that?

11 A That is a tape made for the Court here.

12 Q That contains a portion of this entire
13 conversation, is that right?

14 A Yes, that is right.

15 Q And 24A, can you identify that, please?

16 A That is a transcript.

17 Q And did you go over that transcript for
18 accuracy?

19 A Yes I did, to the best of my ability.

20 MR. PUCCIO: Judge, I offer into evidence
21 24A and 24.

22 THE COURT: Any objections.

23 MR. BROWN: Subject to the same objections,
24 your Honor, heretofore made. No further objection.

25 MR. BEN-VENISTE: No further objection.

1
2 THE COURT: Received in evidence.

3 (Articles referred to were thereupon received
4 and marked Government's Exhibit 24 and 24A respective-
5 ly in evidence.)

6 MR. PUCCIO: May we distribute the transcript
7 and play it for the jury?

8 THE COURT: Yes.

9 MR. PUCCIO: We are all ready, Judge.

10 (Tape played.)
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14 (continued on next page.)
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Date: October 3, 1979
Time: 5:45 P.M.
Place: Telephone Call from Mel Weinberg (New Jersey)
to Angelo Errichetti (New Jersey)
Participants: MEL WEINBERG (MW)
ANGELO ERRICHETTI (AE)

INAUDIBLE (IA)

* * *

MW: Now I don't know what you're all hot about.
AE: Well you see.
MW: Now somebody's giving you wrong
AE: First of all you understand that Howard you know
Howard is my man. OK.
MW: Alright. But I think maybe, Howie.
AE: Wait a minute
MW: Maybe giving you more wrong information then,
AE: Well Howard talks to me like, like I'm his brother.
MW: Well.
AE: Alright, let me finish, let me finish.
MW: Alright, go ahead.
AE: OK. Now on this candidate shit, OK.
MW: -- Yeh. --
AE: You know for what I'm giving this - you know I'm
sticking my neck from here to the, the bridge
on this shit and you know what - I don't want
bullshit on that thing. Now what happen that last
week OK. that thing where I got jackpotted.

- MW: Forget about it.
- AE: No, no, I, I did - I'm not going to forget nothing because you know what? When I get done, and when I check out with my own troops watch out. That's number one. Number two. The inference, the inference. O.K. that I put a - that I put a, a stool pidgeon in there.
- MW: Nobody said that.
- AE: That that guy was from my office that works for me. OK.
- MW: Nobody said that. Now I know where ya.
- AE: Now let me tell you something. That is, that whats got me so pissed, thats the end of that conversation
- MW: Alright, let's not, hey Angie. Me and you knew each other too goddamm long.
- AE: Well, that's the case then why an I be, why is that being said?
- MW: It's not being said now, let me tell you what was said and you'll understand. Now I know where you're getting this from second field. Criden's playing two against one. OK. That's bullshit. Alright? Criden had a guy, alright? Which I think you know about it.
- AE: I don't know nothing about nothing.
- MW: Well then that's where your problem is buddy, me and you conferring everything because he's playing two against one and I don't go for that shit. He had a guy he wanted to do a - I says no way. I said we have done two with the Mayor were great. We want to go the same lines I don't want none of this bullshit walking the guys off and all this crap, bullshit. I don't want no part of it. And I told him forget it. He said the guy is - I said forget it. I'd rather walk away from it.

AE: I don't enjoy, I don't like and will not tolerate anybody behind my back saying I think this guinea's involved in getting something on the side. O.K., that, that's

MW: Alright, do you believe I said that?

AE: Well, it was told to me.

MW: Well, he's a goddamn fucken liar. Now he's playing two against one, you didn't know about the other candidate, did yah?

AE: Heh, na, I don't want no candidates except, except that

MW: Me and you better be

AE: That bag, that bag son of a bitch.

MW: Wait a second. Me and you better meet tomorrow morning and get it straightened out because we're being played for suckers, alright, and I don't like it.

AE: I tell you that, I tell you this.

MW: Because this man is trying - let me tell you exactly what's happening. Alright.

AE: Go ahead.

MW: this man is trying to get me and you fighting - that I don't speak to you.

AE: It's not a question of anybody fighting - its a question of.

MW: I'm telling you something, hey

AE: You see let me tell you something.

MW: Hey, Angie you don't want to look no further than your nose now, your being stubborn. I'm telling you what the guy is pulling.

AE: I'm telling you, now I'm going to tell you something. I've said, I've said on many occasions said to you, you are looking, you're looking at the best man in the whole world.

- MW: Have I ever denied it? Have I ever lied to you?
Have I ever did anything?
- AE: And anytime I turn around on the last couple of
months here whatever it may be, there's a cross-eye.
- MW: No, no.
- AE: OK.
- MW: That thing is
- AE: Well that's bullshit
- MW: Nothing has been cross-eyed. What happened down
wa - I told you forget you said you were going handle
it, you handle it.
- AE: Oh, you bet your ass I'm going handle it.
- MW: That's all. Nothing was ever said about it.
OK. Nothing was said about it. The only thing
was said.
- AE: Well you know, I, I come from the old school.
You know when I say - and I told youse before.
You look at me in the eyeball, you say to me this
is the way we do it, that's the way I do it.
- MW: The only mistake I made Ange was not calling you
up and letting you know about Criden and the other
candidate. O.K. But I thought you knew about it
from Criden. That is my
- AE: There's no. The only candidate I know about OK,
is what was brought there and we talked about.
OK.
- MW: Alright.
- AE: And then my mind has been on that ~~stiff-that was~~ ---
there that I walked into.
- MW: I'm not interested in that stiff.
- AE: Well I am.

MW: Well, you said you could take care of that. Right?

AE: That's being take - I got the goddamn state police checking that son of a bitch out, you can bet your ass.

MW: I'm not worried about that. All I'm telling you is he wanted to do a candidate with me and I told him no soap. Alright, I was, I wanna walk from it. I don't want to get involved. Now I thought you knew about this guy. This is my fault cause he tells me he speaks to you two, three times a day, that, you everything that's going on.

AE: Well, I know 99% what's going on and I say 100% now another candidate, I don't know anything about another candidate.

MW: Well, then the guy is playing me and you for a jerk.

AE: Well.

MW: Alright now you.

AE: That's one thing, you're not to do with me. Nobody's going to do that with me, I may be a nice guy. I'm going to listen, I

MW: (Whistles) Angie, Angie.

AE: You know what, when I throw the fucken towel in watchout.

MW: Angie let me tell you something. I am not out to hurt, we're been friends too long alright. And you know me. Did I ever do anything behind you back?

AE: Well you know let me tell you something, Mel.

- MW: Then don't let a guy from left field come out and say I said this, cause that's bullshit. all I said to him I don't want to handle the deal that he's got the way he's got it. Either we do it this
- AE: I'm not ever referring to that. I'm talking about, I talking about me and a guy in my office.
- MW: Forget.
- AE: I'm talking about me.
- MW: What guy in your office?
- AE: That stiff that was, that was there.
- MW: He's not from your office.
- AE: (IA) That was the question. That was asked was he from, was, that guy was, worked in my office. I brought, I brought a stiff in - I got, I'm trying to rob somebody. Now you know what? That's got to be the biggest son of a bitch, that's my integrity, somebody talking about. Now.
- MW: You're talking about, would I say that?
- AE: Well, either you or Tony said it. Not I
- MW: Tony hasn't spoken to him, I have spoken to him.
- AE: OK
- MW: How long do you know me?
Eight months.
- AE: Whatever it is.

- MM: Whatever is it. Have I ever said anything like that before to anyone, say anything. I don't carry stories, what goes on between me, you to him. If he said that he's full of shit, he's trying it and I don't talk to you.
- AE: Well.
- MM: Alright. I did say to him.
- AE: I'm just telling you.
- MM: I don't want to handle the candidate the way he wants to set up.
- AE: Nothing about a candidate. I'm just talking about my integrity and that last week when that guy was there and I, let me tell you something.
- MM: Angie, there's nothing wrong with your integrity and there never has.

* * *

Weinberg-direct

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2 THE COURT: All right, Mr. Puccio.

3 Q Mr. Weinberg, on the very next day did you
4 have a telephone conversation with the defendant Howard
5 Criden?

6 A Yes, sir, I did.

7 Q And was that telephone conversation reported
8 by you in the same manner as you previously described?

9 A That is correct.

10 MR. PUCCIO: Your Honor, may I approach
11 the witness, please?

12 THE COURT: Yes.

13 Q I ask you to look at Exhibit 25-A in the book
14 in front of you, and in conjunction with that I show you
15 25-B and 25.

16 Now, with respect to 25-B, what is that,
17 please?

18 A That is the tape I made at the hotel in Toms
19 River.

20 Q Was that the tape of the conversation with
21 Mr. Criden over the telephone on the 4th of October, 1979?

22 A That is correct.

23 Q And with respect to Exhibit 24, would you
24 identify that, please?

25 A This is the tape that is made for the court.

Weinberg-direct

1
2 Q Does that contain an excerpt from the tape
3 that you previously identified?

4 A That is correct.

5 Q And 25-A, please?

6 A Is a transcript of this here tape.

7 Q Now, have you checked the transcript against
8 that excerpt to insure that it's exactly the same?

9 A To the best of my ability I have checked.

10 MR. PUCCIO: I offer 25 and 25-A in evidence.

11 THE COURT: Same objection?

12 MR. BEN-VENISTE: I have no objection on
13 this one, your Honor.

14 THE COURT: Any other objections?

15 MR. BROWN: No, your Honor.

16 THE COURT: Received in evidence.

17 MR. PUCCIO: May we circulate the transcript,
18 Judge?

19 THE COURT: Yes.

20 MR. PUCCIO: And play the tape?

21 THE COURT: And you may play Exhibit 25.

22 (Transcripts are distributed to the jury.)

23 THE COURT: All right. You may proceed,
24 Mr. Puccio.

25 (Tape recording referred to was played.)

Date: October 4, 1979
Time: 8:01 AM
Place: Telephone call from Howard Criden (Pennsylvania)
to Mel Weinberg (New Jersey)
Participants: HOWARD CRIDEN (HC)
MEL WEINBERG (MW)

* * *

MW: He's up with more coffee. I mean like, let me explain to you like you told Angie what we said about him, right?

HC: Here's how that came about.

MW: Wait, wait, I'm not interested in how that came... (IA)...The guy was upset. You know how Angie is.

HC: Well, you told me that the guy, that he was used for the setup, okay, came out of his office.

MW: Yeah, I think he did.

HC: Okay, I screamed at him. I asked him point blank; because if that's the case, okay, then I wanted it on the table, okay? And he swore to me that that wasn't so, that he got set up; because I had a fucking battle with him about that. Listen, this is not, we're not in business to play games and I wanted to find out if he was playing any games.

MW: But, you don't do it that way. So he calls up screaming at me.

HC: First place, he swears to me that that's not so, okay?

MW: I tell you, forget the whole fucking thing, because the whole thing is lousy.

HC: Exactly.

MW: The only thing that will set us back.

HC: Let's forget about it and move on and forget about this bullshit.

* * *

Weinberg-direct

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2 Q Now, Mr. Weinberg, at any of these meetings
3 that you described, did you have any control over the
4 actual payment of money to anyone?

5 A None whatsoever. Mr. DeVito handled all the
6 control of paying the money out.

7 Q That is FBI Agent Amoroso?

8 A That is correct.

9 Q Now, did anyone ever tell you that Mr.
10 Errichetti had Congressman Myers put on an act at that
11 August 22nd meeting? Did anyone ever tell you?

12 A No. The only thing that Mr. Errichetti said
13 to me that Congressman Myers is a ballsy guy, he'll do
14 anything.

15 Q Did anyone ever tell you that Congressman Myers
16 put on an act at that meeting on August 22nd?

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

18 THE COURT: What ground?

19 MR. BEN-VENISTE: It's the same question he
20 just asked.

21 MR. DUFFY: In addition, I object because
22 it's hearsay and doesn't identify the communicants,
23 sir.

24 THE COURT: I don't think it is offered for
25 the truth. The question is, did anybody tell him.

Weinberg-direct

Overruled. I will permit it.

Q Did anybody ever tell you that Congressman
Myers put on an act at that August 22nd meeting?

A No, sir. No one ever told me that.

MR. PUCCIO: No further questions at this
time.

THE COURT: All right. Cross-examination.

Mr. Duffy, unless you have agreed to some
other order --

MR. DUFFY: No, sir.

May I have a moment to make some sense out
of this?

THE COURT: Certainly.

CROSS-EXAMINATION

BY MR. DUFFY:

Q Mr. Weinberg, we have been talking about
confidence men here, con men or con man. Do you know what
a con man is?

A Yes.

MR. PUCCIO: I object to the statement, Judge

THE COURT: Sustained.

Disregard the statement.

You may answer the question, Mr. Weinberg.

Do you know what a con man is?

Weinberg-cross

1 THE WITNESS: I know what a con man is.

2 Can you tell the jury so they will know?

3 A con man is somebody who will try to con you
4 out of something.
5

6 Q Maybe I can help. Is he a fellow who lies?

7 A A con man tries to tell as much of the truth
8 as possible. Otherwise he will get in trouble.

9 Q Is he a fellow who takes money from other
10 people under false pretenses?

11 MR. PUCCIO: I object, Judge.

12 THE COURT: What ground?

13 MR. PUCCIO: As to the relevancy and the
14 form of the question.

15 THE COURT: I will permit it. Overruled.

16 A Do you want to repeat that?

17 Q Didn't you hear what I said, sir?

18 A No, I didn't hear you

19 Q I will try to speak a little louder.

20 A I will appreciate it.

21 Q Is a con man a fellow who tries to take money
22 from other people under false pretenses?

23 A That's correct.

24 Q Tries to get people to believe that he is
25 going to do something and then he never intends to do it;

1
2 is that correct?

3 A That's right.

4 Q Isn't it part of the stock in trade of a con
5 man that he has to be able to successfully lie to people?

6 A That is correct.

7 Q He is a fellow, is he not, who lives by his
8 wits?

9 A That's correct.

10 Q Are you a con man?

11 A I don't know. They say I am.

12 Q Have you spent most of your adult life living
13 by your wits, sir?

14 A That's correct.

15 Q Living off money that you got from other
16 people under false pretenses?

17 A That's correct.

18 Q Is it fair to say that a confidence man will
19 lie, cheat, swindle, whenever it serves his purposes to do
20 so?

21 A That is correct.

22 Q To further his own interests?

23 A That is correct.

24 Q And you say you have been known as a confidence
25 man?

Weinberg-cross

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2 A That is correct.

3 Q As a matter of fact, in January of 1977, the
4 fellow at the end of the table here, Mr. Good, arrested
5 you for just such activity, did he not?

6 A Not Mr. Good.

7 Q Didn't Mr. Good make the arrest?

8 A No. Mr. Good didn't make the arrest.

9 Q Well, at that time he was the head of the
10 Hauppague office, was he not?

11 A I didn't know that.

12 Q Were you arrested by agents from the Hauppague
13 office?

14 A That is right.

15 Q And that was in connection with an investi-
16 gation that covered some seven or eight states; is that
17 right?

18 A No. I was locked up from Pittsburgh, Penn-
19 sylvania.

20 Q I didn't ask about where you were locked up.
21 My question was that you were arrested in connection with
22 an investigation into your activities that spanned⁷ six or
23 seven or eight states; isn't that right?

24 A I don't know that. The only charge that was
25 placed against me was from Pittsburgh.

Weinberg-cross

1
2 Q Let's go through that.

3 Wasn't there one charge, for example, that
4 involved the entertainer Wayne Newton in Las Vegas, Nevada?

5 A I don't know if there was a charge pressed
6 against me for that.

7 Q Wasn't that contained in the indictment in
8 Pittsburgh?

9 A I don't have the indictment in front of me.

10 Q Well, I do, Mr. Weinberg.

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

12 (A pause in the proceedings.)

13 MR. DUFFY: May I approach the witness, your
14 Honor?

15 THE COURT: Yes.

16 MR. DUFFY: Judge, may I just show this docu-
17 ment to the witness? This is marked. I have to get
18 one that is unmarked.

19 MR. PUCCIO: I have one that is unmarked, if
20 you like.

21 MR. DUFFY: The prosecutor has one.

22 THE COURT: Are you referring to the Pittsburgh
23 indictment?

24 MR. PUCCIO: 77-47.

25 MR. DUFFY: Yes.

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2 MR. PUCCIO: May I use yours, then?

3 MR. DUFFY: No.

4 Q Mr. Weinberg, I want you to examine what has
5 been labeled for identification as Defendants' Exhibit C
6 and let me, although I will be happy to have you read all
7 of it, but let me point you to the fifth page of that
8 document under heading "Overt Acts" and direct your atten-
9 tion to paragraph two.

10 THE COURT: And the question is whether that
11 refreshes his recollection?

12 Q Does that refresh your recollection, sir?

13 A Yes, it does.

14 Q About whether or not one of the people you
15 were accused of swindling was the entertainer Wayne Newton?

16 A That is correct.

17 Q And you did swindle him, didn't you?

18 A It says so here..

19 Q I want you to say so to this jury, sir.

20 A I took money off him.

21 Q Under false pretenses, did you not?

22 A That is correct.

23 Q Let's tell the jury about that. You ran a
24 scam back around that time similar to the ABSCAM operation,
25 did you not?

Weinberg-cross/Duffy

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A That is correct.

Q Indeed the ABSCAN operation was based upon your prior fraudulent operation, was it not?

A I don't know about that.

Q Just remarkably coincidental?

A I don't know about that. You have to ask the FBI on that.

Q I want to ask you. It's my purpose to do that.

A I don't know.

MR. PUCCIO: I object to the statements, Judge.

THE COURT: Sustained as to the statements.

The jury is to disregard them.

MR. DUFFY: Sorry, your Honor.

Q Let me ask you this, Mr. Weinberg: You had a traveling companion back in the early '70s, from 1970 or '69 to January 11, 1977, did you not?

A That is correct.

Q And that was a woman who was previously a maid in Scarsdale, New York, was she not?

A That I don't know.

Q But her name was Evelyn Knight, wasn't it?

A That is correct.

Q You named her Lady Evelyn Knight; is that right?

Weinberg-cross/Duffy

1
2 A That is correct.

3 Q And told the people she was one of the top
4 five richest people in the world?

5 A I never told them that.

6 Q Did you tell them she was second?

7 A No. I didn't tell them she was second.

8 Q Did you tell people she was a wealthy woman?

9 A I told them that she was a wealthy woman.

10 Q Did you tell people that she was connected
11 to Aristotle Onassis?

12 A No.

13 Q Did you ever tell that to anyone?

14 A No.

15 Q Specifically, did you ever tell that to an
16 individual named Alan Goberman?

17 A I know Alan Goberman.

18 Q You took \$150,000 from him, did you not?

19 A No, I never took \$150,000 from him.

20 Q Am I wrong on the figure?

21 A You are 100 percent wrong on the figure.

22 Q Would you like to tell the jury what the
23 figure was?

24 A Around \$10,000.

25 Q And a diamond ring?

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A I don't know about the diamond ring, either.

Q You don't know about it?

A No.

Q You wear a couple of them, don't you?

A Did he give me this?

Q I am asking you.

A No, he never gave me a diamond ring.

Q From Goberman you only took \$10,000?

A Yes.

Q Didn't you tell Goberman that Lady Evelyn Knight was connected with Aristotle Onassis and if she approved of his hotel down in the Islands that Onassis may come forth and provide the financing that he needed to refinance the deal?

A That's not true.

Q Did you tell Goberman or others back in 1970 that this Lady Evelyn Knight was required to invest \$100 million every month in Arab oil money?

A No, that's not true.

Q Did you tell people from whom you attempted to get money back in those years, and I'm talking 1970 up until the time Mr. Good or someone else arrested you, did you tell those people that she was charged with the responsibility to invest any Arab oil money?

Weinberg-cross/Duffy

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A Never mentioned any Arab oil money.

Q Not to Goberman?

A That's correct.

Q And not to people like Lee Schlack of Evan
City, Pennsylvania?

A That's correct.

Q Did you take money from him?

A I did.

Q About \$3,564?

A That is correct.

Q Did you tell the Arab oil money story to
Carl Stark of Pittsburgh, Pennsylvania?A No. I didn't tell him the Arab oil money
story.

Q Did you take money from him?

A Yes.

Q \$3,750?

A I don't know the amount.

Q Shall we quarrel about that?

A No.

Q Would you doubt my figure?

A I would doubt anything you say.

Q Sir, I -- would you adopt that figure, \$3,750,
or do you want to see it in the indictment?

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A I see it here. I will take the figure.

Q That's the government's figure?

A That's correct.

Q Do you doubt the government's word?

A No, I don't doubt the government's word.

Q Because you pleaded guilty to it, didn't you?

A Yes.

Q How about the Monroeville Development Company?

Did you tell those people in Monroe, Pennsylvania that
Lady Evelyn Knight was able to control or had access to
Arab oil money?

A The name does not ring a bell.

Q \$2,500, did you get from them? Do you want
to look at the indictment?

THE COURT: What page?

MR. DUFFY: I will have to look it up myself,
sir.

(A pause in the proceedings.)

MR. DUFFY: I will go on and Mr. Ben-Veniste
will find it for me, your Honor. I will come back
to the question about the \$2,500 from the Monroe
Corporation.

THE COURT: All right.

Weinberg-cross/Duffy

1
2 Q Let me ask you this, Mr. Weinberg: Did you
3 tell any of the people I just mentioned, Wayne Newton,
4 Carl Stark, Lee Schlag, any of those folks, and I see
5 another one, Melvin Penard, does that ring a bell?

6 A Yes, it rings a bell.

7 Q He was one of your marks, was he?

8 A No. I don't think we took him.

9 Q Would you look at three paragraphs down from
10 Wayne Newton on that same page, accepted an appraisal fee
11 of \$2,500 from Monroeville Development Corporation? Do
12 you see that, paragraph No. 5, sir?

13 A -I see it.

14 Q You pleaded guilty to that, did you not?

15 A Yes, I pleaded guilty.

16 Q In connection with that Pittsburgh indictment
17 there was a sum in excess of \$200,000 that you swindled
18 people of throughout the contry; isn't that right?

19 A That I don't know.

20 Q Did you plead guilty to the indictment?

21 A I pled guilty to the indictment.

22 Q Did you plead guilty and say "I plead guilty
23 to all but one paragraph" or something?

24 A No. I pleaded all the counts.

25 Q Paragraph one of the "Overt Acts," would you

Weinberg-cross/Duffy

1
2 take a look at that, same page up on top?

3 A I see it.

4 Q That between June 1, 1975 and the present
5 Melvil Weinberg solicited and accepted over \$200,000 in
6 advance of appraisal fees from various individuals in the
7 Western District of Pennsylvania and throughout the United
8 States of America. You pleaded guilty to that, did you not?

9 A That is correct.

10 Q Did you ever pay that money back?

11 A No.

12 Q Not a nickel of it, did you?

13 A No.

14 Q But when you went into court and went before
15 the Judge in Pittsburgh, you didn't go in on a plea bargain,
16 did you, sir?

17 A No, I didn't.

18 Q As a matter of fact, you didn't go in pleading
19 guilty only as you testified to earlier, to mail fraud and
20 wire fraud; am I right?

21 A I pleaded to all counts in the indictment.

22 Q You pleaded to conspiracy as well, did you not?

23 A If it's in there, I must have.

24 Q And when you went to the judge, before the
25 judge, you were sentenced to three years in prison, were

Weinberg-cross/Duffy

1
2 you not?

3 I was told I was going to get three years'
4 probation.

5 Q Who told you that, Mr. Weinberg?

6 A The judge.

7 Q On the day you appeared for sentencing.

8 A When I appeared he said three years in prison,
9 but I was told I would get three years' probation.

10 Q Who told you you would get three years'
11 probation?

12 A The judge.

13 Q Let's talk about December 8, 1977, when you
14 went into court to plead guilty.

15 Shall I find the papers? Isn't it true that
16 you were told that day that you were to go to jail for
17 three years? Yes or no.

18 A I would like to see the papers you have.

19 Q Yes or no? Do you have a recollection?

20 A No, I don't have a recollection. I was told
21 I would go in front of him and he would sentence me to
22 three years. And I was told also in his chambers I would
23 get probation.

24 Q The same day?

25 A Correct.

Weinberg-cross/Duffy

1
2 Q Is there a record of that proceeding?

3 A I don't know.

4 MR. DUFFY: Your Honor, I will come back to
5 it when Mr. Levy finds that transcript.

6 THE COURT: All right.

7 Q You went before the judge on December 8, 1977,
8 for sentencing, did you not?

9 A That is correct.

10 Q Before that day had you talked to John Good
11 or any other official of the FBI, special agent, supervisor
12 or otherwise, about --

13 A I was working --

14 Q I have not finished yet.

15 -- about going to work for the FBI and in
16 return they would get you off this mess?

17 A No. You are talking about Abdul Enterprises?

18 Q Et al.

19 A I was working for the FBI before then.

20 Q We will come to that, Mr. Weinberg. But
21 answer my question.

22 When you went into court to be sentenced on
23 the 8th of December, 1977, had you sometime theretofore
24 talked with someone in the FBI about getting you out of
25 this mess in Pittsburgh?

Weinberg-cross/Duffy

1
2 A I was told that if I get four cases for them,
3 all right, that they will see what they can do for me.
4 was told --

5 MR. DUFFY: Your Honor, may we have the
6 witness directed to answer my question yes or no,
7 sir?

8 THE COURT: Read the question, please.

9 (Question read back as requested.)

10 THE COURT: Can you answer that yes or no,
11 Mr. Weinberg?

12 THE WITNESS: I can't answer it yes or no,
13 your Honor.

14 THE COURT: All right.

15 Q Is it because you don't know or you can't
16 remember?

17 A I remember.

18 Q Then tell the jury.

19 A What I am trying to tell the jury and what
20 I told you, I was -- the FBI or the Attorney General of
21 Pittsburgh told me, the assistant, that if I would do four
22 cases, they didn't promise me nothing, they would see what
23 they could do for me.

24 Q The assistant, you said Attorney General.
25 Do you mean the United States Attorney for the Western

1
2 District of Pennsylvania?

3 A Yes, Mr. West.

4 Q That was Jim West?

5 A Yes.

6 Q Are you telling his Honor and the jury that
7 Mr. West told you, talked to you and said, if you do four
8 cases for them they could do something for you?:

9 A I spoke to a Mr. Boutwell, an FBI agent,
10 at the time.

11 Q Mr. Weinberg, my question is: Did you talk
12 to Mr. West who was a lawyer --

13 A I spoke --

14 Q May I finish?

15 A Yes.

16 Q -- who was a lawyer for the government, a
17 prosecutor, that he came to you, are you telling the jury
18 that he came to you and suggested that you run four cases
19 for the FBI?

20 A No. He didn't suggest that.

21 Q All right. Who did?

22 A I spoke to Mr. Boutwell up there in Pittsburg
23 when I said I would plead guilty.

24 Q Mr. Boutwell was an FBI agent out in Pitts-
25 burgh?

1
2 A Yes.

3 Q Is that right?

4 A That is correct.

5 Q So before you went to court on December 8,
6 1977, you did talk to the FBI about going to bat for you
7 with the judge; is that right?

8 A That is correct.

9 Q And did the FBI go to bat for you with the
10 judge on December 8th?

11 A They went to bat for me.

12 Q And is it your testimony that when they went
13 to bat for you they struck out?

14 A What do you mean by struck out?

15 Q Well, you got three years in jail that day,
16 did you not?

17 A It was put down to three years probation.

18 Q On December 8th?

19 A After I think it was the first of the year
20 they came out and sent me a letter saying I was on probation.

21 Q Mr. Weinberg, you had through your counsel
22 to file a petition on the Rule 35 to get the judge to
23 reconsider your sentence; correct?

24 A That is correct.

25 Q Because he gave you three years in jail,

1
2
3 isn't that right?

4 A That is correct.

5 Q And it was after you got the three years in
6 jail that you talked to the FBI about getting you out of
7 the mess; is that right?

8 A That is not correct.

9 Q You were in court on December 8, 1977, with
10 your then attorney, Michael Osmond; correct?

11 A That is correct.

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

13 THE COURT: Yes.

14 Q Directing your attention to --

15 MR. DUFFY: I will need to get a sticker.

16 Q I am going to show you a transcript of the
17 proceedings held before District Judge William W. Knox,
18 in Pittsburgh, on December 8, 1977, and again feel free to
19 take time to read the whole thing, but I would like to
20 point to you the first full paragraph on page 3 first.

(A pause in the proceedings.)

21 Q Then I have another section I would like you
22 to read.

23 Let me stay with the paragraph on page 3.
24 Do you recall that that's what the lawyer, your lawyer said?

25 A I haven't seen that before.

1
2 Q I am not asking you whether you saw this.

3 . You were in court with your lawyer and he talked to the
4 judge, made a pitch for you; is that right?

5 A That is correct.

6 Q Is that what his pitch was?

7 A I don't remember if that was his pitch or
8 not.

9 Q All right, sir.

10 Now, would you read the first full paragraph
11 on page 5.

12 (A pause in the proceedings.)

13 Q Have you examined that?

14 A Yes, I examined that.

15 Q Any doubt in your mind that that's what
16 Judge Knox said when you were in court that day?

17 A That is correct, no doubt in my mind.

18 Q There is no doubt?

19 A There is no doubt.

20 Q Now, just back to another portion.

21 Here on page 4, Mr. West -- he was the U.S.
22 Attorney, was he not?

23 A That is correct.

24 Q Doyou have any doubt that that's what Mr. West
25 said?

1
2 A No doubt.

3 Q Did your lawyer tell the judge in court that
4 day, quote, just a couple of points that I would like to
5 make, your Honor, that as the record indicates, the
6 defendant -- that's you; is that right?

7 A That's correct.

8 Q -- the defendant just this week has cele-
9 brated his 53rd birthday, and that but for the actions that
10 resulted in the return of this indictment in the Western
11 District of Pennsylvania, the report indicates, and I'm
12 sure your Honor will agree, that the defendant has led
13 an impeccable life up to this point.

14 Was that true then?

15 A I had never been in trouble before then.

16 Q You mean you never got caught; isn't that
17 right?

18 A I had never been caught; I had never been in
19 trouble.

20 Q But you had been swindling people for years,
21 you told us in Philadelphia, didn't you, Mr. Weinberg?

22 A That is correct.

23 Q So that representation wasn't totally accurate,
24 was it?

25 MR. PUCCIO: Judge, if a defense lawyer --

Weinberg-cross/Duffy

I object to that kind of question.

THE COURT: I'm not sure that that's fair comment on what the attorney said, Mr. Duffy. He said according to the records. I hear that kind of statement from lawyers all the time.

MR. DUFFY: I think I have done, Judge. I wasn't casting aspersions on the attorney.

THE COURT: You asked him if that's a correct statement. I assume the attorney spoke correctly. If he had not been caught there is no record of it.

MR. DUFFY: Let me go on. Perhaps my observation was unwarranted and I apologize to the Court and I withdraw it.

Q Did your lawyer go on and say, he has been a devoted family man, he has been steadily employed in various businesses throughout his life, and has no prior involvement with the law whatsoever, is that what he said?

A That's what is in the paper there.

Q And was that all true?

A That's true.

Q Now, the judge said: I have given the matter very serious consideration again about the third time last night and I have concluded that their recommendation, meaning the probation department, is a sound one under

Weinberg-cross/Duffy

1
2 the circumstances. We are never bound by it, of course,
3 and under the circumstances it is adjudged that the defend-
4 ant be committed to the custody of the Attorney General or
5 his representative for imprisonment for a term of three
6 years.

7 Is that what the judge said?

8 A That's what the judge said.

9 Q So that there is no doubt when you went to
10 court that day you got a jail sentence of three years and
11 not probation?

12 A No, that's not right.

13 Q Shall I read it again, Mr. Weinberg?

14 A I know what you are reading.

15 Q Well, when you walked out of that courtroom
16 that day didn't you understand that you had been sentenced
17 to three years in jail?

18 A I knew when I went out of that courtroom that
19 day that I was going to get probation, the first of the
20 year they were going to send me a letter.

21 Q How did you know that, the FBI told you?

22 A My attorney told me.

23 Q Your attorney, Mr. Osmond?

24 A That's correct.

25 Q Did he make a deal with the FBI for you?

Weinberg-cross/Duffy

1
2 A There was no deal made with the FBI. The
3 FBI spoke to the judge on my behalf.

4 Q And was that before sentencing?

5 A That is correct.

6 Q Before the 8th of December?

7 A That is correct.

8 Q So what the judge did, he didn't mean; is
9 that what you are telling the jury?

10 A I don't know.

11 Q All in all, you had about 60 felony charges
12 then pending throughout the country, did you not?

13 A That I don't know.

14 Q Well, they were pending in Tennessee, Con-
15 necticut, Pennsylvania, New York?

16 MR. PUCCIO: Judge, I would like to see
17 those documents that Mr. Duffy is referring to.

18 -MR. DUFFY: --I have documentation, sir.
19 I am going by my notes now. I will get the mater-
20 ial for Mr. Puccio.

21 MR. PUCCIO: Thank you.

22 THE COURT: All right.

23 Q New York, Nevada, Pennsylvania, Tennessee,
24 Texas, California and possibly Connecticut. Did you have
25 trials pending in those jurisdictions?

Weinberg-cross/Duffy

1
2 A Not to my knowledge.

3 Q But the only place you went to court was
4 Pittsburgh, Pennsylvania; is that right?

5 A That is correct.

6 MR. PUCCIO: Judge, if a document is being
7 relied upon to ask the question, I ask to see the
8 document.

9 THE COURT: He's working from notes, he said.
10 Whether there are documents or not, we can determine
11 that at some other time.

12 Q All right. Was the relationship that you
13 had with Mr. Goberman, the contractor from Pennsylvania,
14 part of that Pittsburgh indictment?

15 A No. That was settled in court with Mr.
16 Goberman.

17 Q Mr. Goberman sued you in the Federal Court
18 in Philadelphia, 1974 or '75, did he not?

19 A That is correct.

20 Q This was before you went to court in Pitts-
21 burgh on the criminal charges?

22 A That is correct.

23 Q And when he sued you in Philadelphia, he sued
24 you for \$150,000; is that right?

25 A Yes. And he settled for \$2,500.

Weinberg-cross/Duffy

1
2 Q And at that time wasn't he told that you were
3 working with the FBI?

4 A No, he wasn't.

5 Q All right.

6 Then in January of 1978, you went back into
7 court and under the provisions of Rule 35 the judge sus-
8 pended your sentence and put you on probation, did he not?

9 A That's correct.

10 Q For a period of three years?

11 A That is correct.

12 Q And in fact as you sit here today, you are
13 still on probation, are you not?

14 A That is correct.

15 Q And it was at or about that time that you
16 went to work with Mr. Good at the Hauppague office in the
17 Federal Bureau of Investigation; isn't that right?

18 A I think it was around May.

19 Q What did you do from January to May?

20 A I was cooperating at the time, but I didn't
21 get paid officially until I think May or June.

22 Q What was that, sir?

23 A I didn't get paid officially from May till
24 June.

25 Q Made some money during that time?

Weinberg-cross/Duffy

1
2 A Yes, sir.

3 Q Can you tell the jury how much?

4 A I recovered some stolen art and I got \$10,000
5 from the FBI and \$30,000 from the insurance company.

6 Q So let's see, January, February, March, April,
7 it was, \$40,000 you had during that few months?

8 A That is correct.

9 Q Did you crack any other cases for the FBI
10 during that interim period? You told us about the art.

11 THE COURT: This is from January to May?

12 MR. DUFFY: Yes, sir.

13 THE WITNESS: No. I don't recall any.

14 Q When did you go officially on the FBI payroll
15 as Melvin Weinberg, employee?

16 A I think it was May or June. I'm not sure
17 exactly.

18 Q Now, when you got on the payroll, what happened
19 when payday came? How did you get paid?

20 A I got paid once a month by check.

21 Q What kind of check? Was it one of those green
22 ones that people on Social Security get, that comes out of
23 Detroit, or was it a different one?

24 A I received a check from Abdul Enterprises.

25 Q Who signed that check?

Weinberg-cross/Duffy

- 1
- 2 A I think Mr. Brady signed it.
- 3 Q Mr. Who?
- 4 A Mr. Brady or McCarthy.
- 5 Q Jack McCarthy, who was known in the scam as
- 6 Jack McCloud?
- 7 A Correct.
- 8 Q He was listed as an officer of the corpora-
- 9 tion, was he not?
- 10 A I really don't know.
- 11 Q But in fact Abdul Enterprises was never in-
- 12 corporated, was it?
- 13 A I don't know.
- 14 Q When you talked to the FBI, whenever it was,
- 15 before December 8, 1977, or after December 8, 1977, about
- 16 going to work for them, did you tell that -- withdrawn.
- 17 Why did you speak? Give us a name of the
- 18 person to whom you spoke that got you involved in what
- 19 brings us to court this week.
- 20 A You mean about Abdul Enterprises?
- 21 Q Yes.
- 22 A Mr. McCarthy was the one. His superior⁺ was
- 23 John Good.
- 24 Q Did you speak with both of these gentlemen?
- 25 A I spoke to both of them gentlemen.

Weinberg-cross/Duffy

1
2 Q And did you tell them, did you tell John Good
3 about your background?

4 A I think he knew about my background already.

5 Q Answer my question. Did you tell John Good
6 about your background?

7 A I don't remember if I told him or not.

8 Q Did he debrief you and take notes and say,
9 Hey, Mel, where were you in 1971, where were you in 1972?
10 Did you cheat anybody in that period of time?

11 A I really don't know.

12 Q You mean you don't remember, sir?

13 A I don't remember whether I took notes or not.

14 Q Well, there came a time when you walked out
15 of court in Pittsburgh as a probationer and that was in
16 January 1978?

17 A That's correct.

18 Q After the FBI had prevailed on Judge Knox
19 to change his sentence; is that correct?

20 A That is correct.

21 Q Did there come a time that day or sometime
22 thereafter when you sat down with these new fellows with
23 whom you were going to work?

24 A I don't follow your question.

25 Q Well, you walked out of Pittsburgh and you

struck some kind of deal with the FBI, as you put it, you were going to go to work for them; is that correct?

A That's correct.

Q When you walked out of the courtroom, didn't there come a day, either that time or a time thereafter, when you sat down with these fellows and discussed what it was you were going to do with the FBI?

A I made suggestions; there were meetings and I suggested, and that's how it got started.

Q Where were the meetings? When was the first one?

THE COURT: Which question do you want answered?

MR. DUFFY: It's a bad habit I have, your Honor.

THE COURT: Lots of lawyers do that.

Q Where was the first meeting?

A I think the first meeting we had an office on the ground floor of the FBI building which we were using temporarily. I think the first meeting may have been there.

Q Where?

A On Vets Highway.

Q Sir?

A: On Vets Highway.

1
2 Q On Long Island?

3 A In Long Island.

4 Q In New York?

5 A That is correct.

6 Q All right. Who attended that meeting?

7 A Jack McCarthy, myself, Myron Fuller, Mr.

8 McShane.

9 Q Who was the last one?

10 A Tom McShane.

11 Q Was Mr. Good there?

12 A No, not that I know of.

13 Q But he was the agent in charge of that office

14 at that time?

15 A That is correct.

16 Q Now, at that meeting did you talk about first

17 of all what it was you were going to do to repay the FBI

18 for getting you out of this trouble?"

19 A I paid my debt to the FBI for getting me out

20 of trouble. I didn't have to go to work for them if I

21 didn't want to.

22 Q When you recovered the stolen art?

23 A No. I got four cases before I got my proba-
24 tion.

25 Q Was that between December 8th and when you

Weinberg-cross/Duffy

were placed on probation?

A That is the time that I went to Pittsburgh and took the plea, until I got on probation.

Q So you got busy looking after No. 1, Melvin Weinberg; is that right?

A I did what they wanted to be done.

Q You did what was necessary to keep from going to jail?

A That is correct.

Q What was it that you talked about Mel Weinberg's new job was going to be when you had this meeting in Long Island with the gentlemen that you named?

A We actually didn't know. We were going to start going after white collar crime.

Q When you came up at that time with the idea of Arabs and oil money; isn't that correct?

A I came up and suggested the name of Abdul Enterprises.

Q Had you ever used that name before?

A I may have. Gamil Abdul Ramon was a friend of mine.

Q He lives in Nice?

A He lives in Nice.

Q In Nice?

Weinberg-cross/Duffy

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2 A In Nice, France, yes.

3 Q And you had used that name before, Abdul
4 Enterprises, in one of your scams?

5 A I used it from when I went to Pittsburgh, and
6 to get the cases that I was working on, I used that name
7 from then until I got put on probation.

8 Q Do Arabs, because Arabs have money to buy
9 hot art; is that right?

10 A Correct, and to buy a certain bank that we
11 were working on.

12 Q Now, when you had this meeting in Long Island
13 you brought up the question of, or the suggestion of Abdul
14 Enterprises and Arab monies; is that right?

15 A I suggested it.

16 Q And your suggestion to these FBI agents was
17 that you let the word go out among the hustlers and the con
18 men around and about that Mel was back in business and had
19 fresh money; is that right?

20 A That is not right.

21 Q Tell the jury what word went out, if any?

22 A When they had the suggestion, and they had it
23 to be okayed by the supervisors. When the supervisors
24 okayed it, we let word out that Arab money was around.

25 Q That Mel had it?

Weinberg-cross/Duffy

1
2 A It was not said that Mel had it.

3 Q That Mel had control of it?

4 A No. It was not said that Mel had control
5 over it.

6 Q That Mel can get it?

7 A No. It was not said that Mel could get it.
8 Mel worked for them.

9 Q They could see Mel?

10 A They could see Mel when they wanted to, when
11 they walked in.

12 Q Mel was with Abdum Enterprises?

13 A That's all that was said.

14 Q And then people started to call?

15 A None of my old contacts came in.

16 Q I am tempted to say, I wonder why, but I
17 won't. You told -- strike that.

18 You were dealing then with a fellow named
19 McCarthy, were you not?

20 A That is correct.

21 Q And he was, as it is said in the field, running
22 you; is that right?

23 A That is correct.

24 Q When there is an informant or a special em-
25 ployee, there is an agent assigned to them as a supervisor,

Weinberg-cross/Duffy

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2 this relationship is referred to as the agent is running
3 Weinberg; is that right?

4 A That I don't know.

5 Q McCarthy never had any experience before the
6 idea that you gave him about the Arab money or the oil
7 money with this sort of thing, had he?

8 A I don't know.

9 Q Did you ask him?

10 A No, I didn't ask him.

11 Q John Good never had any experience with that
12 kind of con, had he?

13 A I don't know if he had or not.

14 Q Did you ask him?

15 A I didn't ask him.

16 Q Was there any FBI agent who said, "Oh, Mel,
17 I know that name, yeah, let's do it"?

18 A Yes, there was an agent named Myron Fuller
19 that was very experienced in it.

20 Q And he was at that first meeting, was he not?

21 A Yes.

22 Q And he knew what you were proposing really
23 to do was create a spinoff on the old Mel Weinberg scam,
24 and just don't cheat the people, isn't that really what
25 it boiled down to?

Weinberg-cross/Duffy

1
2 A No, it didn't boil down to that.

3 Q Let's examine that for a minute.

4 Didn't you tell Mel in the old game with
5 Lady Evelyn that you represented, whoever they were, Arabs,
6 Greeks, whoever they were, who had mega millions to invest,
7 and that you could arrange loans; did you tell them that
8 much?

9 A We had money to put out in the street.

10 Q Okay. And then when somebody would say they
11 wanted a loan, part of your scam was, or indeed the heart
12 and soul of your scam was, all right, then good, I am going
13 to contact, whoever your fictitious principal was, but we
14 needed \$2,500 to do an appraisal? Isn't that the way it
15 worked?

16 A That's the way it worked.

17 Q Or \$3,500?

18 A \$2,500 in the East Coast, \$3,000 in the West
19 Coast.

20 Q You had it broken down?

21 A We had it broken down.

22 Q And if the guy looked like a fat cat, maybe
23 5,000?

24 A No.

25 Q You were honest about staying to the price

Weinberg-cross/Duffy

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limit?

A We had a list price.

Q And then the fellow would pay you the money and then you would see if you could get him for some licensing fees or something else and get another \$1200 or so out of him; is that right?

A That's not correct.

Q Am I wrong on the amount or the whole notion?

A You are wrong on the notion. There were no licensing fees.

Q Well, didn't you go back to the trough again after you got the first \$2,500, if you could?

A On occasions we did.

Q Now, the whole notion with these people was that you were in a position to arrange for them to borrow needed monies; is that right?

A Correct.

Q And the way the scam works, regardless of the amount, was that you would take some of their money that you would take from them, get them to put up as earnest money or as paying costs; is that right?

A No. We would charge them an appraisal fee and inspection fee.

Q Now, when you set the deal up with the FBI,

Weinberg-cross-Duffy

1
2 Q Bring it to Abdul?

3 A Yes.

4 Q And people brought deals to Abdul?

5 A Yes.

6 Q Is that correct?

7 A People brought deals.

8 Q And you had some trouble early on because
9 you attracted some honest people; isn't that right?

10 A If a person came in and we thought they
11 were honest -

12 Q Would you answer my question, sir?

13 A I can't answer the question unless you let
14 me.

15 MR. DUFFY: Perhaps the Judge will let me
16 have an answer, I'm sorry.

17 THE COURT: Can you answer the question yes
18 or no?

19 THE WITNESS: I can't answer the question
20 yes or no, your Honor.

21 MR. DUFFY: Your Honor, I would like to ask
22 it again.

23 Q You had some trouble early on because you
24 attracted some honest people; isn't that correct?

25 A I can't answer that yes or no.

1 Weinberg-cross-Duffy

2 THE COURT: Can you say why you can't answer
3 it yes or no?

4 THE WITNESS: Because we had no trouble,
5 your Honor, with anyone coming in.

6 THE COURT: All right.

7 Q You attracted some people with legitimate
8 deals, did you not?

9 A If we attracted people with legitimate deals,
10 we would tell them we are not interested in the deal.

11 Q Would you answer my question.

12 You attracted some people with legitimate
13 deals, did you not?

14 A We attracted some people with legitimate
15 deals, right.

16 Q All right.

17 And did you not, therefore, have to adopt
18 a policy as to what you were going to do with people who
19 had legitimate deals?

20 A The policy was that we were --

21 Q Would you answer my question, sir?

22 THE COURT: The question is: Did you adopt
23 a policy?

24 THE WITNESS: We adopted a policy on --

25 THE COURT: If he wants to know what it is, he

1
2 will ask you.

3 If he doesn't, he will not ask you.

4 Q All right.

5 And the policy you adopted was an order to --
6 withdrawn.

7 The people at the FBI told you, did they not,
8 that when someone came in with a legitimate deal you
9 shouldn't get involved with it and hold them up for -- or
10 to let them suffer disappointment, you should reject it
11 as quickly as possible; is that right?

12 A I did not sit at the meetings making those
13 decisions. Mr. McCarthy sat at the meetings and told
14 me he wasn't interested in it.

15 Q I didn't ask you who was at the meetings.

16 A You are asking me who made decisions. I
17 was not making decisions.

18 Q I don't believe that's what I said either,
19 sir, but I will ask it again.

20 Did there not come to be very early on
21 a policy of rejecting deals offered by people if they
22 appeared to be legitimate?

23 A That is true.

24 Q And wasn't that policy announced to you by
25 your superiors in the Bureau?

Weinberg-cross-Duffy

1
2 A That I don't know where they came from, whether
3 they came from the Bureau or whether they came from John
4 Good.

5 THE COURT: Where did you learn it, Mr.

6 Weinberg?

7 A Jack McCarthy told me.

8 THE COURT: All right.

9 Q Didn't Jack McCarthy work for the Bureau?

10 A I didn't know where he got the information
11 from. He wouldn't tell me where he got the information
12 from.

13 Q Didn't Jack McCarthy work for the FBI?

14 A Yes, he did.

15 Q And he is the one who told you, no, if someone
16 comes in with a clean deal, legitimate deal, we turn them
17 down, we don't want to get involved with honest people?

18 A Correct.

19 Q Now, when was it that you first let the word
20 go out that Abdul Enterprises was interested in investing
21 money in things like hotels?

22 A A gentleman came up to the office and --

23 MR. DUFFY: Your Honor, may we have the
24 witness directed to respond to the question, sir?

25 THE COURT: The question, Mr. Weinberg, was

1
2 just when. If you stop and think a minute, see if
3 you can fix a date or an approximate date. That's
4 all he asked for.

5 THE WITNESS: I will say around November
6 of '78, maybe before.

7 Q Pardon me?

8 A Around November of '78 or maybe before that.

9 Q If it was before that, how long before that?

10 A I really don't know.

11 Q As early as July 1978?

12 A I really don't think I can answer that
13 truthfully. I don't know.

14 THE COURT: Are you saying your best recollec-
15 tion would be around November?

16 THE WITNESS: That is correct.

17 Q Did Abdul Enterprises communicate with a
18 fellow named Joe Meltzer down in Florida about a real
19 estate deal in the summer of 1978?

20 A I don't know anything about that.

21 Q Do you know Joe Meltzer?

22 A I heard of him. I never met him.

23 Q Ever talk to him?

24 A Spoke to him on the phone.

25 Q Do you know whether he was working with the

1
2 FBI down in Florida?

3 A That I don't know.

4 Q Do you know Gunner Asquine?

5 A I know Gunner Asquine.

6 Q He is an FBI agent who used the scam name
7 Gunner Anderson, did he not?

8 A That's his name.

9 Q And he ran Joe Meltzer?

10 A I don't know if he ran Joe Meltzer. I don't
11 think anybody could run Joe Meltzer.

12 Q He was the agent whom Meltzer reported down
13 in Florida, did he not?

14 A I don't know that.

15 MR. PUCCIO: Your Honor -- excus eme.

16 Q Are you telling His Honor and the jury that
17 you don't know anything about the real estate deal with
18 Joe Meltzer and Abdul Enterprises and a politician in Florida?

19 MR. PUCCIO: I object, your Honor, on the
20 grounds of relevancy.

21 THE COURT: I think he is essentially trying
22 to wrap up that subject to get on to another one.

23 Is that right, Mr. Weinberg? Is that what you
24 are saying? You don't know anything about that
25 kind of a deal?

1 THE WITNESS: All I know is rumors I heard.

2 I was not involved in that.

3 Q Where did you pick up the rumors? Not what
4 they were, where did you get them?

5 A I heard them in the office.

6 Q And the office you were in was FBI agents;
7 is that right?

8 A That is correct.

9 Q Well, just one final question in this area.
10 Did you ever enlist Meltzer to approach any
11 politicians, you, Mel Weinberg?

12 A No, I didn't.

13 Q Did you ever tell Meltzer to con any
14 politicians?

15 A No, I didn't.

16 Q Did Gunner Asquine or Jack McCarthy tell
17 him that in your presence?

18 A I wouldn't know if they told him. Not in
19 my presence, they didn't tell him.

20 Q Specifically, Mr. Weinberg, did you, Mel
21 Weinberg, ever tell a middleman, shall we decide what
22 that a middleman is? Do you know what a middleman is in the
23 ABSCAM operation is?

24 A You explained me your definition of a middleman.
25

1
2 Q Why don't we let the jury hear yours first.

3 MR. PUCCIO: Objection, your Honor.

4 THE COURT: Does the term "middleman" mean
5 anything to you in the context of Abdul Enterprises
6 operations?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: What does it mean to you?

9 THE WITNESS: A middleman is what you use
10 to make the contact with the initial person.

11 Q Make the contact with whom?

12 A The person comes with somebody he has got
13 and you speak to him and he sets the meeting up for you.

14 Q All right.

15 For example, would it be your testimony that
16 Mayor Errichetti was a middleman, one of perhaps several,
17 but at least Mayor Errichetti was a middleman in arranging
18 the Myers meeting?

19 A That is correct.

20 Q All right.

21 Did you ever tell any middleman that you
22 wanted to have him con the politicians?

23 A No.

24 Q Did you ever tell any middleman that you
25 didn't care what he said to a politician, that you wanted to

Weinberg-cross-Duffy

1
2 con him, so long as the politician would take money at a
3 meeting?

4 A No. The politician had to say something to
5 prove to us that he was going to do what he said and he
6 would take the money.

7 Q You told that to middlemen?

8 A I told the middlemen or Errichetti, if he
9 bought a politician, the politician had to prove to us
10 that he was going to do what he says.

11 Q Did you ever tell Errichetti or any other
12 middleman that you, that what you wanted was to have a
13 politician take money and you didn't care how he got him
14 to do it as long as it would appear to come over as a bribe?

15 A No.

16 Q You never told that to anybody?

17 A No.

18 Q Specifically, did you ever tell that to
19 Joe Meltzer?

20 A I told you I only spoke to Joe Meltzer twice
21 on the phone and I never spoke to him about any politician.

22 Q Did you ever tell a politician what it was
23 he was to say at a meeting that was coming up, let's say
24 right after you talked to him?

25 A Yes, I did.

Weinberg-cross-Duffy

1
2 Q Did you ever tell anyone what Mario Noto
3 was supposed to say when he came to Washington?

4 A No.

5 Q What does Mario Noto look like, the real
6 Mario Noto?

7 A A much older man, if I remember the picture
8 correctly, a full head of hair.

9 Q Anything else you can tell us about him?

10 A Not offhand. It was some time ago.

11 Q Pardon me?

12 A I said it's quite some time ago.

13 Q Do you have that picture so we could show
14 it to the jury?

15 A Do I have the picture?

16 Q Yes.

17 A No, I don't have the picture.

18 Q When did you see that picture?

19 A The day before.

20 Q Can you tell the jury what time?

21 A I got down there late in the afternoon
22 because I came from another meeting.

23 Q You were in New York that day?

24 A I don't remember where I was. I don't know
25 if it was New York or New Jersey.

Weinberg-cross-Duffy

1
2 Q That would have been the 18th of September,
3 1979; am I right?

4 A Tha is correct.

5 Q And were you in New Jersey that day?

6 A I really don't know where I was because I
7 moved around quite a bit.

8 Q Do you have any recollection of your whereabouts
9 on the 18th of September?

10 A I think I was in New Jersey, if I am not
11 mistaken.

12 Q Can you tell the jury where?

13 A I am not sure, but I think it was either
14 the Hilton Inn, in Mount Laurel.

15 Q Could it have been Moorstown, New Jersey?

16 A Morristown?

17 Q Moorstown?

18 A I don't think I was in Morristown.

19 Q Were you on Long Island that day?

20 A I really don't know for sure, but we can
21 check that to find out.

22 Q I am asking you what you remember. Were you
23 in New York that day?

24 A I told you I am not sure where I was.

25 MR. DUFFY: A change in subject now.

1
2 THE COURT: Is the new subject going to be
3 a shorter one?

4 MR. DUFFY: A long one.

5 THE COURT: Can you pick a short one?

6 MR. DUFFY: I can go into one if it runs
7 .too long cutting it off will not hurt.

8 THE COURT: All right.

9 Proceed.

10 Q Mr. Weinberg, we were given a list, and I
11 don't know if it needs to be an exhibit at this point, of
12 payments which are called schedules of compensation paid
13 to Mel Weinberg, and it starts July 1, 1978, with a \$1,000
14 entry.

15 Is it your testimony that that's the first
16 time you got paid from the FBI in connection with your
17 employment after the Pittsburgh deal?

18 A I really can't answer. I really don't know.
19 I have never seen the list, by the way.

20 Q I want to question you about what Mel
21 Weinberg remembers.

22 A I don't remember.

23 Q In March of 1979 did you get a \$5,000
24 bonus check from John Good?

25 A If it's on that list I got it.

Weinberg-cross-Duffy

1
2 Q It's not on this list, Mr. Weinberg. I am
3 asking you for your recollection.

4 A If it's not on the list, I didn't get it.

5 Q Do you recall testifying in Philadelphia
6 under oath?

7 A I do.

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

9 THE COURT: Yes.

10 Q So we are clear on this, is it your testimony
11 here today in Court under oath before the jury that you
12 didn't get a \$5,000 bonus check from John Good in March
13 or April 1979?

14 A And it's not on that list?

15 Q It's not on this list.

16 A Well, if it's not on the list, I don't
17 remember getting it.

18 MR. DUFFY: May I show the witness
19 the testimony from Philadelphia, sir?

20 THE COURT: Certainly.

21 Q I have Volume Three of your testimony in
22 Philadelphia at the hearing before Judge Fullman.

23 THE COURT: Is that Volume Three of his
24 testimony or of the testimony?

25 MR. DUFFY: If the testimony, Judge.

Weinberg-cross-Duffy

Page 3.88, a little south of the page.

THE WITNESS: I said on here, I think I got
it around March or April of '79.

Q Got what?

A A bonus.

(Continued on next page.)

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Q Got what?

A I said about 5000. I said I think I got it. You got a list and I don't have it.

Q Mr. Weinberg, we didn't have a list then.

A You had the list then.

Q We have been given a list by the government.

MR. DUFFY: May I ask Mr. Puccio through the Court to provide Mr. Weinberg with what the government contends is a history of his payments?

THE COURT: Do you have a copy of that, Mr. Puccio?

MR. PUCCIO: Yes, your Honor.

MR. DUFFY: Your Honor, can we make that a defense exhibit, Exhibit E?

THE COURT: Have you seen that document before, Mr. Weinberg?

THE WITNESS: No. I have never seen this here before.

THE COURT: Proceed, Mr. Duffy.

Q Mr. Weinberg, this was provided, Defendants' Exhibit E that we have before us was provided to us this morning by Mr. Puccio.

Are you telling the jury that you never saw the list of the payments that the government says that they

1
2 made to you?

3 A No. It's the first time that I am actually
4 seeing it in my hand.

5 Q Are we talking about that piece of paper or
6 any record of your payments?

7 A Any record of my payments.

8 Q Do you keep your own little book saying I
9 got 1000 today in a book?

10 A No, I don't.

11 Q Do you see any \$5000 bonus, check or indication
12 thereof, from Good in March of '79?

13 A Well, the only thing I see in March of '79
14 is 2500.

15 Q All right.

16 THE COURT: Aren't there two other payments
17 in March?

18 THE WITNESS: The other one is a \$500 payment,
19 your Honor.

20 THE COURT: And March 30th?

21 THE WITNESS: March 30th would be my check
22 for the month.

23 THE COURT: All right.

24 Q Would you share that with the jury,
25 Mr. Weinberg. How much was that?

1
2 A \$3000 a month.

3 Q So that month you got \$6000, plus in
4 Philadelphia you said at page 3.82 that you got a check --
5 here, I will read it to you.

6 "I was paid up in New York, I think it was
7 around March or April.

8 "Question: Of '79?

9 "Answer: Right.

10 "Question: And how much did you get?

11 "Answer: I think it was 5000.

12 "Question: Who made that payment to you?

13 "Answer: John Good.

14 "Question: Was that by check?

15 "Answer: Yes. I signed a receipt for it."

16 So that couldn't be the two or the 2500 or
17 the 3000, could it?

18 A That's probably what it is.

19 Q The government, when they gave you the figures,
20 they took a -- strike that.

21 They took a \$5000 check --

22 A I said at that time I think it was 5000. I
23 didn't say it was 5000. I knew I got a bonus around about
24 that time.

25 Q All right.

Weinberg-cross-Duffy

1
2 There came a time that you had to move, did
3 you not?

4 A That is correct.

5 Q That is to say to change your place of
6 residence?

7 A That's correct.

8 Q And when was that, Mr. Weinberg?

9 A I think it was in June of '79 or July of '79.

10 Q All right.

11 You owned a home out in Long Island somewhere?

12 A That's correct.

13 Q Where was that? We don't need the address,
14 just in what area?

15 A Central Islip.

16 Q Central Islip?

17 A Right.

18 Q You had to sell that house?

19 A I sold that house.

20 Q Did you lose money on it?

21 A I lost about \$40,000 on it.

22 Q What was the selling price?

23 A 30,000.

24 Q What did you buy it for?

25 A I bought it for thirty.

1
2 Q Did you buy it for thirty or was it nineteen?

3 A It was nineteen, 990, correct.

4 Q You bought it for nineteen and sold it for
5 thirty, but you lost 30,000?

6 A That's correct.

7 Q The figures that I have from the government,
8 this Exhibit E, I added it up in court and I get \$93,290.32.
9 I don't represent to you or the Court that that's completely
10 accurate, but that's my mental computation.

11 A A lot of that is expenses in there.

12 Q Pardon me?

13 A A lot of that is expenses in there.

14 Q I understand.

15 Let me ask some questions.

16 Can we agree that you got \$93,000 from the
17 end of July, '78 until the end of June, '80?

18 A I don't agree to that. I haven't added this.

19 Q Why don't we get you a pencil.

20 THE COURT: We will do that one overnight
21 then.

22 MR. DUFFY: Then I suggest we get him an
23 adding machine, Judge. It's an awful long column
24 of figures.

25 THE COURT: That's why I suggest that we do

Weinberg-cross-Duffy

1
2 it overnight.

3 We will break at this point, ladies and
4 gentlemen. And during the overnight recess don't
5 discuss the case with yourselves or anyone else.

* * *

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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MELVIN WIENBERG	1587 1660	1675		
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GOVERNMENT'S EXHIBITS:	DESCRIPTION	FOR ID.	IN EV.
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19A, 19B	ARTICLES		1626
21, 21A	TAPE & TRANSCRIPT		1641*
273, 274, 275, 276, 277	DOCUMENTS		1660
23, 23A	ARTICLES		1666
24, 24A	ARTICLES		1671
25, 25A	ARTICLES		1673

* * * *

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

-----X
 UNITED STATES OF AMERICA, :
 :
 -against- : 80 CR 00249
 :
 MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
 LOUIS C. JOHANSON, HOWARD L. CRIDEN, :
 :
 Defendants. :
 -----X

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201
 August 19, 1980
 9:30 o'clock A.M.

B E F O R E :

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

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

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12 * * *

* * *

15 THE CLERK: Mr. Weinberg, you are advised
16 you are still under oath.

17 CROSS EXAMINATION

18 BY MR. DUFFY: (Continued)

19 Q Mr. Weinberg, I think we left off yesterday
20 with me suggesting that you get a pencil. But now I have
21 to question you a little differently.

22 MR. PUCCIO: I object to the statement, Judge.

23 THE COURT: Sustained. Disregard counsel's
24 statement.

25 Q Did you receive this morning a new 2 page

1
2 schedule of compensation paid to Melvin Weinberg?

3 A No, I haven't.

4 Q I now show you what we have marked --

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

6 THE COURT: Yes.

7 Q What we have marked for identification as
8 Defense Exhibit F. I ask you to take a look at that.

9 Have you examined that, sir?

10 A I have examined it.

11 Q You never saw that before, I take it?

12 A No, I haven't.

13 Q Do you know who prepared it?

14 A No, I don't.

15 MR. DUFFY: May we have an agreement from
16 the Government --

17 MR. PUCCIO: Stipulated that it was prepared
18 by the Government.

19 MR. DUFFY: May we have a statement from
20 Mr. Puccio, sir, as to who prepared this document.

21 MR. PUCCIO: Prepared by Agent Bruce Brady
22 and typed by my secretary.

23 THE COURT: And prepared from what, Mr. Puccio?

24 MR. PUCCIO: Prepared from the ABSCAM
25 investigation file and in addition the 137 file.

1
2 THE COURT: FBI records?

3 MR. PUCCIO: FBI records.

4 THE COURT: All right.

5 Proceed, Mr. Duffy.

6 Q You are aware, are you not, that the Government
7 through Mr. Puccio supplied us with Exhibit E yesterday,
8 are you not?

9 A That's correct.

10 Q And that, as you understood it, purported to
11 be a complete record of payments to you during your
12 participation in ABSCAM; is that right?

13 A That's correct.

14 Q And then you answered some questions that
15 indicated that you got more monies than were shown on
16 Exhibit E; is that right?

17 A That is correct.

18 Q Now, overnight the Government has prepared a
19 new list. I would like to go through it with you if I
20 may. I have some questions on it.

21 Before we look at the list, when was it that
22 you sold your home on Long Island?

23 A I think it was around July. I'm not sure.

24 Q Was there a year?

25 A 1979.

1
2 Q All right.

3 If you look at Exhibit E -- do you have that
4 up there, Mr. Weinberg?

5 A No, I don't.

6 MR. DUFFY: Could we get a copy for him,
7 sir?

8 Q If you look at Exhibit E, can you tell the
9 jury whether in July, 1979 there is any entry that indicates
10 a payment to you in the amount of \$15,000 in July, 1979?

11 A Not in July. There's no payment.

12 Q How about June, 1979?

13 A June 15th is a payment of \$15,000.

14 Q I am directing your attention to E not F.
15 The one we cross examined you on yesterday.

16 A There is nothing in here for June.

17 MR. PUCCIO: Your Honor, I am going to object
18 to this because these documents were not prepared
19 by this witness.

20 MR. DUFFY: Your Honor, they were prepared
21 by the Government of the United States.

22 THE COURT: They are still not prepared by
23 this witness. He's not responsible for them, is
24 he?

25 MR. DUFFY: That is the purpose of my inquiry.

1
2 to find out who is responsible.

3 THE COURT: Then ask him if he had anything
4 to do with the preparation of the document. Don't
5 waste our time.

6 Q Did you have anything to do with the prepara-
7 tion of either document?

8 A None whatsoever.

9 Q Do you have any records that you can bring
10 into Court or have brought into Court to show this jury
11 how much money you were paid by the FBI in connection with
12 ABSCAM?

13 A I have no records whatsoever.

14 Q Do you have a bank account?

15 A I gave it to Mr. Puccio.

16 Q Answer my question?

17 A Yes, I have a bank account.

18 Q Does your bank account or do your bank records
19 run back through 1977?

20 A Yes.

21 Q Do you have bank records here in the building?

22 A No, no.

23 Q Do you personally have records that show
24 your banking in 1977, '78 and '79?

25 A No, I don't personally have any records at

Weinberg-cross-Duffy

1
2 all.3 Q Did you file a tax return in 1979 for the
4 year -- the tax year 1978?

5 A No, I didn't.

6 Q You say you did not file a return?

7 A I did not file.

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

9 THE COURT: Yes.

10 MR. DUFFY: 3.136.

11 Q You testified in Philadelphia, Mr. Weinberg,
12 did you not, under oath before Judge Fullman on July 9,
13 1980?

14 A That's correct.

15 Q A little more than a month ago?

16 A That's correct.

17 Q Were you asked at that time -- I am asking
18 now for your recollection. Were you asked at that time
19 whether you filed a tax return for 1978?

20 A That's correct.

21 Q Do you remember what your answer was?

22 A I said I did. But I was talking about 1977.
23 I filed in '76 for '77.24 Q Did you get an extension for the tax year
25 1978 for filing a return that should have been filed by

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April 15, 1979?

A No, I didn't.

Q Did you make any arrangements with the Government about not filing?

A No, I didn't.

Q How about your 1979 return, the one that we all filed on the 15th of April, 1980?

A I didn't file.

Q Anybody working on that?

A No. But I'm going to work on it.

Q Have you had anybody working on it?

A No.

Q You remember testifying in Philadelphia about that?

A I remember.

Q Do you remember whether you were questioned about your 1979 return, the one that was due four months ago?

A I remember.

Q Do you remember what you said?

A I said I spoke to somebody up in the office.

Q Up in what office?

A In Puch's office. Tax guy.

Q Puch's office?

1
2 A Yes.

3 Q You mean Mr. Puccio?

4 A Mr. Puccio.

5 Q What else did you say? Tell the jury?

6 A I spoke to the fellow and he told me to get
7 all the papers, what I made, and see a tax guy and get it
8 down. A lot of this money on here is expense money. This
9 goes way back.

10 Q I will ask the questions, Mr. Weinberg. You
11 just give the answers, sir.

12 Is anyone in the Government helping you
13 with your 1979 tax return?

14 A No, they ain't.

15 Q But you said in Philadelphia that they
16 were?

17 A I said I spoke to the fellow there.

18 Q Did you say in Philadelphia that someone from
19 Puccio's office was helping you with the return?

20 A I spoke to him. He said to get all the
21 papers.

22 Q Mr. Weinberg, I -- I want you to look at
23 Page 3.137 of the transcript of the Philadelphia proceedings.
24 In fact, go back to 316 at the bottom, by Mr. Ben-Veniste,
25 read that and read what is at the top of the next page.

Weinberg-cross-Duffy

1
2 MR. DUFFY: May I retrieve the transcript,
3 sir?

4 THE COURT: Yes.

5 Q Have you examined that transcript of the
6 Philadelphia testimony?

7 A I have.

8 Q Can we agree that that was the colloquy
9 between you and Mr. Ben-Veniste?

10 A That's correct.

11 Q Did he say to you:

12 "Question: Did you file a tax return for the
13 year 1979?

14 "Answer: I haven't filed a tax return yet.

15 "Question: Have you filed for 1978?

16 "Answer: Yes."

17 Now, stopping there, you are telling the jury
18 today that you have not filed for '78?

19 A I misunderstand. I filed '78 for '77.

20 Q And then did Mr. Ben-Veniste ask you, "Do
21 you recall how much you declared in 1978?"

22 "Answer: Not offhand."

23 Was that your answer?

24 A That's correct.

25 (Continued on next page.)

Weinberg-cross-Duffy

1
2 Q And then:

3 "Question: Is anyone in the Government
4 helping you with your tax return?"

5 Your answer was, "Yes."

6 Is that correct?

7 A That's correct.

8 Q The next question was, "Who?"

9 The answer was, "Some fellow up in Mr.
10 Puccio's office."

11 Is that what you said?

12 A Yes.

13 Q The next question was, "Who was that?"

14 Your answer was, "One of the tax lawyers.
15 I don't know his name."

16 Is that what you told the Judge under oath
17 in Philadelphia?

18 A That's what I told him.

19 Q But you say today that no one in Mr. Puccio's
20 office is helping you with your return?

21 A I went to him for help, which I stated in
22 this statement there, and he told me, get all the figures
23 together, to see him, and get a tax lawyer to make them
24 out.

25 Q Did you file a return in 1978 for --

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A No.

Q I wasn't finished.

Did you file a return in 1978 for the tax year 1977?

A Yes.

Q Do you recall what you declared then?

A No.

Q Do you have a copy of that return?

A No.

Q All right, sir.

This new document that we have been provided, Exhibit F in front of you, shows that instead of \$93,000 as was indicated on E, you were paid \$133,150.82. Is that an accurate listing of the payments made to you by the Government?

A To the best of my knowledge, yes.

Q Well, will you take your time and do whatever you need to do to supplement or delete as regards this purported statement of payments to you?

A I haven't the slightest idea what they paid me.

Q Let's talk about that for a minute. There came a time when you received \$3,000 a month, did there not?

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2 A That's correct.

3 Q And that went on from when to when?

4 A Started March 30th.

5 Q Will you give us the year?

6 A 1979.

7 Q Have you received \$3,000 from the Government
8 every month since then?

9 A That's correct.

10 Q That's apart from any other payments you
11 receive; am I correct?

12 A That's correct.

13 Q Now, tell the jury when you get this 3,000 --
14 by the way, when did you get the last 3,000?

15 A First of the month.

16 Q Just a few weeks ago? Couple of weeks ago?

17 A Yes.

18 Q When you get this 3,000, how do you get it?

19 A Check.

20 Q Whose check?

21 A Used to be Abdul's check. And now it's another
22 name. It's the name of the bank. I didn't bother looking
23 at it.

24 Q What do you mean by another name on the check?
25 Is it a Government check from the Treasury like Social Security

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2 receivers get?

3 A No. It's not a Government check. The
4 check is to come from Abdul Enterprises.

5 Q How much was the check when it came from
6 Abdul Enterprises during the months when your pay was
7 \$3,000 a month?

8 A \$3,000.

9 Q Didn't it come to \$2369.12 or something?

10 A I just told you it was 3,000.

11 Q They didn't hold out any taxes?

12 A Apparently not.

13 Q Did you pay unemployment compensation,
14 Workmen's Compensation? Was that paid by Abdul?

15 A I don't know.

16 Q Was there any social security payments made
17 by you or Abdul for you?

18 A I don't know what Abdul paid for me. I
19 didn't pay it.

20 Q Did you get at the end of '78, after you
21 had been working for Abdul for some period of time, did
22 you get -- let's say, in January, February, March, 1979,
23 did you get a W-2 form?

24 A No, didn't.

25 Q Did you get a 1099 form?

Weinberg-cross-Duffy

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2 A No, I didn't.

3 Q Did anybody in the Government say, hey, Mel,
4 you're going to have to pay some taxes. Here is how much
5 we paid you last year?

6 A No, they didn't.

7 Q Did you testify in Philadelphia under oath
8 that you got a W-2 form from the Government?

9 A No, I didn't.

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

11 THE COURT: Yes.

12 MR. DUFFY: I will come back to that, your
13 Honor, if Mr. Levy can pinpoint it in the record.

14 THE COURT: All right.

15 Q Now, would you look at Exhibit F. That's
16 the two page -- the recent entry. And I direct your
17 attention to the eighth item, July 31, 1978. This document
18 shows that you were paid a \$1,000 that day, is that
19 correct?

20 A That's correct.

21 Q All right.

22 Can you tell the jury -- I don't want to
23 go over each and everyone of these, but can you tell the
24 jury if the check you got was for a thousand or whether
25 there were some taxes withheld?

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2 A I told you before they were for the amount
3 made out, \$1,000.

4 Q That was an Abdul check?

5 A Correct.

6 Q All right.

7 The next item is August 4, 1978, the next
8 day. That's for \$600?

9 A That's correct.

10 Q That item did not appear on Exhibit E.
11 Can you tell the jury what that item is?

12 A If I remember correctly, I laid out for the
13 rent in the office. The landlord wanted rent when we first
14 rented the office then and I gave him a check for \$600.
15 And they reimbursed me.

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18 (Continued on next page.)
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2 Q Now, Mr. Levy gives me --

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

4 THE COURT: Yes.

5 Q About the W-2 form you say you didn't say it
6 under oath in Philadelphia that there was a W-2 form.

7 Would you read from Page 3.89, starting at
8 the top.

9 MR. PUCCIO: May I have the page, sir.

10 MR. DUFFY: 3.89.

11 Q Have you read that?

12 A I read it.

13 Q Is that the sworn testimony you gave in
14 Philadelphia?

15 A That's correct.

16 Q I don't know who was questioning you, but
17 was the question -- a little out of context -- "Was that
18 by check?

19 "Answer: Yes. I signed a receipt for it.

20 "Question: Were you always paid by check?

21 "Answer: Yes. My salary was always paid by
22 check.

23 "Question: You considered it a salary?

24 "Answer: Well, it was expenses and salary.

25 "Question: And did they fill out a W-2

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2 form in that kind of stuff for you?

3 "Answer: They did."

4 Is that what you said in Philadelphia?

5 A I said that. But I believe you were talking
6 about the form that I sign when I get the money.

7 Q The receipt?

8 A Correct.

9 Q I don't want to quarrel with you, Mr. Weinberg,
10 but you said -- above that you said, "I signed a receipt
11 for that."

12 Is that correct?

13 A That's correct.

14 Q Perhaps I am being quarrelsome and I don't
15 intend to be. Do you know what a W-2 form is? Did you
16 work at an honest job?

17 MR. PUCCIO: I object to the statement, Judge.

18 THE COURT: I will sustain it as to form.

19 Q Do you know what a W-2 form is?

20 A I thought a W-2 form is what you get from
21 your employer with the taxes you paid.

22 Q At the end of the year he gives you a little
23 form that says you paid so much, so much was held out for
24 this, so much was held out for that. You know what it is,
25 don't you?

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2 A I do.

3 Q You know what it was on July 9, 1980 when you
4 testified in Philadelphia, didn't you?

5 A No, you questioned me -- I thought that you
6 were talking about the form I signed for the Government.

7 Q All right.

8 Let's go back to that \$600 item, August 1,
9 1978. You say you paid the rent?

10 A I laid out a check for the rent, because they
11 didn't have the check with them. So I gave my check.

12 Q All right.

13 Skipping down to October 24, 1978. Do you
14 see that item on Exhibit F, \$5,000?

15 A I do.

16 Q Do you see it?

17 A Yes, I see it.

18 Q It does not appear on Exhibit E does it?

19 A No, it doesn't.

20 Q Can you tell the jury what that 5,000 was?

21 A I haven't the slightest idea what it's for.

22 Q You've got \$5,000 less than two years ago
23 and you don't have any idea what it's for?

24 A Probably something I did and they gave me a

25 Q A bonus?

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A A bonus on it.

Q You got another \$5,000 bonus in March or April of 1979, did you not?

A It's April 9th.

Q That wasn't on the list yesterday, was it?

A No, it isn't.

Q It's on the new list, is it not?

A Correct.

Q Let's skip down to June 15, 1979 where the new list, Exhibit F -- it was given to us this morning -- shows \$15,000 payment. Was that on the list that was given to us yesterday, Exhibit E?

A No, it isn't.

Q Tell the jury what that 15,000 was?

A Well, I'm not sure what it's for, unless when my cover was blown.

Q It had to do with the sale of your house, didn't it, Mr. Weinberg?

A In June?

Q Yes.

A No.

Q When did you sell your house?

A The house was sold -- I told you, July. June, July. But it wasn't closed on it until I think

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2 September.

3 Q The cover thing that -- your cover being
4 blown, when did that come up?

5 A Came up a few times.

6 Q How much did you get -- what kind of bonus
7 because your cover was blown?

8 A I don't remember. But I'm just guessing at --
9 it may be for that.

10 Q Well, if it was only 14 months ago -- stop
11 me if I'm wrong -- wouldn't you remember getting \$15,000?
12 Or isn't that much to you?

13 A I don't remember what it was for.

14 Q Well, let's tell the jury about the house,
15 Mr. Weinberg. You sold the house for \$30,000, isn't that
16 right?

17 A That's correct.

18 Q And you paid \$19,000 for the house; isn't
19 that correct?

20 A I paid \$20,000 for the house. 1990.

21 Q I will give you the thousand. When you sold
22 the house, you went to John Good with the FBI and complained
23 to him that you were taking a giping on the house, and you
24 got \$10,000 from the FBI to supplement the sale price on
25 your house; isn't that true?

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2 A No, I don't think that is true.

3 Q Do you know --

4 A I don't know what the 15,000 was in June.
5 But I don't believe it was for the house.

6 Q Just answer my question. I am not going to
7 the -- I am not going to the list now. I want you to tell
8 the jury what you remember about the sale of your house
9 just only -- a little more than a year ago. Isn't it
10 true -- listen to my question, please.

11 Isn't it true that when you sold the house
12 for \$30,000, you told Good that you took a loss on the house
13 and that you want the FBI -- stop there -- that you told
14 Good you took a loss on the house?

15 A I don't remember telling Good I took a loss
16 on the house.

17 Q Do you deny now under oath that you said that
18 to him?

19 A I don't remember saying it to him.

20 Q All right.

21 Didn't you say to Good that you wanted the FBI
22 to pump you up with some money to supplement what you were
23 getting on the sale of the house?

24 A I don't believe that -- part of that money
25 could be moving expenses. They paid for my moving.

Weinberg-cross-Duffy

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2 Q I am coming to that, Mr. Weinberg. Let's
3 talk about the 10,000 now.

4 A I really don't now. I just can't answer you
5 on it.

6 Q Okay.

7 Let's talk about the moving expenses then.
8 Isn't it true that you went to Good and told him, since
9 you were moving from your home you needed some walking
10 around money or living expenses and you got another \$5,000
11 from the FBI?

12 A No, that's not true.

13 Q Do you deny under oath that you got \$15,000
14 from the Federal Bureau of Investigation or Abdul
15 Enterprises or whomever was the maker of the check?

16 MR. PUCCIO: Objection. It's been asked
17 and answered, Judge.

18 THE COURT: Let me hear the whole question.

19 Q Do you deny now under oath that someone
20 connected with the Government, be it the FBI or Abdul
21 Enterprises, paid you \$15,000 in checks with the sale
22 of your house and your moving?

23 A I got 15,000, but it wasn't connected with the
24 sale of my house or moving.

25 Q Tell this jury what it was in connection with?

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2 A I don't know offhand exactly what it was
3 connected with.

4 Q Somebody just walked up and said, you're Mel.
5 Here's \$15,000. You can have it?

6 A No.

7 But in June there -- May 8th in that some
8 CDs or something else came in.

9 THE COURT: May I see counsel at side bar,
10 please.

11 (The following took place at the side bar.)

12 THE COURT: Mr. Duffy, you can -- I am not
13 attempting to restrict your cross examination in
14 any way. But I would suggest to you, you may be
15 embarrassing yourself by the aggressive approach
16 you're taking. Because I know what is in the 137
17 file. It shows that the \$15,000 was paid to him
18 in connection with another matter which he was nearly
19 killed, and in which he recovered some rather
20 substantial property for the Government. And that the
21 amount of the payment in connection with his house
22 moving was \$6,000. And it's included in the Abdul
23 Enterprises payments of '79.

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25 (Continued on next page.)

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2 MR. DUFFY: That's not what he testified to
3 under oath in Philadelphia.

4 THE COURT: You can cross examine him about
5 it to your heart's content, but you are leaving
6 yourself wide open. The Government has the records.
7 I just wanted to alert you. They consider them
8 confidential records, particularly when they relate
9 to other investigations. I don't know to what
10 extent they feel they can safely reveal the informa-
11 tion, but they may come back and -- just looking
12 at the case from the overall point of view, they
13 may come back and make a hero out of this guy in
14 the eyes of the jury.

15 MR. DUFFY: They deprived us of that informa-
16 tion and I --

17 THE COURT: It's not Brady material.

18 MR. DUFFY: I think it's highly improper if
19 they do come back. But we have this witness in
20 Philadelphia saying what the money was.

21 THE COURT: I'm not saying that you can't
22 question him. I want to warn you of the risk you
23 are running in what you are doing.

24 MR. PUCCIO: May I put on the record that
25 it would be our position -- at least, we would like

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2 the opportunity to explore whether we can bring out
3 that the reason behind these payments --

4 THE COURT: Of course you can.

5 MR. PUCCIO: We intend to do so.

6 MR. BEN-VENISTE: You would?

7 MR. PUCCIO: We would.

8 MR. BEN-VENISTE: I would object to it very
9 strongly. If these payments aren't on a list
10 relating to Abdul Enterprises in the ABSCAM investiga-
11 tion, then we are sandbagged not only by the witness
12 sworn testimony, but by the fact that this material
13 has not been provided to us during the pretrial as
14 we had requested. I would suggest to the Court
15 that if this is in fact the case, under all the
16 circumstances that the record should be left as it
17 is and Mr. Puccio ought not to be allowed to come
18 back in and rehabilitate the witness with information
19 that has been deprived us for purposes of use in
20 cross examination. That is just absolutely sand-
21 bagging.

22 THE COURT: With respect to the payments
23 he received from Abdul Enterprises, you had the list,
24 You had known what they are. They are Brady material.

25 With respect to the payments received in the

other capacities his work for the Government, they are not Brady material. They all go down to Mr. Weinberg's credit and are directed to some rather extraordinary service that he rendered to the Government, particularly with organized crime. And to the extent that you explore it -- I think I warned you about this yesterday -- to the extent that you explore him as a witness, I think the Government is entitled to rehabilitate him if they choose. They can tread a very fine line between safety and revealing other investigations and things of that nature. But that's a line the Government has to decide, whether they are going to cross it or not. I want you to be aware that you are opening the door to that kind of a redirect examination or rehabilitation.

MR. BROWN: Judge, may I inquire through the Court if it's possible for the material to be given us to distinguish payments that would be paid by Abdul in connection with this particular matter as opposed to matters such as the one you describe?

THE COURT: Exhibit 66 is where he had the problem. Exhibit E is payments by Abdul. Exhibit F has additional payments.

MR. BROWN: So that if we rely on Exhibit E

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2 then we would not be within the purview of other
3 matters beyond Abdul which gave occasion under your
4 rule of rehabilitation by the Government.

5 MR. PUCCIO: It is too late for that. I am
6 sorry.

7 MR. BROWN: May I finish? I didn't mean --
8 I was talking to Mr. Puccio.

9 MR. PUCCIO: I am sorry that I interrupted
10 Mr. Brown.

11 THE COURT: Mr. Duffy has already gone into
12 many of the non-Abdul payments. But he's making a
13 big hassle over the 6,000 and the 15,000. He's
14 obviously gotten them confused in his own mind.
15 And I can understand why. I just wanted to alert
16 him that there's nothing mystical about the whole
17 thing and it's a perfectly simple explanation.

18 Now, his testimony may well be inconsistent.
19 And you can exploit that to whatever extent you
20 want.

21 MR. DUFFY: Your Honor, in Philadelphia
22 he testified that he got 10,000 to supplement the
23 sale price and a \$5,000 moving expense. There's
24 no doubt about that.

25 MR. BROWN: Judge --

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2 THE COURT: The FBI report --

3 MR. BROWN: Your recollection will be guiding,
4 of course, but I don't recall -- this is my own
5 shortcoming perhaps -- that there was a distinction
6 between Exhibit E and the present day listing in
7 terms of any such exposure. Now, what I understood
8 the list -- the list was to be a supplemental list,
9 and the statement I recall Mr. Puccio making is
10 this, your Honor. We do have the supplemental list
11 and we are correcting the list. And this is the
12 correct list. Now, I realize that -- that perhaps
13 we should have gone further in attempting to get
14 the reason why.

15 THE COURT: He said it was paid out of two
16 accounts.

17 MR. BROWN: Of course.

18 THE COURT: The first list he gave was the
19 Abdul account and the other is another FBI account.

20 MR. BROWN: But, you see, here is what
21 appeals to my reasoning. First, it was a 137
22 account, and then extraneous from that originally
23 137 account due to new FBI procedures, a different
24 account --

25 THE COURT: You're confusing account with

Weinberg-cross-Duffy

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2 files.

3 MR. SROWN: That may well be.

4 THE COURT: You are talking about accounts.

5 MR. BROWN: The word was, file.

6 THE COURT: The Abdul account was on Exhibit
7 E. The two files, the 137 and the 137 Sub A was
8 the attempt to separate individually, identifying
9 documents from those that identified them only by
10 number.

11 MR. BROWN: Yes. I understand. That's why
12 I thought the separate file did not exclude Abdul.

13 THE COURT: The one that identified them
14 individually does include the record payments made
15 to him.

16 MR. BROWN: That's right.

17 THE COURT: Out of other accounts.

18 MR. BROWN: That's why --

19 THE COURT: Actually out of FBI accounts.

20 MR. BROWN: That's why I failed to perceive
21 the distinction. You see, this is the one instance
22 where you hold the cards. We sit here and have to
23 interpret. And in most instances it's the other
24 way around.

25 THE COURT: I understand. And I don't particula:

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2 like being in that position. But because of the
3 nature of the extremely sensitive material I don't
4 see how there is any other way to handle it. I
5 will tell you, if the Government decides to throw
6 caution to the wind and show precisely what his
7 informant activities have been, I can tell you if
8 I were sitting on the jury my evaluation of his
9 activity is that while he is probably personally
10 a scoundrel, from the point of view of the service
11 that he's rendered to the United States Government,
12 maybe he ought to get a medal. I warn you you may
13 get to that point.

14 MR. BEN-VENISTE: I would say, your Honor,
15 that we would be entitled to a mistrial if Mr. Puccio
16 tries to elicit that from the witness on the basis
17 of this record, this type of organized crime
18 connection or anything like that outside of the
19 purviews of this indictment which has absolutely
20 nothing to do with that subject matter.

21 THE COURT: Well --

22 MR. BEN-VENISTE: We were not warned --

23 THE COURT: They can explain why these payments
24 were made to him.

25 MR. BEN-VENISTE: No, sir. Not with a list

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2 that is provided to us that indicates Abdul Enter-
3 prises or ABSCAM related payments. This has nothing
4 to do with ABSCAM. It certainly has nothing to do
5 with our indictment.

6 THE COURT: Then why do you keep questioning
7 about it.

8 MR. DUFFY: Because they were given to us.

9 MR. BEN-VENISTE: The list --

10 MR. PUCCIO: Judge --

11 THE COURT: I told you what the file contains
12 yesterday. You didn't listen to me.

13 MR. BEN-VENISTE: Your Honor did not tell me.

14 MR. BROWN: I didn't hear that.

15 THE COURT: Not individually. But I identified
16 for you what his activities --

17 MR. BEN-VENISTE: But how on earth could we
18 know, if the Court please, that the -- that is why
19 we asked for the underlying material so that we
20 would --

21 THE COURT: Whatever that may be, now you
22 know.

23 MR. BEN-VENISTE: All right.

24 THE COURT: I just wanted to warn you. You
25 may well be walking out on a plank that the Govern-

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2 ment may saw you off.

3 MR. BEN-VENISTE: Prospectively we are not
4 going to go into that, but it would be -- I think
5 it would be unfair and it would entitle us to
6 make a motion for a mistrial to have Mr. Puccio
7 go back and try to -- now on this record in
8 connection with that \$15,000 payment and try to make
9 this man out to be some kind of undercover organized
10 crime expert in some totally unrelated area to this
11 ABSCAM.

12 THE COURT: He mentioned that he nearly got
13 wasted, that he recovered CDs for the Government.
14 He's touched upon it.

15 MR. BEN-VENISTE: Let's leave it the way
16 it is.

17 MR. DUFFY: I am not in a position where I
18 can say, didn't you testify in Philadelphia -- and
19 I've got that testimony -- and then he says ten
20 an five supplementing the price and the moving
21 expenses --

22 MR. BROWN: You know, a part of the burden
23 which you placed on us also falls on the witness
24 in that we are relying on his testimony where that
25 seems to be consistent with the fact that the payments

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2 come out of Abdul and be guided by that, and I
3 want to put on the record that I appreciate the
4 warning -- and I speak for myself. I will now be
5 guided and not come within that purview. But I
6 would state, too, that up to this point, because
7 of the Court's discretion in denying us these
8 records, which I also do not challenge, we were
9 unable to make these distinctions. And that -- and
10 I believe that from now onward we would be responsible.
11 But I ask you to consider, too, Mr. Ben-Veniste's
12 position, which is that up to this point we were
13 unable to and had no means of understanding the
14 distinction between his testimony which identifies
15 these as being connected with Abdul in a perfectly
16 relevant way as opposed to some of his other
17 adventures with the Government which are totally
18 unrelated to us.

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2 THE COURT: I think I understand the problem
3 that you each have. And in order that it doesn't
4 in a sense run away with the trial, which it
5 shouldn't, it's a relatively small aspect of it,
6 as far as I can see. Before you attempt to straighten
7 this out, Mr. Puccio, I want you to bring it up
8 at side bar as to what you propose to do because I
9 think perhaps whatever unfairness may be generated
10 by some of the questions we heard thus far or perhaps
11 will hear can be cleared up in the interest of
12 accuracy without overloading the record with what
13 may have been the reason for the payments beyond the
14 service rendered to the Government.

15 MR. PUCCIO: Judge --

16 THE COURT: Each of these payments were preceded
17 by requests by the FBI for considerably more than
18 what was actually authorized.

19 MR. BROWN: I understand. But I believe within
20 the purview of the witness' ability to recall --
21 I am not criticizing him for that. If he had
22 simply answered, well, this isn't connected with
23 this business, we would be off it. But I don't think
24 even has a clear recollection.

25 THE COURT: I don't think he has.

Weinberg-cross-Duffy

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2 MR. BROWN: If we are guided by the Government
3 and we are barred from certain material which your
4 Honor in his discretion and judgment says that we
5 shouldn't have, then we are out on a limb. And that
6 lightweight saw that they have advertised on T.V. --

7 MR. PUCCIO: What I say I would like to do,
8 as your Honor indicated, that I can make an evaluation
9 of what we want to elicit and then bring it before
10 the Court. It may well be that we won't come back
11 into it. But I don't want to waive it. And I also
12 want to say that Mr. Furst had requested at the time
13 we had the 137 file all of the payments even going
14 back to the '60s. And at that time I indicated that
15 it didn't seem particularly relevant. But in light
16 of the examination I have requested someone to go
17 through all the files. And that was my reason. But
18 I think --

19 THE COURT: Don't go into any rehabilitation
20 explanation of putting a witness on with the files
21 to explain what they were without first discussing
22 it at side bar.

23 MR. DUFFY: Look at the trap that I am in,
24 sir. We get this document from the Government that
25 says these are the payments to Mel Weinberg. Nothing

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2 about that there payments for heroism above and
3 beyond the call of duty. We have to assume that
4 anything from '78 on is an ABSCAM payment. I think
5 that is the proper construction of what they gave
6 us. We have this witness under oath more than a
7 month ago in Philadelphia explaining certain payments,
8 swearing that this is why he got the money. And
9 then I get sucked into cross examining him on a
10 change in his testimony now from what he gave under
11 oath in Philadelphia. And that's supposed to light
12 the fuse and let the Government blow me away. I
13 don't think that that is ethical.

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Weinberg-cross-Duffy

(The following took place at the side bar.)

MR. BEN-VENISTE: May I fasten on to something
here?

THE COURT: Yes.

MR. BEN-VENISTE: The Court has mentioned
a request of the witness for more money on various
times. If those requests relate to ABSCAM related
endeavors, I have no way of knowing whether they do
or do not, but we would be entitled --

THE COURT: There is no indication in any
part of the two files that I went through, Court
Exhibit 4 and 4-A, that indicate any request at all
by the witness Mr. Weinberg for money.

MR. BEN-VENISTE: That answers that question.

MR. CACHERIS: Are there any underlying
documents that go with that list the government has
like for example if there is a request for a
reimbursement that it emanates from the witness?
All we have is the cold list.

THE COURT: There is nothing in the file
that is from the witness. Everything in the file
is an FBI memorandum of one sort or another with
the exception of entirely irrelevant materials the
witness has supplied, documents which have been

Weinberg-cross-Duffy

1
2 obtained in the course of his undercover activities.

3 MR. CACHERIS: It seemed to me for the
4 government to pay expenses as distinguished from
5 \$3000 must be something -- there must be something
6 in the file to justify the expense. I think we are
7 entitled to that.

8 THE COURT: No. I can't respond to that.
9 It's not in the file that I read.

10 MR. PUCCIO: Mr. Cacheris is probably
11 referring to the use of the word compensation on the
12 top of the list. The use of the term is generous
13 because it turns out some of those figures are
14 returns of monies that the witness laid out.

15 THE COURT: As the witness has testified.

16 MR. PUCCIO: Yes. The title is misleading.

17 THE COURT: You can see all the odd figures
18 are expense reimbursements.

19 MR. CACHERIS: He said he was reimbursed.
20 It's appropriate to find out what records exist from
21 the expense either from the witness or from the
22 government.

23 THE COURT: I am not sure what relevancy
24 that might have.

25 MR. PUCCIO: The implication may be he was

1
2 paid additional compensation through the use of
3 the device "expenses."

4 I will check on that.

5 MR. CACHERIS: The implication is that the
6 expenses are phoney.

7 MR. PUCCIO: I have no knowledge of that
8 but I will check.

9 THE COURT: There is no record of it.

10 MR. CACHERIS: I make the request.

11 THE COURT: All right.

12 (The following took place in open court.)

13 THE COURT: I am sorry for the interruption,
14 ladies and gentlemen. I think we have straightened
15 out our problem and we may proceed.

16 Mr. Duffy.

17 CROSS EXAMINATION

18 BY MR. DUFFY: (Continuing)

19 Q Mr. Weinberg, let's go back to Mr. Goberman,
20 do you remember him?

21 A Yes.

22 Q I am not certain that I understood what we
23 talked about yesterday, I just have a few questions in this
24 area.

25 Do you have -- did you have some dealings with

Weinberg-cross-Duffy

1
2 Mr. Goberman?

3 A I did.

4 Q He is the building contractor from Lancaster,
5 Pennsylvania, is that correct?

6 A Yes.

7 Q He was the fellow who had the hotel down in
8 the Islands, is that correct?

9 A That is correct.

10 Q Did you swindle him for any money at all?

11 A I did.

12 Q Oh, all right.

13 Can you tell the jury how much?

14 A Approximately \$10,000.

15 Q He settled for 2500?

16 A Yes.

17 Q Of what was that \$10,000 composed?

18 A I don't follow the question.

19 Q Did you take \$10,000 in cash or part of a
20 diamond ring?

21 A No, in three payments.

22 Q What were they?

23 A I think it was 2500, 5000 and 2500.

24 Q How about airline tickets, did you get any
25 airline tickets from him and then cash them in?

1 Weinberg-cross-Duffy

2 A Not that I remember.

3 Q \$1539 ticket deal from New York to Tokyo to
4 New York, and did you cash that in?

5 A I didn't.

6 Q Did you get tickets from him from New York to
7 London to New York, \$753?

8 A Yes.

9 Q You cashed that in?

10 A No, I didn't.

11 Q You went to London?

12 A That is correct.

13 Q Did you get another ticket from him for
14 London to New York, \$375?

15 A I guess so.

16 Q Did you cash that in?

17 A No.

18 Q Is that counted at all in the \$10,000 that
19 you told the jury about?

20 A No.

21 Q How about a diamond ring, did you get a
22 diamond ring from him?

23 A No, I did not get a diamond ring from him.

24 Q Are you familiar with Bach Jewelers,
25 33 North Queens Street, Lancaster, Pennsylvania?

Weinberg-cross-Duffy

1
2 A No.

3 Q Harry Winston, Inc., loose diamond division,
4 718 Fifth Avenue, New York, New York?

5 A Yes.

6 Q Did you sell a diamond ring to them or buy
7 one?

8 A I picked up a ring for Mr. Goberman's girl-
9 friend.

10 Q Oh.

11 It was for the girlfriend?

12 A His girlfriend.

13 Q 3.28 carats?

14 A I don't know.

15 Q How much was it?

16 A I haven't the slightest idea.

17 Q \$3600?

18 A I don't know what the price was.

19 Q In January of this year, Mr. Weinberg, did
20 you lose some of the tapes that you made under tape recordings?

21 A I had three or four tapes stolen out of my
22 bag with my cigars at the airport.

23 Q What flight were you on?

24 A I think it was Flight 180. I am not sure
25 of the flight number.

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Q What airline?

A National.

Q What day?

A I think it was January 23rd.

Q 1980?

A 1980.

Q From where to where?

A West Palm Beach to New York. LaGuardia.

Q When you arrived here, did you open your bag?

A When I got to the hotel I opened my bag.

Q There were no tapes?

A No tapes and cigars were gone.

Q Were there more than four tapes in the bag?

A No, approximately three or four tapes.

Q Were the tapes that were taken all of the tapes that were in the bag?

A They were in that pocket, yes.

Q Did you have other tapes in the bag that were not taken?

A No.

Q All the tapes you were carrying in the bag were stolen?

A That is correct.

Q Can you tell the jury, without going into the

1
2 contents of the tapes --

3 A I really don't remember who the tapes were on.

4 Q Can you tell the jury how old the tapes were?

5 A Approximately a week old or so.

6 Q Did you make inquiry of National Airlines --
7 did you complain to them, say I lost some tapes, somebody
8 stole them?

9 A The FBI made an investigation on it.

10 Q The ticket was in your name, wasn't it?

11 A Yes.

12 Q You didn't fly under an assumed name?

13 A No.

14 Q Where did you get the ticket?

15 A Bought it in West Palm.

16 Q From National Airlines?

17 A No, a travel agency.

18 Q The ticket was made out to Melvin Weinberg,
19 was it not?

20 A Yes.

21 Q Did Melvin Weinberg go to the National Airlines
22 and say: My bag was broken into and I lost four tapes and
23 some cigars?

24 A When I found out they were stolen out of the
25 bag I reported it to Agent Amoroso. He called John Good.

1
2 John Good called up West Palm Beach office and checked there
3 and they called Kennedy Airport, FBI office, to check on
4 National.

5 Q Were you there when Good did that?

6 A On the phone?

7 Q With Good.

8 A I was in the room when Amoroso spoke to Good.

9 Q The rundown is you lost the tapes and you
10 told Tony Amoroso because he was your supervisor, is that
11 correct?

12 A That is correct.

13 Q He assured you inquiry was being made by the
14 FBI?

15 A That's what he said.

16 Q When -- strike that.

17 Did you ever lose anything any other time
18 while flying?

19 A I had cigars stolen once before out of there.

20 Q Do you know what the normal procedure is
21 when you lose something, you go to the airline and fill out
22 a baggage claim lost, or ticket --

23 A I didn't do that.

24 Q My question is, do you know that is what is
25 done?

Weinberg-cross-Duffy

1
2 A No, I didn't know that was done.

3 Q Did you ever do that yourself?

4 A No.

5 Q When you were robbed before?

6 A No, I didn't.

7 Q Do you know if there was any baggage claim,
8 lost claim, made in this case?

9 A No claim made.

10 Q Can you tell the jury whether you discussed
11 that with Good and Amoroso?

12 A I did not discuss it with Good or Amoroso.

13 Q You never went back to National Airlines and
14 filled out a form?

15 A No.

16 Q You don't know what was on the tapes and when
17 they were made?

18 A I tried to remember the time, what was on the
19 tape, I don't remember if I told them. Right now I don't
20 remember what was on them.

21 Q Did you make out any written report to your
22 supervisor about the loss of the tapes?

23 A No, I didn't.

24 Q Do you remember -- changing the scenario --
25 do you remember July 26, 1979, the first day you met Lou

1
2 Johanson?

3 A It was on the boat?

4 Q Yes.

5 A Yes.

6 Q You had talked to him on the telephone before
7 he came down to Florida?

8 A That is correct.

9 Q You told him: We will have a meeting and
10 examine your documents, is that correct?

11 A That is correct.

12 Q When Mr. Johanson came down with Howard Criden
13 and Mr. Heiler and the Mayor, he and Criden brought with
14 them certain documentation that had to do with this piece
15 of property in Atlantic City?

16 A Yes.

17 Q Do you remember whether there was a feasibility
18 study?

19 A Not offhand.

20 Q Do you remember whether there was a financial
21 plan?

22 A Not offhand.

23 Q Does Laventhol & Horwath ring a bell?

24 A No.

25 MR. DUFFY: May I approach the witness with

1
2 Exhibits G and H?

3 THE COURT: Yes.

4 Q I ask you if you saw them on July 26th in
5 connection with the Atlantic City hotel deal?

6 A I don't remember seeing them.

7 Q Do you deny that those items or identical
8 items were submitted to you and Amoroso?

9 A I don't remember. I can't deny it.

10 Q But, you had experience with real estate
11 wheeling and dealing, did you not?

12 A That is correct.

13 Q You have examined these two documents, G and
14 H, and they do appear to be feasibility studies and
15 financial plans?

16 A They were a financial plan and feasibility
17 study.

18 Q Between July 26th, 1979 and today, how many
19 times did you ever see Lou Johanson after July 26th?

20 A I never seen him after July 26th.

21 Q You never talked to him either?

22 A Just on the day before when I spoke to him
23 on the phone.

24 Q Really the 14th of July?

25 A Yes.

Weinberg-cross-Duffy

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Q When you talked to him on the phone that day, you asked him if when the deal went through he would have a part of the action, did you not?

A I don't remember.

There is a tape on it, it should be in the tape.

Q Do you remember him telling you if he was in for something he would hold it up front in the open?

A I don't remember. If it is in the tape.

Q Do you remember him saying he was like a graduate of the seminary?

A No.

Q Everything was honest and above-board?

A I don't remember.

Q You don't deny it?

A I don't deny it, he may have said it.

(Continued on next page.)

Q Now, was that time, July of 1979, the first time that you and the other folks involved in ABSCAM began to focus on politicians?

A No, because as far as -- actually no, because we dealt with the Mayor before that.

Q You also dealt with Joe Meltzer?

A I never dealt with Joe Meltzer.

Q Was the Miami deal -- what was going on in Miami with Abdul Enterprises, was that considered ABSCAM?

A I don't know anything about the Miami deal. As far as I know, Abdul had nothing to do with Miami.

Q You made some money down in Miami, did you not?

A That is correct.

Q You considered that to be all part of ABSCAM, did you not?

A I was working with an agent.

Q Gunnar Askeland?

A Yes.

Q He went by the sham name of Gunnar Anderson?

A Yes.

Q He ran Joe Meltzer?

A I don't know.

1
2 Q Are you telling the jury you don't know that
3 Gunnar Anderson was Joe Meltzer's supervising agent?

4 A I don't know who Meltzer's supervising agent
5 was, it was none of my business.

6 Q Didn't you talk to Meltzer on the telephone
7 and talk about that?

8 MR. PUCCIO: I object. This was asked and
9 answered and it is irrelevant.

10 THE COURT: Overruled. The last question
11 is two questions, though.

12 Q Did you talk to Meltzer on the telephone?

13 A I spoke to Meltzer and told him to knock off
14 what he was doing.

15 Q Specifically didn't you mention Gunnar
16 Askeland?

17 A I told him I was going to tell Gunnar.

18 Q You were going to tell Gunnar even though you
19 didn't know Gunnar?

20 A Gunnar was the agent I dealt with down there,
21 I would tell him.

22 Q You knew that Joe Meltzer had a thing going
23 with Gunnar Anderson and provided for him to try to give
24 money to a local politician in Florida as early as the
25 summer of 1978, didn't you?

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A No, I did not.

Q You never talked to Meltzer specifically about that Councilman William Medlen?

A I had nothing to do with that.

Q You knew about it?

A I heard rumors but I didn't know what was going on.

Q Going back to when you were down in Florida, Mr. Weinberg, I have a note that yesterday you having said you bought the Lanier recorder, is that correct?

A Yes.

Q Someone asked you, did you buy it in the store, and I think you answered no, is that correct?

A That is correct.

Q Tell the jury where you were when you bought the Lanier recorder?

A On the yacht. In Del Ray Beach.

Q A salesman came?

A Yes, and Mr. Amoroso bought one for him and one for me.

Q You were aboard -- was he a yacht-to-yacht salesman?

A No, we called him up and he came down to the yacht.

1
2 Q Just a few more questions.

3 When you were arrested back in connection
4 with the Pittsburgh prosecution, the one we talked about
5 yesterday, did you tell people in the FBI about everything
6 you had been doing for the prior dozen years or more?

7 A Well, they must have known about it. You
8 told me there were sixty counts against me across the
9 country.

10 Q My question is, did you tell the people in
11 the FBI everything you had been doing for the last dozen
12 years or so?

13 A I think I did.

14 Q In fact, you started to work with the Bureau
15 in the early sixties, is that correct?

16 A That is correct.

17 Q While you were running scams on other people,
18 swindles on other people, you were then an FBI informant,
19 is that correct?

20 A That is correct.

21 Q Did you ever tell the FBI that you had any
22 swindle going with some American Indian?

23 A No.

24 Q ^(over) Did you have such a thing?

25 A No, I did not.

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Q No mining swindle with American Indians?

A No.

Q No swindle with any kind of shares or certificates with American Indians?

A No.

Q Any kind of Indian?

A I was involved with a Yaqui Indian.

Q What kind of Indians?

A Out of Mexico, Yaqui.

Q Spell that?

A No, I can't.

Q Did you tell the FBI you had a swindle with them?

A They swindled us.

Q Let me follow up on that.

Was that the deal that the Indians gave you a contract?

A That is correct.

Q And then after you got swindled you figured you should have known, where would Indians get a typewriter?

A Yes.

Q Is that correct?

A That is correct.

Q But your resourcefulness came to the front?

1
2 A Yes.

3 Q Because the certificates they sold you, you
4 palmed off on others for a thousand dollars apiece?

5 A Yes.

6 Q You didn't stay stung long, did you?

7 A That is correct.

8 Q Is it fair to say that you have lied in this
9 case particularly back when you met my client Lou Johanson?

10 A No, I have not lied to your apartment.

11 Q Not my apartment, my client.

12 A Your client.

13 Q You didn't lie to him?

14 A Not to my knowledge.

15 Q You didn't tell him there was a Sheik when
16 there was no --

17 A You want me to tell him I was an undercover
18 operator?

19 Q I want you to answer my questions.

20 Didn't you like to the man?

21 A I told him a story.

22 Q You lied to Howard Criden?

23 A Where did I?

24 Q The first day on the boat when he came down
25 with a business proposition, you acted like a representative

1
2 of a Sheik you didn't represent?

3 A That was my job.

4 Q All right.

5 I'm not quarreling with your motives, I am
6 asking you, did you lie to Criden that day?

7 A If you call that a lie, yes.

8 Q There was another fellow named Meiler?

9 A That is correct.

10 Q He is dead now?

11 A I didn't know that.

12 Q You lied to him that day?

13 A That is correct.

14 Q From that day on, as regards to business
15 relationships with the deal in Atlantic City, you never told
16 them the truth, did you?

17 A I don't think they were telling us the truth
18 either.

19 Q My question is, you never --

20 A We told some of the truth.

21 Q Just a couple of more questions.

22 When this is all over, when these trials are
23 all over, you are in for a bonus, aren't you?

24 A I don't know that.

25 Q You talked about it?

1
2 A I haven't talked to anybody about getting a
3 bonus.

4 Q You're denying that John Good and you have
5 talked about you getting a bonus after the cases are over?

6 A I have not spoken to John Good or asked him for
7 anything.

8 I suspect something, but I don't know that.

9 Q I didn't hear.

10 A I suspect I will get something after this is
11 over. I haven't the slightest idea what I am going to get.

12 MR. DUFFY: I think I will end with that.

13 THE COURT: We will take a short recess,
14 ladies and gentlemen.

15 Don't discuss the case.

16 (Recess taken at this time.)

* * *

(Whereupon, the jury enters the jury box.)

THE COURT: All right, Mr. Duffy.

CROSS EXAMINATION

BY MR. DUFFY: (Continued)

Q Mr. Weinberg, of all the information you told this jury yesterday and today, how much did you tell the Grand Jury who indicted the defendants?

MR. PUCCIO: I object.

THE COURT: Sustained.

Mr. Ben-Veniste, cross examination?

MR. BEN-VENISTE: May I?

CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, is it fair to say that the scenario that you used in this ABSCAM was based on the premise that you had something to offer the people who you were ble to lure in that was almost too good to be true

A I wouldn't say that.

Q Well, would you say that the -- you said you were working for a couple of Arabs who were incredibly wealthy?

A That's correct.

Q I am sorry. I can't hear you.

A That's correct.

1
2 Q And you said that they had boats -- yachts,
3 rather?

4 A They had a yacht.

5 Q Private airplanes that they flew around in?

6 A They had one plane.

7 Q But didn't you say, planes?

8 A We said, plane.

9 Q Well, when you say they had one plane, you
10 don't mean that anyone actually had a plane?

11 A We had the use of a plane.

12 Q You did have use of an airplane, but -- but
13 in terms of what you told the marks, you had several air-
14 planes?

15 A That's correct.

16 Q And you had an extremely fancy apartment --
17 townhouse, that the jurors have seen watching the video
18 tape here, in Washington?

19 A That's correct.

20 Q -- And isn't it true that that house was filled
21 with antiques, the Smithsonian Institution that were borrowed?

22 A Supposed to be.

23 Q Well, what do you mean? You mean supposed
24 to be borrowed?

25 I'm sure they gave them back?

1
2 A I don't know which ones were the antiques
3 or not.

4 Q All right.

5 So you had all the trappings of a situation
6 that was for the person who didn't know that it was all a
7 lie very attractive; is that correct?

8 A That's correct.

9 Q And on top of all of that somebody had made
10 arrangements with the Chase Manhattan Bank, hadn't they?

11 A That's correct.

12 Q And the Chase Manhattan Bank had promised to
13 say to anyone who made an inquiry about Abdul or these
14 Arabs, that they had over 400 million dollars sitting in
15 that bank in some form or another?

16 A That I don't know.

17 Q Well, didn't you tell anybody that in the
18 course of this investigation?

19 A I told them that we had that, but I don't
20 know what the bank told them.

21 Q Well, you know if someone called the bank,
22 the bank wasn't going to say, Mel who?

23 A I never gave them my name to check out.

24 Q Well, you knew that when someone called the
25 bank, the bank was going to provide information consistent

1
2 with your scam?

3 A I don't know what the bank gave them.

4 I haven't the slightest idea what the bank
5 told them.

6 Q Are you telling this jury you haven't the
7 slightest idea that the bank backed up the story about the
8 400 million?

9 A I said I don't know what they told them.

10 Q Do you know? If you don't know, tell the
11 jury.

12 Do you know whether the bank backed up the
13 story, whatever it was they told the individuals?

14 A They must have backed up part of the story.

15 Q Okay.

16 Now, to have a bank say something like that
17 is a con man's dream, isn't it?

18 A That's correct.

19 Q I mean in all the things you could rack your
20 brain for if you were setting up a scam, to have an
21 actual bank like the Chase Manhattan Bank vouch for you
22 would be at the top of the list, wouldn't it?

23 A That's correct.

24 Q Because any legitimate businessman who called
25 up or had his banker check with Abdul's banker would get a

1
2 completely bill of health for Abdul?

3 A Tha's correct.

4 Q So that whatever they might think of how
5 you looked or how you sounded, there was this background
6 that it must be true because Chase Manhattan says it's
7 true, right?

8 A That's correct.

9 Q As a matter of fact, everybody else used
10 a pseudonym, an undercover name, false name except you,
11 right?

12 A Correct.

13 Q Because it's a part of your concept of this
14 scam that you are not supposed to be entirely loyal to your
15 employer, right?

16 A No, that wasn't true in the beginning.

17 Q Well, as it was true in July of 1979 -- wasn't
18 it true?

19 A In '79, that's correct.

20 Q Okay.

21 As of the time you met Howard Criden for the
22 first time, it was a part of your scam that you weren't
23 supposed to be entirely loyal to these Arabs?

24 A That's correct.

25 Q You were out to make a piece of change for

1
2 yourself?

3 A Correct.

4 Q Now, that was also the case when you ran
5 the London Investors scam, the one that you got convicted
6 of?

7 A No, that wasn't correct there.

8 Q Well, didn't you tell people in that scam
9 that you had access to huge amounts of Arab money?

10 A That's correct.

11 Q Didn't you tell them that if they gave you
12 a little present like a diamond ring or something along
13 those lines that you could be especially helpful?

14 A That is not correct.

15 Q I see.

16 Was there any connection between the fact
17 that these were Arabs and somehow you had managed to gain
18 their confidence, and your name is the name of Jewish
19 derivation?

20 A The reason I kept my name is --

21 Q Answer my question. Is there any connection
22 between that?

23 A No.

24 Q Isn't it a fact that you wanted it to appear
25 you were more than willing to relieve these Arabs of some

1
2 money, that everybody could make money?

3 A When they approached us on it, we said,
4 yes.

5 Q Okay.

6 And didn't you refer to these Arabs as the
7 goose that laid the golden egg?

8 A That's correct.

9 Q And they were there for the plucking?

10 A Correct.

11 Q Now, let me show you what has been marked
12 Exhibit I.

13 MR. BEN-VENISTE: May I approach the witness,
14 your Honor?

15 THE COURT: Yes.

16 Q Can you identify that, sir?

17 A Yes. That's my business card.

18 Q Well, is that really your business card
19 or is that the card that you gave out?

20 A This is was my business card from the running
21 of Abdul Enterprises, International Fulton Ltd. down in
22 Florida.

23 Q Do you know when that card was printed
24 up?

25 A Probably around March, '79 or April.

1
2 Q Did you have a card like this when you were
3 running the other scam, the London Investors scam?

4 A That's correct.

5 Q Pretty much the same as this?

6 A That's correct.

7 Q Was it the same as this?

8 A It wasn't exactly the same. The printing
9 was different.

10 Q But it had the same information, didn't it?

11 A I don't really know. I have to look at the
12 card.

13 Q Take another card?

14 A No. I have to look at the London Investors'
15 card.

16 Q Do you remember, sir?

17 A That was some time ago.

18 MR. BEN-VENISTE: We offer this.

19 MR. PUCCIO: May I look at it?

20 MR. BEN-VENISTE: Sure.

21 MR. PUCCIO: No objection.

22 THE COURT: Exhibit I received in evidence.

23 (So marked.)

24 MR. BEN-VENISTE: I put the sticker on the
25 back, your Honor.

1
2 Q Now, if someone looked closely at this
3 card, they would find something wrong with it, wouldn't
4 they?

5 A That's correct.

6 Q And they would find that you made a slight
7 spelling error?

8 A That I didn't notice myself.

9 Q What would they find that was incorrect?

10 A There was no Telex number.

11 Q I see.

12 Take a look at it again and see if there --
13 if you look at it closely there is something wrong with
14 it other than the fact that the whole thing is a fake?

15 A I don't see anything wrong with it.

16 Q Do you know how to spell that place in
17 Switzerland called Zurich?

18 A I think I do.

19 Q Spell it?

20 A Z-u-r-i-c-k.

21 Q That's the way it appears on your card.
22 But it's not really spelled that way, is it?

23 A I don't know.

24 Q It is spelled Z-u-r-i-c-h.

25 Didn't you say that the -- that these Arabs

1
2 came from the United Arab Emirates?

3 A That's correct.

4 Q And did you know anything about the United
5 Arab Emirates?

6 A Nope.

7 Q But you knew that the Chase Manhattan Bank
8 would say that these Arabs had 400 million dollars on
9 deposit?

10 A I don't know what the Chase --

11 Q But you know --well, you knew they would
12 back you up?

13 A I knew that they would back us up to say
14 we had money on deposit.

15 Q Okay.

16 Now, supposedly this idea that came up --
17 that came up down in Florida, to say that the Arabs were
18 interested in immigrating to the United States because of
19 political conditions in their country, had to do with some-
20 thing about the United Arab Emirates?

21 A I don't follow your question.

22 Q Well, I am sorry. It probably is confusing.

23 The scam that you employed to try to lure
24 politicians in to see whether they would meet with you
25 or with the Sheik or with both of you was that the -- these

fat packed Arabs might need to leave their countries because of political conditions?

A Right.

Q I am sorry, I didn't hear you?

A That's correct.

Q And the -- do you know what the population of the United Arab Emirates is?

A I haven't the slightest idea.

Q Would you accept 210,000?

A If you say so.

Q Would you accept -- strike that.

Do you know what the size of the United Arabs Emirates is?

A I haven't the slightest idea.

Q Would you accept it as about the size of the State of Maine?

A If you say so.

Q Do you know what the per capita income of the United Arab Emirates is? That is, the average income for every adult family?

A I haven't got the slightest idea.

Q Do you know whether it's above that of the United States of America?

A I really don't know.

1
2 Q Well, part of the thing was that these
3 peasants were supposed to be unhappy with the ruling class,
4 right?

5 Part of your scheme for the Arab Sheiks wanting
6 to come to America was that the peasants would have to be
7 unhappy? There was going to be a revolution? That was part
8 of you scam, wasn't it?

9 A We didn't say there was going to be a
10 revolution.

11 Q Didn't you say they were worried that they
12 would have to flee their country and seek asylum in the
13 United States?

14 A They may have to leave their country at
15 some time.

16 Q Okay.
17 Didn't this have to do with political
18 unrest supposedly?

19 A Could be many reasons why they had to leave.

20 Q Didn't you talk about political unrest?

21 A We spoke about a lot of things.

22 Q Well, Mr. Weinberg, you mentioned this
23 in the context of a dictator named Somoza who got kicked
24 out of his country, right?

25 A Yes.

1
2 Q You mentioned it in terms of the Shah of
3 Iran who got kicked out of his country?

4 A All right.

5 Q So isn't it fair to say in that context
6 you were talking about political -- some kind of political
7 upheaval?

8 A I don't think we ever used, political.

9 Q Okay.

10 Social unrest?

11 A We may have said they wanted to get out of the
12 country because they were robbing the country.

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15 (Continued on next page.)
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2 Q I see. Do you remember saying that?

3 A I said we may have.

4 Q I see.

5 Do you know that the per capita income is
6 \$18,500? That's the per capita income of the people who
7 live there? Do you accept that?

8 A If you say so.

9 Q Well, for 50 cents you can get a thing from
10 the State Department that tells you all about it.

11 THE COURT: Is that a question.

12 Q Can't you?

13 MR. BEN-VENISTE: Withdrawn, your Honor.

14 Q Do you know that the country has only one
15 export oil and that's why these people are so wealthy?

16 A No, I don't know that.

17 Q You didn't know it was an oil producing
18 country?

19 A I knew it was an oil producing country.

20 Q Did you know that almost all of the country
21 is desert where it's 120 degrees in the shade?

22 A I didn't know that.

23 Q Did you ever hear of a revolution in that
24 kind of weather?

25 MR. PUCCIO: I object.

1
2 THE COURT: Sustained.

3 Q Did you know whether the United Arab
4 Emirates had any political dissent?

5 MR. PUCCIO: I object.

6 THE COURT: Sustained.

7 Q Do you know whether the United Arab Emirates
8 had any political parties?

9 MR. PUCCIO: I object, Judge. Irrelevant.

10 THE COURT: Mr. Weinberg, do you know anything
11 about it other than what you have already told us?

12 THE WITNESS: Nothing whatsoever, your
13 Honor.

14 MR. BEN-VENISTE: I will move on, your Honor.

15 THE COURT: All right, good.

16 Q Did you refer to yourself, Mr. Weinberg,
17 as a special employee of the FBI?

18 A No.

19 Q Never did?

20 A No.

21 Q Do you remember being asked this -- the
22 question at 3.80 in Philadelphia.

23 "Question: Were you advised you were going
24 to be a special employee of the FBI?

25 "Answer: That's correct."

1
2 A No, I didn't say -- you asked me if I was a
3 special employee. So I said, it's correct. I was employed
4 by the FBI.

5 Q Do you recall saying --

6 "And were you advised that you were going
7 to be a special employee of the FBI?

8 "Answer: That is correct."

9 Do you recall being asked that question and
10 giving that answer?

11 A If it's in there, I must have answered.

12 Q Now, in the FBI, Mr. Weinberg, we have heard
13 about special agents. Are there any agents that are not
14 called special agents?

15 A Not that I know of.

16 Q All the agents are called special agents?

17 A Correct.

18 Q Are all the employess called special employees?

19 A I don't know.

20 Q Is there such a thing as a very special
21 agent?

22 A I really don't know.

23 Q Now, quite clearly, Mr. Weinberg, your
24 accomplishments, financial accomplishments in life have been
25 based on your ability to get people to do what they didn't

1
2 think they wanted to do; isn't that so?

3 A I guess you'd say that.

4 Q In connection with the London Investors
5 scam, the one that you got the three years for, did you
6 say that Lady Evelyn Knight was in some way related to a
7 prominent family?

8 A I don't really remember.

9 Q Didn't you say that to these marks, to these
10 people whose money you stole, that she was related to the
11 Knight newspaper family?

12 A That was said by somebody who was working
13 for the company.

14 Q Did you ever tell anybody who was told that,
15 no, that is not right? This person has made a mistake?

16 A Not to my knowledge.

17 Q You held out in this scam, either you or
18 somebody working with you that she was related to a
19 prominent family and that was helpful, wasn't it?

20 A Not really.

21 Q I see.

22 In ABSCAM, wasn't it held out that an
23 undercover FBI agent who went by the name of Margo Kennedy
24 was related to the Massachusetts Kennedy family?

25 A Not that I know of.

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Q You never heard that?

A I never heard that.

Q As you sit here in this Courtroom, you are telling the jury that this is the first time you heard that, Mr. Weinberg?

A That she was related to the Kennedy family?

Q Right. That either she said or someone said about her that she was related to the Kennedy family of Massachusetts?

A I never heard that before.

Q Now, Mr. Weinberg, the first agent who was supposed to supervise you was John McCarthy in the ABSCAM investigation; is that right?

A That's correct.

Q Now how old is John McCarthy? Do you know?

A I would say he's in the forties.

Q Late forties?

A No, early forties.

Q Does he have white hair?

A I guess you would call it white hair.

Q Is he pretty much a straight arrow? Would you say that is a fair --

A I don't know what you mean by a straight arrow.

1
2 Q Does he look like a straight arrow?

3 A I guess you'd say that.

4 Q I mean you spent your whole life sizing
5 up people. Would you size him up as a straight arrow?

6 A Not really.

7 Q When you say, I guess you could say that,
8 what do you mean?

9 A He looks more like a Police Sergeant.

10 Q He looks like a cop, right?

11 A That's correct.

12 Q And he acts like a cop because he is a member
13 of the FBI? Didn't he --

14 A I don't know if he acts like a cop.

15 Q Well, he's not a swinger?

16 A I don't know what a swinger is.

17 Q You don't know what a swinger is.

18 You don't know what that refers to?

19 A I don't know what you mean by a swinger.

20 Q A person who -- like he frequents night clubs
21 or is used to high living and traveling on jets and first
22 class, the kind of thing that you were trying to portray
23 as your own life style in the Abdul ABSCAM investigation?

24 A He can get by.

25 Q If he looks like a Police Sergeant are you

1
2 telling this jury that he would be that? The kind of person
3 you would cast in the role of your associate?

4 A Well, I personally wouldn't have cast him,
5 but he got by.

6 Q He got the part at first.

7 But you got unhappy with him?

8 A No, I really didn't get unhappy with him.

9 Q You didn't like that he was sitting on you,
10 did you?

11 A That's not true.

12 Q You were much happier when Mr. Amoroso came
13 in and took over for Mr. Weinberg?

14 A Mr. Weinberg?

15 Q I'm sorry. For Mr. McCarthy.

16 A Well, Mr. Amoroso --

17 Q Were you happier or not?

18 A No, I wasn't happier.

19 Q You were just the same?

20 You felt the same way about Amoroso as you
21 did about McCarthy?

22 A Approximately the same.

23 Q You didn't think that Mr. Amoroso was more
24 of a swinger, could play the role?

25 A I don't know what a swinger is.

1
2 Q I see.

3 MR. BEN-VENISTE: May I have a moment, sir?

4 THE COURT: Yes.

5 Q Part of what you said yesterday when Mr.
6 Duffy was cross examining you right at the beginning was
7 tha a con man tries to implore whatever seeds of truth
8 he can weave into the fabric of the scam; is that right?

9 A That's correct.

10 Q So that you try to use as many variable facts
11 when you are trying to pull the wool over somebody's eyes,
12 right?

13 A That's correct.

14 MR. BEN-VENISTE: I am going to mark as
15 Exhibit J for identification a tape recorder and
16 an ear piece all as one Exhibit.

17 May I approach the witness, your Honor?

18 THE COURT: Yes.

19 Q Take a look at the tape recorder and the
20 ear piece and see whether it is of the same type and model
21 that you referred to in your testimony so far?

22 A It is the same type, but it is not exactly
23 the same.

24 Q What is different about it?

25 A The battery case is different.

1
2 Q Where is the battery case on the one you
3 had?

4 A Down here. But it's small.

5 Q A little smaller?

6 A That's correct.

7 Q Any other difference?

8 A I don't see any other difference.

9 Q All right.

10 Now, is the ear piece the same ear piece
11 as the one you employed to tape record telephone calls?

12 A That's correct.

13 Q All right.

14 Is there any other difference that you can
15 notice?

16 A No.

17 Q The type of a jack that goes into the leads
18 in the ear piece is the same?

19 A The cord was much shorter.

20 Q The cord was much shorter?

21 A That's correct.

22 Q How much shorter?

23 A I'd say to about here.

24 Q So you say there is about an extra 14 inches
25 or so?

1
2 Q Looks longer to me than 14 inches.

3 Q Well, this much, for the jury to see.

4 THE COURT: Try 20.

5 MR. BEN-VENISTE: 20, Judge.

6 This much (indicating).

7 Q And the original has been produced for
8 expert analysis, has it not?

9 A That I don't know.

10 Q I thought you said yesterday that you knew
11 that the experts were looking at this?

12 A I knew the experts were looking at it. I
13 don't know where mine is.

14 Q I see.

15 Didn't you turn it over to Mr. Puccio?

16 A I turned it over to Mr. Puccio.

17 MR. PUCCIO: We turned over the report to
18 defense counsel.

19 MR. BEN-VENISTE: To the expert.

20 MR. PUCCIO: Well, to defense counsel or to
21 the expert, whoever.

22 MR. BEN-VENISTE: Okay. Not to us. It was
23 always in the FBI custody.

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Q Now, Mr. Weinberg, when you made these tape recordings in Florida, in July of 1979, sir, you made them in a screened off porch, is that correct?

A That is correct.

Q You sat at a table or near a table?

A Near a table.

Q I think Agent Amoroso had testified that the table was about this height (indicating)?

A Right.

Q The telephone was on the table?

A Telephone wasn't near the table.

Q Where was the telephone?

A Over on the side.

Q In the same room?

A Yes.

Q You didn't pull the table over near the phone?

A No.

Q You didn't move the telephone over to the table?

A I was resting it over on the floor and pulled the receiver up.

Q You sat in a chair?

A Yes.

Q What kind of a chair?

Weinberg-cross-Ben-Veniste

1
2 A Swivel chair.

3 Q About the same height as this (indicating)?

4 A Yes, approximately.

5 MR. BEN-VENISTE: I would like for the witness
6 to demonstrate for the jury how he sat when tape
7 rccording July 29th and July 31st.

8 THE WITNESS: I can't answer how on July
9 29th and 31st. I didn't sit the same way all the
10 time.

11 Q Sit down here and let the jury see what you
12 did to tape record the phone calls?

13 MR. PUCCIO: I object. The witness can't
14 remember how he sat.

15 THE COURT: I don't see what it accomplishes.

16 MR. BEN-VENISTE: I think it is going to be
17 quite relevant. I can make a proffer at the side
18 bar.

19 THE COURT: Everytime we go to the side bar
20 it takes a half hour.

21 You now produced a tan telephone you're asking
22 to be marked as an Exhibit?

23 MR. BEN-VENISTE: I certainly am, Judge.

24 Q What was the floor like in the room?

25 A Concrete floor with a carpeting on it.

1
2 Q Indoor-outdoor carpeting?

3 A Yes, that is correct.

4 MR. BEN-VENISTE: I will mark the telephone
5 Exhibit K.

6 THE WITNESS: That is not the phone I used.

7 Q I am sure it is not.

8 But did you have a phone with a receiver?

9 A A square receiver on top.

10 Q Square?

11 A Yes.

12 Q Square receiver?

13 A That is correct.

14 Q What about the ear piece?

15 A You had to force it on there.

16 MR. PUCCIO: I object to the use of this.
17 If it's not an accurate representation of what was
18 used, I object.

19 I further object to the use of a recorder
20 if it is not the same.

21 MR. BEN-VENISTE: I didn't put any tape in it.

22 THE COURT: I am not sure precisely what
23 Mr. Ben-Veniste thinks he is doing. As far as
24 your objection is concerned, it is overruled. If
25 the jury understands we are dealing with a tape

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2 recorder not the tape recorder used at that time,
3 a chair that was not the chair at that time, a table
4 that was not the table at that time, and we are
5 supposed to illustrate something --

6 MR. BEN-VENISTE: Yes.

7 MR. PUCCIO: May I add the ear piece is not
8 the same ear piece.

9 THE COURT: All right.

10 Q I would like the witness to sit in the chair
11 and arrange the material and get him a little more room.

12 Mr. Puccio, would you cooperate and give the
13 witness a little more room?

14 THE COURT: You're asking him to arrange the
15 material in the relative position where they were
16 with reference to the table, is that right?

17 MR. BEN-VENISTE: Yes, sir.

18 Q You had carpeting like this, more or less
19 (indicating)?

20 A Yes.

21 MR. PUCCIO: I object to this, it is ridiculous.

22 THE COURT: Have you marked the carpeting as
23 an Exhibit?

24 MR. BEN-VENISTE: That will be Exhibit L.

25 THE COURT: In a minute I will sustain the

1
2 objection.

3 MR. BEN-VENISTE: Your Honor I can't help
4 the laughter.

5 THE COURT: You are carrying it too far and
6 playing to the gallery. Stop it.

7 MR. BEN-VENISTE: I apologize if that is the
8 impression I am creating.

9 THE COURT: It is precisely the impression you
10 are giving.

11 Q Mr. Weinberg, would you demonstrate to the
12 jury how you say that the tape recorder fell in the middle
13 of the conversation on July 29, 1979?

14 A The phone with the short cord is like this
15 (indicating), I went to pick up the other phone, when I
16 pulled this, the machine went down (indicating).

17 Q Pardon me?

18 A If you had the right cord, when I went to
19 pick up the other phone, I swung over and she went down
20 (indicating).

21 Q How many times did that happen on the 29th?

22 A I don't know how many times. I know it
23 happened quite a few times.

24 Q On the 31st did it happen too?

25 A I don't know offhand.

1
2 Q But you did nothing, you say, to correct the
3 situation of the tape recorder falling on the floor?

4 A Yes, I had it fixed.

5 Q The tape recorder fixed?

6 A Yes.

7 Q When did it get broken?

8 A When I dropped it.

9 Q It broke when you broke it on the 29th?

10 A I had trouble about a week or two after that,
11 I had to get the battery on the bottom replaced.

12 THE COURT: Are you through with the demonstra-
13 tion?

14 THE WITNESS: This is the battery pack
15 (indicating).

16 MR. BEN-VENISTE: I would like the witness
17 to demonstrate all the way through for the jury
18 just what happened.

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

20 As I understand it, he already did.

21 THE COURT: Is there something different
22 from what you've shown us, Mr. Weinberg?

23 THE WITNESS: No.

24 THE COURT: Asked and answered, you may resume
25 the witness stand.

1
2 Q On the 29th you weren't able to catch the
3 tape recorder before it fell down?

4 A I didn't know it was going to fall.

5 Q You weren't able to catch it?

6 A No, I wasn't.

7 Q You say that it fell off the table and stopped
8 recording, is that correct?

9 A I didn't say it fell -- I know when I picked
10 it up I pushed the button back on. You have a button
11 to record.

12 Q The record position is one that you press
13 in the up position to record?

14 A Yes, there is no tape in it now.

15 Q But you press it up to record?

16 A Yes.

17 Q When it fell on the floor you remember you
18 had to press it up?

19 A Back up, yes.

20 Q On the 31st the same thing happened?

21 A I don't know.

22 I've got to see the tape.

23 Q You have to see the tape?

24 A Or the transcript. Is there a break in the
25 transcript?

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Q Do you know?

A I don't know. You're telling me.

Q Didn't you say you listened to the transcript in your testimony before the jury? I'm sorry, didn't you say you listened to the tape in your testimony?

A Yes, I listened.

Q Did you hear a break?

A I didn't hear anything.

Q Don't you know you stopped that recording in the middle, Mr. Weinberg?

A I never stopped a recorder.

Q Listen to the question.

Don't you know that on the 29th of July, 1979, Mr. Weinberg, you deliberately stopped recording in the middle of the conversation so as not to record a portion of the conversation?

A That is a lie.

Q Is it not a fact you did the same thing on the 31st of July, 1979?

A I never stopped any recording.

Q You were given instructions to put in a fresh tape for every conversation, is that correct?

A That is correct.

Q That you were to record, is that correct?

1
2 A Yes.

3 Q You got those instructions back in March of
4 1979, is that correct?

5 A That is correct.

6 Q You were told to record all the conversations,
7 were you not?

8 A Whatever conversations I was able to record
9 I recorded.

10 Q Were you instructed to record the full
11 conversation?

12 A That is correct.

13 Q Let's go to July 14, 1979, sir.

14 Is it true that that was the first time you
15 had ever heard of Louis Johanson?

16 A That is correct.

17 Q And Lou Johanson spoke to you briefly on
18 the telephone that day, introduced by Mayor Errichetti?

19 A That is correct.

20 Q I think Mr. Duffy asked you whether or not
21 it is not a fact what you discussed was the question of
22 a proposed hotel and casino in Atlantic City?

23 A That is correct.

24 Q You had no discussion with Johanson about
25 any other subject that day, did you?

1
2 A Not that I remember.

3 Q And Mr. Johanson told you, did he not, sir,
4 that his law firm was representing some individuals who
5 were interested in the construction of such a hotel --
6 casino on the Boardwalk in Atlantic City?

7 A I don't remember him telling me about his
8 law firm. Somebody he knew.

9 Q Did you hear him mention a partner?

10 A Not offhand.

11 Q That he would bring a partner with him?

12 A On the phone he said that.

13 Q That law partner was Mr. Criden?

14 A Yes.

15 Q Mr. Johanson told you in response to one or
16 your inquiries he was practically a graduate of the seminary
17 and the deal could be checked out from top to bottom?

18 A If the man said that and the thing is recorded,
19 let me see the transcript.

20 Q Do you remember -- do you remember that
21 conversation or don't you?

22 A I told you before I don't remember exact words
23 in the conversation.

24 Q Do you remember Mr. Johanson saying in
25 substance that he could be checked out because he was

1
2 practically a member -- graduate of the seminary?

3 A (No response.)

4 Q Yes or no?

5 A No, I don't remember him saying that.

6 MR. BEN-VENISTE: May I have a moment, sir?

7 THE COURT: Yes.

8 (Pause.)

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

10 THE COURT: Yes.

11 Q I show you -- these pages aren't numbered,
12 I'm showing you a transcript of July 26th -- I am sorry,
13 July 14th, the conversation.

14 Do you see that colloquy that is highlighted
15 in yellow?

16 A Yes, I do.

17 Q Do you see -- did you not say to Mr. Johanson
18 all right, put your background in there and Mr. Johanson
19 saying: I am a graduate of the seminary practically.
20 And you said: What's that? And he said, "I am practically
21 a graduate of the seminary."

22 And you said okay, and he said: So is my
23 partner.

24 Does that refresh your recollection, sir?

25 A No, it doesn't.

1
2 Q Do you dispute this transcript accurately
3 reflects that conversation?

4 A I don't dispute it.

5 Q Did you not review that transcript, sir?

6 A I did.

7 Q Did you make any changes in the portions that
8 I've indicated to you?

9 A Did I make any changes?

10 Q Yes.

11 A I have to look at our transcript.

12 Q This is your transcript.

13 A Maybe you changed it.

14 MR. BEN-VENISTE: Mr. Puccio, please, sir --
15 may I, your Honor.

16 THE COURT: I don't think it really makes any
17 difference. The question is, did you make any
18 changes. I gather he meant when you initially
19 reviewed the transcript.

20 Do you recall whether you did or didn't?

21 THE WITNESS: No, I made no changes.
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(Continued on next page.)

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2 Q Now, when you met Mr. Criden for the first
3 time, that was on the yacht down in Fort Lauderdale, Florida?

4 A Yes.

5 Q Had you been living on that yacht for sometime?

6 A No.

7 Q When the door-to-door salesman came with the
8 Lanier recorder, had you been living on it?

9 A No.

10 MR. PUCCIO: I object.

11 THE COURT: Sustained as to form.

12 Q Did Mr. Criden and Mr. Johanson bring anything
13 with them to your recollection concerning the hotel and
14 casino?

15 A I remember they brought something.

16 Q What do you remember?

17 A I don't remember.

18 I know they had some papers.

19 Q Some papers like Mr. Duffy showed you?

20 A I don't remember.

21 Q Did they have any other kind of papers other
22 than the kind Mr. Duffy showed you?

23 A I don't recall.

24 Q Let me show you Defendants' Exhibit B and
25 ask whether you remember having seen these plans on July 26th,

1
2 1979?

3 A I remember seeing these plans.

4 Q You do?

5 A Yes.

6 Q Is it not a fact Mr. Criden and Mr. Johanson
7 brought them down?

8 A That is correct.

9 Q You retained those or someone from the FBI
10 retained those, is that correct?

11 A That is correct.

12 Q Did you throw away the other things they left
13 with you?

14 A I don't remember the other things, I told you.

15 Q But you certainly never intended to go
16 forward with the project they were proposing?

17 A That is correct.

18 Q They were very excited about the proposal,
19 were they not?

20 A I guess so.

21 Q Is it not a fact, sir, that Tony DeVito and
22 you encouraged them in connection with that proposal?

23 A I don't think we encouraged them.

24 Q Did you not say your reaction was favorable
25 and Tony was going to go to London to recommend that the

1
2 Sheik go forward with it?

3 A No, we told him we would have to check it
4 out and look at the site.

5 Q You deny that Mr. Amoroso told them that he
6 was going to present the matter to the Sheik in London?

7 A After we looked at the site.

8 Q Now, the conversation that occurred in the
9 cabin of the left-hand, below decks, was tape recorded, was
10 it not?

11 A That is what I heard.

12 Q Didn't you discuss with Mr. DeVito before the
13 meeting how he was going to cover it electronically?

14 A I didn't know if he was going to use the
15 briefcase or if he had equipment on the left-hand at that
16 time.

17 Q You know now the conversation in the cabin
18 was recorded?

19 A Yes.

20 Q Through the briefcase?

21 A Yes.

22 Q You saw Mr. Amoroso's briefcase?

23 A He also had his briefcase with him.

24 Q That is the briefcase he used to hide the
25 tape recorder?

1
2 A That is correct.

3 Q Now, did you know -- you knew at some point
4 that the conversation that appeared -- that took place above
5 deck was not tape recorded?

6 A That is correct.

7 Q When did you learn that for the first time?

8 A Couldn't record up there.

9 Q You knew right away it wasn't going to be
10 recorded?

11 A That is correct.

12 Q Now, do you recall -- strike that.

13 Is it not true, sir, when you testified in
14 Philadelphia you tried to implicate Mr. Criden in connection
15 with developing the idea of the Sheik wanting to come to the
16 United States and get hold of someone with political
17 influence?

18 A That is correct.

19 Q You tried to hang the hat on Mr. Criden?

20 A I did not try to hang any hat on Mr. Criden.

21 Q You knew that that conversation had not been
22 recorded, right?

23 A That is correct.

24 Q Didn't you testify that it was Mr. Criden
25 who brought up the subject of immigration for the Sheik, this

1
2 phoney Sheik?

3 A I thought Mr. Criden brought it up.

4 Q Answer my question yes or no.

5 A I thought he brought it up.

6 Q Did you not raise your hand and swear to tell
7 the truth and then testify that Mr. Criden was the one who
8 brought up the subject of immigration for the Sheik?

9 A I said he was the one that brought it up.

10 Q You testified to that?

11 A That is correct.

12 Q After that Mr. Amoroso told you, Mel, your
13 testimony was wrong, this is the one case where I wrote a
14 report up, and the report says Mr. Criden had nothing to do
15 with it, didn't that happen?

16 A I don't know about the report he wrote up.

17 Q Didn't he tell you he had a report and that
18 you were wrong?

19 A I spoke to him, he told me it wasn't
20 Mr. Criden who brought it up.

21 Q He told you that after you had testified, is
22 that correct?

23 A That is correct.

24 Q You didn't know he had written a report when
25 you testified?

Weinberg-cross-Ben-Veniate

1
2 A I didn't know about the report.

3 Q So you thought you could get away with hanging
4 the hat on Mr. Criden?

5 A I wasn't trying to hang the hat on anybody.

6 Q I see.

7 A You want to know what else he was talking
8 about?

9 Q Mr. Weinberg, Mr. Puccio can ask you questions
10 on redirect. I would like you to answer my questions now.
11 May I have a moment, your Honor?

12 THE COURT: Yes.

13 (Pause.)

14 Q You testified here under Mr. Duffy's
15 examination that you didn't pay any tax for the year 1978 --
16 you didn't file a tax return, is that correct?

17 A That is correct.

18 Q You also testified that you had no application
19 for an extension in connection with that, is that correct?

20 A That is correct.

21 Q You know, don't you, what you did was a crime
22 in not filing your taxes, declaring your income or paying
23 your taxes?

24 MR. PUCCIO: I object, Judge.

25 THE COURT: Sustained as to form.

Weinberg-cross-Ben-Veniste

1
2 Q You know it is a crime not to file a federal
3 income tax return if you have received income?

4 MR. PUCCIO: I object.

5 THE COURT: How complicated did you want to
6 make it, Mr. Ben-Veniste?

7 MR. BEN-VENISTE: I can --

8 THE COURT: The answer to that question is
9 not necessarily.

10 MR. BEN-VENISTE: That is a point we can go
11 into the tax court on, your Honor knows the reason
12 for the question.

13 THE COURT: Why don't you ask it in a way
14 he can answer the question.

15 Q Did you make any income in 1978? Did you
16 receive any money?

17 A Yes.

18 Q Did you file a tax return?

19 A No.

20 Q Did anyone tell you that you didn't have to
21 file a tax return?

22 A No.

23 Q Do you have any other excuses from the
24 United States Government as to why you didn't file a tax
25 return?

A No.

Q Do you have -- strike that.

Did anyone promise you, Mr. Weinberg, from the Government that you would not be prosecuted for failure to file a tax return?

A No.

Q Do you expect to be prosecuted for that?

A I suspect I am going to have to pay it.

Q Do you expect to be prosecuted for it?

A I guess so.

Q You do?

A I guess so.

Q Now, in '79, for the year 1979, you received a lot of money, didn't you?

A That is correct.

Q In 1979, you did not -- I'm sorry.

You did not file an income tax return this year when April rolled around for your 1979 income, did you?

A That is correct.

Q Did you get an excuse from anyone in the government to allow you not to file?

A No.

Q Did you ask for one?

A No.

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Q You just didn't file it?
A I didn't know what I made.
Q Didn't you keep any records at all?

A No, I didn't.
Q Was that on purpose?

A No, it wasn't.
Q It was inadvertent?

A No.
Q They were lost?

A No, I was just travelling so much I didn't know where I was each day.

Q You believe that excuses people from filing income tax returns?

MR. PUCCIO: I object.
THE COURT: Sustained.

Q There are a lot of people who travel, Mr. Weinberg, is that the only reason you didn't file income tax returns?

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

THE COURT: Disregard counsel's statement. Rephrase the question.

Q Is the only reason you didn't file a tax return

1
2 for 1978 and '79 that you were travelling so much?

3 A I didn't know what I made in them years to
4 file a tax return. I was on the move at all times.

5 Q The reason you didn't know is because you
6 didn't keep records, is that correct?

7 A That is correct.

8 Q Did you ask the government to provide you
9 with a list of the monies that you received?

10 A No, I didn't.

11 Q Mr. Weinberg, did you receive funds in the
12 year 1978 from any source other than the United States
13 Government?

14 A Not to my knowledge.

15 Q In the year 1979, did you receive funds from
16 any other source?

17 A Not to my knowledge.

18 Q Did you receive gifts from any source?

19 A Gifts, no. No, I have received gifts.

20 Q In '78 and '79?

21 A '79 I think it was.

22 Q Will you tell the jury, please, each and
23 every gift you received in 1978 and 1979?

24 A I got \$25,000 kickback from the Mayor.

25 I got a briefcase. A box of cigars he sent.

Weinberg-cross-Ben-Veniste

1
2 Bottle of liquor. I received liquor for the party on the
3 boat. He got the food for the party on the boat. That's
4 all I can remember right now.

5 Q 1978, 1979, gifts from any source?

6 A That's all I remember right now.

7 Q Let's round it off to \$100,000 that you said
8 you received over the last couple of years from the government
9 in the ABSCAM investigation.

10 Did you ever apply one cent of that money to
11 repay any of the victims of your swindles?

12 A No, I haven't.

13 Q You had an FBI agent in the early seventies
14 to whom you gave information from time to time, is that
15 correct?

16 A That is correct.

17 Q Did you contact him when you got caught in
18 the swindle for which you were prosecuted?

19 A I did speak to him.

20 Q He told you that you had lied to him, didn't
21 he?

22 A No, he didn't tell me. He said he can't
23 speak to me because I am under indictment.

24 Q That is the only thing he said?

25 A As far as I remember, that's all he said.

Q He told you he couldn't help you?

A I didn't ask him to help, I wanted to speak to him.

Q In that case in Pittsburgh, did you tell the jury how you got caught?

A One of the people that we were going to buy a milk company complained to the FBI he was taken for \$3000 or something like that.

Q Then the FBI had a look at it?

A Agent Boutwell investigated.

Q He came to talk to you?

A No, I never spoke to him until I got to Pittsburgh.

Q Didn't you talk to Rosselli and tell him you were being investigated?

A I called Rosselli and he said he cannot speak to me because of the investigation.

Q He can't help you?

A I didn't ask for help.

Q In the past, Mr. Weinberg, isn't it true that the FBI has been able to bail you out when you got in this kind of trouble?

A I never got in trouble in the past.

Q Didn't you get in trouble with Mr. Goberman?

1
2 A That is a civil suit in court.

3 Q Didn't you ask the FBI to come and tell the
4 judge you were an informant for the FBI and he should help
5 you?

6 A That is not true.

7 Q That never happened?

8 A Never happened.

9 Q Your testimony yesterday was that on the day
10 that you got sentenced to three years in prison you knew
11 that that sentence was going to be suspended, is that correct?

12 A That is correct.

13 Q What you're saying is that according to your
14 understanding when the judge came out and sentenced you to
15 three years, he didn't mean it?

16 A I knew the sentence was going to be put on
17 probation after the first of the year.

18 Q You knew that the judge was going to do that
19 despite the fact he had sentenced you to three years at the
20 Graybar Hotel?

21 A That is correct.

22 Q In that case your lawyer filed a motion on
23 your behalf, didn't he?

24 A (No response.)

25 Q After you got the three years.

A That is correct.

Q And the motion he filed -- just a second.

THE COURT: Yes.

(Pause.)

(Continued on next page.)

1
2 Q The reason that was given to the Judge in
3 that motion was that you were ill?

4 A That I don't know.

5 Q You don't know that?

6 A I know they filed a motion.

7 I wasn't there when he filed it.

8 Q Well, didn't you get a hold of a letter from
9 a doctor?

10 A That is correct.

11 Q And the letter of the doctor was dated
12 January 10, 1978?

13 A I know I was told?

14 Q Pardon?

15 A I was told to go to my doctor and get a
16 letter.

17 Q Who told you that?

18 A My lawyer.

19 Q And that this was going to be the reason
20 why you were going to get let out?

21 A He didn't say that to me.

22 Q But you knew it had something to do with
23 your case?

24 A I really didn't know at the time.

25 Q Do you went to the doctor and that was

1
2 Dr. Cuci?

3 A Correct.

4 Q C-u-c-i.

5 A I think that's the way you spell it.

6 Q And that on the 10th of January you got that
7 letter from Dr. Cuci?

8 A Correct.

9 Q What did you do with it?

10 A I gave it to the Court.

11 Q Who did you give it to?

12 A I gave it to -- no, I gave it -- a Probation
13 Officer came up and he sent it in.

14 Q When did you give it to the Probation Officer?

15 A I don't remember the exact date.

16 Q Approximately how long after you got it?

17 A I haven't the slightest idea.

18 Q Well, would it refresh your recollection
19 if I were to suggest to you that since the letter is dated
20 January 10th and the order reducing your sentence from jail
21 to probation was January 20th, that it was somewhere in the
22 interim of those ten days?

23 A I really don't know.

24 Q The letter was a put up job, wasn't it?

25 A No, it wasn't.

1
2 Q You knew that nobody was going to check the
3 letter out, didn't you?

4 A I have high blood pressure and a heart
5 condition.

6 Q You knew that no one was going to check out
7 the medical report, didn't you?

8 A That I did not know.

9 Q Well, it was submitted sometime after the 10th
10 and the Court ruled on the 20th. You knew that it wasn't
11 checked out?

12 A That I don't know.

13 Q Do you know whether Dr. Cuci has a brother?

14 A He has.

15 Q And do you know whether that brother is a
16 lawyer?

17 A He is.

18 Q And you know whether that lawyer represented
19 you?

20 A He did at one time.

21 Q And so you went to his brother and got a
22 note for the Judge?

23 A He was my doctor all the time.

24 Q I see.

25 The letter said or implied that you were too

1
2 sick to go to jail because of the high blood pressure,
3 right?

4 A I don't know what the letter said.

5 Q Didn't you read it?

6 A I read it. But it didn't make sense to me,
7 what was in there.

8 Q It was only a short letter, wasn't it?

9 A That's correct.

10 Q And did -- the whole purpose was so you
11 didn't go to jail, right?

12 A No, that wasn't the whole purpose.

13 Q Of getting the letter?

14 A They wanted a letter from my doctor.

15 Q Wasn't it for the purpose of reducing your
16 sentence from jail time to probation, sir?

17 A I really don't know.

18 Q I see.

19 But after that -- Mr. Weinberg, after January
20 of 1978, you did a lot of traveling, as you have testified?

21 A January, '78?

22 Q '78, yes.

23 A No. It was around March '78.

24 Q But you did a lot of traveling in the next
25 two years?

1
2 A Correct.

3 Q You didn't restrict yourself by reason of
4 your condition, did you?

5 A That is correct.

6 Q Okay.

7 Now, do you recall testifying under oath
8 in Philadelphia, Mr. Weinberg, on July 7, 1980, that you
9 revealed to the FBI everything that you had ever done of
10 a fraudulent nature?

11 A Yes.

12 Q Was that true or was that a lie?

13 A They had my whole record there.

14 Q Was it true or was it a lie, Mr. Weinberg?

15 A To the best of my knowledge, it was the truth.

16 Q To whom did you --to whom did you reveal
17 at the FBI everything that you had ever done in your life
18 of a fraudulent nature?

19 A When I copped a plea up in Pittsburgh, I
20 sat down with agents and they questioned me there for
21 three days.

22 Q They wrote it all down?

23 A I don't now if they wrote it all down or
24 not.

25 MR. BEN-VENISTE: May we have a side bar,

* * *

* * *

(End of side bar.)

MR. BEN-VENISTE: May I proceed, your Honor?

THE COURT: You may proceed.

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17
18 Q Mr. Weinberg, when did you pull your first
19 swindle?

20 A I'd say around 1960.

21 Q 1960.

22 You say for 20 years prospectively you have
23 been a con man and before that you were never involved in
24 swindles or conning or confidence games?

25 A Not to my knowledge.

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Q Did you hold legitimate jobs before 1960?

A I did.

(Continued on next page.)

Weinberg-cross/Ben-Veniste

Q Did you ever have a Social Security number?

A I did.

Q When did you get it for the first time?

A When I came out of the Service.

Q Social Security number?

A Correct.

Q Did you ever see --

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

THE COURT: Yes.

Q Exhibit 188.

THE COURT: Is that 3500-188?

MR. BEN-VENISTE: I assume it is. It has
an exhibit stamp. May I confer with Mr. Puccio?

MR. PUCCIO: That's a Grand Jury exhibit.
That was provided to counsel, but that is not a
trial --

MR. BEN-VENISTE: All right. I will mark it
M for identification.

THE COURT: It was not marked for purposes
of this trial.

Q I show you M for identification, Mr. Weinberg.
Do you know what that is?

A Yes.

Weinberg-cross/Ben-Veniste

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2 Q That's your rap sheet, is it not?

3 A That's correct.

4 Q That's a history of your convictions and ar-
5 rests?

6 MR. PUCCIO: Judge, I object to that state-
7 ment.

8 THE COURT: I think that is a misrepresenta-
9 tion of the document, Mr. Ben-Veniste.

10 MR. BEN-VENISTE: I don't think it is, your
11 Honor. But I don't mind that it be stricken.

12 MR. PUCCIO: There is only one objection.
13 There is only one conviction.

14 THE COURT: That's my recollection, too.

15 Q You were only convicted once?

16 A That's correct.

17 Q Okay. Now, will you turn to the --

18 MR. PUCCIO: May I see that? May I be per-
19 mitted to look at that document?

20 MR. BEN-VENISTE: I got it from you, Mr. Puccio.

21 MR. PUCCIO: Judge, may I be allowed to in-
22 dicate to the extent the word "arrest" was used in
23 the plural, that it has to do with that one case?

24 THE COURT: Both arrest and conviction
25 reflected in the government's exhibit are singular;

1
2 is that correct?

3 MR. PUCCIO: Thank you.

4 MR. BEN-VENISTE: I understand there are
5 several entries, Judge, and I will accept Mr. Puccio's--

6 MR. PUCCIO: Those entries were with respect
7 to the Navy, Judge.

8 MR. BEN-VENISTE: There are several entries
9 with respect to matters other than the Navy, your
10 Honor. And I will accept Mr. Puccio's character-
11 ization that they all refer to the same conviction.

12 Q Now, you were interviewed in connection with
13 your arrest in 1977, sir?

14 A Will you repeat that?

15 Q You were interviewed by the probation people
16 and by the marshal's service.

17 A By the probation person. I was interviewed by--

18 Q Well, when you got arrested, didn't the
19 marshal process you?

20 A Yes.

21 Q Take a photograph of you, fingerprint you?

22 A Yes.

23 Q Ask you some questions?

24 MR. PUCCIO: May I ask that the questioner

25 move over? I can't see.

Weinberg-cross/Ben-Veniste

MR. BEN-VENISTE: I am sorry.

THE COURT: You need to be --

MR. BEN-VENISTE: I am going to show him
this document in a second, your Honor.

THE COURT: All right.

Q Do you recall that?

A Yes, I recall.

Q You provided him with your address and so
forth and certain personal information?

A Correct.

Q And they asked you what your occupation was?

A I don't remember that.

Q Do you remember what you said?

A No.

Q Would it refresh your recollection if I sug-
gest it was financial services?

A That would be correct.

Q And they asked you what your Social Security
number was, didn't they?

A I don't remember.

Q Take a look and see whether you told them that
it was unknown?

A I probably didn't have it on me.

Q Now, on the -- now, in the 1960s, late '60s

Weinberg-cross/Ben-Veniste

1
2 and early '70s you had some contact with Agent Roselli, did
3 you not?

4 A That's correct.

5 Q Now, during the period of time that you had
6 contact with Roselli, you were getting small sums of money
7 from the FBI, were you not?

8 A That's correct.

9 Q I don't want to get into those matters, but
10 I want to ask you, sir, whether you intentionally did not
11 reveal to the FBI that you were engaged in fraudulent acti-
12 vities during the same period?

13 A They never asked me and I never said nothing
14 to them.

15 Q Did you intentionally refrain from telling
16 them that you were engaged in fraudulent activities while
17 at the same time you were accepting money from them?

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

20 THE COURT: Overruled.

21 Do you understand the question?

22 THE WITNESS: I understand. I didn't inten-
23 tionally --

24 Q Pardon me?

25 A I didn't intentionally not tell them.

Weinberg-cross/Ben-Veniste

1
2 Q Well, was it just a mistake, that it slipped
3 your mind, that you were engaged in all these frauds?

4 A No, not really.

5 Q Well, then, when you said you didn't inten-
6 tionally fail to tell them, what do you mean, Mr. Weinberg?

7 A That they didn't ask me and I didn't tell
8 them.

9 Q I ask you whether you intentionally did not
10 tell them:

11 MR. PUCCIO: I object. It has been asked
12 and answered.

13 THE COURT: I think it's clear what he is
14 saying, Mr. Ben-Veniste.

15 MR. BEN-VENISTE: Very well, your Honor.

16 Q Now, from 1972 to 1977, you were involved in
17 two different kinds of schemes; at least two different
18 kinds of schemes. You talked about the one you were
19 convicted on. What company was that, again?

20 A London Investors.

21 Q Now, there was something called Swiss Bank
22 Associates, was there not?

23 A That's correct.

24 Q And will you explain what Swiss Bank Associ-
25 ates was all about?

- 1
- 2 A Same as London Investors.
- 3 Q Just a different name?
- 4 A Correct.
- 5 Q The exact same scam?
- 6 A Same thing.
- 7 Q Arab oil money?
- 8 A Never was Arab oil money.
- 9 Q What was the scam in Swiss Bank Associates?
- 10 A We represented a foreign bank.
- 11 Q And what did you tell the marks?
- 12 A We can get them money for a loan. They have
- 13 to pay the appraisal and inspection fee.
- 14 Q What were your rates at that time for appraisal
- 15 and inspection fees?
- 16 A For about three, four thousand dollars.
- 17 Q How much money did you make off of Swiss Bank
- 18 Associates, sir?
- 19 A I don't remember.
- 20 Q Well, a ballpark figure.
- 21 A I haven't the slightest idea.
- 22 Q More than a million dollars?
- 23 A I don't know.
- 24 Q Could be?
- 25 A I don't know.

1 Weinberg-cross/Ben-Veniste

2 Q Did you ever pay any taxes on the money you
3 made in Swiss Bank Associates?

4 A I had a legitimate business running then,
5 which the taxes were being paid.

6 Q Did you ever -- listen to my question, sir.
7 Did you ever pay any taxes on the money that you stole in
8 connection with the fraud relating to Swiss Bank Associates?
9 Yes or no.

10 A No.

11 Q Did anybody promise you that you wouldn't be
12 prosecuted?

13 A No.

14 Q Where did you make your headquarters for
15 Swiss Bank Associates, sir?

16 A Bayside, Long Island.

17 Q Did you take mainly people in the New York
18 area?

19 A No.

20 Q Where were the people that you took?

21 A All over.

22 Q All over the United States?

23 A That's correct.

24 Q Except New York?

25 A Very few from New York.

Weinberg-cross/Ben-Veniste

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2 Q You didn't discriminate against New York, did
3 you?

4 A No, I didn't.

5 Q How long did Swiss Bank Associates go on?

6 A Well, a couple of years.

7 Q Didn't people come over this period of time
8 when you were in London Investors and Swiss Bank Associates
9 and say, what about my money? We gave you this money for
10 an appraisal to get a loan and now we don't hear from you
11 any more. What would you tell them?

12 A We would stall them.

13 Q You would lie to them?

14 A We would stall them.

15 Q What do you mean by stall?

16 A We would tell them stories that that doesn't
17 check out. Finally we tell them that there is something
18 wrong, that they can't get the loan.

19 Q Some of these people were really desperate
20 for the money, weren't they?

21 A What do you mean by desperate?

22 Q They were going to go out of business; they
23 needed the loans immediately?

24 A No. We never dealt with business men.

25 Q I see. These were all personal loans?

1
2 A These were all fellows who were going --
3 looking to buy a building, mortgage money.

4 Q Wouldn't you call those business men?

5 A It wasn't a sense of businessmen who had a
6 small store that they needed the money.

7 Q Pardon me?

8 A It wasn't the sense we are dealing with a
9 small store that had a business that desperately needed the
10 money to continue in business.

11 MR. BEN-VENISTE: May I have a moment, your
12 Honor.

13 Q Do you know who Lee Schlag is? Lee Schlag,
14 S-c-h-l-a-g.

15 A That's the guy that was buying the dairy
16 company.

17 Q You took him for \$3,564 at least?

18 A That's correct.

19 Q And how about Carl Stark?

20 A That's correct.

21 Q Where does Mr. Stark hail from?

22 A Pittsburgh.

23 Q How about Carnegie, Pennsylvania?

24 A Where is that?

25 Q Carnegie.

Weinberg-cross/Ben-Veniste

- 1
- 2 A I don't know where Carnegie is.
- 3 Q Do you know what Mr. Stark was interested in?
- 4 A He had a drycleaning factory.
- 5 Q He wanted a loan?
- 6 A Correct.
- 7 Q And it was a business loan?
- 8 A Correct.
- 9 Q You promised him a loan?
- 10 A Correct.
- 11 Q You kept stringing him along?
- 12 A That's correct.
- 13 Q Lying to him?
- 14 A Correct.
- 15 Q You had him on the hook, right?
- 16 A No one stopped him from leaving the office
- 17 if he wanted to leave.
- 18 Q You mean he could walk out, forget about the
- 19 money he had given you and go home?
- 20 A He didn't have to give us the money.
- 21 Q Well, you asked him for it, didn't you?
- 22 A Yes.
- 23 Q Do you think it's his fault that he gave you
- 24 the money?
- 25 A No, it's not his fault.

Weinberg-cross/Ben-Veniste

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2 Q Do you think these victims of your fraud
3 were somehow personally responsible for being taken?

4 A No.

5 Q That was your responsibility, wasn't it?

6 A That was my responsibility.

7 Q You stole their money?

8 A That's correct.

9 THE COURT: I think this would be an appro-
10 priate time to break for lunch. We will resume at
11 two o'clock. Don't discuss the case during the
12 recess, ladies and gentlemen.

13 (Whereupon, the jury retired from the court-
14 room.)

15 (Luncheon recess taken.)

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* * *

20 | MELVIN WEINBERG, having been
21 | previously duly sworn, resumed the stand and
22 | testified further as follows:

23 |
24 | (The jury is in the jury box.)

25 | THE COURT: All right, Mr. Ben-Veniste,

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2

you may continue with your cross examination.

3

MR. BEN-VENISTE: Thank you, sir.

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(Continued on next page.)

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CROSS EXAMINATION

BY MR. BEN-VENISTE:

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4 Q Mr. Weinberg, the tapes that were taken from
5 your suitcase were taken on you say January 23rd, 1980?

6 A I think that is the date.

7 Q Do you have some question about it, sir?

8 A I am pretty sure that is the date.

9 Q On that occasion, was that one of the
10 frequent trips you made between New York and Florida?

11 A I was coming up to New York.

12 Q Were you moving up to New York or just
13 coming up to spend a few days?

14 A I really don't remember. I think I was up
15 here around February.

16 Q I don't want to know where it is, I don't
17 have to; did you maintain a residence of some sort in this
18 area in January?

19 A No, I stayed in hotels.

20 Q The FBI paid for that?

21 A That is correct.

22 Q Describe the suitcase that these tapes were
23 taken from?

24 A Carry-on bag, pocket on the side made out
25 of nylon.

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Q What else were you carrying?

A My suits were in there, my shoes, and the pockets on the outside were tapes and cigars.

Q Did you have any other baggage with you that day?

A A carry-on bag.

Q What was in that?

A That was -- my shirts and underwear.

Q You didn't have a hanging bag?

A That is the hanging bag they were in.

Q The hanging bag you carried onto the airplane and --

A No, I checked them both in. I didn't carry anything on.

Q Is that your usual practice?

A Yes.

Q Instead of carrying on the airplane, you have to wait a half hour or so for the bag to come back to you?

A Yes.

Q You say that some cigars were taken off, is that correct?

A That is correct.

Q How many?

A Two packs of 25 each.

- 1
- 2 Q Packets of cigars?
- 3 A Yes.
- 4 Q Bundles?
- 5 A They come in bundles.
- 6 Q With a ribbon tied around it?
- 7 A Silver paper around them.
- 8 Q That was in the outside pouch?
- 9 A Yes.
- 10 Q How long have you been a cigar smoker?
- 11 A Since 1944.
- 12 Q And you checked the bags with the cigars in
- 13 an outside pouch for the baggage handlers to do this thing?
- 14 A I didn't know they were going to rob it.
- 15 Q Did you know what happens to bags that are
- 16 checked?
- 17 A It doesn't mean every bag that is checked is
- 18 going to get robbed.
- 19 Q You say you put the cigars in the outside
- 20 pocket of the bag where they can get crushed and beat up?
- 21 MR. PUCCIO: I object on the grounds of
- 22 relevance.
- 23 THE COURT: Sustained.
- 24 MR. BEN-VENISTE: I will move on.
- 25 Q Of course, this is the first time you lost

1
2 any tapes, is that correct?

3 A That is correct.

4 Q How much time have you spent in the
5 prosecutor's office here in this courthouse since February
6 2nd?

7 A I was up for about a week or so, two weeks,
8 maybe.

9 Q Maybe?

10 A Two weeks, then up this time three weeks..

11 Q I'm sorry, I don't understand.

12 Two weeks or three weeks?

13 A The first time two weeks.

14 Q When was that, in February?

15 A No, it was around March I think I came up.

16 Q You were up in New York in February,
17 February 2nd?

18 A That is correct.

19 Q How long did you stay then?

20 A I left, I think around the 5th or 6th.

21 Q The next time you came up was when?

22 A I think in March.

23 Q How long did you stay on that occasion?

24 A I don't know. Maybe a couple of weeks,
25 ten days.

1
2 Q After that visit to this courthouse, when
3 was the next time?

4 A I really don't know.

5 Q Was there another time after March and
6 before July?

7 A Probably was.

8 Q What is your recollection?

9 A I really don't know. I know I went down to
10 Philly twice. Then I was back up here.
11 Then I went back down and came up for the
12 trial.

13 Q Approximately how many weeks were you up here,
14 two weeks in March, the last three weeks that you have been
15 up here, how much other time?

16 A I would count maybe four or five weeks
17 before the trial.

18 Q Four or five weeks for preparation of the
19 trial, right?

20 A No, we were straightening the tapes out.

21 Q Straightening them out?

22 A Getting them in order.

23 Q And going over your testimony?

24 A No.

25 Q You never did that?

- 1
- 2 A Yes, I went over some of it.
- 3 Q You discussed this at length with Mr. Amoroso,
- 4 didn't you?
- 5 A Yes.
- 6 Q Did you go over his testimony at this trial?
- 7 A No.
- 8 Q Did you discuss with Mr. Amoroso what he had
- 9 testified to?
- 10 A No, I haven't.
- 11 Q The evening that he left the witness stand,
- 12 you went somewhere with him, is that correct?
- 13 A That is correct.
- 14 Q Just the two of you?
- 15 A That is correct.
- 16 Q You didn't discuss anything about the case?
- 17 A No, we didn't.
- 18 Q Now, would you say that you are friendly with
- 19 Amoroso?
- 20 A Yes, pretty friendly.
- 21 Q Would you want to get him into any trouble?
- 22 A I wouldn't want to get him into any trouble.
- 23 Q Okay.
- 24 Who told you which tapes were going to be
- 25 introduced into evidence?

A Nobody told me what tapes.

Q Nobody told you which ones to focus on?

A I went through all the tapes pertaining to the case that they pulled out.

Q Somebody pulled out a bunch of transcripts for you to look at?

A Yes.

Q Who did that?

A The agent working in the office.

Q They said look at these particular tapes?

A Yes.

Q You did testify about the way you reviewed them and made any changes, there was one that was made the other day?

MR. PUCCIO: I object to any statement.

THE COURT: Sustained. Disregard counsel's statements.

Only questions, Mr. Ben-Veniste.

MR. BEN-VENISTE: Exhibit 20-A, please.

MR. PUCCIO: 20-A?

MR. BEN-VENISTE: Yes.

(Pause while counsel confer.)

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

THE COURT: Yes.

Q Mr. Weinberg, I show you Exhibit 20-A in evidence and ask you whether you in fact reviewed that transcript?

A I listened to this transcript.

Q You listened to the tape and you checked the transcript against it, right?

A That is correct.

Q Did you make any changes?

A I haven't.

Q There was a final version made, that is a final version, is that correct?

A That is correct.

Q Did you see a draft version also?

A No, I didn't.

Q This is a conversation, is it not, of July 30th, 1979 between Mr. Weinberg and Mr. Errichetti, you and Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti, right?

A Right.

Q You were in Florida, Mr. Errichetti was in New Jersey?

A That is correct.

1
2 Q Do you remember whether you called him or he
3 called you?

4 A It says I called him.

5 Q Where does it say that?

6 A Call from Mel Weinberg --

7 Q Does that refresh your recollection that you
8 called him?

9 A No, I have to listen to the tape.

10 Q Look at the -- maybe I can point to where
11 Mr. Errichetti says, if you follow along with me there --
12 "Howard just came in to say hello and Mikee says have you
13 heard from Mel and I say ain't that a bitch on the phone
14 with Mel." And then there is laughter.

Who is Mikee that is referred to?

15 A I really don't know.

16 Q Take a look at that transcript and see
17 whether that helps you?

18 A I don't know who Mikee is.

19 Q You never heard Congressman Myers referred
20 to as Mikee?

21 A No.

22 Q In fact, this doesn't even say Mikee on the
23 tape, does it?

24 A I don't know, I have to listen to the tape.
25

1
2 MR. BEN-VENISTE: Your Honor, I would ask
3 that the tape be played again and the jurors be
4 provided with their copies of the transcripts.

5 THE COURT: For that one word?

6 MR. BEN-VENISTE: Unless the prosecutor is
7 willing to acknowledge it doesn't say Mikee.

8 THE COURT: I assume it says something.

9 MR. BEN-VENISTE: In our view --

10 THE COURT: If it is that important, we will
11 see what the jury thinks it says.

12 Put the tape on. Only for that little piece
13 of it.

14 MR. PUCCIO: Should we give out the books?

15 THE COURT: Do you want them to have it?

16 MR. BEN-VENISTE: Yes, sir. I think they
17 should be able to follow it.

18
19
20 (Continued on next page.)
21
22
23
24
25

1
2 THE COURT: Any jurors who do not have their
3 books?

4 All right, play the tape.

5 MR. BEN-VENISTE: May I ask, your Honor,
6 one question before we play the tape?

7 THE COURT: Surely.

8 Q That is, Mr. -- isn't it a fact that what is
9 said by Mr. Errichetti is, Howard just came in to say hello
10 and like he says -- l-i-k-e, new word, h-e says, have you
11 heard from Mel?

12 A I don't know.

13 MR. BEN-VENISTE: All right.

14 THE COURT: Play it.

15 (Tape recording played.)

16 (Tape recording stopped.)

17 Q Did you hear that, Mr. Weinberg?

18 A I didn't hear it.

19 MR. BEN-VENISTE: Will you play it -- are
20 there headphones for the witness, your Honor?

21 THE COURT: Right next to him.

22 Q Will you put the headphones on and listen
23 to it again, please?

24 (Tape recording played.)

25 (Tape recording stopped.)

1
2 Q Is it, like he, or might he?

3 A Like he says --

4 Q So the transcript is wrong there? It should
5 be Mikee?

6 A Yes.

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

9 THE COURT: Yes.

10 MR. BEN-VENISTE: Excuse me.

11 May I approach the witness, your Honor?

12 THE COURT: Yes.

13 Q Let me show you Exhibit 20B. Is that your
14 handwriting, sir?

15 A That's my handwriting.

16 Q That's the original cassette?

17 A Thea's the original cassette.

18 Q Now, I would like --

19 MR. BEN-VENISTE: If the Court please, I would like
20 for the original to be played up to that point
21 in the conversation.

22 THE COURT: You are offering 20B in evidence?

23 MR. BEN-VENISTE: Just for that small portion,
24 your Honor. Just to stop at the same point because
25 we are at the beginning of the conversation.

1
2 THE COURT: You want from the beginning of the
3 tape 20B up to --

4 MR. BEN-VENISTE: The asterick on the trans-
5 cript?

6 THE COURT: All right, received in evidence
7 for that purpose.

8 (Tape recording played.)

9 (Tape recording stopped.)

10 Q Now, Mr. Weinberg, the original has got a
11 different beginning to it than what appears on Exhibit
12 20A, doesn't it, sir?

13 A That it does.

14 Q It appears to be a conversation in which you
15 were involved, sir?

16 A That's correct.

17 Q Can you explain to the jury what that is?

18 A I was speaking to my wife in the house where
19 I was making the phone call from waiting for the Mayor
20 to come to the phone.

21 Q That is not reflected on the transcript, is
22 it?

23 A It's not reflected on the transcript.

24 Q Now, there is a click on the phone after you
25 get finished talking to your wife. Is that where you turned

1
2 the recorder on or off?

3 A I didn't hear the click.

4 Q Now, with respect to the conversation on
5 July 31st, sir -- that's Exhibit 21A. There's one point
6 where you heard a break when the tape was played the other
7 day, correct, sir?

8 A That's correct.

9 Q Now, where the words on the second page,
10 they are getting five zero appears, did you actually hear
11 the word zero?

12 A I don't remember.

13 The tape sounds like zero to me at the time.

14 Q When you listened to it, it was zero, correct?

15 A When? I didn't correct these tapes.

16 Q Did you testify that you --

17 A I listened to them.

18 Q Excuse me for a minute. Didn't you testify in
19 answer to Mr. Puccio's questions that these transcripts
20 were accurate to the best of your knowledge, sir?

21 A That's correct.

22 Q Well, didn't you review them for the purpose
23 of determining their accuracy?

24 A I did.

25 Q I am asking you, sir, whether that word, zero

1
2 actually appears on the tape?

3 A I don't know. I have to listen to the tape.

4 MR. BEN-VENISTE: Will you play the excerpt,
5 please?

6 (Tape recording played.)

7 (Tape recording stopped.)

8 Q Did you hear, zero?

9 A Sounded like five o.

10 Q The word, zero, where you -- or you thought
11 you heard, o?

12 A O.

13 Q Did you hear a break in the tape at that
14 point?

15 A I heard something.

16 Q Is that where you turned the tape recorder
17 off, Mr. Weinberg?

18 A I didn't turn the tape recorder off. The
19 tape recorder fell.

20 Q Did the tape recorder fall again during
21 that same conversation, sir?

22 A No.

23 MR. BEN-VENISTE: Now, that's all as far
24 as these transcripts are concerned, your Honor.

25 If the jury would be more comfortable without

1
2 them.

3 Q Now, Mr. Weinberg, do you recall testifying
4 in Philadelphia that at the most there was a delay of
5 two days between the time that you would make the recording
6 and the time you would turn the cassettes over to someone
7 from the FBI?

8 A That's correct. I said that.

9 Q And that was wrong, wasn't it?

10 A That's correct.

11 Q Because there were times as much as eight,
12 nine, ten days that went by between you turning something
13 over to the FBI; is that correct?

14 A That's correct.

15 Q Indeed, the recordings of July 29th and the
16 31st were such recordings that were not turned over in a
17 matter of days but were turned over after several days?

18 A That I can't answer? I don't know.

19 MR. BEN-VENISTE: May we have Exhibit --

20 Q Can you tell from looking at Exhibits 19B,
21 21B and 22B when they were turned over to anybody at the
22 FBI, sir?

23 A I can't tell by this.

24 Q Do you know what that is?

25 A No, I don't know what that is. I can't tell.

1
2 Q You have never seen these documents before,
3 Mr. Weinberg?

4 A I have seen these before. I've seen them
5 making them out.

6 Q Aren't they logs?

7 A I don't know. I just told you.

8 MR. BEN-VENISTE: May I have a moment, your
9 Honor?

10 THE COURT: Yes..

11 MR. BEN-VENISTE: I removed the tape recording,
12 the original tape recordings from Exhibit 22B.
13 May I approach the witness?

14 THE COURT: Yes.

15 Q Do you see the handwriting on the bottom of
16 22B, sir?

17 A Yes.

18 Q Is that your handwriting?

19 A No, that is not my handwriting.

20 Q That is the agent's handwriting when you
21 turned it over to him, isn't it, sir?

22 A It must be. It says there 8/8.

23 Q The date is August 8, 1980?

24 A Correct.

25 Q Eight days after you made the recording?

1
2 A Correct.

3 THE COURT: 80?

4 MR. BEN-VENISTE: 1979, I'm sorry, your
5 Honor.

6 THE COURT: All right.

7 Q Now, I think you testified earlier that all
8 the money that you received in 1978 came from the United
9 States Government; is that correct?

10 A I did. To the best of my knowledge, I said.

11 Q Well, think about it for a minute and tell
12 the jury whether you were wrong?

13 A To the best of my knowledge, I didn't get no
14 other money except from the United States Government.

15 Q Did you not receive \$30,000 from an insurance
16 company as a reward in 1978?

17 A That's correct.

18 Q That wasn't the United States Government
19 insurance company, was it?

20 A No. It was in February, 1978.

21 Q Okay.

22 And as far as you know, that's taxable income,
23 isn't it?

24 A That's correct.

25 Q You didn't pay any taxes on it?

1
2 A I didn't pay the taxes.

3 Q And nobody withheld money from you for
4 taxes for that?

5 A That's correct.

6 Q You didn't declare that in any way, in any
7 form with the Government, did you?

8 A That's correct.

9 Q Now, in connection with the ABSCAM, Mr.
10 Weinberg, at the beginning you got yourself into a little
11 bit of trouble because you were coming on to strong con
12 tacts with so-called middle men; isn't that true?

13 A I don't know what you mean by that?

14 Q Well, weren't you reprimanded, sir, for
15 dealing with middle men and trying to make it appear that
16 one or more politicians in their acting before a camera
17 would do something contrary to what you explained the
18 situation was all about?

19 MR. PUCCIO: I object.

20 Q Do you understand that question? It's a
21 little confusing.

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

24 MR. BEN-VENISTE: I ought to withdraw it.

25 THE COURT: Withdrawn.

1
2 Q Let me start again.

3 Back in May, June of 1979, you were involved
4 in some aspect of the ABSCAM investigation that did not
5 involve Mr. Criden at all, is that right?

6 A That's correct.

7 Q And you dealt with certain middle men?
8 What you have called middle men, correct?

9 A That would be correct.

10 Q And you put Mr. Criden into that category,
11 wouldn't you, as a middle man?

12 A That's correct.

13 Q And Mr. Errichetti and Mr. Johanson, right?

14 A That's correct.

15 Q And in this case the target was Mr. Myers,
16 right?

17 A We didn't have no target.

18 Q Well, you did at some point, didn't you?

19 A We didn't have no target.

20 Q I see. Mark.

21 A No.

22 Q You object to the term target?

23 A I object to the term mark and target.

24 Q I see.

25 But you don't object to the characterization

1
2 of Criden, Johanson and Errichetti as middle men in
3 connection with that investigation?

4 A That is true.

5 MR. DUFFY: Your Honor, I do.

6 I'm a little out of sorts, but I have to
7 object to the defense counsel's question. Johanson
8 has never been called a middle man.

9 THE COURT: He has now.

10 The jury will understand we are only dealing
11 with this witness' interpretation of the term that
12 was defined for us yesterday by Mr. Duffy and Mr.
13 Weinberg together.

14 Q Now, in connection with the other investigation
15 unrelated to this case, didn't you tell the middle man
16 in that case on tape that a politician as to write a very
17 strong letter that wouldn't mean anything because you were
18 going to destroy it right away.

19 MR. PUCCIO: Judge, I object unless we know
20 what the case is we are talking about.

21 MR. BEN-VENISTE: I am sorry. I didn't hear
22 Mr. Puccio's objection.

23 THE COURT: He said he objects.

24 MR. PUCCIO: To the form.

25 THE COURT: Unless we know what case we are

1
2 talking about.

3 Identify it by date. Approximate date.

4 Mr. Weinberg, without indicating what case
5 it is, do you understand which one he is talking
6 about.

7 THE WITNESS: I would have to see the trans-
8 cript, your Honor, to understand it.

9 THE COURT: All right.

10 MR. BEN-VENISTE: Show the witness 3500-274,
11 please, Mr. Puccio.

12 Can we have that, please.

13 MR. PUCCIO: You have a copy, do you want
14 the original?

15 MR. BEN-VENISTE: Yes.

16 May I approach the witness, your Honor?

17 THE COURT: Yes.

18 Q I show you Exhibit 3500-274. I ask you to
19 turn to Page 4. Take a moment to read that, please?

20 A Why can't we read Page 3 and see what it is
21 about.

22 Q You can read as much as you want to yourself.

23 THE COURT: Are you showing him the transcript
24 just to familiarize him with what question you are
25 speaking of?

1
2 MR. BEN-VENISTE: Yes. And the witness has
3 to read the complete document, to which we have
4 no objection.

5 THE COURT: All right.

6 Do you recall, Mr. Weinberg, now what
7 transaction that relates to?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: All right, next question.

10 Q Now, turning to the bottom of Page 4,
11 if you would, Mr. Weinberg, this is a -- this is a
12 conversation which you tape recorded, right?

13 A Will you repeat that?

14 Q You tape recorded this conversation, didn't
15 you?

16 A I tape recorded it.

17 Q This was a telephone conversation, correct,
18 sir?

19 A That's correct.

20
21 (Continued on next page.)
22
23
24
25

1
2 Q Now, didn't the middleman -- you were
3 talking about writing a letter that was going to be -- come
4 from a politician -- and his Honor has asked you not to
5 identify this politician -- and was going to be shown
6 supposedly to the Sheik, right?

7 A That's correct.

8 Q Now, the middleman said to you, did he not,
9 I am going to couch it in very careful language so if it
10 got in anybody else's hands, there would be nothing wrong
11 with it, and you said, oh, no, make it as strong as possible.
12 And the middleman said, it will be strong. It will be
13 strong. And you said, don't worry about it getting in
14 anyone's hands. It's going to go over in a diplomatic
15 pouch. To which the middleman said, okay. And you said,
16 all right. As soon as he reads it, it's going to be
17 burned right up.

18 Do you recall that?

19 A I recall it.

20 Q Now, of course, you did not intend to burn
21 that up at all, did you?

22 A We did not.

23 MR. BEN-VENISTE: May I approach the witness,
24 your Honor?

25 THE COURT: Yes.

Weinberg-cross-Ben-Veniste

1
2 Q I show you 3500-277, sir.

3 Do you recall -- take a moment to familiarize
4 yourself with that, if you wish.

5 THE COURT: The question?

6 Q Are you familiar with it, Mr. Weinberg?

7 A I am familiar with it.

8 Q All right.

9 This is a conversation in which you participated
10 sir?

11 A That's correct.

12 Q And you taped it, did you not, on the
13 telephone?

14 A That's correct.

15 Q And turning to page 2, would you -- this is
16 a conversation between you and the middleman; is that correct?

17 A That's correct.

18 Q And you are talking about setting up a
19 meeting with the politician, correct?

20 A That's correct.

21 Q And the politician is telling you --

22 A There's no --

23 Q I'm sorry.

24 The middleman is telling you that the
25 politician is going to go in there like a tiger, not like

Weinberg-cross-Ben-Veniste

1
2 the regular guy that we know; is that right?

3 A That's correct.

4 Q And you said, the only thing we want to tell
5 him, meaning the politician, to tell -- I am sorry. Strike
6 that. I think that is going to be too confusing to
7 understand the abstract.

8 A The understanding is you have to read the
9 whole thing.

10 Q Yes.

11 MR. PUCCIO: Judge, I have no objection.

12 MR. BEN-VENISTE: Would your Honor admonish
13 the witness in terms of the way the Court has
14 indicated these documents should be used? I would
15 ask him not to volunteer and to interject.

16 MR. PUCCIO: Judge, is it correct that the
17 sentence that Mr. Ben-Veniste started to read is
18 stricken and he is not going to read that sentence?

19 THE COURT: He's withdrawn the question.

20 MR. PUCCIO: All right.

21 THE COURT: I don't specifically know what
22 it is that Mr. Ben-Veniste requested him to do.

23 But as a general principle, Mr. Weinberg,
24 in court you are supposed to answer the questions
25 that are put to you and generally don't volunteer.

Weinberg-cross-Den-Veniste

1
2 That's the number one rule of being a good witness.
3 Only answer the questions that are asked. And then
4 if nobody draws any additional inferences that seem
5 to get at what explanation may be, there will be no
6 problem.

7 If explanations are called for, leave it to
8 other attorneys to bring them out. Just answer the
9 questions.

10 THE WITNESS: Yes, sir.

11 Q I show you Exhibit 3500-275. That is a
12 conversation on June 19, 1979, sir.

13 A That is correct.

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16 (Continued on next page.)
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CONTINUED CROSS-EXAMINATION

BY MR. BEN-VENISTE:

Q You participated, did you not?

A I did.

Q Are you familiar with that conversation,
sir?

A I will have to read it.

Q Will you tell us when you have familiarized
yourself to the extent you are ready to answer questions?

A I will.

THE COURT: It would be much quicker if
you asked the question and let him read it in.

Q All right.

Turn to page five, sir.

A Yes.

Q Do you recall telling the middleman that
the main thing is that the politician comes on strong.

Do you recall that?

A I am looking for it.

Q Near the top of the page.

A I see that.

Q You turn over to page six, if you would.

A Yes.

Q Do you recall your saying to the middle

Weinberg-cross-Ben-Veniste

1
2 man as long as he, meaning the politician, comes on
3 strong there should be no problem? The middleman says,
4 right. And you figure that is all that is needed.

5 And you say, well, that is what we are
6 told. The middle man says, that is all that is needed
7 is for him to come on strong.

8 And you say, that is all.

9 Is that correct?

10 A Where is that at?

11 Q Top of page six.

12 A That's correct.

13 Q Near the bottom of six, you say, "I don't
14 want to wait that long. I want to get it done with."
15 And you say, you know, "While everybody is hot you wait
16 and you know what happens when you wait. You get leery."

17 A That is what I say.

18 Q Turn to page seven, if you will.

19 A Yes.

20 Q You discussed the sheik flying in on his
21 own plane to meet this politician.

22 A Let me find it.

23 Q A little bit south of the middle of the
24 page, as Mr. Duffy might say. Do you see that?

25 A I tell him that.

Weinberg-cross-Ben-Veniste

1
2 Q There is no problem in flying him in?

3 A That's correct.

4 A And you say -- "I mean, you know, in his
5 mind, he looks at it different than we do, he's got
6 a politician. "

7 Different word there, but we are substituting
8 the word "politician."

9 A Where is that?

10 Q At the bottom of the page.

11 MR. PUCCIO: It doesn't mention a name.
12 I think we should use the title that is there.

13 THE COURT: I think for purposes of the
14 present questioning, substituting "politician"
15 is sufficient.

16 MR. BEN-VENISTE: Thank you.

17 Q Do you recall that?

18 A I recall it.

19 Q You say okay, and the middle man said
20 right. You say he owns him. Meaning the sheik owns
21 the politician; is that correct?

22 A Let me check that. That is correct.

23 Q And then you say, he, meaning the sheik,
24 doesn't know he is getting nothing, but he owns him?

25 A That's correct.

Weinberg-cross-Ben-Veniste

1
2 Q Then turn to page twenty, Mr. Weinberg.

3 A Yes.

4 Q The middle man says, right, the other thing
5 is this Mel, I want you to know one thing from what
6 I was told, if we can get the guy to get very strong
7 and put on a good show and this thing looks 100%, right,
8 and you say-- yes. Is that correct?

9 A That is what the paragraph says.

10 Q Thank you.

11 Mr. Weinberg, you were told, were you
12 not, that that would not do?

13 MR. PUCCIO: Objection as to form of the
14 question.

15 THE COURT: Sustained thus far.

16 Q You were told by the FBI agent supervising
17 you that the way this looked, you were setting these
18 people up too much?

19 A I don't remember that.

20 Q You don't remember that?

21 A I don't remember being told that.

22 Q I show you 3500-276. This is the conversation
23 on June 24th; is that correct?

24 A Yes.

25 Q A month before you met Mr. Criden; is

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that correct?

A That's correct.

Q Turn to page six, please.

A Yes. Talking to a different middle man at that time; is that correct?

A That's correct.

Q Turn to the bottom of page six.

A I have it.

Q Where you say, "Well, he's got to come on strong."

And the middle man says, "Look, this is the whole idea, okay," and you say, "All right, that is the main thing."

Is that correct?

A Yes.

Q Mr. Weinberg, after you were admonished about the way you were orchestrating these meetings to make them appear to be doing things strictly for show, you stopped tape recording the portions of your conversations with this middle man when you gave those instructions, didn't you? Yes or no?

A You gave me two questions now. I wasn't bawled out, and I never stopped recording anything.

Q Mr. Weinberg, you stand to make a lot

1
2 of money out of Abscam, don't you?

3 A I hope so.

4 Q You already made a lot of money in terms
5 of the money you have been paid, but you hope to make
6 a real killing on a book and movie, don't you?

7 A The book I know about.

8 Q Have you gotten a figure yet on the book
9 contract?

10 A I understand there is a figure out.

11 Q What is that figure?

12 A \$100,000.

13 Q Advance?

14 A That's correct.

15 Q That means that is just for starters?

16 A I don't know.

17 Q There is more to come if there is a movie?

18 A Yes.

19 Q More to come if the book sells; is that
20 correct?

21 A That's correct.

22 Q The book is written in conjunction with
23 a man by the name of Green; is that correct?

24 A Bob Green.

25 Q He is a newspaper man from Long Island?

Weinberg-cross-Ben-Veniste

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A That's correct.

Q You met with Mr. Green during the Abscam investigation, didn't you?

A That is not correct.

Q Never met him during the investigation?

A After the investigation was over.

Q Did you ever meet him during the Abscam investigation?

A No.

Q Are you sure of that?

A Positive.

Q On what date did you meet him for the first time?

A Sometime in February, I think it was.

Q Early February?

A I don't remember.

Q You testified a few minutes ago you were up in New York on February 2nd, 3rd and 4th, and I think you said you went back; is that correct?

A Yes.

Q It was one of those dates?

A No, I came up to see him.

A Specially?

A That's correct.

Weinberg-cross-Ben-Veniste

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Q You remember another February trip now?

A Yes.

Q What date?

A I don't know the exact date.

Q Can you approximate it?

A I haven't the slightest idea.

Q Now, you think you made a special trip?

A I had to come up to New York, and I came up to see him.

Q At that time, Mr. Weinberg, you sat down and talked about a book with Mr. Green?

A That's correct.

Q You say that is the first time you ever had a discussion with him?

A That's correct.

Q You discussed Abscam, didn't you?

A No, we discussed my life mostly.

Q Did you discuss Abscam with Mr. Green, sir?

A Just in general.

Q Did you give him any specifics?

A I didn't have any specifics to give him, actually.

Q How long had you been working in Abscam?

Weinberg-cross-Ben-Veniste

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2

A About two years.

3

Q You say you didn't have any specifics,

4

that can't be right --

5

A He had most everything already.

6

Q Did you discuss specifics about Abscam

7

with him?

8

A No, not at that time.

9

Q Did you subsequently?

10

A He may have called me up and I spoke to

11

him about it.

12

Q When?

13

A I don't remember the exact date.

14

Q Approximately.

15

A I don't want to give you an approximate,

16

I don't know.

17

Q You have no idea, is that what you are

18

telling the jury?

19

A I spoke with Bob Green a number of times.

20

Q When did you agree with him you were going

21

to write a book?

22

A When I was up in New York in February.

23

Q Right after all of the publicity came

24

out, that is when you made your agreement?

25

A No, he spoke to me, I said, "Go ahead."

Weinberg-cross-Ben-Veniste

1
2 Q Right after all the publicity?

3 A It was.

4 Q You saying -- let me make sure I understand
5 what you are saying.

6 Prior to July 7th, 1980, did you provide
7 any Abscam information to Mr. Green?

8 A Supply him with information?

9 Q Did you discuss it with him?

10 A I spoke to him a number of occasions,
11 he asked me what hotel, what date, to verify something.

12 Q Did you discuss any Abscam information
13 with Mr. Green, yes or no?

14 A I discussed dates with him.

15 Q Do you recall being questioned in Philadelphia,
16 .3.135, being asked this question and giving this answer:

17 "Question: Did you ever discuss any of
18 the individuals who were involved in the Abscam
19 investigation?

20 "Answer: I discussed nothing about Abscam
21 with Mr. Green."

22 Q Do you recall being asked that question
23 and giving that answer?

24 A What is that?

25 Q Do you recall being asked that question

1
2 and giving that answer?

3 A No, but if it's in there, I must have
4 said that.

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

6 THE COURT: Yes.

7 Q That is the July 7th transcript.

8 Does that refresh your recollection, sir?

9 A This was mostly in answer to your other
10 questions on the page.

11 Q Did you answer the question -- did you
12 answer it that way?

13 A The way you read it, but that -- that
14 is what it says on the page.

15 Q Thank you.

16 As a matter of fact, you discussed a great
17 deal of the Abscam investigation with Mr. Green, didn't
18 you, in connection with this book?

19 A I did not discuss a great deal with Mr.
20 Green about Abscam.

21 Q Mr. Weinberg, you testified earlier that
22 you were not involved in any fraudulent activity or
23 scams prior to 1960; do you remember that, that was
24 before lunch?

25 A Prior to?

1
2 Q 1960?

3 A To the best of my knowledge, I don't know
4 of any.

5 Q Didn't you go over with Mr. Green a history
6 of your life as a swindler?

7 A You are talking about the outline.

8 Q Did you or did you not go over with Mr.
9 Green the history of your life as a swindler, sir?

10 A I gave Mr. Green part of my life, but
11 no dates on it.

12 Q No dates?

13 A No.

14 Q Do you recall testifying this morning
15 that you were involved in no fraudulent activity prior
16 to 1960?

17 A That's correct. I said to the best of
18 my knowledge.

19 Q As you think about it now, knowing that
20 maybe I'm going to talk about the Green outline, would
21 you like to change your testimony?

22 A No.

23 MR. PUCCIO: I object to that question,
24 Judge.

25 THE COURT: Overruled. The answer is no.

1
2 Q All right, sir.

3 Do you recall being involved when you
4 were working for your father in the glass business,
5 how old were you?

6 A Twenty-one.

7 Q What year was that?

8 A 1945 or '46.

9 MR. PUCCIO: I object.

10 THE COURT: On what ground?

11 MR. PUCCIO: On the grounds it's irrelevant.

12 THE COURT: Let's take a short recess, ladies
13 and gentlemen.

14 Step into the jury room. Don't discuss
15 the case during the recess.

16 (Continued on next page.)

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Weinberg-cross-Ben-Veniste

THE COURT: Are you ready to proceed,

Mr. Ben-Veniste?

MR. BEN-VENISTE: Yes, sir.

THE COURT: All right, bring in the jury.

(Whereupon, the jury entered the jury box.)

THE COURT: You may proceed, Mr. Ben-Veniste.

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

BY MR. BEN-VENISTE:

Q Mr. Weinberg, did you tell Mr. Green, your co-author, in substance, that you had been a conman for a period of 34 years?

A Not that, I remember.

Q Did you tell him that you had swindled millions of dollars from people spanning four continents?

A No, I haven't told him that.

Q Did you tell him that you had pictures of the interior of the W Street Town House?

A No, I haven't told him.

I told him I have pictures of the town house.

Q Now, at some point the FBI learned that you had taken some pictures, didn't they?

A That's correct.

Q And an FBI agent by the name of Brady asked you for the film, didn't he?

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Weinberg-cross-Ben-Veniste

A That's correct.

MR. PUCCIO: I object, your Honor, to this line of questioning on the grounds of relevance.

THE COURT: I am having difficulty with the relevancy.

Do you wish to be heard at side bar, Mr. Ben-Veniste?

MR. BEN-VENISTE: If the Court wishes.

THE COURT: All right.

* * *

* * *

6 BY MR. BEN-VENISTE:

7 Q Did you give him the film?

8 A That's correct.

9 Q Did you also say that you gave it to Bob
10 Green?

11 A I said I told Bob Green I had four pictures.
12 A picture of the car, the town house, and me and the agent
13 sitting in the living room. Two pictures of him.

14 Q All right.

15 Those are developed pictures, I take it?

16 A No. They are still in the camera.

17 Q But you have it?

18 A No. The agent took them out of the place.

19 Q I see.

20 So when you told Mr. Green that you had the
21 photographs, you meant you only had temporarily?

22 A No. I told him I had the photographs.
23 I told them they are not developed. They are still in
24 the camera.

25 Q When did you tell Mr. Green that?

Weinberg-cross-Ben-Veniste

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2 A I don't know exact dates when I spoke to him.
3 I told him I had some pictures of the town house.

4 Q I am still unclear.
5 Are you saying that you no longer don't have
6 the pictures?

7 A No, I don't have the pictures.

8 Q You haven't given them to Mr. Green?

9 A No, I haven't.

10 Q You gave them to Agent Brady?

11 A That's correct.

12 Q Now, isn't it a fact that when Agent Brady
13 asked you for the film, you took him to a place and you
14 showed him a camera, and then you began to open the camera
15 to expose the film?

16 A No. I didn't open the camera and expose the
17 film.

The film was --

18 Q Excuse me. Did you tell Agent Brady that the
19 film in question was in that particular camera?

20 A That's correct.

21 Q And did Agent Brady stop you from doing some-
22 thing?

23 A I opened the camera to take the cartridge out.
24 He stopped me.

25

Weinberg-cross-Ben-Veniste

1
2 Q Okay.

3 Did he take the cartridge?

4 A That's correct.

5 Q Isn't it a fact, Mr. Weinberg, that the
6 cartridge that you gave him was not the cartridge that you
7 had taken the pictures with?

8 A That is not true.

9 Q Isn't it a fact that you took -- strike that.

10 Isn't it a fact that Agent Brady put the
11 cartridge in his briefcase?

12 A That's correct.

13 Q Isn't it a fact, Mr. Weinberg, that when he
14 wasn't looking, you took the cartridge back out?

15 A That is not true.

16 Q Do you recall being interviewed by Special
17 Agent Donald Pierce on May 28th, 1980, sir?

18 A That's correct.

19 Q And do you recall Agent Pierce saying this
20 to you and you giving this response:

21 MR. PUCCIO: I object, Judge.

22 THE COURT: On what grounds?

23 MR. PUCCIO: Irrelevancy and also hearsay.

24 THE COURT: Overruled. You may question.

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

1
2 Q That Agent Pierce told you that he didn't
3 believe your story, and that what probably happened was that
4 you were going to give Agent Brady the film that did not
5 have any pictures of FBI equipment on it, and that was the
6 reason that you, Weinberg, attempted to expose the film?

7 THE COURT: Mr. Ben-Veniste, is that your --
8 you are asking him if that was the conversation
9 between them or are you reading from something that
10 is someone's opinion?

11 MR. BEN-VENISTE: No, sir. This is the
12 question that was asked of Mr. Weinberg by Special
13 Agent Pierce. I can only apologize for the fact
14 that it is a compound question, but it is one
15 sentence in this report, sir.

16 THE COURT: Do you understand the question,
17 Mr. Weinberg?

18 MR. BEN-VENISTE: It isn't finished.

19 THE WITNESS: I understand the question.

20 THE COURT: You do or do not?

21 THE WITNESS: I understand the question,
22 your Honor.

23 THE COURT: He hasn't quite finished.
24 Go ahead, Mr. Ben-Veniste.

25 Q That what probably happened was that you,

1
2 Weinberg, were going to give Brady film that did not have
3 any pictures of FBI technical equipment on it and that was
4 the reason you attempted to expose the film, and that when
5 Brady stopped you from exposing the film, then you were
6 necessarily forced to steal the film from Brady's briefcase.

7 Do you recall what you answered when Mr. --
8 Special Agent Pierce confronted you with this?

9 A You have the answer there.

10 Q Do you recall?

11 A I think I said something, could be.

12 Q You said, that's possible?

13 A That's possible.

14 Q Did you tell Mr. Green, your co-author, that
15 you have been a swindler all your life?

16 A I told him I was --

17 Q Yes or no?

18 A I didn't tell him.

19 Q In substance?

20 A I didn't tell him, all my life.

21 Q Did you tell him, I do my thing and I'm one
22 of the best?

23 A I may have said that to him.

24 Q Now, did you tell him that your first con
25 game was the sale of those India gold contracts that

1
2 Mr. Duffy asked you about?

3 A That is correct.

4 Q You got 15,000 -- I am sorry.

5 You got \$50,000, as you told Mr. Green, from
6 that scam, didn't you?

7 A No, I didn't get 50,000 for that.

8 Q Didn't you sell 50 contracts at a thousand
9 dollars a piece?

10 A I didn't sell no 50 contracts.

11 Q You didn't tell him that?

12 A I told him I sold them contracts. But I
13 didn't say, 50.

14 Q Did you tell him -- Mr. Green, that is --
15 that the next scam you got involved in was when your father
16 was in the glass business, that you would go around town in
17 a Cadillac with a slingshot and at night you would break
18 various store windows of people that had stores?

19 A I told him about breaking the glass at night,
20 but I didn't tell him my father was in the glass business.

21 Q All right.

22 Was your father in the glass business?

23 A My father was in the glass business.

24 Q I see.

25 The stores that you hit, would it be repaired

1
2 by your father's glass business?

3 MR. PUCCIO: Judge, I object to this as
4 being irrelevant, beyond the scope.

5 THE COURT: It does seem rather remote.

6 If there is not more order in the courtroom,
7 the courtroom will be vacant shortly.

8 The objection is overruled.

9 Q Did you tell Mr. Green -- let me ask you,
10 Mr. Weinberg, are you proud of all of that?

11 A No, I am not proud of it.

12 Q Well, you are smiling.

13 A I thought it was funny, the way you came out
14 with it.

15 Q You think it's funny that you went around and
16 broke all these people's store windows?

17 A I didn't break door windows.

18 Q Pardon me?

19 A You got the story a little mixed up.

20 Q Broke different kind of windows?

21 A That's correct.

22 Q Did you think that was funny?

23 A The way you said it.

24 Q When you did it, did you think it was funny?

25 A No. It was the business.

1
2 Q That was your business, breaking windows?

3 A That's correct.

4 Q Did you tell Mr. Green that you swindled
5 your own uncle of \$50,000?

6 A No. That story there, I explained to him.

7 Q Did you tell him that you swindled your own
8 uncle?

9 A No.

10 Q Out of \$50,000?

11 A No.

12 Q Is that not true?

13 A The story is true, but the names -- it is
14 not an uncle.

15 Q What was it? A relative?

16 A A relative.

17 Q A cousin?

18 A A cousin.

19 Q I see.

20 Did you tell Mr. Green that you removed the
21 perpetual care sticker from your uncle's grave and placed
22 it on some other grave?

23 A That is correct.

24 Q Prior to this case, Mr. Weinberg, you had
25 swindled law enforcement agencies, hadn't you?

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A Not that I know of.

Q Hadn't you scammed other law enforcement agencies?

A No.

Q Did you scam the Attorney General of Bolivia out of \$36,000?

A No, I didn't.

Q Somebody who you worked with?

A Somebody who was down there that we were dealing with.

Q I see.

Q Did you tell Mr. Green that you had been involved in the counterfeiting of gold pieces?

A No, I didn't tell him I was involved in the counterfeiting of gold pieces.

Q In China?

A I told him we bought them in Red China.

Q You bought counterfeit gold pieces?

A That's correct.

Q You knew they were counterfeit when you bought them?

A They told us they were.

Q You believed they were counterfeit?

A We never really found out.

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Q Did you sell them as real?

A We took them to a store. Counterfeit or not, the guy said they were real.

Q I see.

In the London investors scam that you got arrested for, did you tell Mr. Green that you had actually franchised that scam to conmen all over the world?

A We franchised it, but not to conmen.

Q Not to conmen, but for other conmen to use the same scam?

A That's correct.

Q Right. You were like the McDonald's of conmen?

A That's correct.

(Continued on next page.)

Weinberg-cross/Ben-Veniste

1
2 Q You were like the McDonalds of con men?

3 A That is correct.

4 Q The use of these recording devices was not
5 your first adventure into the world of electronics sur-
6 veillance, was it?

7 A I used recording devices before.

8 Q You used recorders but to be more accurate,
9 bugs before, didn't you?

10 A There was a fellow in my office that used
11 them..

12 Q Didn't you have a bug put in a limousine so
13 that people that came to meet with you would be picked up
14 at the airport so you could listen to their conversation
15 before?

16 A That is correct.

17 Q You knew that was illegal?

18 A I didn't put them in there.

19 Q Did you know it was illegal to do that?

20 A I didn't know it was illegal.

21 Q What year was that?

22 A Around 1974, '75.

23 Q You didn't know it was illegal to put a
24 listening device in a private area where two people were
25 going to have a private conversation?

Weinberg-cross/Ben-Veniste

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2 A I didn't know it was illegal.

3 Q Did you also bug the conference room so that
4 people you were going to meet with would have their conver-
5 sations recorded in advance of your meeting?

6 A That is correct.

7 Q Did you know that was illegal?

8 A I did not.

9 Q Did you tell Mr. Greene that you had once
10 swindled a doctor who had been giving you emergency treat-
11 ment?

12 A That is not true.

13 Q You never told him that?

14 A Not the way you are saying it.

15 Q Did you ever tell Mr. Greene this: The con
16 game is one round robin, each guy knows the next guy,
17 they're all in touch with each other. A con man when you
18 have a sucker on the line you got to keep calling them night
19 and day, never let them off, because as soon as you forget
20 he will go somewhere else and the other guy will grab him;
21 did you ever tell him that?

22 A I may have told him that.

23 Q That is what you employed in ABSCAM, wasn't
24 it?

25 A No.

Weinberg-cross/Ben-Veniste

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2 Q The same philosophy, keep the sucker on the
3 line?

4 A I wouldn't say they were suckers.

5 Q Did you ever wear a body recorder in the
6 ABSCAM investigation?

7 A Once or twice.

8 Q You didn't like that, did you?

9 A No.

10 Q You knew, did you not, that the FBI had a way
11 of immobilizing the button on the body recorder so that
12 you couldn't turn it off while in the meeting?

13 A That is not true.

14 Q You don't know that?

15 A You can turn it off.

16 Q If the FBI wanted to immobilize --

17 A I guess so.

18 Q You didn't know that?

19 A I did not know that.

20 Q Mr. Weinberg, is it fair to say that your
21 whole life has been spent evading the hostile questions of
22 people you have swindled?

23 A I wouldn't say that.

24 MR. BEN-VENISTE: Nothing further.

25 THE COURT: Thank you, Mr. Ben-Veniste.

Weinberg-cross/Cacheris

Mr. Cacheris.

CROSS-EXAMINATION

BY MR. CACHERIS:

Q Mr. Weinberg, I won't go into all the past swindles you were talking about. Is it fair to say in each and every instance you were trying to deprive people of funds?

MR. PUCCIO: I object to the statement, Judge.

THE COURT: I will let him answer.

A Yes.

Q In depriving people of funds, you had to prepare them, is that correct?

A Not really.

Q You mean you just walked in and took their money?

A They usually came to us.

Q You enticed them to come?

A Not really.

Q They read your name in the paper?

A The middle man brought them in and he is the one that did the leg work.

Q Through the middleman you enticed them to come in?

A No, he knew he would get a piece of the action.

Weinberg-cross/Cacheris

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2 Q But the person coming in was enticed in through
3 certain representations?

4 A He was looking for something.

5 Q You were looking for his money?

6 A Yes.

7 Q You were highly successful at it?

8 A Not highly successful.

9 Q Very?

10 A I wouldn't say very.

11 Q You are hired by the government?

12 A That is correct.

13 Q Now, in the case we are talking about today,
14 you were not trying to deprive anybody of money, were you?

15 A No, I wasn't.

16 Q As a matter of fact, you were trying to do
17 quite the opposite; you were trying to get them to take
18 money, weren't you?

19 A If they would take it.

20 Q So to that extent, this is a reverse?

21 A Yes.

22 Q This is the first time you were associated
23 with a venture to give money away rather than take it?

24 A I guess so.

25 Q Do you know?

Weinberg-cross/Cacheris

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2 A I would say yes.

3 Q Now, you also had to prepare the person that
4 was going to take the money, didn't you?

5 A No, we didn't.

6 Q You had to use middlemen, didn't you?

7 A I don't know what the middlemen told them.

8 Q You suggested what they should tell them?

9 A We didn't.

10 Q You never suggested anything?

11 A All we told the middleman is what we wanted.

12 Q You told the middleman what he was to say?

13 A No, we never did.

14 Q Did you participate in any conversation
15 between you, Angelo Errichetti, Anthony DeVito, really
16 known as Anthony Amoroso, August 8, 1979?

17 A I would have to see the transcript.

18 MR. CACHERIS: May I approach the witness?

19 THE COURT: Yes.

20 Q I show you what has been marked as Exhibit 4-A.
21 Will you read that to yourself and see if you
22 participated in that conversation.

23 (Pause.)

24 Q You may read the second page, although I am
25 asking about the first.

Weinberg-cross/Cacheris

(Pause.)

Q Have you read that?

A Yes.

Q Did you participate in this conversation?

A I did.

Q Was Mr. Errichetti there?

A He was.

Q Was Mr. DeVito there, an FBI agent?

A Yes.

Q Didn't he say that he -- speaking of Mr. Myers--

he would have to introduce some kind of legislation; right, some kind of bill or something, and didn't Mr. Errichetti say: Whatever you say?

A That's correct.

Q Didn't you say: Yeah, let him tell -- whatever

he has to tell him?

A He has to tell him what he is going to do for the money.

Q Whatever he has to tell you -- aren't you instructing Mr. Errichetti what he has to tell Mr. Myers?

A No.

Q He had to say certain words in order for you to pay the money?

A That is not true. All he had to do is tell

Weinberg-cross/Cacheris

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2 us what he is going to do, not just take the fifty. No-
3 body stopped him from walking out.

4 Q He had to say certain words before you were
5 satisfied that the money had to be paid?

6 A He had to say he was going to do something
7 for it.

8 Q He had to say certain words, as Mr. DeVito
9 told Mr. Errichetti, he had to do --

10 MR. PUCCIO: I object to the question.

11 THE COURT: Sustained as to form.

12 Q Mr. DeVito said he had to say legislation?

13 A Mr. DeVito said that we want to know what
14 he was going to do for us, not walk out with \$50,000.

15 Q You had to have legislation before any --

16 A He didn't have to say legislation. Whatever
17 he could do. I don't know if he said that when they turned
18 the money over.

19 Q You weren't there?

20 A I was there. But I don't remember what he
21 said.

22 Q You said, Yes, let him tell Yassir what he
23 had to tell him?

24 A Yes.

25 Q In other words, he had to tell him something

Weinberg-cross/Cacheris

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2 before the money would pass?

3 A Not necessarily. We wanted to make sure he
4 was going to tell us what he is going to do before we
5 give him the money.

6 Q Is it something he had --

7 A He's not going to hand him \$50,000 and walk
8 out.

9 Q You wanted something said on television before
10 the money passed?

11 A (No response.)

12 Q Is that correct?

13 A We wanted him to tell us on the cameras that
14 they were going to do something to take the 50. If not,
15 walk out.

16 Q As far as you were concerned, through your
17 conversation with Errichetti, he had to say something/

18 A We didn't tell him what to say.

19 Q You never talked to Mr. Myers?

20 A I never met him until he came up.

21 Q You saw him August and never saw --

22 A Not until this courtroom.

23 Q Is that correct?

24 A That is correct.

25 Q Now, was there a conversation between you and

Weinberg-cross/Cacheris

1
2 Mr. Errichetti about where this meeting of August 22nd was
3 to take place?

4 Are there any tapes on it?

5 Q Well, let me ask you, can't you speak unless
6 there is a tape?

7 A No. I don't remember one conversation from
8 another. There are so many.

9 Q Unless there is a tape, you can't remember
10 it, is that the answer?

11 A Any conversation I had with Mr. Errichetti
12 on the phone I tape down if possible to tape it down.

13 Q I will direct your attention to Exhibit 20A,
14 which is a conversation on July 30th between you and
15 Angelo Errichetti.

16 MR. CACHERIS: He has it, your Honor.

17 Q I direct your attention to the second page
18 of that. Without getting into anyone else, Mr. Errichetti
19 says: "So you don't want any people there in Cherry Hill?"

20 That means New Jersey, is that correct?

21 A Yes.

22 Q You say, no. He says: "Gotta be in New York."
23 And you say: "Well, yeah, be preferable in
24 New York there."

25 Is that correct?

Weinberg-cross/Cacheris

1
2 A That is correct.

3 Q And the rest, you say you don't want to walk
4 around with all that cash; is that correct?

5 A That is correct.

6 Q The fact is that you were instructed to have
7 the meeting in New York, is that correct?

8 A No. In fact, I wasn't sure we were going
9 to go ahead. I didn't get the okay yet.

10 Q Were you instructed by anybody from the FBI
11 that this meeting was to take place in New York?

12 A No, they would tell me. I didn't ask him
13 why, where, or --

14 Q Who would?

15 A John Good would tell me.

16 Q He would set up the site?

17 A The problem was getting hotel rooms to be
18 able to put the cameras in.

19 Q You had nothing to do with the New York meet-
20 ing?

21 A I didn't know where the meeting was going to
22 be held.

23 Q When did Good tell you the meeting was in
24 New York?

25 A On the next transcript when I set it up with

Weinberg-cross/Cacheris

1
2 the mayor.

3 Q When did Good tell you?

4 A Probably a few days later to set it up.

5 Q You would set it up for New York?

6 A Yes.

7 Q Which is what you did in this case?

8 A Yes.

9 Q That is what Mr. Good told you to do?

10 A The hotel to use to set cameras up.

11 Q Mr. Weinberg, you previously identified a
12 list of payments that you got, is that correct?

13 A That is correct.

14 Q And I think you told the jury that you had --
15 when is the last payment you received?

16 A First of the month.

17 Q First of August?

18 A That is correct, 'August'.

19 Q That was not on the list?

20 A I don't know.

21 Q Take a look at the list and see when it ends.

22 MR. CACHERIS: I am showing him Exhibit F,
23 your Honor.

24 (Pause.)

25 A It's not on the list. The list ends June 30th.

Weinberg-cross/Cacheris

Q Have you received payments since June 30th?

A Yes.

Q You said the first of the month -- August 1st?

A Yes.

Q Was another --

A July and August 1st.

Q That is \$9,000?

A \$6,000.

Q Those are not on the list?

A That is correct.

Q There are certain figures on this list, Mr. Weinberg, that are not rounded out; for example, there is a figure \$762.95.

A Excuse me, can I get a copy of the list, please?

MR. CACHERIS: Would you mind giving him yours?

MR. PUCCIO: No.

THE WITNESS: What is the date on that?

Q Look at August 22nd.

A All right.

THE COURT: '79.

A \$762.95, that is expenses.

Q Did you submit a voucher for those expenses?

A Every time I put a receipt in, airline ticket,

Weinberg-cross/Cacheris

1
2 food, hotel bills.

3 Q Did you break down every one of those items?

4 A I did.

5 Q Do you know what that \$762.95 represents?

6 A They have each expense for that.

7 Q Did you keep a record of that?

8 A No.

9 Q You are saying the Government has a voucher
10 from you in which you have listed each an every expense
11 that you have expended?

12 A That is correct.

13 MR. CACHERIS: Your Honor, I would like to
14 have that documentation.

15 THE COURT: We will take it up at the end of
16 the day.

17 MR. CACHERIS: That's all the questions I
18 have.

19 THE COURT: All right. Mr. Brown?

20 MR. BROWN: Yes, your Honor.

21 (Pause.)

22 CROSS-EXAMINATION

23 BY MR. BROWN:

24 Q Do you remember boasting on a tape that you
25 are the world's biggest liar?

Weinberg-cross/Brown

1
2 A No.

3 Q I will show it to you in a moment.

4 (Pause.)

5 MR. BROWN: May I approach the witness, Judge,
6 to show him something?

7 THE COURT: Yes.

8 (Pause.)

9 Q I am Raymond Brown. I am referring to a
10 tape which is pretty long, it starts August 7, 1979, and
11 these are the people present. I went through all of this
12 and I came to a portion on page 79.

13 Read it in context, if you will.

14 (Pause while witness reads document.)

15 MR. PUCCIO: May I have the exhibit number on
16 that, please?

17 THE COURT: What is the exhibit number?

18 MR. BROWN: 105, your Honor.

19 THE COURT: 35007

20 MR. BROWN: Yes.

21 THE COURT: Thank you.

22 MR. BROWN: You have a copy of it?

23 MR. PUCCIO: Just a moment.

24 MR. BROWN: Sure.

25 (Pause.)

Weinberg-cross/Brown

1
2 MR. PUCCIO: May I hand this to the witness,
3 Judge?

4 THE COURT: Yes. What you are giving him is?

5 MR. PUCCIO: 105-A.

6 THE COURT: 3500-105A.

7 The question is, does that refresh his
8 recollection?

9 MR. BROWN: Yes. He asked for the supplement
10 from the Government.

11 THE COURT: Does that refresh your recollec-
12 tion about that statement, Mr. Weinberg?

13 THE WITNESS: No, it doesn't. I'm trying to
14 ready the front why I said that.

15 MR. BROWN: May I? Not why he said it,
16 whether he recalls saying it.

17 THE COURT: At present the question is, did
18 you make the statement?

19 MR. BROWN: Yes.

20 A It is down on the transcript; I must have made
21 it, your Honor.

22 THE COURT: All right.

23 Q When you called yourself the world's biggest
24 liar, you obviously meant it; is that correct?

25 A No, I didn't mean it.

Weinberg-cross/Brown

1
2 Q Did you say it for the purpose of deceiving
3 somebody?

4 A I'm trying to read the transcript to find out.

5 Q Would you care for more time? Of course,
6 with his Honor's permission.

7 THE COURT: All right. If reviewing the
8 transcript will help you, Mr. Weinberg, go ahead.

9 (Pause.)

10 A I haven't the slightest reason. I would like
11 to take this and study it tonight.

12 THE COURT: You're saying you don't recall
13 the conversation?

14 THE WITNESS: No, I don't.

15 MR. BROWN: I ask to have the tape and see
16 whether he made the statement. Perhaps that will
17 refresh his recollection.

18 Would it be all right if he does take it
19 tonight?

20 THE COURT: I assume you won't finish your
21 cross today?

22 MR. BROWN: It is remotely possible.

23 THE COURT: Why don't you continue with your
24 examination and see whether that remote possibility
25 comes about.

Weinberg-cross/Brown

1
2 MR. BROWN: I did request, if he does wish
3 it, he have it.

4 Q Now, you had a particular person in mind when
5 you cooperated in effectuating the idea that there should
6 be an Arab as the person at the top of the pyramid of this
7 game; is that correct?

8 A Not really.

9 Q Wasn't there a man who had been very friendly
10 to you whom you remembered with respect whose name you
11 employed to a degree?

12 A (No response.)

13 THE COURT: Do you understand that question?

14 THE WITNESS: No, I don't, your Honor.

15 Q Did you know an Arab whose name you borrowed
16 and applied at least in form to ABSCAM?

17 A Yes, I did.

18 Q Well, would you tell us who that gentleman
19 is?

20 A Gamil Abdul Ramon.

21 Q He was a gentleman who was prototyped to put
22 at the top of the pyramid?

23 A Yes.

24 Q So at least that much you attributed to the
25 concept of ABSCAM?

Weinberg-cross/Brown

A Not really. I suggested it to them. They had a meeting and they decided to use it.

Q My question is, at least that much you contributed to the concept of ABSCAM; is that correct?

A I would say yes.

Q Is it also true that in the conferences where you contributed that the form of ABSCAM was being one where there is no front end payment need --

A No, that was contributed by the FBI.

Q Haven't you testified that in the London Investors scheme there was a front end amount paid in?

A That is correct.

Q That is a term in the con world, front loading?

A Advance fees.

Q Advance fees?

A Yes.

Q That is a category of a kind of technique in the con world?

A Yes.

Q That is what your syndications or franchises all over the world are taught?

A They knew it already.

Q How did you franchise an idea, you sold an idea?

Weinberg-cross/Brown

A I don't follow you. Sold an idea to who?

Q To the person whom you franchise, you did franchise people?

A We had the company and they wanted to use the company name. We give them the right to use it.

Q They will use the company name and play the same scheme?

A Yes.

Q When you allowed them to use your company name, did you also on a percentage basis allow them to use your technique as well as your company and building?

A Only if they brought the customer in to us.

Q Is a mark used in a con?

A Yes, desperate men.

Q What is a desperate man?

A The only one that comes to you for money, he has to be. He would go to a normal bank if he weren't.

Q You mean, desperate in the sense of somebody who tried to borrow and couldn't?

A That is correct. He has no credit.

Q When he came to you and you proposed the loans, did you have in fact any way to work out a loan for these desperate people?

A Sometimes.

Weinberg-cross/Brown

1
2 Q The plan did not include really giving money
3 in the form of a loan --

4 A What we gave is the feasibility report and
5 appraisal.

6 Q And what else did you provide for the people
7 who paid you for the idea provided they brought people in?
8 Did you give them the use of a building? ..

9 A The right to bring the people to our office.
10 We didn't charge for the franchise.

11 Q You didn't charge for the franchise?

12 A No.

13 Q What was the purpose of having a franchise?

14 A They would bring people in to you.

15 Q They would get a cut of the action?

16 A Yes.

17 Q Where was this London Industries plant located?

18 A 275 Broad Hollow Road, Melville.

19 Q Can you describe it?

20 A In what way?

21 Q It was a grand, elegant place?

22 A It was a nice office.

23 Q That was the part of your idea of getting to
24 a mark, having good offices and luxuries?

25 A Yes.

Weinberg-cross/Brown

1
2 Q Is it also true that this was one of the
3 ideas that you contributed to ABSCAM, if you were going
4 to bring in the succor or mark, you had to have the luxur-
5 ies and comfortable surroundings? Did you contribute
6 that idea?

7 A I suggested that whatever ideas I had in
8 mind to the Bureau. They made the decision. I didn't make
9 any decisions.

10 Q I apologize if you misunderstood me.
11 My word was "contribute," not "decision."
12 It was your contribution of this kind of technique that
13 was adopted by the FBI decision makers; is that correct?

14 A That office was space for us to work out of.

15 Q The thing is to have a big front?

16 A We didn't have luxurious offices.

17 Q You had a yacht?

18 A Yes..

19 Q You talked about jet planes, you talked about
20 luxuries?

21 A Yes, talked about it.

22 Q As opposed to actually having it, you talked
23 about it?

24 A Yes.

25 Q The Government wouldn't give you the money

1
2 if you wanted it for that?

3 A I had nothing to do with the money for any-
4 thing.

5 Q Is it true that you told Mr. Greene that
6 according to Mr. Good you were the heart and soul of ADESCAM
7 and without you it couldn't work?

8 A I didn't tell Mr. Greene that.

9 Q You heard that?

10 A I heard it.

11 Q From whom have you heard it?

12 A I seen the same outline that you seen.

13 Q You attribute that to Mr. Greene?

14 A Mr. Greene was trying to sell a book on that.

15 Q So were you along with Mr. Greene?

16 A He was the one trying to sell it.

17 Q Well, he would be sharing with you?

18 A That is correct.

19 Q If he shared it and did it successfully and
20 it sold, that meant more money for you; is that correct?

21 A That is correct.

22 Q And the movie grew out of this story, that
23 meant more money for you?

24 A That is correct.

25 Q Have you ever heard Mr. John Good say without

Weinberg-cross/Brown

1
2 you ABSC AM would never have worked?

3 A No.

4 Q Did he show his appreciation of good work by
5 increasing your salary?

6 A I don't know because of my good work or not.

7 Q Didn't you understand why you got an increase
8 from one thousand to three thousand --

9 A Because I told him I wanted more money at
10 the time.

11 Q Your work was what earned you money, is that
12 correct?

13 A Well, I got the increase actually -- we weren't
14 into anything, we just did the mayor.

15 Q You got an increase for nothing?

16 A No.

17 Q Was this a con job on the United States
18 Government?

19 A No, we recovered something like \$2 million
20 in C.D.'s.

21 Q That would be earning money for you and the
22 Government by your good work, is that correct?

23 A They gave me the extra money.

24
25 (Continued on next page.)

1
2 Q And during ABSCAM did you go up from 3,000 a
3 month?

4 A I got 3,000 a month toward the end.

5 Q And have you ever gotten more than that per
6 month?

7 A They gave me extra money near the end there.

8 Q It amounted to roughly, in terms of ABSCAM
9 money, pretty close to \$90,000? Did you count that up last
10 night?

11 A Well, it was over 90,000.

12 Q 93,000?

13 A I think it's a 133.

14 Q Well, now, I am asking you only about ABSCAM.
15 Let's be sure that that is what I am asking you about.

16 A I don't know whether it's just ABSCAM.

17 Q So as far as you know generally, then the
18 130 is ABSCAM, too?

19 A No, some of that money comes from 1968, '69.

20 Q Well now, you will understand when I ask
21 you questions, I am not asking you about anything prior to
22 1978. When I ask you about monies earned, they relate only
23 to ABSCAM. Will we understand each other?

24 A I understand. I haven't added up ABSCAM.

25 Q So far as ABSCAM, it may not be that total

1
2 of 93,000? It might be less?

3 A That's right.

4 Q Your present salary is the 3,000 still?

5 A That's correct.

6 Q So your basic salary is about 36,000 a year?

7 A That's correct.

8 Q Now, you talked about expenses. Were your
9 expenses over and above whatever salary you received?

10 I'm talking only about ABSCAM. Nothing else?

11 A That's correct.

12 Q Now, what did your expenses entail and how
13 much did they amount to? Let's say, in the year '78?

14 A I haven't the slightest idea what it amount
15 to in '78.

16 Q May I ask you this, Mr. -- I will withdraw
17 the question and put it to you in this form. You are
18 looking at an addition of amounts which are attributed to
19 you as income, right?

20 The amounts -- that paper says you got certain
21 monies from the Government as income in '78 and '79?

22 A Expenses are on here, too.

23 Q Are they?

24 A Yes.

25 Q What do they amount to? Let's say, in January

1
2 of '78?

3 A Nothing at all in January of '78.

4 Q What is the first month that is noted on the
5 chart that you have?

6 A The first month I see is April 11, 1978.

7 Q April 11, 1978.

8 What expenses did you receive during that
9 period?

10 A I got \$160.

11 Q \$160. Now, you were traveling at that time,
12 I take it?

13 A No, I wasn't.

14 Q You were not. That was for home expenses?

15 A That was maybe just gasoline and food.

16 Q Phone?

17 A No. I used their phone.

18 Q I see.

19 But you did have a phone at home, didn't you?

20 A I did.

21 Q Now, may I call your attention to August of
22 1979.

23 Could you tell me whether or not you received
24 expenses in that month?

25 A I did.

1
2 of 93,000? It might be less?

3 A That's right.

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20 A I did.

21 Q Now, may I call your attention to August of
22 1979.

23 Could you tell me whether or not you received
24 expenses in that month?

25 A I did.

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Q What did you receive in that month?

A I received 8/17, \$762.95. And then on August 22nd, I got -- well, that's moving expenses there.

Q Well, aside from moving expenses, did you receive money for room and restaurants and that kind of thing?

A I did. \$1579.

Q Did that include the 7th, 8th and 9th of August?

A That I don't know. I have to look it up.

Q Well, you do recall, don't you, that you were staying at the Sherry Hill Hyatt House August 7th, 8th and 9th?

A I think the Mayor paid for us at that time.

Q What ever the Mayor paid for you, did you include that in your expense account?

A No.

Q You simply didn't charge for that?

A no.

Q Now, it is a fact that the Mayor on a number of occasions not only paid for you, but other persons working with you; is that right?

A That's right.

Q And he treated you as a guest; is that right?

Weinberg-cross-Brown

1
2 A That's right.

3 Q And as a friend, I take it?

4 A That's correct.

5 And we did the same for him.

6 Q When did you treat him?

7 A We paid for his hotel room down in Florida.

8 We also paid for his plane fare down to

9 Florida.

10 Q You paid for -- every time you went to Florida,
11 you paid for his plane fare?

12 A One time he went with me. I paid for the
13 airplane, hotel. And we paid for his hotel at the Hilton
14 in Kennedy Airport.

15 Q These would be two occasions?

16 A Number of other occasions. I just have to
17 find out.

18 Q The Hilton was an occasion when you had him
19 there for a purpose, is that right?

20 A I think so.

21 Q What was the purpose you had him at the Hilton
22 for?

23 A I have to check the date on that.

24 Q All right.

25 MR. BROWN: Now, I rather think, if your Honor

Weinberg-cross-Brown

1
2 please -- may I address your Honor on some of these
3 points? It would appear that I will examine him
4 beyond 5:00 o'clock. You said we would quit then.
5 So may I have your permission to suggest that he
6 think about these, if he has the ability to answer
7 them tomorrow morning? With your permission, may
8 I suggest that?

9 THE COURT: That's all right.

10 Q Would you then, with His Honor's permission,
11 Mr. Weinberg, I am going to ask you to check on those times
12 when you paid. You seem to indicate that you can get the
13 data when you paid for the Mayor?

14 A I will try to find out.

15 Q Will that be acceptable to you?

16 A Yes.

17 Q Now, will you be able to do that alone without
18 conferring with Mr. Puccio?

19 A No.

20 Q Then I would ask you pursuant to the rule
21 of Court that you do not then?

22 A All right.

23 Q Now, on August 6th, 7th, and 8th -- then,
24 by the way, you will remember that August 7th is the date
25 I showed you the 3500-105, the book I just showed you where

Weinberg-cross-Brown

1
2 allegedly you said, I'm the biggest liar in the world?

3 A Yes.

4 Q That was August 7th. So I am tying it physical
5 with that time.

6 August 6th, 7th and 8th you stayed at the
7 Sherry Hill Hyatt House; is that right?

8 A That's right.

9 Q And Mr. Poulos stayed there?

10 A Correct.

11 Q Mr. Brady?

12 A Correct.

13 Q Mr. DeVito?

14 A Correct.

15 Q All FBI agents except you; is that right?

16 A That's correct.

17 Q And Mr. Errichetti paid for all of those
18 expenses, is that right?

19 A That is not right.

20 Q No, he did not? What expenses did he not
21 pay for?

22 A If I remember correctly, Mr. Poulos paid his
23 own because when he went to check out they told us the
24 Mayor's credit was no good.

25 Q Well, did he pay for yours?

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A No. The Mayor paid for ours.

Q Was his credit good enough to pay for yours?

A He sent Danny down to straighten it out.

Q Well, he-- Danny is his assistant, secretary?

A Secretary.

Q Well, he was good enough to be able to pay for you, and did he pay for McCloud at that time?

A I don't think McCloud was here at this time.

Q Was Margo Kennedy there at the time?

A On August 7th?

Q Yes.

A No.

Q Was there ever a time when you were the guest of the Mayor and Margo Kennedy was there and McCloud was there, and you were there and others?

A That's correct.

Q When as that? Could you tell us?

A I think it was February of '79.

Q In February of '79 would you tell us who the entire party consisted of? You named McCloud, you named Margo Kennedy. Who else?

A Tony DeVito was there. I was there. And Brady. Brady was there.

Q For that party, the Mayor paid?

Weinberg-cross-Brown

A That's correct.

Q And his credit was okay on that occasion?

A His credit was okay on that occasion.

Q Now, who was Margo Kennedy? Would you tell us?

A She was an FBI agent.

Q Was she represented as being any particular person related to the Kennedys in Massachusetts?

A Mr. McCloud represented her as I think the secretary to the Emir.

Q Whom?

A Secretary to Abdul.

Q Abdul?

A Correct.

Q Was she also supposed to be his girl friend, according to McCloud's representation?

A I heard that. I don't know now true it is.

Q I mean, did you hear it among the bunch?

A I heard that among the bunch.

Q So that as far as the Mayor was concerned, he would be dealing with Margo Kennedy, who was the girl friend of Abdul, the Sheik?

A No. She was the secretary to the Sheik.

Q But as far as you know, it was said in the

Weinberg-cross-Brown

1
2 group that she was the girl friend, I understood you to
3 say?

4 A No. I heard she was the girl friend of
5 McCloud.

6 Q Oh. Who did you hear that from?

7 A I just heard. If I remember correctly,
8 Rosenberg came down and told me this, that they slept
9 together.

10 Q Who was Rosenberg?

11 A Phil Rosenberg was the fellow who introduced
12 us to the Mayor.

13 Q He told you that McCloud and Margo slept
14 together?

15 A That's correct.

16 Q Did they have the same room, to your knowledge,
17 at that time?

18 A They had the one room.

19 But he went down to the other room to sleep
20 that night.

21 Q How do you know?

22 A Because I asked him.

23 Q And he told you that he was in there with
24 Margo Kennedy, but sneaked down at night?

25 A Correct.

Weinberg-cross-Brown

1
2 Q When I say, sneaked down, I mean sneak. Is
3 that correct?

4 A I don't know if he sneaked, but he went
5 down to the room.

6 Q Because two FBI agents not married in the
7 same room would not be proper?

8 A That I don't know.

9 Q Well, McCloud was an FBI agent, was he not?

10 A That's correct.

11 Q The lady who called herself Margo Kennedy
12 was an FBI agent, was she not?

13 A That's correct.

14 Q And they moved into the same room except
15 in the initial hours of the weening evening, right?

16 A All I know is they didn't sleep together.

17 Q They didn't. You know that to be a fact?

18 A Well, that's what McCloud told me.

19 Q Well, you have had some experience with
20 women as you describe in your new book, right? You would
21 be able to understand the situation, wouldn't you?

22 Sir, I have asked you a question with reference
23 to what you --

24 A I don't believe that McCloud slept with Margo.

25 (Continued on next page.)

Weinberg-cross/Brown

1
2 Q Well, you would have some judgment in that
3 area, wouldn't you?

4 A No judgment whatsoever.

* * *

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RE-CROSS
MELVIN WEINBERG		1797		

DEFENDANTS' EXHIBITS:	DESCRIPTION	FOR ID.
I	Document	1862

COURT EXHIBIT:	DESCRIPTION	IN EV.
7	Letter	1793

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

-----X
 :
 UNITED STATES OF AMERICA, :
 :
 -against- :
 :
 MICHAEL O. MYERS, ANGELO J. ERRICHETTI, :
 LOUIS C. JOHANSON, HOWARD L. CRIDEN, :
 :
 Defendants. :
 -----X

80 CR 00249

United States Courthouse
 225 Cadman Plaza East
 Brooklyn, New York 11201

August 20, 1980
 9:30 o'clock A.M.

B E F O R E :

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

MICHAEL PICOZZI
 OFFICIAL COURT REPORTER

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6 Strike Force
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1
2 CROSS EXAMINATION

3 BY MR. BROWN: (Continuing)

4 Q Good morning, Mr. Weinberg.

5 A Good morning.

6 Q I called your attention yesterday, I believe,
7 to the fact that in a certain conversation which was a
8 conversation of September 5th, I believe, you called yourself
9 the world's biggest liar, right?

10 A Yes.

11 Q That is a long transcript?

12 A Yes.

13 Q The question that I put to you thereafter,
14 as you said this to deceive someone or were you sincere in
15 calling yourself the world's biggest liar, and you said
16 you wanted to look at the transcript?

17 A That is correct.

18 Q You had that opportunity?

19 A Yes.

20 Q Is it a fact you are the world's biggest liar
21 or did you tell someone that for the purpose of deception?

22 A (No response.)

23 THE COURT: Which question you want answered?

24 MR. BROWN: It's one question, but I will
25 rephrase it.

1
2 Q Are you the world's biggest liar?

3 A That is not true.

4 Q How do you stand worldwide?

5 MR. PUCCIO: I object.

6 THE COURT: Sustained.

7 MR. PUCCIO: Referring to transcript of
8 September 7th?

9 MR. BROWN: You are right.

10 Q Did you however say that?

11 A That was said when I was speaking about a
12 certain party in that transcript.

13 Q You were saying the other person was the
14 world's biggest liar?

15 A Supposed to be he is. I said I am the --

16 Q What it says in the transcript is, waiting
17 for two hours, I am lying, the world's biggest -- that is --

18 A That is correct.

19 Q Now, you have been question about the man
20 who was Mr. Amoroso's predecessor and working with you with
21 respect to ABSCAM; do you remember questions directed toward
22 that gentleman?

23 A Yes.

24 Q That was Agent McCloud, nom de guerre' for the
25 operation -- his name was McCarthy -- he was called McCloud?

1
2 A Yes.

3 Q The question was whether or not you had been
4 unhappy with his performance thereby causing Mr. Amoroso
5 to replace him; do you remember questions to that point?

6 A No.

7 Q Is it a fact that Mr. McCloud, McCarthy, worked
8 with you for a while?

9 A Yes.

10 Q When did he begin working with you?

11 A '78.

12 Q When in '78 if you can help us?

13 A He was with me before ABSCAM started and he
14 was in charge of ABSCAM when it started.

15 Q When would you say ABSCAM started?

16 A I am not sure. I think it was June or July.

17 Q Of '78?

18 A That is correct.

19 Q At that time, he had been working -- previous
20 working with you?

21 A He works for the FBI, not for me.

22 Q He worked with you on ABSCAM?

23 A I worked with him.

24 Q Well, you worked together, I assume, is that
25 correct?

- 1
- 2 A We worked together.
- 3 Q How long did you work together on the operation
4 called ABSCAM?
- 5 A I would say I think it was up to February or
6 March.
- 7 Q Of '79?
- 8 A That is correct.
- 9 Q Now, February or March '79, agent named Amoroso,
10 comes in?
- 11 A Yes.
- 12 Q Is that correct?
- 13 A That is correct.
- 14 Q Would you accept the adjustment like January
15 that Mr. Amoroso came aboard?
- 16 A I don't know the exact date. I believe February
17 or January was the first time I met him.
- 18 Q Did McCarthy, McCloud, continue to work with
19 you and Mr. Amoroso?
- 20 A (No response.)
- 21 Q On ABSCAM, the ABSCAM operation.
- 22 A He was still connected with it.
- 23 Q Did there come a time when he was no longer
24 connected?
- 25 A As far as I know he was always connected with

1
2 ABSCAM.

3 Q Up until the end?

4 A As far as I know.

5 Q Did he work with you in ABSCAM from February
6 to March when Mr. Amoroso came onboard?

7 A He was still connected with it, but I was
8 working out in the field with Mr. Amoroso.

9 Q A more correct statement would be that he --
10 Mr. McCloud continued with ABSCAM, but you and Mr. Amoroso
11 were in the field?

12 A Yes.

13 Q McCarthy, McCloud, worked with you together in
14 the field prior to February, March '79, and he was no longer
15 in th field, would that be a fair statement?

16 A Yes.

17 Q Now, you were asked about McCloud, whether or
18 not you were pleased with his performance?

19 A Yes.

20 Q You said that you wouldn't have cast him for
21 the part, but he did pretty well, is that correct?

22 A Yes.

23 Q Then, Mr. Amoroso came on as you just described?

24 A Yes.

25 Q Now, did Mr. McCloud, McCarthy's departure from

1
2 the field have anything to do with the incident which you
3 described yesterday with him and Margo Kennedy?

4 A Not to my knowledge.

5 Q It came about the same time, didn't it?

6 A No.

7 MR. PUCCIO: I object to it.

8 THE COURT: Sustained.

9 Q Throughout this procedure, your advice was
10 respected by the FBI, wasn't it?

11 A I don't know that.

12 Q Isn't it a fact that the Abdul Enterprise
13 which was set up here was actually the same operation you
14 had used in the Pittsburgh scam which resulted in your
15 indictment in Pittsburgh?

16 A I wouldn't say the same operation.

17 Q You wouldn't say the same operation?

18 A Followed in the same order.

19 Q You used the same name, that is for sure?

20 A I don't follow you.

21 Q You had used the name Abdul Enterprises in
22 your own personal scam prior to the ABSCAM scenario?

23 A That is not true.

24 Q Let me see, you recall being asked this
25 question yesterday and did you give this answer starting on

1
2 Page 1706:

3 "Question: When you came up at that time
4 with the idea of Arabs and oil money; isn't that correct?

5 "Answer: I came up and suggested the name
6 of Abdul Enterprises."

7 Do you recall that?

8 A That is correct.

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11 (Continued on next page.)
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Weinberg-cross-Brown

1
2 Q "Question: Have you ever used that name before?

3 "Answer: I may have. Emil Abdul Ramon was a
4 friend of mine."

5 Do you recall that?

6 That's true?

7 A That's true.

8 Q "He lives in Nice. He lives in Nice.

9 "Question: In Nice?"

10 And your answer, "In Nice, France."

11 Those questions and answers are true?

12 A That's true.

13 Q Were you asked these questions and did you
14 give these answers:

15 "And you had used that name before Abdul in
16 one of your scams?"

17 Do you remember that question?

18 A That's true.

19 Q Do you recall this?

20 "Answer: I used it when I went to Pittsburgh
21 to get the cases I was working on. I used that name
22 from then until I got put on probation."

23 A That is true.

24 Q Now then, you had used the name Abdul Enterprises
25 in the scam that resulted in the Pittsburgh indictment; is

1
2 that right?

3 A I used that name when I was working with the
4 FBI at the time, but I did not use that name when I was
5 working for myself.

6 Q Well, may I call your attention to the question
7 and answer again? This question: "And you had used that
8 name before Abdul --"

9 MR. PUCCIO: I object to this as being asked
10 and answered.

11 MR. BROWN: I say it's contradictory.

12 THE COURT: It doesn't sound like it to me,
13 Mr. Brown.

14 MR. BROWN: Well, he says --

15 THE COURT: Read it.

16 MR. BROWN: That's what I was attempting to do.

17 THE COURT: Go ahead.

18 Q "And you used that name before Abdul Enterprises
19 in one of your scams?"

20 That was the question.

21 "Answer: I used it when I went to Pittsburgh
22 to get the cases I was working on. I used that name
23 from then until I got put on probation."

24 A That's correct.

25 Q Now, did you use Abdul Enterprises as a scam?

Weinberg-cross-Brown

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2 A No. I was working for the FBI at the time.

3 Q So that when you were in Pittsburgh -- "I used
4 it when I went to Pittsburgh."

5 Now, when was this that you were working with
6 the FBI using Abdul Enterprises, sir?

7 A I think it was in 1977 I started 278.

8 Q So that from 1977 on you were using Abdul
9 Enterprises?

10 A I was working with agents undercover at the time
11 and we were using the name Abdul Enterprises.

12 Q Was Abdul Enterprises one that you had personally
13 used in any adventures of your own?

14 A No.

15 Q Now, when you used Abdul Enterprises you were
16 operating in what area, may I ask?

17 A We weren't using Abdul Enterprises. We were using
18 the Arab name.

19 Q Let me ask you again. Do you recall the
20 question -- you were asked to use the name before Abdul
21 Enterprises in one of your scams, and you said, "I used it
22 when I went to Pittsburgh."

23 Is that correct or incorrect?

24 A I meant to say that that -- that is wrong.
25 We used the name -- we never used Abdul Enterprises. We used

1
2 Emil Abdul Ramon.

3 Q So the record is incorrect and should be
4 corrected? And when you answered yesterday you answered
5 incorrectly?

6 A I answered incorrect.

7 Q I see.

8 Now, when you used Mr. Abdul Ramon's name,
9 how was that employed for the FBI at that time?

10 A We claimed -- we were trying to get in with this
11 here group of organized crime people. And we told them that
12 the agents I introduced to them, that they worked for Emil
13 Abdul Ramon.

14 Q You also said yesterday, I used it when I
15 went to Pittsburgh and to get the cases I was working on.

16 Does that mean to get the undercover cases?

17 A When I went to Pittsburgh to cop my plea, they
18 asked me to work on certain cases. And I used that name on
19 those cases.

20 Q In order to earn -- until you got put on
21 probation?

22 A That's correct.

23 Q So you earned your probation by employing Mr.
24 Abdul's name in the underground work that you have described?

25 A That's correct.

Weinberg-cross-Brown

1
2 Q So between the time you pleaded guilty, then,
3 is it correct to say you worked for the FBI and that's why
4 you were put on probation?

5 A That's correct.

6 Q And at the same time you also earned a deal
7 for Lady Evelyn Knight whereby you virtually cut her loose?
8 Exculpated her; is that correct?

9 A That's correct.

10 Q And you did that because you felt responsible
11 for bringing her into the Pittsburgh; is that true?

12 A She had nothing to do with it whatsoever.

13 Q But she did serve a part? She played a part
14 in that scenario?

15 A Never played a part. Just used the name.

16 Q Just used the name?

17 A We just used the name. She was never involved
18 in any meeting.

19 Q You mean physically she didn't?

20 A Correct.

21 Q You just represented to the victims that
22 there is this lady who is of great wealth?

23 A Correct.

24 Q So to that extent alone she was a part of it?

25 A She was indicted on that.

Weinberg-cross-Brown

1
2 Q Now, you did bring some ladies into this --
3 the current operation? From time to time there were women
4 who didn't play a particular part, but who were present;
5 is that correct?

6 A The only woman that I know that was in was
7 Margo.

8 Q That's all?

9 Lady Evelyn Knight never played a part?

10 A No.

11 Q Now, isn't it a fact that Lady Evelyn Knight
12 worked until she was almost detected as an FBI agent?

13 A That is not true.

14 Q That is not true? Why was -- did there come
15 a time when she was no longer in the field working with you
16 and Mr. Amoroso?

17 MR. PUCCIO: I am sorry. Did you mean Margo
18 worked -- you said, Lady Evelyn.

19 MR. BROWN: I am sorry.

20 Q Did Margo until she was detected or almost?

21 A Margo came to -- if I remember correctly, to
22 one meeting in the Holly and Jack may have had been with her
23 a couple of times, meeting, and then she was detected. She
24 was on the front page arresting a hi-jacker. And it said,
25 FBI agent arrests hi-jacker.

1
2 Q That's why she no longer operated in the
3 field?

4 A I don't know.

5 Q As far as you know, that terminated her?

6 A Correct.

7 Q Her work in the field with you anyway; is that
8 correct?

9 A Not with me. The agency had something to do
10 with it. Not me.

11 Q Well, when I say worked in the field with you,
12 I am going on the assumption that your field work was one
13 that you worked with certain agents; am I correct?

14 A That's correct.

15 Q Except in those instances where you made
16 telephone calls on your own from your home, right?

17 A That's correct.

18 Q You would then be unsupervised in the sense
19 that the agents wouldn't be near you; is that right?

20 A That's correct.

21 Q Now -- by the way, you have testified heretofore
22 in Philadelphia about the way you operated in taping phone
23 calls; is that not a fact?

24 A I think I did.

25 (Continued on next page.)

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2 Q And you testified there that you used the
3 suction cup; is that correct?

4 A I used a suction cup and the -- originally we
5 used the thing that fits on the ear piece.

6 Q Do you recall your testimony in Philadelphia
7 with respect to the suction cup?

8 A We did use a suction cup, too.

9 Q How often did you use the suction cup?
10 When you say, "we", you're speaking generically?
11 You always taped alone, the phone conversations, didn't you?

12 A Not all the time alone. There were times when
13 agents were there.

14 Q How often did that occur?

15 A It occurred in the hotel rooms, Townhouse or
16 at the condominium.

17 Q And, of course, there were always records of
18 those phone calls; is that right?

19 A I suppose so.

20 Q Well, do you have any knowledge as to whether
21 or not there are any phone calls that you recorded when there
22 were actually no toll calls recorded? Do you have any idea
23 of that?

24 A There may be.

25 Q Well, how would you report a telephone call if

1
2 it was not on the toll? In other words, the toll call is
3 one where the company records the charge. Do we agree on
4 that?

5 A That's correct.

6 Q Do you say there were some calls made where the
7 Telephone Company did not record it, the charge?

8 A Those would be calls that were made to me.

9 Q Now, what about calls that you made to anyone
10 else?

11 Do you believe that there should have been a
12 record for the phone company's benefit of charges?

13 A I don't follow that question.

14 Q Well, let me call to your attention, and I
15 approach --

16 MR. BROWN: If I may, your Honor?

17 THE COURT: Yes.

18 MR. BROWN: I am using Court Exhibit, your
19 Honor, 80000249, which is the index of 3500 exhibits.

20 THE COURT: All right.

21 Q I want to call your attention to this, to
22 a particular phone call which is denominated, 3500-65 and
23 has a circle around it, and which is indicated as having been
24 made June 16, 1979 from M. W., which I assume that is you?

25 A That's correct.

1
2 Q So that would be a call for which there should
3 be a toll; is that right?

4 A Well, that call was made in Virginia.

5 Q Or shouldn't there be a -- were you living
6 in Virginia?

7 Was that any post from which you would call?

8 A You have to check if I was staying at a hotel
9 or at the Townhouse.

10 Q Perhaps you could tell me. Do you have any
11 recollection?

12 A I wouldn't have the slightest idea.

13 Q All right.

14 But you do concede that there were certain
15 telephone calls made for which there would be no tolls either
16 because they came from someone else to you or because you
17 were at a hotel or other installation; is that right?

18 A That's correct.

19 Q Thank you.

20 Now, if there is a call from Errichetti to
21 you, I suppose you would not in all instances know where he
22 was calling from; is that right?

23 A That's correct.

24 Q Now, with respect to the suction cup, there was
25 a demonstration here yesterday with respect to a telephone

1
2 and some unit on it, and you sat in this chair and you went
3 through some actions; is that right?

4 A Correct.

5 Q Was that unit attached to that phone, as far
6 as you know, a suction cup?

7 A I used the suction cup on occasion.

8 Q Let me --

9 THE COURT: The question that he asked you
10 whether the unit that you had here was what you were
11 referring to as a suction cup?

12 MR. BROWN: That's right.

13 THE WITNESS: No.

14 Q It's also true, isn't it, that you said that
15 that unit, the unit you really used at home, the receiver
16 was square?

17 A That's correct.

18 Q And the one we saw was round?

19 A Yes.

20 Q Now, I want to show you an item.

21 MR. BROWN: Your Honor, may I mark it for
22 identification?

23 THE COURT: Yes.

24 MR. BROWN: Marked Defendant's Exhibit for
25 identification, your Honor, N.

1
2 THE COURT: All right.

3 MR. BROWN: May I approach?

4 THE COURT: Yes.

5 Q I show you an exhibit which has been marked
6 N, Mr. Weinberg. I ask you to examine it, if you will.
7 Would that more likely be a facsimile of what you used as
8 a suction cup?

9 A At times, yes.

10 Q Well, how often would you use the suction cup?

11 A In certain hotels we found out that the unit
12 we were using, the head piece wasn't working, had too much
13 static. And the technical guy gave me a suction cup. That
14 if you use the suction cup you will get it a little better.

15 Q I see.

16 And from time to time that would fall off and
17 you would miss some part of the conversation obviously?

18 A That has happened.

19 Q So then is it fair to say that you used both
20 the kind of device that you demonstrated yesterday and the
21 suction cup?

22 A That's correct.

23 Q How often did that suction cup fall off, that
24 piece that you were trying to record the conversation?

25 Have you any recollection whatsoever?

1
2 A None whatsoever.

3 Q But it could be a number of times?

4 A That's true.

5 Q So to that degree, the conversation that you
6 tried to record, could not be complete obviously; is that
7 right?

8 A That's true.

9 Q Now, you have reviewed a number of transcripts.
10 Have you seen any transcripts supposedly recording telephone
11 conversation where there was an indication that there was
12 a break or some gap that you would attribute to that device?

13 A None that I remember.

14 Q So that it would be almost impossible to
15 determine how many telephone calls were really incomplete
16 because of using Defendant's Exhibit N?

17 A Well, if this fell off, you would still hear
18 my voice.

19 Q You would hear one side?

20 A Correct.

21 Q So that it would be a half of a conversation?

22 A That's correct.

23 Q Now --

24 THE COURT: You say if it fell off. Where did
25 you fasten the suction cup?

THE WITNESS: The suction cup would go on the ear piece. When this fell off you would still hear my voice.

Q: What would be recording? Isn't that the device that you would lead to the recording machine?

A That's correct.

Q Well, if that fell off, wouldn't the recording of either conversation be interrupted, sir?

A No.

You still hear the person that is speaking on the phone. You will hear their voice.

Q On what?

You have nothing attached to the recording unit; isn't that true?

A You still hear my voice on it.

MR. BROWN: May I approach?

THE COURT: Yes.

Q Sir, the only way you could record with either device, with either the device you used yesterday or Defendant's Exhibit N, would be to have the unit -- if I may use this to simulate a telephone?

A Yes.

Q It would be attached there, and this would be attached to the recording device. Now, when that voice falls

1
2 off the recording device, then nothing goes into that little
3 tape, does it?

4 A I'm pretty sure you will hear my voice if you
5 are talking on it.

6 Q Now, tell me -- if I may once more, may I
7 use this phone to simulate. If I get close to where you
8 would put this, would you tell me to stop as I run --

9 A It goes on the other end, by the --

10 Q That's the receiver?

11 A Right.

12 THE COURT: You've got it on the speaker.

13 MR. BROWN: He said, the other end. I guess I
14 am wrong.

15 Q Receiver. You and I were both wrong. That's
16 the receiver?

17 A Correct.

18 Q Do we agree?

19 Okay. I am on the receiver and I am plugged
20 into --

21 MR. BROWN: Do you have a device.

22 Q Now, this is the way it would be functioning,
23 right? Plugged in?

24 A Yes.

25 Q This falls off?

- 1
- 2 A Right.
- 3 Q You're talking?
- 4 A Right.
- 5 Q Now, how does the sound get into the receiver?
- 6 A I'm pretty sure it would still pick up on that.
- 7 Q Okay.
- 8 Because this will pick up a sound even in the
- 9 Courtroom; is that right?
- 10 A I'm pretty sure.
- 11 Q Pretty sure.
- 12 Well now, you worked with Mr. -- with this for
- 13 a long time. Are you absolutely sure?
- 14 A I never listen to tapes after I made them.
- 15 Q Oh, I see.
- 16 So you couldn't be absolutely sure it worked.
- 17 Maybe it does or maybe it doesn't, right?
- 18 A I'm pretty sure it does. It will pick it up.
- 19 Q No.
- 20 MR. BROWN: Excuse me. I am here without
- 21 permission. But I am sorry.
- 22 Q Well now, tell me, after using this all this
- 23 time do you know whether or not it would pick up? Maybe it
- 24 does or doesn't. But do you know?
- 25 A I really can't say.

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Q You can't say one way or the other?

A Well, we can test it.

Q But let's deal with your version by saying that these transcripts you reviewed were all correct.

You never reviewed them, did you, after you made them?

A I never listened to the tapes after I made them.

Q So you don't know what came off the tape in terms of sound?

A Correct.

Q And then it is true, isn't it, that whenever you are asked a question about a particular conversation, you always ask to see the tape to refresh your recollection or to make sure; is that right?

A That's correct.

Q And -- but you have never compared the sound that would go into that little receiver with the transcript?

A I have listened to the tapes the last -- let's say, five months, going over them.

Q But you never did when you made them?

A The only time I listened to the tape when I made it, if John Good called me up and he wanted to hear one of the tapes, I would play it back to him.

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Q That would be a rare occasion, wouldn't it?

A No. That was quite often.

Q Now, you didn't make a transcript even at that time obviously?

A I had nothing to do with the transcripts, with making them.

Q The point is that when you even heard it played back -- let's say, the call was from your Florida home, for example. You made calls from Florida, is that right?

A Yes.

Q When you -- even when you talked to Mr. Good, you played the thing back over the phone so he could hear, I assume; is that correct?

A That's correct.

Q Then you put it away?

A Correct.

Q And then eight, ten days or whatever, you turned it over to the FBI?

A That's correct.

Q And sometimes that would run anywhere from two days to two weeks, right?

A Correct.

Q Now, from that point on, you didn't until the last month compare what had gone into that unit with what came

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off on a transcript?

A Up to around February.

Q I say -- forgive me. I did not speak clearly.

Up until the last few months was my preface, right?

Do you accept that?

A I accept that.

Q Up to the last few months you never compared what went on the tape with the transcript?

A That's correct.

Q When you reviewed them for the last few months, you were preparing for trial in the ABSCAM cases, right?

A Right.

Q When you did that -- and correct me if I am wrong -- you were working with Mr. Puccio or members of the staff to listen and compare?

A Correct.

Q And, therefore, your memory had to bridge the gap from the time that the unit was put together, sound put on it, and until the time you sat down six months ago with the group here, the Government group?

A Correct.

Q Sometimes that would be a year?

A A year?

Q How long would it be? What is the oldest tape?

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2 A I would say, yes.

3 Q That could be a year, right?

4 A That is correct.

5 Q I don't want to confuse you. I mean a year
6 from the time you actually made the tape, let's say, in June
7 of '79 until three or four months ago when you sat down to
8 listen, it would be a year?

9 A Those tapes were all placed in evidence.

10 Q Yes, they were. You are right. But I am asking
11 you about the gap. Between the time you would have made it,
12 for example, June 16, 1979, and the time two or three months
13 ago when you sat down with the Government people to begin
14 to review them, it would have been a year gap?

15 A That's correct.

16 Q Roughly. All right.

17 Now, to get back to Mr. McCloud, McCarthy,
18 I would -- you had a chance to read last night I believe that
19 August tape which I have just referred to in which you said
20 in error, I am the biggest liar in the world. Do you recall
21 having read further in that tape about a conversation which
22 you had about Mr. McCloud, whom you described as someone who
23 is no longer your boss?

24 MR. PUCCIO: Judge, I object and ask that the
25 statement be stricken before the question.

1
2 THE COURT: Sustained. Disregard the statement.

3 Q Well--

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

5 Q This is the same tape that you read last night.

6 I will show you -- identify it for you so you are sure of
7 that. Here is Page 79. Right. Here is the beginning of the
8 tape, which is the tape of August 7th. Are you satisfied
9 with that?

10 A I am satisfied.

11 Q Okay..

12 Now, I call your attention now to Page 99,
13 starting from wherever you want to read, but the point that
14 I shall attempt to make and the words I will refer to start
15 at the beginning -- the middle of the page, sir.

16 MR. BROWN: May I stay here just for a moment,
17 your Honor?

18 THE COURT: Yes.

19 Q Have you had a chance to review it?

20 A Yes.

21 Q All right.

22 I will take it from you. Will you remember it
23 sufficiently if I take it from you?

24 A Yes.

25 Q Now, Page 99 contains a reference to a former

1
2 boss, a new boss, Tony, right?

3 A That's correct.

4 Q And the former boss, who I assume to be, subject
5 to your correction, McCloud?

6 A Correct.

7 Q All right.

8 Now, in referring to Mr. McCloud, your former
9 boss, isn't it a fact that you say that Tony is a main boss.
10 All right. As long as we do what he wants we can get it
11 through. There's no problem. Right?

12 A That's correct.

13 Q But, you know, we got to go -- if we start
14 cutting corners, you're going to catch us.

15 A Correct.

16 Q See, we had a bad experience here. We had a
17 guy in there that f-u-c-k-e-d up bad, and, you know, you take
18 off.

19 Now, is that a reference to Mr. McCloud?

20 A This was a stalling tactic that we used.

21 Q No, no. Please.

22 MR. BROWN: It is not responsive, your Honor.

23 I am asking if the words refer to a particular person,
24 your Honor. I asked for no description.

25 THE COURT: When you say, a guy in there, did

1
2 you have in mind Mr. McCloud?

3 THE WITNESS: That's correct.

4 Q So that when you say, we had a guy in there
5 that f-u-c-k-e-d up bad, and, you know, you take off, you're
6 referring to McCloud? Whatever the surrounding circumstances,
7 you did say that?

8 A That's correct.

9 Q And then Mr. Errichetti says, his former boss
10 who I met once. And then I.A. meaning inaudible, according
11 to the code of the transcript; is that right?

12 A That's correct.

13 Q So that his former boss who I once met inaudible,
14 right?

15 You agree?

16 A Yes.

17 Q And Mel Weinberg, well, once you met more than
18 one.

19 Errichetti, once. All right. A couple of times.

20 And then Mr. T.D. That's Mr. Amoroso, right?

21 A Yes.

22 Q But the guy, you know, he screwed a lot of things
23 up and now he's -- you know, he's still with the outfit.

24 Now, the man that Mr. Amoroso says screwed up
25 is Mr. McCloud?