

1  
2 A Correct.

3 Q And then you said, he's an old Kennedy man.  
4 Is that correct?

5 A That's correct.

6 Q Then Mr. Amoroso, he's a -- you know, he's  
7 still looking out to f-u-c-k us. If we do something that  
8 looks bad that he can nail us with, right?

9 That's correct, isn't it?

10 A Yes.

11 Q And then you say, it's big brother watching  
12 us, right?

13 A Correct.

14 Q Now, we'll go to the next page so you can remember  
15 more effectively.

16 MR. BROWN: I will bring that, with your  
17 permission, Judge.

18 THE COURT: Yes.

19 Q Page 100. If you read from the top down.

20 Now, up to this point you have agreed that  
21 you and Mr. Amoroso stated in the presence of Mr. Errichetti  
22 that Mr. McCarthy-McCloud, who had worked with you as your  
23 described formally, was the guy who screwed up and who was--  
24 hadn't done the job, right?

25 A That's correct.

1  
2 Q So whatever your hidden meaning, that's what  
3 you said?

4 A That's correct.

5 Q And that like the rest of these transcripts  
6 it comes out as words on the tape?

7 A Correct.

8 Q So those words on the tape like other words  
9 on the tape don't have the same meaning that they give when  
10 you hear them and read them?

11 A I don't follow that.

12 Q Well, I am reading this before the jury, right?

13 A Correct.

14 Q And the words say thus and so. And you say,  
15 no --

16 MR. BROWN: Excuse me, Judge.

17 Q You say, no. That's not what they mean really.  
18 Isn't that right?

19 A That's right.

20 Q So that when the tape comes off -- this tape,  
21 for example, what is on the tape is not really what is  
22 meant even though words are said; is that right?

23 A No, that is not right.

24 Q Well, did those words reflect what you meant  
25 to say in truth, in your heart?

1  
2 A If you had the whole tape and played it you  
3 knew what the whole thing meant.

4 Q I am asking you, do those words which came out  
5 of your mouth and go down on that paper after they are  
6 transcribed indicate what you really meant when you said the  
7 words?

8 A That is correct.

9 Q Then you meant that McCloud was a fuck up; is  
10 that right, to use your words?

11 A At this time we were saying it.

12 Q You meant it?

13 A I didn't mean it really.

14 Q Well then -- well then, the words were not  
15 truthful; isn't that correct?

16 A At the time that we were having this conversa-  
17 tion, it was truthful.

18 MR. BROWN: I ask that it's not responsive,  
19 your Honor.

20 I am only asking him for the words that came  
21 out of that page are truthful words.

22 MR. PUCCIO: My objection is it's been asked  
23 and answered.

24 MR. BROWN: He's not answered it. He's denied  
25 it.

1  
2 THE COURT: Mr. Weinberg, when you said you  
3 and Mr. Amoroso said these things to Mr. Errichetti,  
4 did you believe they were true?

5 THE WITNESS: No.

6 THE COURT: Did Mr. Weinberg believe they were  
7 true, as far as you know -- I am sorry, Mr. Errichetti,  
8 did the believe they were true?

9 A He believed they were true.

10 THE COURT: Or at least you wanted him to  
11 believe?

12 THE WITNESS: We wanted him to believe.

13 MR. BROWN: But, your Honor, as he put --

14 Q You accepted the -- Errichetti accepted what  
15 you said?

16 A Yes.

17 Q So you were deliberately lying to him at that  
18 point?

19 MR. PUCCIO: I object. Asked and answered.

20 MR. BROWN: There's no other interpretation  
21 for whatever purpose, if your Honor please.

22 THE COURT: Some people put strange meanings  
23 to the word, lie. I don't know whether this witness  
24 does or not. I think he has made it clear what he  
25 was doing. Whether it was characterized as a lie I

1  
2 guess depends on the particular individual's  
3 interpretation of that term.

4 MR. BROWN: Well, Judge, if it's a word that  
5 is not true and designed to mislead, that in our  
6 language is a lie. Whether it has justification or  
7 not is something else.

8 THE COURT: Well, in your vocabulary it might  
9 and even in mine, but I have found sitting as a  
10 trial judge that some people interpret the justification  
11 as determining whether you are dealing with a quote  
12 lie unquote, or whether it has some other label that  
13 should be attached to it.

14 Next question, please.

15  
16  
17 (Continued on next page.)  
18  
19  
20  
21  
22  
23  
24  
25

1  
2 MR. BROWN: You have no objection to my using  
3 it as I say it?

4 THE COURT: I am only concerned with communica-  
5 tion in the Courtroom. I am trying to get to the  
6 stage where witnesses give testimony and when we get  
7 to summations you can use whatever words you wish.

8 It's not too much my concerning whether every-  
9 body understands the words we are using now. At times -

10 MR. BROWN: I better understand them or I am  
11 in trouble.

12 THE COURT: Lawyers are usually pretty good  
13 with words. If you want to have the witness explain  
14 his term, if you are using terms, you can define them.  
15 You can use them without defining them.

16 MR. BROWN: Thank you.

17 Q What do you consider a lie to be, Mr. Weinberg?

18 A A lie, if I tell an out and out lie for gamefull  
19 means. Here I was trying to protect myself and we were  
20 talking in a story and we had problems with Mr. Errichetti  
21 and Jack and we were going along with it.

22 Q Problem with Errichetti and Jack?

23 A Yes.

24 Q That is McCarthy?

25 A Yes.

1  
2 Q The statements you made were designed to  
3 deceive Errichetti insofar as his relation with Jack was  
4 concerned?

5 A Yes.

6 Q It was a double misleading effort, designed to  
7 mislead Errichetti at the same time not the truth about  
8 McCloud?

9 A Not the truth about McCloud, he is a God damn  
10 good agent.

11 Q But you got rid of him, didn't you?

12 A I didn't get rid of him.

13 Q Did you get rid of him because he and Margo  
14 were concerned about the poloticial effects in terms of  
15 Mr. Kennedy?

16 A That is not true.

17 Q You're the one that called him an old Kennedy  
18 man?

19 A McCloud came from the Boston headquarters  
20 and he was connected with the old Kennedy clan up there.  
21 That is why he knows acout politicians.

22 Q Let's see what is next said.

23 Mr. Amoroso in your presence says, referring  
24 to McCloud -- the reference is to McCloud?

25 A Yes.

1  
2 Q Period, period, period all the mistakes he  
3 made, he is people starting putting in guidelines, the way  
4 they want things done, the guy had it made, you know, he  
5 had a free ticket -- as it says here, that was not true,  
6 was it?

7 MR. PUCCIO: I object to the form of the  
8 question, Judge.

9 THE COURT: Overruled.

10 Q That was not a true statement for all the  
11 mistakes he made these people starting putting in little  
12 guidelines about the way they wanted things done?

13 A It was not true.

14 Q You then joined in, let me tell you what he  
15 did, he alone says politician friend at 8 or 9 percent --  
16 did you say that?

17 A I said that.

18 Q Then, H.C. I assume is Howard Criden?

19 A Yes.

20 Q He says: Did any of them go back, and Mr.  
21 Weinberg, no, how can they go bad, ain't making no money  
22 on it. Then you went on to say he had lost certain things,  
23 is that correct?

24 You say that, and Mr. Amoroso says he lost  
25 a couple of things, and you said, one big thing in Boca Raton,



1  
2 paid the guy, wasn't even a commission, right?

3 A Yes.

4 Q Was all that true?

5 A Untrue.

6 Q It's true however, that you felt that Mr.  
7 McCloud was badly cast for the part he played?

8 A He wasn't badly cast, when it comes to  
9 organized crime he didn't exactly know how to handle it.

10 Q Let's see what you said on Page 1873 yester-  
11 day.

12 You were asked by Mr. Duffy: "I mean you  
13 spent your whole life sizing up people. Would you size  
14 him up as a straight arrow?"

15 "Answer: Not really."

16 When you said you didn't think he as a straight  
17 arrow, were you saying you didn't think he was a straight  
18 man?

19 A No, I mean he will have a drink once in a while  
20 and go out--

21 Q You mean a man who has a drink once in a  
22 while is not straight?

23 A No.

24 Q What is a straight arrow?

25 A A straight arrow to me means a fellow who doesn't

1  
2 go out and at night stays in his room and watches television.

3 Q If you don't do that you ain't straight?

4 A We are not talking about being crooked.

5 Q Then Mr. Duffy said: "I guess you could say  
6 that, what do you mean?"

7 "Answer: He looks more like a Police Sergeant."

8 "Question: He looks like a cop, right?"

9 "Answer: That's correct."

10 Then there are further questions.

11 Then, Mr. Duffy asks you a question: "You  
12 don't know what a swinger is. You don't know what that  
13 refers to?"

14 "Answer: I don't know what you mean by a  
15 swinger."

16 "Question: A person who -- like he frequents  
17 night clubs or is used to high living and traveling on jets  
18 and first class, the kind of thing that you were trying to  
19 portray as your own life style in the Abdul ABSCAM Investiga-  
20 tion?"

21 "Answer: He can get by."

22 Then you went on to say: "Question: If he  
23 looks like a Police Sergeant are you telling this jury that  
24 he would be that? That kind of person you would cast in the  
25 role of your associate?"

1  
2 "Answer: Well, I personally wouldn't have cast  
3 him, but he got by."

4 A That is correct.

5 Q The problem was he drank a little bit and just  
6 didn't fit?

7 A I don't know about his drinking.

8 Q I thought you mentioned that, I'm sorry.

9 When you came down to it however, you were  
10 trying to give Mr. Errichetti by using these words which  
11 were false, is that correct?

12 A The words were used in there were play acting.

13 Q Oh.

14 Well, throughout K3SCAM there was a lot of  
15 play acting, wasn't there?

16 A We had to put a certain image up.

17 Q These television units that we see displayed  
18 with the pictures, I am sure you are familiar with. You are  
19 familiar with the tape versions played over the television  
20 set?

21 A That is correct.

22 Q There was a lot of play acting in there?

23 A No, that was not play acting. You pretended  
24 to be a friend of Mr. Erichetti and a friend of the people  
25 he brought in, right?

1  
2 A I didn't meet them until they came up there.

3 Q You played the part of being a confederate?

4 A What do you mean by that?

5 Q There came a time in the course of the ABSCAM  
6 investigation when you decided -- withdrawn.

7 It was decided that the impression should be  
8 conveyed to other people you were not loyal to Abdul  
9 Enterprises and the Sheik?

10 A Yes.

11 Q There were times in the course of the -- of  
12 these events when you talked to Mr. Errichetti and others  
13 in terms of getting money for yourself and beating the Sheik?

14 A We spoke about on land deals doing that.

15 Q You should get something for yourself because  
16 he's got more money than he can use?

17 A Only on land deals.

18 Q Did you in the course of this investigation  
19 pretend, play act, that you were disloyal to the Sheik?

20 A Mr. Errichetti.

21 Q Did you at anytime in the course of the investiga-  
22 tion, in the course of your play acting, pretend you were  
23 disloyal to the Sheik and Abdul Enterprises?

24 A That is correct.

25 Q I deliberately used the word play acting.

1 A That is correct.

2 Q When did you begin to play act in that role  
3 of conveying an impression that you were now disloyal to the  
4 Sheik and how to make money for yourself?

5 A Repeat that again?

6 Q I will withdraw it.

7 Did there come a time in the course of the  
8 investigation when you deliberately conveyed the play acting  
9 idea you were willing to work for somebody to beat the Sheik  
10 to make money off the Sheik, you were disloyal?

11 A I don't follow your question.

12 Q Did there come a time when you pretended you  
13 wer disloyal to the Sheik?

14 A The time came when Mr. Errichetti offered us  
15 a proposition.

16 Q Please answer the question.

17 Did there ever come a time when you pretended  
18 that you were disloyal to the Sheik?

19 A That is a double barrel question you are giving  
20 me.

21 Q Let me ask if it has been asked of you  
22 before.

23 I certainly intend no double barrel questions.

24 Forgive me for a moment, if your Honor please.  
25

1  
2 THE COURT: All right.

3 (Pause.)

4 MR. BRONN: Thank you, I found it.

5 Q I call your attention to the testimony of  
6 August 19th, Page 1859, I will start at the top to give  
7 the continuity, with the Court's permission.

8 "Question: So that whatever they might think  
9 of how you looked or how you sounded, there was this back-  
10 ground that it must be true because Chase Manhattan says  
11 it's true, right?

12 "Answer: That's correct.

13 "Question: As a matter of fact, everybody else  
14 used a pseudonym, an undercover name, false name except you,  
15 right?

16 "Answer; Correct.

17 "Question: Because it's a part of you concept  
18 of this scam that you are not supposed to be entirely loyal  
19 to your employer, right?

20 "Answer: No, that wasn't true in the beginning.

21 "Question: Well, as it was true in July of  
22 1979 -- wasn't it true?

23 "Answer: In '79, that's correct."

24 Were those questions and answers true and  
25 correct?

1  
2           A        When he asked that question he asked about  
3 using my right name.

4           Q        May I recall your attention to the questions  
5 not concerned with the name on Page 1859, line 13:

6                    "Question: Because it's a part of your concept  
7 of this scam that you are not supposed to be entirely loyal  
8 to your employer, right?

9                    "Answer: No, it wasn't true in the beginning.

10                   "Question: Well, as it was true in July of  
11 1979 -- wasn't it true?

12                   "Answer: In '79, that's correct."

13                   That reference to loyalty is to your employer  
14 Abdul Enterprises, is that not so?

15           A        That is a hard question to answer yes or no.

16           Q        You did answer it because you said no, it  
17 wasn't true in the beginning.

18                    That is so, or --

19           A        That is one of your double barrel questions I  
20 have been talking about. I was talking about my name.

21           Q        I shouldn't ask you that.

22           A        I know who asked me.

23           Q        Mr. Duffy asked you.

24                    Mr. Duffy is a person who asks double barrel  
25 questions.

1  
2 MR. DUFFY: Objection.

3 THE COURT: Sustained.

4 Q May I read it to you again and ask you if you  
5 recall the question and answer being correct:

6 "Because it's part of your concept of this  
7 scam that you are not supposed to be entirely loyal to your  
8 employer, right?

9 "Answer: No, it wasn't true in the beginning.

10 "Question: Well, as it was true in July of  
11 '79, wasn't it true?

12 "Answer: In '79, that's correct"

13 There is -- that is not dealing with your name.  
14 I call that to your attention. I ask if that question was  
15 asked and --

16 A Why don't you start the question at the beginning  
17 when he asked about the name?

18 Q I read the entire matter. I will read it to  
19 you once more:

20 "Question: So that whatever they might think  
21 of how you looked or how you sounded, there was this back-  
22 ground that it must be true because Chase Manhattan says  
23 it's true, right?"

24 "Answer: That's correct."

25 Do you remember me reading that?



1  
2 A Yes.

3 Q I went on, and that had nothing to do with  
4 what we were talking about?

5 A Yes.

6 Q Do you remember that?

7 A Yes.

8 Q I read then: "Because it's a part of your  
9 concept of this scam that you are not supposed to be entirely  
10 loyal to your employer, right?"

11 "Answer: No, that wasn't true in the beginning.

12 "Question: Well, as it was true in July of  
13 1979 -- wasn't it true?"

14 "Answer: In '79, that's correct."

15 Now, is that a true series of questions and  
16 answers to wit, that you were not in your play acting not  
17 to be loyal to the Sheik, your employer, but out for yourself  
18 and others, according to the play acting?

19 A That is true according to the play acting.

20  
21 (Continued on next page.)  
22  
23  
24  
25

1  
2 Q While that wasn't true in the beginning, it  
3 subsequently became part of your act?

4 A Yes.

5 Q You were out to make a piece of change for  
6 yourself? I'm not saying you, that is part of the play  
7 acting, right?

8 Certainly you ever went out to get a piece of  
9 change for yourself, is that correct?

10 A (No response.)

11 Q That is a question.

12 A I never got a piece of change at all.

13 Q You were never out to get a piece of change  
14 for yourself?

15 A That is correct.

16 Q When you said so here, and it follows with the  
17 following questions and answers:

18 "Answer: In '79, that's correct.

19 "Question: Okay.

20 "As of the time you met Howard Criden for the  
21 first time, it was a part of your scam that you weren't  
22 supposed to be entirely loyal to these Arabs?

23 "Answer: That's correct.

24 "Question: You were out to make a piece of  
25 change for yourself?

1  
2 "Answer: Correct."

3 That is what you said. Now, I am assuming,  
4 sir, that is play acting and you weren't in truth out to make  
5 a piece of change for yourself?

6 A That was play acting.

7 Q To that extent, as of July '79, it becomes  
8 play acting to that degree, right?

9 A Yes.

10 Q You do this play acting in front of Mr.  
11 Criden or Mr. Errichetti on this occasion?

12 A Yes.

13 Q Now, isn't it true also that you continued to  
14 use your name because Mel Weinberg was the name known in the  
15 world of the con artists and the DP's, desperate persons?

16 A The reason is it was also known to organized  
17 crime.

18 Q Because you were known to organized crime?

19 A That is correct.

20 Q Would that bring organized crime to you?

21 A If we need someone to vouch, they would know,  
22 and I would give the okay.

23 Q To organized crime?

24 A Yes.

25 Q You can give okays to organized crime?

1  
2           A       They called up and wanted to know if Abdul  
3 was for real, I would say so.

4           Q       And organized crime would believe you?

5           A       They did,

6           Q       Because you had established your credibility  
7 and your reliability to the satisfaction of the organized  
8 crime figures of this region?

9           A       I knew them.

10          Q       You had earned their respect and you had earned  
11 their sense of your loyalty and they could believe Mel  
12 Weinberg if he said it was so?

13          A       I don't know if they believed me. They called  
14 up to check. I would say we are --

15          Q       You said if you said you were --

16          A       I didn't say they would believe me. When  
17 they call up to check I said yes, Abdul's for real.

18                   Tony is for real and we were okay.

19          Q       Because they would believe you?

20          A       I don't know if they would.

21          Q       Wasn't that the purpose of Mel Weinberg being  
22 Mel Weinberg because the underworld knew him and trusted  
23 him?

24          A       I don't know if they trusted me.

25          Q       You just said you used your name up front if

1 anyone from organized crime called up and Mel Weinberg  
2 said it was okay, they would accept that, is that correct?

3 A They would call up to find out if we were for  
4 real. I would say yes. If they believed me, I don't know.

5 Q That was the hope?

6 A The hope.

7 Q The hope was based on the fact you were known,  
8 accepted, and found credible by organized crime, is that what  
9 the hope is based on?  
10

11 MR. BEN-VENISTE: I must object to Mr Brown's  
12 questions involving organized crime which has nothing  
13 at all to do with this case. Only from that standpoint  
14 I object to it.

15 So that the issues do not get confused. I am  
16 sure Mr. Brown doesn't wish to do it, but it is not  
17 relevant.

18 THE COURT: You are a little late in your  
19 objection.

20 MR. BROWN: I would say so. He could have  
21 saved Mr. Weinberg earlier --

22 MR. BEN-VENISTE: It's not my intention to do  
23 that. Organized crime has nothing to do with this.

24 MR. BROWN: Certainly no charges here, he is  
25 correct in that degree.

1  
2 THE COURT: In so far as the objection is  
3 addressed to the last question on the grounds that it  
4 is not a part of the case, I will overrule it because  
5 the last question seems to be a summation of the  
6 previous 15 or 20 questions.

7 I don't know whether you want an answer to that  
8 triple barrel question or not.

9 MR. BROWN: In order not to be obstructive,  
10 I will withdraw it.

11 Q You referred to the Arab as the goose that  
12 laid the golden egg?

13 A Yes.

14 Q This play acting you are talking about happened  
15 in July of '79, am I correct?

16 A I don't know what you're looking at there  
17 (indicating).

18 Q The questions and answers that you gave.  
19 May I approach, your Honor?

20 THE COURT: Yes.

21 MR. BROWN: It's Page 1859, the cross examina-  
22 tion by Mr. Duffy yesterday.

23 I asked you the question already. So I  
24 won't repeat it. but I will ask you to look at that  
25 part of the page and tell me if indeed the date of the

1  
2 play acting would be around July '79?

3 A That would be correct.

4 Q I am sorry, may I repeat the question?

5 I am repeating it because I don't know if  
6 everyone heard it.

7 It would be correct to say this play acting  
8 would be around July '79, and I believe you said yes?

9 A Yes.

10 Q Now, I believe you said that -- withdrawn.

11 Did you say that you used middle men in order  
12 to bring in the ultimate objective of your plan or design?

13 A We would meet with a gentleman and he would  
14 say he can get us this and we say go ahead.

15 Q You would encourage him to do that?

16 A Not really.

17 Q That is what the purpose of the entire enter-  
18 prise was?

19 A You don't have to encourage him.

20 Q I see.

21 You would not tell the middle man what to  
22 say to the people that ultimately came in with you?

23 A That is correct.

24 Q You would not for example tell them what to  
25 say or how to do it in order to be effective when you were

1  
2 finally in audience on the tapes?

3 A To the best of my knowledge, I don't remember  
4 telling them what to say.

5 Q Well, did you ever --do you ever recall  
6 having said with respect to the August 5th tape which you  
7 have before you -- speaking to Errichetti -- all he's got  
8 to tell Yassir, when the times comes I will sponsor anything  
9 you want, do you remember that?

10 A If it is on the tape I must have said it.

11 Q Do you recall having said on the tape if there  
12 is any way of doing something dishonestly I will know how?

13 Do you recall that?

14 A I don't recall, but if it is on there, I must  
15 have said it.

16 Q Let's see if it is correct. I would rather  
17 be right than president.

18 Your Honor, may I go back to the table and  
19 get the correct citation?

20 THE COURT: Yes.

21 (Pause.)

22 Q I'm referring to the tape of August 1st.  
23 Mr. Puccio, I'm putting these on top, is that all right?

24 MR. PUCCIO: That is fine.

25 Q I call your attention to a tape made August 1st



1  
2 which you are talking to Mr. Angelo Errichetti. And this is  
3 August 1st. That is after July, of course.

4 May I, your Honor?

5 THE COURT: Yes.

6 Q This, Mr. Weinberg, is the tape of August 1st.  
7 Partial transcript of telephone conversation of August 1st,  
8 right? If you remember Page 11, I would appreciate it.

9 A All right.

10 (Pause.)

11 THE COURT: What is the question?

12 Q The question is, in the context of that partial  
13 transcript -- by the way, withdrawn.

14 That is a partial transcript, is that correct?

15 A That is correct.

16 Q That is one that you taped, right?

17 A I listened to this one, I don't know when --

18 Q Let's go by what is on the page. The tape  
19 indicates you would have taped it?

20 A Yes.

21 Q That is only a portion of -- according to what  
22 is on the Government Exhibit, only a portion?

23 A Yes.

24 Q How much of that conversation then you tell  
25 the jury was not taped, if it is only a portion?

1  
2 A Can I see the Government's transcript?

3 MR. BROWN: It's August 1st.'

4 THE WITNESS: 1221?

5 MR. PUCCIO: 1221?

6 THE COURT: 3500-967

7 MR. PUCCIO: 96A.

8 May I?

9 MR. BROWN: Of course.

10 (Pause.)

11 THE WITNESS: It looks like the part missing  
12 is the part of the telephone operator in Mr. Errichetti's  
13 office.

14 Q That is what you would guess at?

15 A That is correct.

16 Q You don't know?

17 A It's definitely not the Mayor.

18 Q Your transcript says partial conversation,  
19 right?

20 A It doesn't say on here it's partial.

21 Q On the one that you have your hand on,  
22 supplied by the United States Government --

23 A That is your part.

24 Q That is not mine. The Government supplied it  
25 and it says partial?

1  
2 A That is correct.

3 Q On the version that is there for the jury's  
4 consideration, if offered, does it not say, in truth, it is  
5 a partial transcript?

6 A No.

7 Q But the book which I've given you which I  
8 received from the Government does say partial transcript?

9 A Yes.

10 Q Nobody can tell at this point in time what the  
11 partial transcript there means in the sense of what is left  
12 out, is that correct?

13 A Speaking to the operator.

14 The operator holding on.

15 Q That is your opinion of what is left out?

16 A I couldn't have spoken to the Mayor if she  
17 told me to hold on.

18 Q One transcript says partial, and you're saying  
19 in your opinion, the part left out is what you just described?

20 A Yes.

21 MR. PUCCIO: May I look at the other transcript  
22 we are referring to?

23 MR. BROWN: The one you gave me.

24 MR. PUCCIO: With your Honor's permission?

25 THE COURT: Yes.

1  
2 (Pause.)

3 THE COURT: All right, you may proceed.

4 MR. PUCCIO: I object to the question as to  
5 the witness' opinion.

6 THE COURT: Overruled.

7 Q You have given us your opinion of what is left  
8 out, is that correct?

9 A That is correct.

10 Q You didn't compare that date with the transcript  
11 until almost eight months later, is that correct?

12 A That would probably be correct.

13 Q With respect to the transcript itself, and the  
14 part that I call to your attention on Page 11, the part that  
15 I outlined, and I ask you to respond --

16 A I know what it is.

17 Q Doesn't it read: If there is a way to do it  
18 dishonestly you will know it?

19 A Yes.

20 Q Is that true?

21 A That is not true.

22 Q Isn't it your total skill, and way of life  
23 for the last few years, you've been doing things dishonestly?

24 A This transcript doesn't state that.

25 Q Read it the way it is.

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A That reads in there but that is more on the top.

Q I understand that.

But that is what you said, isn't it?

A Yes.

Q If you say, if there is a way to do it dishonestly, I will know it, that applies to everything, not only words on the page, that's your statement of a philosophy?

A Not necessarily. It means I am talking about the situation that is here.

(Continued on

Weinberg - Cross - Brown

1  
2 Q Well, isn't it a fact that if there is  
3 a way to do anything in the world of finance and the  
4 world of business, that you would know how to do it  
5 dishonestly?

6 A That I am not sure of.

7 Q But that is a pretty good bet, isn't  
8 it?

9 A I wouldn't bet on it.

10 Q Well, you were one of the most skilled  
11 con men in the world, aren't you?

12 A How skilled could I have been if I got  
13 caught?

14 Q Well, you were skilled enough to get  
15 away with it for many years, weren't you?

16 A That is true.

17 Q You have admitted to many other crimes  
18 you have committed for which you have never been caught;  
19 is that right?

20 A That's true.

21 Q So that you were skillful to beat the  
22 game for at least twenty years, right?

23 A I don't know if it's twenty years.

24 Q How many would you say?

25 A I haven't the slightest idea.

1  
2 Q You said from '60 and you were only caught  
3 in late '70? Seventeen years anyway.

4 A That's correct.

5 Q Before that you were breaking windows  
6 when you were only a kid?

7 A Yes.

8 Q You're fifty-three now?

9 A Fifty-five.

10 Q So we are running thirty years back, aren't  
11 we? So you have been scamming and stealing and getting  
12 away with it for thirty years, haven't you, up to '77?

13 MR. PUCCIO: I object, Judge.

14 Q Right?

15 THE COURT: Quite repetitive, Mr. Brown.

16 MR. BROWN: If you allow me one question,  
17 I will not touch it again so help me.

18 MR. PUCCIO: I object. I object and  
19 ask that the statement be stricken.

20 MR. BROWN: Just that one question, if  
21 your Honor please. It's not important.

22 THE COURT: The objection is sustained.

23 MR. BROWN: Thank you, your Honor.

24 Q Now, when we come up to -- do you deny  
25 that in the instance of matters that you propose to my

1  
2 client, that you directed him to say to the person he  
3 was to contact for the benefit of your enterprise that  
4 you would give him the proper speeches to say? Do you  
5 deny that you gave him the proper speeches to say?

6 A I do deny that.

7 Q And do you deny that you told him and  
8 told the person whom you were about to put before the  
9 cameras, this is the way you do it. You will be on  
10 stage for twenty minutes. It is all bullshit?

11 A That I know about.

12 Q I ask you, do you deny that you said that?

13 A I said to that person --

14 Q Isn't it a fact that you said, what you  
15 are saying wouldn't have any meaning. Just say what  
16 I tell you because you are only -- we will only be on  
17 stage for twenty minutes and it's all bullshit anyway;  
18 is that right?

19 A I said that to that gentleman.

20 Q Now, isn't it a fact that Mr. Errichetti  
21 was present and heard you say that?

22 A He was also telling him.

23 Q And he was telling him because you had  
24 given him prior instructions; isn't that right?

25 A That is not true.



Weinberg - cross - Brown

1  
2 Q Do you recall where Mr. Errichetti on  
3 June 20th said to you, get back to me and give me the  
4 proper speech to give this man. Do you remember that?

5 A I don't remember that.

\* \* \*

\* \* \*

10 THE COURT: Ladies and gentlemen, if  
11 I understand correctly, what is going to happen  
12 at this point, Mr. Brown is going to have played  
13 to you excerpts from I believe it is three  
14 different conversations. I am not sure whether  
15 telephone or face-to-face conversations, but  
16 we will find out, I guess.

17 These are only portions of the particular  
18 conversations involved. If I understand cor-  
19 rectly, they do not relate to the particular  
20 transactions we have been dealing with in this  
21 trial. They do involve participation by at  
22 least Mr. Weinberg and Mr. Errichetti and I  
23 think it is in that context that Mr. Brown  
24 thinks they are significant.

25 At the moment, there are no transcripts

1  
2 of these conversations available to you but  
3 I am sure they will be prepared and supplied  
4 to you within a reasonable period of time,  
5 perhaps by the end of the day and certainly  
6 by tomorrow.

7 With respect to all the conversations,  
8 all of the tapes that have been played to  
9 you, of course, and any others that will be  
10 played to you, if you need to have any of  
11 those replayed to you during your deliberations,  
12 of course, that can be arranged.

13 Sometimes it's easier to follow with  
14 your ear if you watch the transcript. Even  
15 though there are obvious differences, and I  
16 am sure you have noticed those.

17 This one you are only going to get  
18 your ear. We will get the transcript later  
19 so you will have it available.

20 You may find ultimately you want to  
21 come back and hear it with the transcript in  
22 front of you. If you feel that will be necessary  
23 when the time comes you make the request to  
24 do it.

25 The one thing I want to explain to you,

1  
2 you will get the transcript and later you  
3 will have an opportunity to compare the  
4 tape with the transcript if you think it is  
5 significant.

6           The only thing is that we are dealing  
7 here with an entirely different matter than  
8 things that involve the defendant Myers, the  
9 defendant Johanson, I don't know whether the  
10 defendant Criden is in any --

11           MR. BEN-VENISTE: Not at all, your  
12 Honor.

13           THE COURT: So, this is conversation  
14 with others but including Mr. Weinberg, is  
15 Errichetti. As to the significance of these  
16 conversations, there of course is always  
17 argument among counsel how significant anything  
18 is in a lawsuit. They bear on, broadly  
19 speaking, questions of credibility of Mr.  
20 Weinberg. I urge that that is one aspect  
21 of it. They also bear on a claim by the  
22 defendant that what may have occurred in  
23 connection with this transaction may be  
24 viewed by you as some evidence of what may  
25 have occurred in connection with the particular

1  
2 events that the indictment we are concerned  
3 with involves.

4 MR. PUCCIO: May I interrupt? Claimed  
5 by the defendants rather than the Government.

6 THE COURT: Right.

7 MR. BROWN: We claim --

8 THE COURT: I will say it again. I  
9 don't recall what I said. Essentially this  
10 is being admitted for two limited purposes.  
11 One is for you to evaluate these tapes for  
12 whatever else you find they may give you in  
13 weighing the credibility of Mr. Weinberg  
14 in connection with the testimony that he  
15 has given you here.

16 The other issue in which you may  
17 consider is, there is a claim as I understand  
18 it by the defendant that what happens on this  
19 occasion, that is the subject of the tapes,  
20 and perhaps on other occasions, may be  
21 viewed by you as evidence and certainly  
22 would urge you to do it and they may argue  
23 as to it, you will have to weigh the argument  
24 and evidence altogether. It may be viewed  
25 by you if you find it warrants some evidence

1  
2 that this is what happened in terms of the  
3 dealings of Mr. Weinberg, Mr. Amoroso, with  
4 any or all of the defendants here.

5 I think it is clear one of the issues  
6 you are going to have to decide, perhaps the  
7 central issue in the case, is what really  
8 happened on the occasions of the tapes that  
9 you have seen and heard, and the other events  
10 that have been testified to and will be testified  
11 to by other witnesses.

12 You are going to have to evaluate what  
13 is really going on, and this evidence is being  
14 offered by the defendants to help you interpret  
15 it.

16 You should weigh this along with all  
17 the other evidence in the case.

18 MR. BROWN: May I ask one question  
19 before we put on the tape?

20 THE COURT: Yes.

21 CROSS EXAMINATION

22 BY MR. BROWN:

23 (continuing)

24 Q You stated that you never gave instructions  
25 as to what the middleman or the mark was to say, is

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that right? You never told him what to say?

A The only thing --

Q You said that, that you didn't tell them what to say?

A Exactly what to say?

Q You never told them what --

A To the best of my knowledge, I never told them.

MR. BROWN: These tapes are played to contradict that.

THE COURT: What tapes are they, first?

MR. BROWN: June 16, 3500-65, your Honor.

THE COURT: Is there some way to identify for the record what is being played? Does it have an index number?

MR. BEN-VENISTE: We would like to offer the transcript itself at some point. So we can give it a defense number.

THE COURT: But I don't want any dispute what it is the jury actually heard.

MR. BROWN: I will put a defense sticker on it.

THE COURT: All right.

1  
2 MR. PUCCIO: It is all right.

3 MR. BROWN: 1145, 3500-65. Not the  
4 whole tape. The excerpt starts on page 2 and  
5 consists of ten or twelve lines over to page  
6 3.

7 THE COURT: This is a transcript you  
8 have --

9 MR. BROWN: Telephone conversation,  
10 June 16, 1979, Mr. Weinberg and Mr. Errichetti,  
11 and the draft from which we are connotating the  
12 tape is given to us by the Government.

13 THE COURT: Proceed.

14 (Tape played.)

15 THE COURT: Is that the end of the  
16 first tape?

17 MR. BROWN: Yes, your Honor.

18 MR. PUCCIO: It's two lines on the  
19 bottom of the page? Page 2?

20 MR. BROWN: That is all that was played.  
21 I am told it didn't come too clearly.

22 A JUROR: I didn't hear anything.

23 THE COURT: If they understood it their  
24 ears are a lot better than mine.

25 MR. DUFFY: It did not come over badly



1  
2 without the earphones.

3 THE COURT: Better without?

4 MR. DUFFY: I know I heard it.

5 THE COURT: You read it before, you have  
6 an advantage.

7 MR. BROWN: Can we just run it one time  
8 more?

9 THE COURT: Play it again -- Sam.

10 MR. BEN-VENISTE: If I said that I  
11 would be in trouble.

12 THE COURT: I think we are even by now.

13 (Tape played.)

14 MR. BROWN: The excerpt, Judge.

15 (Tape played.)

16 MR. BROWN: The next one will be 220,  
17 your Honor. 3500-68, 1152 is the index number.

18 (Tape played.)

19 MR. BROWN: This will be June 28, index  
20 -- 3500-70.

21 THE COURT: Where does it begin and  
22 who is involved?

23 MR. BROWN: It starts your Honor, on  
24 page -- page 3 of the draft. Starts where Mr.  
25 Weinberg says, "Okay, strictly loans," and

1  
2 goes to the bottom of the next page.

3 THE COURT: Is this also between Mr.  
4 Weinberg and Mr. Errichetti?

5 MR. BROWN: And the other person who we  
6 discussed sidebar.

7 THE COURT: All right.

8 (Tape played.)

9 MR. BROWN: That is the other.

10 Q I assume, Mr. Weinberg, you heard it?

11 A Yes, I heard it.

12 Q Now, Mr. Weinberg, certainly in that  
13 last sequence that was played, you were instructing  
14 and telling people what to say, is that correct?

15 A That is correct.

16 Q You were setting the stage for presentation  
17 before the Sheik, is that correct?

18 A Yes.

19 Q And Tony?

20 A Yes.

21 Q That was the Sheik, of course, played  
22 no part, he was just a figurehead?

23 A That is correct.

24 Q Never opened his mouth?

25 A I wasn't in the room, I don't know.

1  
2 Q He never, under the circumstances,  
3 according to the plan, was supposed to say anything?

4 A I don't know what was said in the room.

5 Q Let me ask you this, the total ABSCAM  
6 concept, the Sheik was never supposed to say anything,  
7 just sit there?

8 A I don't know. I wasn't in the room.

9 Q You were downstairs, you gave the instruc-  
10 tions before the person went in the room, right?

11 A I was with the people down in the room.

12 Q What the jury heard is what you told  
13 the people and Mr. Errichetti before the person went  
14 into the room where the Sheik was?

15 A That is correct.

16 Q He was told what to say and how to do it,  
17 you will go on stage twenty minutes, it's all bullshit?

18 A Yes.

19 Q That was presentation before a person  
20 who really was not a Sheik?

21 A That is correct.

22 Q An F.B.I. agent?

23 A Yes.

24 Q It was play acting to be put on before  
25 whoever was in the room, Tony Amoroso and the person

1  
2 who was the Sheik?

3 A Yes.

4 Q According to the script as the jury heard  
5 it?

6 A I don't know about the script here.

7 Q According to the words and performance  
8 you read out before the persons went in the room as  
9 heard on the tape?

10 A That is correct.

11 Q And the two previous tapes that set up  
12 the climax, it was preparation with Mayor Errichetti,  
13 you telling him what to do with respect to those persons?

14 A I told him to set the meeting up.

15 Q He followed your instruction?

16 A Yes.

17 Q The tapes of the 16th and 20th culminated  
18 or came to a climax with the tape of the 28th when  
19 you --

20 A I told him what to say in the tape.

21 Q Now, this is what, the 28th of June,  
22 the date is correct?

23 A I think it is.

24 Q When was the first time you spoke to  
25 Mr. Errichetti in terms of Congressman Myers and the

1  
2 prospect of a meeting with Congressman Myers?

3 A I have to look at the tapes.

4 Q Is it true that in June you were talking  
5 to him about Congressman Myers?

6 A I have to look at the tapes.

7 Q I will try to refresh your recollection  
8 if I may with conversation.

9 As of July certainly you were talking  
10 to Mr. Errichetti in terms of Congressman Myers because  
11 the first meeting with Congressman Myers that you  
12 attended was in August, is that correct?

13 A That is correct.

14 Q That date would have been August 22nd;  
15 is that correct?

16 A If you say so.

17 Q No, please.

18 I have no authority to say so.

19 If you don't know we will check.

20 A All you have to do is give me the list  
21 in front of you.

22 Q Let me do it my best way. I will try.

23 (Pause.)

24 THE COURT: To save time, we have in  
25 evidence 5-A, the transcript of the videotape

1  
2 which the jury has seen between Mr. Weinberg  
3 Mr. Myers, Mr. Errichetti and Mr. Amoroso and  
4 that is dated August 22nd, 1979.

5 Does that refresh your recollection  
6 as to the date when you met with Congressman  
7 Myers?

8 THE WITNESS: I know it was some time  
9 in August, your Honor.

10 Q It does not refresh your recollection,  
11 is that what you are saying?

12 A No.

13 Q Let me try another way.

14 There is in evidence 21-B which is a  
15 tape of July, 1979. Let me call your attention to  
16 -- may I approach the witness?

17 THE COURT: Yes.

18 Q 21-B. I ask if this refreshes your  
19 recollection. First, the top to verify the date.  
20 Go to the second page.

21 I'm calling your attention strictly to  
22 the date. Does that refresh your recollection as to  
23 the time you first began to speak to Mr. Errichetti in  
24 terms of Mr. Myers?

25 A I think the conversation goes back a little

1  
2 before that too.

3 Q Yes, but that date was a point of reference  
4 to refresh your recollection.

5 A Yes.

6 (continued on next page.)  
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2 Q Your recollection having been refreshed,  
3 I will put the question to you.

4 Can you tell us now approximately what time  
5 in terms of months you began to discuss with Mr. Errichetti,  
6 Congressman Myers?

7 A I think it was sometime in July when he first  
8 mentioned Congressman Myers to me.

9 Q Of course the tapes we just played were June,  
10 Myers name came up sometime in July, is that fair?

11 A I think so.

12 Q Going on that approximation and having shown  
13 you at least one tape, let me show you another which is  
14 19A, July 29th, I showed you the 31st before, perhaps this  
15 will refresh your recollection to some degree.

16 1980, July 29th, that certainly refreshes  
17 your recollection to some degree?

18 A That is correct.

19 Q Using that as a point of reference, how long  
20 before that had you discussed Mr. Myers with Mr. Errichetti  
21 or anyone else for that matter?

22 A I can't say until it was the name was brought  
23 up, exactly what date, I don't know.

24 Q With respect to Congressman Myers, it is fair  
25 to say sometime in July?



1  
2 A I would say so.

3 Q Now, do you recall a conversation in which  
4 you directed Mr. Errichetti with respect to what he should  
5 say to Congressman Myers?

6 A I don't remember exactly when I would have told  
7 him he had to come on to say exactly what he was going to  
8 do to take the money.

9 Q Let me call your attention to -- you wouldn't  
10 recall the conversations around August 15th with the Congress-  
11 man or with Mr. Errichetti concerning the Congressman?

12 A Not offhand.

13 Q Do you recall a phrase: "Wet and dry closing?"

14 A I recall him saying they wanted a wet and dry  
15 closing.

16 Q You are certain it's not you that said wet  
17 and dry closing, it was Errichetti, right?

18 A Yes.

19 Q You are familiar with property transactions,  
20 I assume?

21 A A little bit.

22 Q What is a wet closing as opposed to a dry  
23 closing?

24 A I know what the conversation wet and dry meant  
25 at that time.

1  
2 Q I am asking you first what wet and dry means  
3 to you in terms of a closing or a consummation of a business  
4 deal?

5 A Getting together and having the closing.

6 Q Getting together and kind of rehearsing for the  
7 closing?

8 A Yes.

9 Q First the dry closing which is a rehearsal  
10 and then a wet closing?

11 A Yes.

12 Q In this context, isn't it true the words addressed  
13 to you refer to a rehearsal prior to the final event?

14 A No.

15 Q What did wet and dry refer to in that context?

16 A He wanted to check us all to see if we were  
17 real and nothing going on in the hotel room.

18 Q Who wanted?

19 A The Congressman wanted.

20 Q Errichetti told you that the Congressman  
21 wanted to check it out?

22 A He didn't say that in the telephone conversation.

23 Q Let's play it in context and see what the  
24 telephone conversation is.

25 This, your Honor, is referring to Page 1250 of

Weinberg-cross-Brown

1  
2 August 15, 1979, it is 3500-111. The telephone conversation  
3 between Angelo Errichetti and Mel Weinberg.

4 The part that will be played, your Honor is  
5 Page 3, fourth line from the bottom. And go down to Page  
6 4 to put the phrase in context.

7 There is no question in your mind that the  
8 words were said in terms of meeting with Myers in that  
9 frame --

10 A Said by Mr. Errichetti.

11 Q The frame of reference to a meeting.

12 A He wanted to set up a wet and dry closing.

13 Q We're about to play a tape to attempt to put  
14 the words in context so that the jury can judge.

15 The tape is the one I outlined for your  
16 Honor.

17 THE COURT: Ready to play it?

18 MR. BROWN: Yes, we are ready.

19 THE COURT: Proceed.

20 (Tape played.)

21 Q- You heard that?

22 A Yes.

23 Q It is a fact what Mr. Errichetti says is:

24 "I will come up and your good friend can give me the whole  
25 script so I will know what to say?"

1  
2 A He said script.

3 Q Your good friend is Mr. Amoroso?

4 A I presume so.

5 Q There was no other friend involved, is that  
6 correct?

7 A That is correct.

8 Q If the tape said -- if the tape says that  
9 Mr. Errichetti said to you in fact may we have a wet and dry  
10 closing, and you said I will see if I can arrange it --

11 A That is correct.

12 Q Then he said, I will come up and you can have  
13 our good friend give me the script, in effect, tell me what  
14 to say?

15 A He wasn't going to --

16 Q The conversation -- others will judge that --  
17 the conversation you had, in this conversation, wet and dry  
18 closing refers to someone going over the room?

19 A Can you repeat that?

20 Q It is my recollection that you had said just  
21 before the tape was played that when Mr. Errichetti said  
22 wet and dry closing that referred to someone's desire to  
23 go over the room, is that correct?

24 A Yes.

25 Q The tape was played and wet and dry closing

Weinberg-cross-Brown

1  
2 came right before him saying I will come and we can go over  
3 the script, is that correct?

4 A That is correct.

5 Q It is also true, that -- may I approach, your  
6 Honor?

7 THE COURT: Yes.

8 Q I am using 3500-111, the same tape that was  
9 played.

10 If you examine that, if you will, Mr. Weinberg,  
11 starting here and going to the third page and down to the  
12 fourth.

13 It is also true that in the part we just  
14 played, Mr. Errichetti said in part: I can go up a little  
15 early and your good friend can give me the script, and:  
16 I prefer to go one day, Wednesday or Friday, whatever you want  
17 and I come up so that we can meet privately... We are supposed  
18 to do and so I understand what has to be done?

19 A That is correct.

20 Q Those words certainly don't refer to going  
21 over the room, do they?

22 They talk about what is to be done?

23 A That is correct.

24 Q Is your memory so refreshed that you might  
25 agree that the tape doesn't refer to going over the room but

## Weinberg-cross-Brown

1  
2 has reference to going over the script and what they have  
3 to do with you and Mr. Amoroso?

4 A The wet and dry was to come over and check us  
5 out.

6 Q Th rest follows?

7 A He wanted to come up and see the fellow.

8 Q Go over the script?

9 A Yes.

10 Q The past three --

11 A Never told him what -- told him what we wanted  
12 to hear.

13 Q Run that by me again?

14 A We told him what we wanted to hear.

15 We will not give him the money until he told  
16 us.

17 Q But you told him what you wanted to hear?

18 A We wanted to hear what was going to happen  
19 for the money.

20 Q The tape demonstrates you were preparing him  
21 in advance so when he came before the Sheik he would say the  
22 right thing?

23 A We never spoke to the Congressman.

24 Q What was the script, so that he can tell you  
25 what he had to do?

1  
2 A I don't know what he had in mind. We told  
3 Mr. Errichetti exactly what we wanted from the Congressman.

4 Q Doesn't the telephone conversation say that  
5 Mr. Errichetti expects you to tell him what you want him  
6 to do and what you want him to say?

7 A This is what Mr. Errichetti says.

8 Q You don't disagree with it?

9 A No.

10 Q That is actually what happened -- I am sorry  
11 I came up, your Honor.

12 THE COURT: It's all right.

13 A That didn't happen.

14 Came up and told him before we turned the money  
15 over we want to know what he could do for the money.

16 Q You had conversation with Mr. Errichetti in  
17 terms of Mr. Myers well before the meeting?

18 A Yes.

19 Q All if it was directed towards having him  
20 say certain things in front of Mr. Amoroso or the Sheik  
21 that would justify turning over the money?

22 A He had to tell us exactly what he was going  
23 to do before he gets the money.

24 Q He had to say certain things?

25 A I don't know.

1  
2 Q Let's see.

3 Doesn't Mr. Errichetti say to you: Whatever  
4 you want to do he has no problem, coming up like 9:00  
5 o'clock in the morning, and then sitting down with you  
6 and you know, going over the whole thing, and then like  
7 1:00 o'clock -- isn't that what it is?

8 A It's never done though.  
9  
10

11 (Continued on next page.)  
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Q And don't you say right after that, "Right"?

A I say, "Right."

Q That means agree, doesn't it?

A I'm saying, "right" to him when he said that.

Q That means agreement to what has gone before, doesn't it, when one reads it that way?

A Will you come back with that question?

Q Surely.

There were words that had gone right before "right"?

A That's correct.

Q Would you read them in context, the paragraph before and "right," so that you can tell me whether or not that is in effect saying, yes, okay.

A He's saying he has no problem coming up at 9:00 o'clock in the morning.

Q Yes.

A And I'm saying, "right."

Q What else does he say there?

A Sitting down with you and I -- and you going over the whole thing and like 1:00 o'clock, go through with it, you know. \*

Q Then you say, "right." Now, you are not saying, "right," to get just a little bitty part of that, are

1  
2 you?

3 A I'm saying, "right," to what he was saying.

4 Q And he says, well, come up. We will have that  
5 dry closing. Do what you want us to do. And then at 1:00  
6 o'clock we will go through the real thing. Isn't that right?

7 A He's going to have a wet and dry closing now.  
8 Originally he wanted to do it in one day.

9 Q Isn't it a fact that the analogy between the  
10 business deal and this, the truth that you have a dry closing  
11 or run through, right? You have a run through of everything  
12 first?

13 A Correct.

14 Q Okay. There he says I will come up and we  
15 will sit down and go over it with you, right?

16 A That's correct.

17 Q That would be the dry closing, wouldn't it?

18 A That's correct.

19 Q And then in the afternoon we go through the  
20 real thing, which by analogy to the business deal is, when  
21 we really put it through?

22 A But that didn't happen.

23 Q I didn't ask you that. I am only referring  
24 to that.

25 A That's what he's saying.

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Q That's what you say "right" to, isn't it?

A Correct.

Q Now, it is a fact, is it not, that you did meet with Mr. Errichetti on August 22nd before Mr. Myers went into the room; is that correct?

A That's correct

Q And it is a fact that you had a ten minute meeting with Mr. Errichetti approximately?

A That's correct.

Q And is it a fact that on that occasion no tape was made?

A That's correct.

Q Now, it is a fact that you have worn body packs while working on ABSCAM, have you not?

A I have worn a body pack twice.

Q On ABSCAM?

A Correct.

Q And it is a fact that it is a practical device is it not?

A No, it isn't.

Q Well, did you make any attempt to tape that conversation just before Myers goes into the room on the 22nd?

A I don't follow your question.

Q I will withdraw it, and I beg your pardon.

1  
2 You have before you a transcript which says that  
3 Errichetti wanted a preliminary conversation with you so  
4 they will know what to say; is that correct?

5 A Correct.

6 Q In between that day, which is August 15th and  
7 August 22nd, do you see Mr. Errichetti again or do you talk  
8 to him again?

9 A Between the 15th and the 22nd?

10 Q Yes, sir. That's the question.

11 A I really don't know.

12 Q All right.

13 So then, as far as we know, at this point  
14 between the 15th and the 22nd, you didn't discuss it any  
15 more, the Myers thing any more with Errichetti?

16 A As far as I know.

17 Q As far as you know.

18 So now you meet him before they go into the  
19 room to sit down with you and Mr. Amoroso, right?

20 A That's correct.

21 Q And that ten minutes isn't taped? We don't  
22 have any record?

23 A That's correct.

24 Q It is also true that on the bottom, going  
25 way back to July 26th, the key conversation where Mr. Amoroso

1  
2 introduces his -- this idea of immigration help up on the  
3 top of the Lefthand is not taped either?

4 A That is correct.

5 Q So in this case two critical tapes, the starting  
6 of all of it so-called on the 22nd and that conversation  
7 just before Myers goes in, not taped, right?

8 MR. PUCCIO: Objection.

9 THE COURT: Sustained.

10 MR. BROWN: I will withdraw, "critical"?

11 Q It is true, is it not --

12 MR. PUCCIO: My objection is, it's been asked  
13 and answered.

14 THE COURT: Sustained.

15 MR. BROWN: May I not put it with respect --  
16 I have not put it in that context before.

17 THE COURT: I heard 15 ways of saying the same  
18 thing.

19 MR. BROWN: Yes, thank you.

20 Q You were present on the Lefthand on July 26th,  
21 right?

22 A That's correct.

23 Q And you had testified in Philadelphia incorrectly  
24 that the idea of getting a Congressman or something to work  
25 on the Sheik's immigration came from Mr. Criden?

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A That's correct.

Q You found out that that's not correct?

A That's correct.

Q You found out it was -- in truth it was Mr. Amoroso's own idea and he conceived it the day before the boat ride?

A I don't know when he conceived it.

Q Don't you know that Mr. Amoroso read an article in the Miami Herald on July 25th about Somoza and that that inspired him on the 26th to speak to Errichetti and Criden about Somoza and about the Sheik? You know that now?

A I understand that.

Q Yes.

So it was inspired on that day, correct?

A Correct.

Q Now, you also know that that conversation is not taped?

A That's correct.

Q Now, it is from that tape leading up to the August 22nd date that ABSCAM proceeds to encourage the idea of having some important person do something about the Sheik's immigration problem; isn't that right?

MR. PUCCIO: I object to the form.

THE COURT: Overruled.

1 THE WITNESS: Could you repeat that?

2 Q Surely. I shall.

3 It is from that date, July 22nd, the boat,  
4 upstairs, Lefthand, that ABSCAM encourages the idea that some  
5 important person should be influenced to work on the Sheik's  
6 immigration problem, right?

7 A That's when the idea was formed.

8 Q The first action that culminated would really  
9 be August 24th when actually the con man comes in the room,

10 A Right.

11 Q So in that sense there is a connection from  
12 July to August, right?

13 A Correct.

14 Q And the conversation that starts on the Lefthand  
15 was not taped?

16 A Right.

17 MR. PUCCIO: I object.

18 Q The conversation --

19 THE COURT: It's been asked and answered for  
20 about the fourth time.

21 MR. BROWN: Yes.

22 THE COURT: Next question.

23 MR. BROWN: I am not -- I don't think I am  
24 going to take advantage, but this is my last question  
25

1 and I will be subject to your Honor's sanctions.

2 Q And the next question -- the next part that  
3 was critical just before they went in the room is not taped.

4 MR. PUCCIO: I object. That's been asked and  
5 answered.

6 THE COURT: I will permit it. Overruled.

7 Q And the next and the last most critical  
8 conversation before he actually -- the con man went in the  
9 room was not taped, right?

10 A Yes.

11 Q Now, is it also true that with respect to  
12 continuing conversations -- now, in terms of July 29th, you  
13 have testified concerning a transcript which was prepared  
14 by the Government? Do you recall that?

15 A I do.

16 Q That would be 19A. May I ask you if you have  
17 a copy there?

18 A I don't.

19 MR. BROWN: May I ask if a copy -- the Government  
20 copy would be provided.

21 Q Now, we will ask His Honor to play a tape of  
22 that meeting, but prior to that I want to show you a draft  
23 of that particular conversation?

24 THE COURT: The entire conversation?  
25



1  
2 MR. BROWN: Just some words, your Honor.

3 But I have to show him the whole draft to show the  
4 distinction.

5 Q 19A does contain certain conversations. Would  
6 you turn the page, please.

7 Now, on the second page as we read together,  
8 sir, --

9 MR. PUCCIO: Your Honor, I object unless it's  
10 being shown with the idea in mind of refreshing the  
11 witness' recollection and having him testify.

12 MR. BROWN: Not only to refresh his recollection,  
13 but to have the tape played as to the part extracted,  
14 your Honor.

15 THE COURT: I am still not clear on what you  
16 are doing. You are showing him something which is  
17 not identified for the record in conjunction with  
18 19A.

19 MR. BROWN: Your Honor, I am sorry. What I  
20 thought I said was I am showing you a draft which is  
21 the complete copy supplied to the defense by the  
22 Government of 19A.

23 THE COURT: Of the July 29, 1979 conversation?

24 MR. BROWN: Yes, sir. I am sorry. I thought  
25 I said that.

1  
2 THE COURT: I was unclear as to that.

3 Q Now, I am showing you -- you have before you  
4 19A, which the jurors have seen, the conversation of July  
5 29th; is that right?

6 A That's correct.

7 Q And it is understood that that July 29th  
8 draft, the polished copy, 19A, was not complete? Certain  
9 words were left out. And the Government made it clear that  
10 certain parts were left out. You are aware of that; is  
11 that correct?

12 A Correct.

13  
14 (Continued on next page.)  
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1  
2 Q Now, I am calling your attention to Page 2  
3 of that document and ask you if you can observe certain  
4 words which I am asking you to consider as having been cut  
5 out, not by any improper action, but eliminated by the Govern-  
6 ment after having made clear to the defense -- all right.

7 Okay. Now, if you go over to the other side --  
8 is that the same? All right.

9 MR. BROWN: Now, if your Honor please, the draft  
10 that we have received had left out certain key words  
11 which I call to your attention and I know it's  
12 inadvertent --

13 MR. PUCCIO: I object to this characterization.  
14 We have no objection to playing the whole tape if  
15 that is what is called for.

16 THE COURT: The jury will disregard the  
17 characterization as to what is critical or key or  
18 anything else. There apparently was something omitted  
19 somewhere.

20 Q Will you go over to Page 5?

21 A I don't have Page 5.

22 Q You don't have Page 5. Let me show you Page  
23 5. That's not in the transcript that you have?

24 A I don't have any of that.

25 MR. BROWN: I will show you what it is, your

1 Honor, it was left out. This is what we wanted to play.  
2 Page 5.  
3

4 Your Honor, the reason I said -- the reason why  
5 I said what I said was to make sure that there was no  
6 charge against the Government of any --

7 THE COURT: Now, what you propose to do is play  
8 another segment of the tape, part of which the jury  
9 has already heard as Exhibit 19 and seen as 19A?

10 MR. BROWN: Yes.

11 Q And the transcript that was prepared for the  
12 jury stopped at where? Will you give us the Page number?

13 A Stops on 3.

14 Q And we are going to Page 5.

15 MR. BROWN: Could we have the jury book handed  
16 out so the jury will follow it, your Honor.

17 THE COURT: Certainly.

18 MR. BROWN: Judge, we need that Page 5 to be  
19 guided with the -- may I?

20 Thank you.

21 If your Honor please, may I call to the attention  
22 of the Court and the jury where the redacted copy --  
23 where they have stopped is at "all right," we start  
24 right after that.

25 THE COURT: That is on Page 3 or where the three

1  
2 astericks appear in the middle of the page?

3 MR. BROWN: Yes.

4 THE COURT: After you finish playing the tape  
5 or if you have any particular question about it, I  
6 will hear -- we will have to recess a little earlier  
7 for lunch today.

8 MR. BROWN: Are we recessing?

9 Oh, we are going to play the tape.

10 THE COURT: All right, are you ready to proceed?

11 MR. BROWN: Yes, your Honor.

12 THE COURT: All right, play it.

13 (Tape recording played.)

14 (Tape recording stopped.)

15 Q Now, that referred -- that naturalization person  
16 which was left out in the original redaction was Mr. Noto,  
17 right?

18 A I don't think so.

19 Q Was it another naturalization person?

20 A I never had the name.

21 It was a friend of his.

22 Q Now, Mr. Noto was involved with a friend of  
23 his, wasn't he?

24 A I knew he had an inspector or something there  
25 and --

1  
2 Q Well, isn't it true that in fact the Noto  
3 situation involved a chief investigator in addition to Mr.  
4 Noto?

5 A I thin you're right there.

6 MR. BROWN: May I resume later?

7 Otherwise the continuity -- did you say we  
8 could break? I want to resume the continuity of  
9 the tape going into the naturalization --

10 THE COURT: All right.

11 We will recess at this time, ladies and  
12 gentlemen. We will resume at a quarter of two rather  
13 than 2:00 o'clock. Don't discuss the case during the  
14 recess.

15 (Whereupon, the jury retired from the Courtroom.)

16 (Luncheon recess taken.)

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11 THE COURT: Still on cross-examination of  
12 Mr. Weinberg by Mr. Brown.

13 MR. BROWN: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. BROWN:

16 Q Mr. Weinberg, at the close of the morning  
17 session, certain tapes had been played and I was about  
18 to ask you questions -- indeed I had asked you one question  
19 concerning Mr. Noto.

20 A Yes.

21 Q Who was Mr. Noto, as you understood?

22 A Second in charge of Naturalization.

23 Q Not the chief then, is that correct?

24 A As far as I know, no.

25 Q Now, who was the person in charge -- he was

1  
2 second in charge?

3 A Yes.

4 Q Who would have been the first in charge of  
5 the Bureau of Naturalization?

6 A I have no idea.

7 Q There was a chief investigator involved?

8 A I believe the chief investigator was brought  
9 up.

10 Q Was he the top man, the second man?

11 A I don't know.

12 Q Well, do you recall having testified that you  
13 had a conversation with Mayor Errichetti about this matter  
14 and I call your attention, and Mr. Puccio's attention, to  
15 page 1661 of August 18th's testimony, in which you said  
16 that Mr. Errichetti had said he had a friend who is a  
17 chief investigator at the Department, and he could get a  
18 green card?

19 A That is correct.

20 Q Then I believe you further testified that 50  
21 thousand was to be given to the chief investigator who was  
22 going to send his boss in, the second in charge, and they  
23 were going to split 25 thousand or whatever, do you recall  
24 that?

25 A Yes.



Weinberg-cross/Brown

1  
2 Q Now then, if 50,000 was to be given to the  
3 chief investigator, in that context, was Mr. Noto the chief  
4 investigator?

5 A I don't think so.

6 Q But it is true you said you understood the  
7 money was to be given to the chief investigator, whoever  
8 he was?

9 A If I believe I am correct, I was told Mr.  
10 Noto was going to give his friend half.

11 Q Let me read verbatim what you said at page  
12 1661. I will start at 1660:

13 "Q As best you can recall, what was said  
14 by you and what was said by Mr. Errichetti concern-  
15 ing this gentleman?"

16 Do you remember that question being asked  
17 by Mr. Puccio? Yes, put by Mr. Puccio.

18 A Not offhand.

19 Q Mr. Puccio was asking you on direct examina-  
20 tion on the 18th:

21 "Q Mr. Weinberg, did you ever have a con-  
22 versation with Mayor Errichetti concerning someone  
23 called the chief investigator?

24 "A Yes, I did."

25 Do you recall that?

1  
2 A Yes.

3 Q "Q As best you can recall, what was said  
4 by you and what was said by Mr. Errichetti concerning  
5 this gentleman?

6 "A He said he had a friend who was a chief  
7 investigator in the department there and that he  
8 could get us a green card for the Arabs."

9 Do you remember that?

10 A That is correct.

11 Q "Q Was this person supposedly in the Immi-  
12 gration Service?" And your answer was, "Yes, that's  
13 correct.

14 "Q Was there any mention of any money in  
15 connection with this matter?" There was an objec-  
16 tion, sustained, and then the question put later:

17 "Q As best you can recall, tell us what  
18 the conversation was.

19 "A The conversation was that \$50,000 was  
20 to be given to this chief investigator who was going  
21 to send his boss in, the second in charge, and they  
22 were going to split 25 each, or whatever it was."

23 Is that correct?

24 A That is correct.

25 Q "Q What was the boss of the chief investigator?

1  
2 called, do you remember?

3 "A Mr. Noto.

4 "Q Who did you first hear that name from?

5 "A Mr. Errichetti."

6 A That is correct.

7 Q Now then, Mr. Noto was the boss of the chief  
8 investigator as you understood?

9 A Yes.

10 Q But you had said that the \$50,000 was to be  
11 given to the chief investigator?

12 A That was originally the idea, to give the  
13 chief investigator, then he brought Noto in.

14 Q May I go over it again? Just before naming  
15 Noto as the boss, you say the conversation was, that \$50,000  
16 was to be given to the chief investigator who was going to  
17 send his boss in, the second in charge. They were going to  
18 split 25.

19 What was the boss of the chief investigator  
20 called, do you recall, Mr. Noto.

21 The boss would be Noto. The chief investigator  
22 would get the money; right?

23 A (No response.)

24 Q I am only going by what you said.

25 A I understand. Originally, the chief investigator

1  
2 was supposed to come in, not Noto.

3 Q That was Tetrizzini?

4 A I don't remember his name. And after that  
5 he said he got this fellow, a friend named Noto, the chief  
6 investigator.

7 Q In here you say Noto was the boss of the  
8 chief investigator?

9 A That is what I was told.

10 Q Did that ever change, Mr. Noto was no longer  
11 the boss of the chief investigator?

12 A I don't think so.

13 Q Tell me, in retrospect, do you have any un-  
14 derstanding what really happened on that day?

15 A All I know, the fellow that came in wasn't  
16 what he was supposed to be.

17 Q In the concept of a scam within a scam, con  
18 within a con, did you see this as an attempt by Mr. Erri-  
19 chetti and others to con you and your coworkers of the FBI?

20 A Later on I did.

21 Q So that there was -- indeed there was a scam  
22 within a scam, a play within a play?

23 A Agreed.

24 Q Because the big play would be bringing in  
25 Mr. Noto and giving him the money and -- to do what you

1  
2 want, cooperate; right?

3 A Yes.

4 Q That was a scam?

5 A Yes.

6 Q Within that scam someone brings in Noto to  
7 rip you off, is that correct?

8 A Yes.

9 Q That was a con within a con?

10 A That is correct.

11 Q Well, as one of the greatest, you didn't  
12 detect the con?

13 A When we seen the picture we knew something  
14 was wrong.

15 Q Could you explain it to us?

16 A They are looking to rip us off of the 50,000.

17 Q That was in September, right?

18 A I believe that is the date.

19 Q It would have been impossible to rip you off  
20 because under no circumstances could a crime be committed  
21 because you were law officers?

22 MR. PUCCIO: Objection.

23 THE COURT: Sustained.

24 Q You were the FBI?

25 A I wasn't the FBI.

1  
2 Q I beg your pardon, but you were working with  
3 the FBI?

4 A That is correct.

5 Q Now, you saw the film and there was mention  
6 of giving Mr. Noto the bogus agent \$25,000, you heard that?

7 A No, I didn't hear that.

8 Q Did you see \$50,000 counted out well in ad-  
9 vance by Mr. Amoroso?

10 A I seen that.

11 Q You don't recall whether on the tape they  
12 said \$25,000 for the investigator; is that correct?

13 A I don't recall that.

14 Q Now, as you sat there, you talked to Mr. Noto  
15 while Mr. Amoroso left the room, is that correct?

16 A Yes.

17 Q Did you at that time or at any time ever say  
18 anything to Mr. Noto about his trying to rip you off?

19 A I asked him for his driver's license to find  
20 out who he was.

21 Q We saw that. Did you at any time other than  
22 what we saw, perhaps the jury can recollect the play, did  
23 you after that say anything to Mr. Noto?

24 MR. PUCCIO: I object to play.

25 MR. BROWN: I will withdraw "play."

Weinberg-Cross/Brown

1  
2 Q Con within a con, whatever it was --

3 MR. PUCCIO: I object to that statement before  
4 the question.

5 THE COURT: Just rephrase the question.

6 MR. BROWN: Yes, sir.

7 Q Did you on that day, other than anything which  
8 we saw or heard in this courtroom, say anything to Mr. Note?

9 A Note -- I spoke to him outside with Mr.  
10 Errichetti.

11 Q What did you say to him -- that wasn't on  
12 tape?

13 A I think it was. On the recording.

14 Q Body pack?

15 A I don't know what they --

16 Q There was a recording of your conversation?

17 A I was out of view of the camera there, and  
18 he was telling us where he was from.

19 Q You met Mr. Errichetti off camera?

20 A I believe so.

21 Q That was recorded on camera, that is what  
22 you're saying?

23 A I don't think the camera was on us, just the  
24 voices.

25 Q There was a pickup audio but nothing visual?

1

2 A That is correct.

2

3

Q What did you say to him -- what did you do

4

or say at that point?

5

A He was telling us where he was from. I think

6

Illinois.

7

Q Still, he was in Immigration --

8

A That is correct.

9

Q Did you say to him anything about what he

10

was doing, what are you trying to pull here, or anything

11

like that?

12

A I don't remember.

13

Q Did you say anything to Mr. Errichetti at

14

that point, what are you trying to put over on us?

15

A No.

16

Q As a matter of fact, you later had a long

17

conversation with Mr. Errichetti about this matter, did you

18

not?

19

A On the way to the airport I spoke to him about

20

it.

21

Q Was that recorded?

22

A No, it was not.

23

Q Previous to this event, Mr. Noto appearing,

24

you did have a number of conversations with Mr. Errichetti

25

about the gentleman who was supposed to appear as the



1  
2 Immigration person, is that correct?

3 A I believe so.

4 MR. BROWN: If your Honor pleases, we would  
5 like your permission to play certain tapes after I  
6 have asked Mr. Weinberg about this one prior con-  
7 versation.

8 May I approach him, sir?

9 THE COURT: Yes.

10 Q I am referring to a draft of August 28, 1979,  
11 Mr. Weinberg's and Mr. Errichetti's phone conversation.

12 First, I will show you the beginning of it,  
13 Mr. Weinberg, and I will call your attention to it.

14 (Pause.)

15 MR. BROWN: I am referring to page 5, lines  
16 5 and 6, and I am asking Mr. Weinberg to examine  
17 them in context.

18 (Pause.)

19 Q The Noto meeting occurred in September,  
20 around September 19th; would that refresh your recollec-  
21 tion?

22 A Yes.

23 Q We are addressing a conversation of the 28th  
24 of August -- that would be roughly some days in advance  
25 of September 19th; is that correct?

Weinberg-cross/Brown

1  
2 A That is correct.

3 Q I ask you, in context, isn't it a fact that  
4 as early as the 28th of August you were talking about this  
5 Immigration person you were going to bring in?

6 A I presume that is what it is about.

7 Q You said -- I will get you a name?

8 A Yes.

9 Q In context, that is what we are talking about;  
10 right?

11 A I don't see it there.

12 Q Was there anyone else he was getting you by  
13 Friday?

14 A I don't remember.

15 Q He was saying to you you know who the person  
16 will be?

17 A He's telling me he will know who the person  
18 will be by Friday.

19 MR. BROWN: We would like to play the tape.

20 MR. PUCCIO: No objection.

21 THE COURT: This is 3500-118?

22 MR. BROWN: Yes.

23 THE COURT: All right. Play it.

24 MR. BROWN: We want 3500-19 to be played.

25 THE COURT: According to my chart, 3500-19

1  
2 relates to September 2nd.

3 MR. BROWN: That's right.

4 MR. PUCCIO: I am confused as to where the  
5 transcript was of the 28th.

6 THE COURT: Of August.

7 MR. PUCCIO: Yes.

8 MR. PUCCIO: That is what I thought. I guess  
9 we are confused on numbers.

10 MR. BROWN: No, I want to play September 3rd,  
11 '79, your Honor. 3500-119. Index 1275.

12 THE COURT: The one you discussed with the  
13 witness related to 3500-118. Now you want to play  
14 3500-119?

15 MR. BROWN: 119.

16 THE COURT: Relating to four days later?

17 MR. BROWN: Yes.

18 THE COURT: Proceed.

19 (Tape played.)

20 Q This conversation of September 3rd is clear --

21 THE COURT: September 2nd.

22 MR. BROWN: You are right. The transcript  
23 says the 3rd.

24 MR. PUCCIO: It was the second. It was an  
25 error.

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MR. BROWN: The transcript has an error.

Q September 2nd. You talked to Mayor Errichetti by phone. He told you he was down in Washington. I'm seeing my chief investigator but I am getting some big guy.

A Yes.

Q Who would have been Noto?

A Yes.

Q He discussed that with you -- did you have any other conversation that he was searching for this Naturalization figure who eventually became Noto?

A I don't remember.

Q Noto didn't walk in cold on the 19th?

A No.

MR. BROWN: May I play the next tape, 3500-120 this time. September 5th, three days later. Telephone conversation, Weinberg and Errichetti.

THE COURT: What portion is to be played?

MR. BROWN: The -- partially the first page, the second page down to "all applications. Fill it out -- inaudible."

THE COURT: All right, play it.

(Tape played.)

THE COURT: So the jury doesn't think they are losing their hearing, that was virtually

Weinberg-cross/Brown

1  
2 incomprehensible to me. Very poor quality recording.

3 Q Were you able to make much out of that?

4 A Very little.

5 Q Except you were in contact with him about the  
6 matter?

7 A That is correct.

8 Q He was talking about the application?

9 A Yes.

10 Q This later relates to the talk about an appli-  
11 cation in the picture, you just said you asked him about  
12 his card and if he has application?

13 A No.

14 Q You don't remember that?

15 A No.

16 Q In any event, all throughout Mr. Errichetti  
17 is talking to you and you're talking to him?

18 A Yes.

19 Q Throughout this period you are on good terms?

20 A That is correct.

21 Q Friends?

22 A That is correct.

23 Q How many phone calls do you reckon you your-  
24 self initiated to Mr. Errichetti in the course of the --  
25 withdrawn.



Weinberg-cross/Brown

1  
2 Q You have stated that this is a cardinal  
3 principal of being a successful con man, staying on the  
4 mark?

5 A Keep in touch.

6 Q Constantly?

7 A That is correct.

8 Q Why would you want to keep in touch constantly?

9 A (No response.)

10 Q So he doesn't get away?

11 A That is correct.

12 Q To that degree, in the sense of that, he was  
13 a mark to that degree?

14 MR. PUCCIO: I object to the form of the  
15 question.

16 THE COURT: Sustained.

17 Q To the degree that you were working your con-  
18 -fidence game, he was an object of it?

19 MR. PUCCIO: Same objection.

20 THE COURT: Sustained. It has been answered.

21 MR. BROWN: I beg your pardon?

22 THE COURT: Yesterday. You are reptitious.

23 MR. BROWN: I have avoided it rather scrupu-  
24 lously. May I ask this one question?

25 THE COURT: Go ahead. It's quicker.

Weinberg-cross/Brown

1  
2 Q So this, in terms of your confidence game,  
3 made Mr. Errichetti the object or the mark; is that correct?

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

6 MR. BROWN: That is the same question your  
7 Honor allowed me.

8 THE COURT: I will allow it.

9 Q Mr. Errichetti was a subject of your confi-  
10 dence technique throughout this, is that correct?

11 A That is correct.

12 MR. BROWN: May we ask to allow the jury to  
13 listen to the next tape with the same sequence and  
14 would your Honor allow us to play for the benefit  
15 of the jury a portion of the draft 3500-112 -- 128,  
16 I'm sorry, your Honor, 3500-128, which is tape 1744,  
17 and page 20 starting at the bottom and going two-  
18 thirds through the next page?

19 THE COURT: You've got me confused.

20 MR. BROWN: September 12th.

21 THE COURT: September 12th, 3500-128, tape  
22 1647.

23 MR. BROWN: I am taking my information from  
24 1744, your Honor, he still agrees on the draft.

25 THE COURT: It could be an error in the



Weinberg-cross/Brown

1  
2 listing of the tapes,

3 MR. BROWN: Transcript of the meeting of  
4 September 12, '78, Mr. Weinberg and Mr. Errichetti.

5 THE COURT: At the Hyatt House in Cherry Hill?

6 MR. BROWN: It doesn't say, but it is there.

7 THE COURT: There is no disagreement, then  
8 we will assume the listing of the exhibits has the  
9 tape number wrong. The participants agree. You  
10 may play it.

11 (Tape played.)

12 THE COURT: Nothing in the ear phones.

13 MR. BROWN: Is that the best you can do?

14 (Pause.)

15 (Tape played.)

16 Q Could you hear some of that, Mr. Weinberg?

17 A I did.

18 MR. PUCCIO: May I have the page reference on  
19 that?

20 MR. BROWN: Yes, page 20, 21.

21 MR. PUCCIO: Thank you.

22 MR. BROWN: I am informed the tape is in the  
23 possession of the Government and is coming in  
24 momentarily

\* \* \*

\* \* \*

10 Q Mr. Weinberg, we are now approaching  
11 September 14th and the tapes with respect to the immigration  
12 matter with Mayor Errichetti starting July 29th, as you  
13 indicated when you looked at it.

14 Now, proceeding up to the 14th, on the way  
15 to the 19th, if you listen, I will ask some questions later.

16 Thank you.

17 THE COURT: Which exhibit?

18 MR. BROWN: The exhibit, if your Honor  
19 please, is 3500-132, September 14th, 1979, tape  
20 1290, your Honor.

21 THE COURT: What page of the transcript?

22 MR. BROWN: It will be the first page  
23 through half of the second page.

24 THE COURT: All right, play it.

25 (Tape played.)

(Tape recording stopped.)

1  
2  
3 Q Now, thus, on the 14th, after this inter-  
4 change that has been going on since the 29th, you finally  
5 get the name allegedly, right?

6 A That's correct.

7 Q And it's Mario Nopo, N-o-p-o at this point:  
8 is that correct?

9 A That's correct.

10 Q Now, throughout this entire period you have  
11 only dealt with him in terms of a phone call that we have  
12 about Nopo or Noto; is that right?

13 A That's correct.

14 MR. BROWN: Now, if your Honor please, I  
15 ask permission to play the tape the day before,  
16 which is September 18th, 3500-141. September 18th,  
17 1979.

18 THE COURT: When you say the day before,  
19 you mean the day before the meeting in Washington?

20 MR. BROWN: Yes. September 19th was the  
21 meeting in Washington. September 18th, 1979.  
22 The tape number is 1 -- the tape is 1298. And it  
23 is Angelo Errichetti and Mel Weinberg. This is a  
24 telephone conversation.

25 THE COURT: What page in the transcript?

1  
2 MR. BROWN: First and second and part --  
3 just the top of the third.

4 THE COURT: All right, play it.

5 (Tape played.)

6 (Tape recording stopped.)

7 Q Now, that tape on the 18th was the final  
8 arrangement being made still for Commissioner Nopo, if  
9 you recall.

10 As I recollect -- and perhaps my reasoning  
11 reasons with yours. Perhaps it doesn't. The tape --  
12 still, he says, Nopo, do you recall that.

13 A I don't recall the name.

14 MR. BROWN: May I have the transcript that  
15 was just played?

16 I think you are correct. His name is not  
17 mentioned there.

18 Q Let me show you September 14th, which is  
19 3500-132. I ask you what your understanding of the name  
20 would have been at that time?

21 A Nopo.

22 Q N-o-p-o?

23 A That's correct.

24 Q Now, had you up to this time -- had you up  
25 to this time made any investigation as to name or designation

Weinberg-cross-Brown

1  
2 A Once I got the name, it was given to John  
3 Good and Tony Amoroso. And they checked it out and got the  
4 correct name.

5 Q Well, did they check it out as Mr. Nopo?

6 A They -- first to see if there was a Nopo in  
7 there. And then they got the correct name as Noto.

8 Q By the time, the day of the meeting,  
9 September 19th, the morning, around 12:14 p.m., the time  
10 of the meeting, you were looking for a Mr. Noto?

11 A Correct.

12 Q And up to this time it had been Nopo and  
13 whatever, right?

14 A Correct.

15 Q Now, when you checked out, you had -- you  
16 didn't do it personally?

17 A No, I haven't.

18 Q Someone arrived with a photograph?

19 A That's correct.

20 Q And when you saw the gentleman, you compared  
21 the photograph and that's how you became concerned?

22 A That's correct.

23 Q Now, is it not true, then, that from July  
24 right on through that you came to the conclusion that  
25 Mr. Errichetti was not sincere, but was pulling a trick on

1  
2 the organization?

3 A What date are you giving me there?

4 Q From July 29th, the first day when you  
5 mentioned him -- mentioned him, meaning this particular  
6 bogus commissioner.

7 A No. We didn't realize he was pulling a  
8 trick until the gentleman came into the town house.

9  
10  
11 (Continued on next page.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2 Q But it is true that the genesis, the beginning  
3 of it went back to the 29th when he talked about the  
4 potential of the Department of Naturalization?

5 A That's correct.

6 Q So that in effect he had -- in your opinion,  
7 he had been trying to fool you from around that time on,  
8 right? The 29th? July 29th?

9 A I would say so then.

10 Q Now, in terms of the scam within a scam,  
11 the whole theory was that it didn't add up unless the  
12 person was going to do really what you wanted him to do,  
13 right?

14 A Correct.

15 Q So that in the Noto case, since the desire  
16 was not only, would the person not do what you were going  
17 to do, but he wasn't a valid person, then it was impossible  
18 to pull off this scam, was it?

19 A I don't follow the question.

20 Q Well, one, it couldn't -- the man couldn't  
21 promise to do something because he didn't have the power?  
22 He was the wrong person?

A That's correct.

\* \* \*

\* \* \*

6 Q Well, wasn't the plan from the very beginning  
7 to have people come in and say they would do things that  
8 they really could do if they followed through?

9 A Correct.

10 Q Now, therefore, within that concept of the  
11 plan, this was not a man who -- or a person who could  
12 follow through or could have any intention to follow  
13 through on what you wanted him to do because he didn't have  
14 the position, isn't that right?

15 MR. PUCCIO: I object to it as being  
16 irrelevant as to whether he could follow through or  
17 not.

18 MR. BROWN: Well --

19 THE COURT: Is that your interpretation of  
20 the situation at that time, Mr. Weinberg?

21 THE WITNESS: Well, I actually didn't know.  
22 I didn't know who the gentleman was at the time he  
23 came in.

24 THE COURT: All right.

25 Q Well, no matter who the gentleman was, is



it was a valid consummation of your plan, you wanted someone to come in and say before the cameras what he would do for the money; isn't that right?

A That's correct.

Q Okay.

Now, no matter what this man did, if he came in and said what he could do before the camera, he didn't have any power to do it, did he?

MR. PUCCIO: Objection as being irrelevant.

MR. BROWN: Irrelevant?

THE COURT: Overruled on relevancy grounds.

Did you know whether he had any power to do it?

THE WITNESS: Well, I didn't know who the gentleman actually was that came in.

Q But you knew he wasn't the man who had the power to do what you had been set up to have a man say he could do?

A I didn't know he was from Immigration or not.

Q Well, when you -- you knew he wasn't Mr. Noto; is that right?

A That's correct.

Q And your investigation revealed that he was not from Immigration; isn't that right?

1  
2           A       No. We didn't know he wasn't from  
3 Immigration. We knew he wasn't Mr. Noto.

4           Q       Well, did you at the time you talked with  
5 Errichetti to find out whether or not this was a man who  
6 had the power to do anything in that naturalization --

7           A       Well, Mr. Errichetti shed no light on it.  
8 He said he could have been somebody else that worked there  
9 that the guy sent over.

10          Q       Well, in any event, you knew that you  
11 couldn't follow through with your plan because you didn't  
12 know who he was; is that right?

13          A       Well, we couldn't pay him.

14          Q       You couldn't.

15                   Well, that was your plan, to pay him for what  
16 he said he could do, right?

17          A       That's correct.

18          Q       Now, did any of the people who you called in  
19 and especially those concerned in this matter ever do  
20 anything even after they came in and spoke to you? The  
21 people within this indictment, did any of the people here  
22 charged ever do anything either after they came in and  
23 spoke on these television tubes?

24          A       That I don't know.

25          Q       Well, you do know with respect to that, of

1  
2 course, nothing was done, right?

3 A That's correct.

4 Q And you do know that within that same time  
5 period that you were soliciting Mr. Errichetti to get Myers,  
6 the Noto thing was going on, the scam within the scam?

7 A That's correct.

8 Q And you didn't know to this day whether  
9 or not Mr. Myers, who came in within the same sense as the  
10 Noto thing, intended to do anything that he said he was  
11 going to do; is that right?

12 A I do not know.

13 Q So the words that he employed are words,  
14 but the intent to carry them out is something you didn't  
15 know to this day; isn't that right?

16 A That's correct.

17 Q Now, you did have some conversation with  
18 Mr. Errichetti about this business of the 12th, 14th of  
19 September, 19th, didn't you?

20 A That's correct.

21 Q And you and Mr. Weinberg sat down with him,  
22 and we have seen a video tape. Were you aware of that?

23 A I am Mr. Weinberg.

24 Q I'm sorry. You and Mr. -- forgive me --  
25 Mr. Amoroso sat down with Mr. Errichetti, talked to him,

1  
2 and that appeared on the video tape which was played here?

3 You know that, don't you?

4 A Yes.

5 Q That's September 19th.

6 Now, in that particular video tape, is it  
7 not true, Mr. Amoroso attempted to get information from  
8 Mr. Errichetti about what it was all about? Do you recall  
9 it?

10 A I know he was speaking to Mr. Errichetti.

11 Q You don't have sufficient recollection from  
12 the video tape to answer the question?

13 A He was just trying to find out what actually  
14 happened.

15 Q Well, let me call your attention to 23-B,  
16 which is the tape -- the transcript of the events of  
17 1240 which came at the meeting.

18 MR. BROWN: Judge, I'm sorry. I didn't ask  
19 permission.

20 THE COURT: That's all right.

21 Q Now, Mr. Amoroso, Tony DeVito, says, does he  
22 not, you didn't -- to Mr. Errichetti:

23 "You didn't say anything to this guy, right,  
24 that would nail him down?

25 "No, I don't know, I told you."

1  
2 That's what Mr. Errichetti said; is that  
3 right?

4 A That's correct.

5 Q Now -- well now, could you tell us, since  
6 you were there, what that means, if you can, since they  
7 weren't your words?

8 A No, I don't know what he meant by -- I  
9 think Mr. Amoroso was asking if he said anything out of the  
10 way to this fellow.

11 Q Well, when he said, "You didn't say anything  
12 to this guy, right, that would nail him down," did you  
13 have any understanding as you heard it what that meant?

14 A I take it by reading it, they are saying --  
15 he wanted to know if he's saying anything that will get  
16 him in trouble.

17 Q Get who in trouble?

18 A Mr. Errichetti.

19 Q At that point, in the context of that  
20 conversation, Mr. Amoroso wasn't worried about his getting  
21 in trouble or you getting in trouble, right?

22 A That's correct.

23 Q And since you were an officer of the law,  
24 could you tell us what you meant by you getting in trouble?  
25 He's talking to you, a special agent and yourself who is

1  
2 accompanying him.

3                   Who is he asking him about?   Who is he  
4 getting in trouble with?

5           A           I just think it was small talk, trying to  
6 find out.

7           Q           It was a parry and thrust, sort of give and  
8 thrust to get through?

9           A           I would say.

10          Q           Now, did he ever have any success with that  
11 while you were there, as far as getting through?

12          A           Not that I know of.

13                   MR. BROWN:   Could I have -- your Honor, I  
14 ask that the transcript be distributed to the jury --  
15 that they be provided to them so they can follow this  
16 1240.

17                   THE COURT:   The jury has it.

18                   MR. BROWN:   Oh, they have it right with them.  
19 Thank you.

20                   THE COURT:   The jury has those. 23-A.  
21 You referred to 23-B.

22                   MR. BROWN:   Right.

23                   THE COURT:   If my memory serves me right,  
24 that is the original tape plus an envelope. It is  
25 not a transcript. I assume what you are referring

1  
2 to is the transcript. The tape is 23-B.

3 MR. BROWN: 23-A would be the transcript.

4 THE COURT: All right. When you said 23-B,  
5 before --

6 MR. BROWN: I did. That's exactly what I  
7 said.

8 THE COURT: All right.

9 MR. BROWN: It would be 23-A of 12:40 p.m.

10 THE COURT: The only reason I made the  
11 point is that there are some asterisks indicating  
12 some omission from that tape.

13 MR. BROWN: Yes. No, sir. It was very  
14 important because I --

15 Q Now, we are looking at 23-A, which is a  
16 September 19th, 12:40. That's right, isn't it, Mr. Weinberg?

17 A Yes.

18 Q And that is the conversation after the  
19 meeting of September 19th at 12:14 p.m. which is a different  
20 number altogether.

21 Now, when -- I asked you the question about  
22 those first two lines where Errichetti says, "That's the  
23 prerequisite."

24 Now, I understand a prerequisite to mean  
25 something that is necessary beforehand. Could you tell us

1  
2 what that refers to?

3 A I haven't the slightest idea.

4 Q Did you make -- does it make any sense in  
5 the context?

6 A Not really.

7 Q The next one was, "You didn't say anything  
8 to this guy, right, that would nail him down."

9 That doesn't make any sense, really, does it?

10 A Well, that's the kind of street talk, that  
11 you didn't say anything to get you in trouble to him.

12 Q "Nail him down," would get -- that "would  
13 nail him down," that means get you in trouble?

14 A That's right.

15 Q And he says, "No, I don't know."

16 Now, Mr. Amoroso says, "Oh, no, no, what  
17 I'm looking at now is if you got two guys that are going  
18 against you.

19 "Jackpot you."

20 Could you tell us, since you were there,  
21 if you can, what that reference was to?

22 A The only thing I can think of, he's talking  
23 about his chief inspector and Mr. Noto.

24 Q Who would go against Errichetti?

25 A Right. They set him up.



1  
2 Q So that would be a scam within a scam within  
3 a scam, right?

4 A Well, like I say, it was mostly small talk.

5 Q But I mean, wouldn't that mean if somebody  
6 says, Errichetti was set up, and Errichetti set you up,  
7 and you tried to set Errichetti up --

8 A Well, no, not necessarily so.

9 Q Of course not. I agree. But it could be so?

10 A It could be.

11 Q All right.

12 Now -- so then, Mr. Amoroso says further  
13 now, "We have got to protect you."

14 "To the guy. So there's no problem as far  
15 as what we are talking of, but now we got to protect you."

16 That would mean protect him from the two guys,  
17 the chief -- the immigration inspector and the immigration  
18 chief, right?

19 A I think so.

20 Q And he says, "I'm covered."

21 And Mr. Amoroso says, "hub."

22 And Errichetti says, "I'm covered."

23 "How the hell can you cover it?"

24 What was your state of mind? What were  
25 you talking about?

Weinberg-cross-Brown

A I was wondering how he could cover it.

Q Cover what?

Excuse me. I am sorry. I raised my voice and I apologize.

What was it that you talked of his covering?

A If this guy was going to come down on him.

Q The guy that left, Nopo was going to come down on Errichetti.

Now then, Errichetti -- then Errichetti says, "We'll see."

And he says, "Well, he's only on --"

And Errichetti says, "I had --"

And Mr. Amoroso said, "He's only --"

And Errichetti says, "Only the one conversation. That's got to be mouth to mouth, him and I."

And then Mr. Errichetti says, "I'll confront him with it."

And you said, "Did your friend introduce you to him?"

And Errichetti says, "This morning?"

You say, "Yeah."

Errichetti says, "All he said, yeah, that's where I met this morning, then he brought him in. Brought him down. Said this was a commissioner. I said, fine,

1  
2 thank you. I said, he said things arranged? I said,  
3 as far as I know, I don't really know. I'm sure it is.  
4 But that was the conversation. There was nothing of any,  
5 no money discussed, or none of that shit in my presence and  
6 the kid didn't say to me, do you have the money for me,  
7 you know, he didn't -- he didn't like bait me."

8 And Mr. Amoroso said, "uh huh."

9 And Errichetti says, "This, in front of this  
10 guy. But you know seemed awfully -- awfully perfect.

11 "Yeah, maybe it was too perfect, huh?"

12 Did you understand that then or now,

13 Mr. Weinberg?

14 A Mostly small talk.

15  
16  
17 (Continued on next page.)  
18  
19  
20  
21  
22  
23  
24  
25

1                   Wainberg - Cross/Brown

2           Q       Well you never really confronted Errichetti  
3 head on, did you?

4           A       No.

5           Q       You tried to do something? You never did  
6 that, did you?

7           A       That's correct.

8           Q       Now, over on page 4, you talk about Errichetti  
9 describing, I suppose a commissioner.

10                    "He's never in the office. He's always out  
11 on the street, on the road."

12                    And Mr. Amoroso says, "Well, I don't know  
13 who he was, but Ernie -- but Ernie started -- now I use  
14 Ernie for that a lot and the guy that we were talking about,  
15 Noto, is the guy. That's not him."

16                    Ernie was whom? Another agent, wasn't he?

17           A       That's correct.

18           Q       And he is saying to Errichetti what the truth  
19 was? Mr. Ernie -- that long Greek name, the Agent had been  
20 spotted by the picture?

21           A       We had the picture there.

22           Q       All right. Now then, Errichetti says, down  
23 the page, "I'm thinking. There's another thing, you know,  
24 with my guy. Okay, who's bullshitting me, meaning he's  
25 got somebody. I'm convinced this guy works there as --"

Weinberg - Cross/Brown

And Tony DeVito and Mr. Amoroso says, "Yeah".

And Errichetti says, "Okay, so I don't think he's the FBI, to be very honest with you."

Now, does that make any sense to you in the context of the events?

A Well, I don't know if Mr. Errichetti knew that we were wise to him or not at the time.

Q He didn't know that you were wise to him?

A Right.

Q Because you didn't tell him you were wise to him?

A No, we didn't tell him.

Q By being wise to him, do you mean he was trying to fool you?

A Bring a ringer in.

Q Now, on page 6 Mr. Errichetti says, "It's either FBI or it's a con game, one or the other."

A Right.

Q Did you at any time say to him, Well, I'm sure it's a con game you tried to pull off. Did you say anything like that to him?

A No, I didn't.

Q Now, from that date to this, did you ever say to Errichetti, why did you do it? What did you do?

Weinstein - Cross/Brown

1  
2 Or face him down in any form or fashion?

3 A I didn't say it to Mr. Errichetti. I said  
4 it to Mr. Criden.

5 Q You said it to Criden. And did you after  
6 this date, August 19, 1979, ever include Mr. Angelo  
7 Errichetti in any of your scam plans?

8 A I don't think so.

9 Q That's the end of Errichetti, so far as  
10 his very involvement and the other gentlemen of the FBI?

11 A I spoke to him a few times on the phone. And  
12 Mr. Criden told me that he was mad at us.

13 Q But that was -- for whatever reason that's  
14 the end of Errichetti and ABSCAM?

15 A I would say so.

16 Q Now, at this time in September you have just  
17 completed the events which are recorded and which have been  
18 set forth in the Government Exhibit starting with LA, which  
19 is August 5th of 1979, is that correct?

20 A That's correct.

21 Q Now, with respect to Mr. Myers, would you  
22 say that this period is the beginning of the involvement  
23 with Mr. Myers? Or would you say it goes back further to  
24 July 29th when the name is first mentioned?

25 A Will you repeat that?

Weinstein - Cross/Brown

Q Surely. Looking at August 5th ---

MR. BROWN: Mr. Puccio, would you give him that first August 5th? 1A, sir.

Thank you.

Q You are familiar with this book by now, aren't you?

A Yes.

Q I will take this away from you.

If you would turn to the page that comes right after the tab 1A, sir, that is a transcript in part of a conversation in the Northwest Airlines lounge. Mr. DeVito -- DT, it should be the reverse. TD. It says, DT?

A That's correct.

Q Right. And yourself and Mr. Errichetti and part of it inaudible.

Now, would you say that that is the beginning of the thrust toward the ultimate meeting on August 22nd with respect to Mr. Myers?

A What do you mean by thrust?

Q Well, when I put it this way, I am using that as a date of reference. When did you begin to show an interest in Mr. Myers or have communications with Mr. Errichetti with respect to Mr. Myers?

1 Weinstein -- Cross/Brown

2 MR. PUCCIO: Judge, I object. It's been  
3 answered.

4 THE COURT: He did it before lunch. It's  
5 in another transcript.

6 MR. BROWN: It is, sir. But I wanted to  
7 put it in context with this reference to this one,  
8 August 5th.

9 THE COURT: July 31st.

10 MR. PUCCIO: I thought it was the 29th.

11 MR. BROWN: Well, you see -- I mean that  
12 indicates there can be a difference of opinion.  
13 But it is very close.

14 THE COURT: Well, his recollection of it  
15 is -- he is going to have to see the transcript.  
16 So why don't you tell us when the transcript was  
17 that Congressman Myers name first came up?

18 MR. BROWN: I will do that, Judge.

19 Let me show the witness ~~let~~ may I approach  
20 him?

21 Q 19A, July 29th. And I ask you, would you  
22 say that that is the beginning of the date of your interest  
23 in Mr. Myers vis a vis Mr. Errichetti?

24 A Is this the first time I heard his name?

25 Q Well, was it the first time you heard his



## Weinstein - Cross/Brown

name in the context -- yes, of this case?

A No. Contact with this tape --

Q Context. I am sorry. In the meaning of the case, when did you first hear of Myers aside from, maybe reading in the papers or whatever?

A I heard Mr. Myer's name in March from Mr. Errichetti.

Q So it started in March. The conversation with respect to Mr. Myers started in March, right?

A I just heard his name.

Q You just heard his name?

A Right.

Q Now, using the word context, meaning within the framework of the reasons are here, the indictment, when would you say that the first day of your interest within the framework of this indictment concerns Mr. Myers?

A I don't follow your question.

Q When did you first think that you had Myers in the net of ABSCAM?

MR. PUCCIO: I object to that.

THE COURT: Sustained.

Q When did you first believe that Mr. Myers was a possible candidate for the ABSCAM objective?

MR. PUCCIO: Objection. Same objection.

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2 THE COURT: Overruled.

3 THE WITNESS: I believe it was on the  
4 telephone conversation he gave me the two names.

5 Q Have you any idea when that was?

6 A Not offhand.

7 Q A month?

8 A I would say around this time frame.

9 Q Around the 29th July?

10 A Well, I don't know exactly July, but around  
11 that time.

12 Q Well, I assume when you say time frame, when  
13 you are holding July 29th, you meant this time, July 29th.

14 A This is the first time with Myer's name on  
15 it, then yes.

16 Q All right. Then we go -- this is in the  
17 same framework as the negotiations on Mr. Noto, too, isn't  
18 it? Same time span?

19 A I really don't think so.

20 Q Well, you first --- we just played the tape  
21 with you for -- with Mr. Noto and they run right on through --  
22 starting in July in fact. It is mentioned in the -- the  
23 naturalization is mentioned there?

24 A That's right.

25 Q So that's when -- and I played all of the

## Weinstein - Cross/Brown

other tapes to show how it progressed through September.

MR. PUCCIO: I object to it as being asked and answered.

MR. BROWN: I agree with you, Mr. Puccio. I apologize. I will put it in another form.

Q It is true, is it not, that you played the tapes and they showed you the transcripts concerning July 29 to August 28, September 3, September 5, September 12, 14 and 18?

MR. PUCCIO: Same objection, Judge.

Q Well --

THE COURT: Can't you just ask a question without all the historical cross-reference, Mr. Brown?

MR. BROWN: Yes. I thought it would save time.

THE COURT: We all know what you have done.

MR. BROWN: Well, Judge, then perhaps that's the greatest compliment I could have. Thank you.

Q Now, did there come a time when on August 8th you told Mr. Errichetti what Mr. Myers should say?

You have it there. What the Congressman should say to Yassir? I call your attention to the top of the page and read on down. I call your attention to

Weinstein - Cross/Brown

1  
2 Mr. Amoroso saying, he has introduced some kind of legis-  
3 lation, right, some kind of bill or something, Mr. Errichetti  
4 saying, whatever you say, that's fair. Isn't it?

5 A That's correct.

6 Q And Tony saying -- Tony DeVito saying, well,  
7 I don't know. Whatever I say, he's the guy that knows more  
8 about what has to be than I would. I don't know.

9 And Mr. Errichetti, you mean regards to Yassir.

10 And Mr. DeVito, yeah.

11 And you say, yeah, let him tell Yassir what-  
12 ever he has to tell him.

13 Mr. DeVito, I mean what I am saying is, yeah,  
14 but what I am saying, I better know what procedure, you  
15 said, well, it comes to pushing it up, there are big people  
16 behind him, knowing the right people. Say, hey, let this  
17 guy in. They can give him politics, whatever the hell they  
18 call it.

19 Do you recall? Do you see that before you?

20 A That's correct.

21 (Continued on next page.)  
22  
23  
24  
25

Weinberg-cross/Brown

1  
2 Q Mr. Amoroso and you are talking, let him  
3 tell Yassir, Mr. DeVito what procedure -- I assume what  
4 procedure to follow, is that correct?

5 A That is correct.

6 Q That procedure is explained by you in the  
7 next few lines, being pushing up people and coming on  
8 strong?

9 A That is not the procedure we are talking  
10 about.

11 Q What procedure are you referring to? Well,  
12 if it comes to pushing up big people, going to the right  
13 people --

14 A Whatever procedure they have to take, whatever  
15 procedure you have to push through.

16 Q He would better know that?

17 You have your interpretation of procedure  
18 and you explained it?

19 A Yes.

20 Q Now, there were supposed to be two Arab  
21 gentlemen?

22 A Yes.

23 Q Yassir and --

24 A Abdul.

25 Q Was this conversation designed to say you

Weinberg-cross/Brown

1  
2 must make a presentation to Yassir, telling Mr. Errichetti  
3 that?

4 A Yassir didn't meet with them.

5 Q I know. At this time were you saying that  
6 you -- let him tell Yassir whatever he has to tell, I  
7 assume he is going before Yassir?

8 A At the time I don't know if he is going  
9 before Yassir or not.

10 Q Those are the words, whatever they mean?

11 A Yes.

12 Q We had an example of someone who had to  
13 go before Yassir, you described twenty minutes on stage,  
14 all bullshit?

15 A Yes.

16 Q That is what it would be, all bullshit?

17 A Not really.

18 Q What was the thing you expected people to  
19 say when you took them before Yassir?

20 A They had to tell him what they would do  
21 for him for the money.

22 Q In this instance, every time you were asked  
23 what it was to be done, the reply would come in, no facts  
24 at this time?

25 A What?

Weinberg-cross/Brown

1  
2 Q That would be the reply, what is there to  
3 be done, the reply would be: No facts at this time; is  
4 that correct?

5 A Wouldn't give any facts on Yassir and Abdul.

6 Q The question was asked a number of times,  
7 was it not, as to what was to be done, is that not so?

8 A They would tell what they could do for him  
9 and ask us for Yassir's name or whatever information.

10 Q In this instance, that was never done?

11 A That is correct.

12 Q You never reached a point where you said  
13 this is Yassir's passport, this is what you want you to  
14 do?

15 A That is correct.

16 Q As a matter of fact, no facts were ever  
17 adduced as to what was specifically -- what specifically  
18 would be done, like take the passport or do this or what-  
19 ever?

20 MR. PUCCIO: I object.

21 THE COURT: Overruled. I will let him answer.

22 Q In this instance, on the 22nd, the specifics  
23 were never brought forward as to what should be done; is  
24 that correct?

25 A I don't remember.

Weinberg-cross/Brown

1  
2 Q Would you turn to that particular one, please,  
3 by particular one I mean the transcript of the 22nd.

4 A What number?

5 MR. BROWN: I think it is 5-A.

6 THE COURT: You're asking what is there?

7 MR. BROWN: If he has any recollection of  
8 anything specific --

9 MR. PUCCIO: I object on the grounds the  
10 transcripts and tapes speak for themselves. The  
11 question is improper.

12 THE COURT: Sustained.

13 MR. BROWN: May I call his attention to  
14 page 7 and 8, specifically, your Honor?

15 MR. BEN-VENISTE: Your Honor --

16 THE COURT: It seems to me you're wasting  
17 time, Mr. Brown. If he recalls that being said,  
18 what help does that give?

19 MR. BROWN: It goes to his concept of what  
20 this particular scam was in effect at this time.  
21 If he doesn't get to that point, it is a conclusion.

22 THE COURT: As usual, you left me way behind.  
23 Ask the question and I will rule.

24 MR. BROWN: Thank you.

25 Q Page 7.



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THE COURT: Where on page 77

MR. BROWN: Starting with Mr. Errichetti's  
comment: "Well, let's get the -- inaudible.

"Mr. DeVito: Well, I don't, I'm not, you  
know, we talked a little bit about it. But, I  
don't know of what the case is, that.

"Errichetti: Well, there is no case at this  
moment.

"DeVito: Uh, well, yeah, what we're saying  
is we're insuring that when, when --"

And then Mr. Myers says: "When the time comes,  
if it comes." And Mr. DeVito says: "When the time  
comes, yeah, when this thing occurs, okay? Gonna  
come to you and say, hey, here's, here's the guy.  
He'll be here. Okay?"

Do you recall that?

A Yes.

Q That indicates there was nothing specific at  
the moment, is that correct?

A That is correct.

Q Now, would you turn to 6-A, please, page 11.  
I beg your pardon, if you would skip down and go over to  
page 11.

When Mr. Errichetti, down towards the lower

Weinberg-cross/Brown

1  
2 half of the page, says: "You gotta give me ground rules,"  
3 could you tell us whether or not that was Mr. Errichetti  
4 asking for instructions as to how to what he should or  
5 shouldn't do?

6 A No, this here refers -- I think about the  
7 amount of money to be paid.

8 Q I see. That would refer to that, right. All  
9 right, thank you.

10 You told us that there were a number of tele-  
11 phone calls made by you and I think you testified at some  
12 time that you taped every conversation that you had with  
13 Mr. Errichetti; do you recall that statement?

14 A I taped every conversation that was possible  
15 to tape.

16 Q Let me call to your attention your testimony  
17 in Philadelphia on July 9, 1980, page 3.116, line 19.

18 "Q Do you have some guidelines set down  
19 for you about taping telephone conversations in  
20 your undercover capacity in this ABSCAM investigation?"

21 And your answer is, "No."

22 That is correct, no guidelines for you?

23 A I was told to tape every conversation that  
24 I possibly could tape.

25 Q No one ever told you when to tape-record a

1  
2 conversation, and your answer is no, I taped every conver-  
3 sation; is that correct?

4 A I may have said that but I can't tape every  
5 conversation.

6 Q What occasions were there when you could not?

7 A At a meeting and people were there, somebody  
8 called.

9 Q I think I incorporated telephone conversation  
10 in the question. I will do it now if I didn't.

11 What telephone conversations were you unable  
12 to tape?

13 A If I was at a meeting in a hotel and the  
14 telephone call came in, we couldn't tape it.

15 At my home I had company, I couldn't tape it.

16 I was on the road at a public phone, I  
17 couldn't.

18 Q Why would you not be able to tape it?

19 A I wouldn't have a tape recorder on me.

20 Q Let me call your attention to a telephone  
21 conversation in August; August 22, that is the same date  
22 as the conference we referred to at the Travel Lodge.

23 You made a call to Errichetti's home near  
24 Camden from Queens at 10:31 p.m. That would have been  
25 after the meeting, right?

Weinberg-cross/Brown

1  
2 A 10 a.m.?

3 Q Let me show you the actual telephone records,  
4 I will also make available to you the index so that you can  
5 check it out.

6 You are aware, are you not, Mr. Weinberg,  
7 that the index 3500 lists all the telephone conversations  
8 that were taped; you are aware of that?

9 A That is correct.

10 Q I'm going to show you a phone bill which pur-  
11 ports to be related to your telephone and ask you if within  
12 the context of this index it is not true that right after  
13 the meeting you called Mr. Errichetti on 8/22, that is  
14 August 22nd -- may I do it this way, your Honor?

15 THE COURT: Yes. But keep your voice up.

16 Q 8/22, and this is a number (indicating) that  
17 you are familiar with?

18 A That's Errichetti's number.

19 Q That you called?

20 A Yes.

21 Q And it's three minutes, right?

22 A That is correct.

23 Q Now, three minutes on the 22nd, will you check  
24 the index to tell us whether or not you recorded that?

25 A That is not down here.

Weinberg-cross/Brown

1  
2 Q That was a three-minute call you made to  
3 Errichetti without taping; is that correct?

4 Do you have any recollection of the call?

5 A Not offhand. Apparently it was made in the  
6 hotel room.

7 Q Pardon?

8 A Apparently made in the hotel room.

9 Q No problem taping from the hotel?

10 A If I was in my room I maybe didn't have the  
11 recorder with me.

12 Q This would be an important conversation,  
13 wouldn't it, right after -- you had been set up by this man?

14 MR. PUCCIO: What date is this?

15 MR. BROWN: August 22nd.

16 Q (Continuing) You were in the midst of the  
17 Note thing coming up and you were certain about Congressman  
18 Myers --

19 MR. PUCCIO: I object to the form.

20 Q On the 22nd, that was a meeting you had with  
21 Mr. Myers?

22 A That's correct.

23 Q We read from the transcript just a few moments  
24 ago?

25 A Yes.

Weinberg-cross/Brown

1  
2 Q You have in front of you the telephone re-  
3 cords, right?

4 A Yes.

5 Q Which you are comparing with the 3500 materia  
6 is that correct?

7 A That is correct.

8 Q You see there you made a telephone call to  
9 Mr. Errichetti's home for three minutes, right?

10 A That is correct.

11 Q That is not taped, is that correct?

12 A That is correct.

13 Q Can you from those telephone records tell  
14 us the point from which you called?

15 A I can't read this here, it's blurred.

16 Q The figure, as to the time and person re-  
17 ceiving the call, are not blurred?

18 A The amount is \$1.75.

19 Q Let me show you a list of other calls which  
20 I would ask you to correlate with the index if you can  
21 and also with the particular record.

22 THE COURT: What exhibit?

23 MR. BROWN: Exhibit, if your Honor please,  
24 is a note which is listing calls. But I would  
25 like to refer to the telephone record which I will

## Weinberg-cross/Brown

have marked and that in turn is correlated with the 3500 index, court record 800249. May I have a marking --

THE COURT: That number you just read is the docket number in this case. That is all right. The other two documents referred to have not yet been marked. I guess one of them has been now.

MR. BROWN: All right.

Q Phone records, O.

THE COURT: All right.

MR. BROWN: The notes have been marked P.

Q I show you P, which are the notes made at my direction and I --

MR. PUCCIO: I can't hear Mr. Brown.

Q August 21 is the one you just checked, right?

A Right.

Q Now, on April 20th, there was another phone call --

MR. PUCCIO: I thought we just checked August 22nd.

MR. BROWN: August 22nd, your right.

Q We just checked August 22nd, right? That is unrecorded, the call?

A Yes.

Weinberg-cross/Brown

1  
2 Q August 21st also indicates, I think you will  
3 find on the record, that that too was a phone call made  
4 and not recorded?

5 A That could be to his office. And I couldn't  
6 get him at his office.

7 Q By the same token, August 20th, 6:17 p.m.,  
8 office number --

9 A Two minute calls, same thing. When you call  
10 the office the girl answers and then Danny, and it takes  
11 two or three minutes to get him on the phone.

12 Q Let's go to August 10th, 5:10 p.m., two  
13 minutes.

14 A Probably wasn't home.

15 MR. BROWN: May I mark one more sheet? If  
16 your Honor please, a marking of Q, which is the  
17 lawyer's notes to be used in comparison and R, which  
18 is the telephone bill.

19 MR. PUCCIO: These are for identification.

20 MR. BROWN: Yes, only for identification,  
21 of course.

22 Q I am going to show you something similar, that  
23 is Q is similar to P<sub>6</sub>, in the sense they are a manila yellow  
24 sheet. I call your attention to May 24th, and show you the  
25 actual telephone records coming from Islip to Camden, to



## Weinberg-cross/Brown

the office number, right?

A That is correct.

Q 32 minutes. Do you have any recollection of that call, which is unrecorded?

MR. PUCCIO: What is the date.

MR. BROWN: The date is -- what was the date you have?

THE WITNESS: May 24th.

MR. BROWN: Right.

(Pause.)

THE COURT: The question, Mr. Weinberg, do you have any recollection of the May 24th telephone call?

THE WITNESS: No, I don't have a recollection. If it was recorded there's got to be a reference. I probably didn't have the recorder with me.

(Continue on next page.)

1 Weinberg-cross-Brown

2 Q You were at your home in Islip?

3 A Yes.

4 Q You would normally have your recorder with  
5 you at home?

6 A Not necessarily.

7 Q Were you using the suction cup or the other  
8 one?

9 A I was using the earpiece.

10 Q Now, you see there there are several calls,  
11 there were occasions when you would call and not record  
12 where the conversation would be for two minutes?

13 A Yes.

14 Q Most likely, as your recollection goes, it  
15 would not be with the Mayor?

16 A Two or three minute calls wouldn't be with  
17 the Mayor.

18 Q I see, thank you.

19 You testified that except for a wallet and  
20 some liquor, and one or two other physical things, you  
21 never received any gifts, is that correct? You did  
22 mention something about money. And other than money,  
23 you only list physical things like liquor, a wallet,  
24 something else --

25 A Wristwatches.

Weinberg-cross-Brown

1  
2 Q Do you recall having received on or about  
3 January 26th, 1979, a Seiko watch for \$300 purchased by  
4 Angelo Errichetti for you and given to you?

5 A No.

6 Q You would state at no time while in Florida  
7 did you receive in the month of January, 1979, a watch  
8 purchased for you by Mayor Errichetti, is that correct?

9 A That is correct.

10 Q Could you tell the jury whether or not in  
11 the first or second week of August, 1979, you received a  
12 gift, three television sets, Soney, 17 inches, from  
13 Mayor Errichetti?

14 A That is not true.

15 Q Is it not true that Mr. Joseph DiLorenzo  
16 met you at the Cherry Hill Hyatt House in the first two  
17 weeks of August, that you gave him the keys to your van  
18 and asked him to put these television sets in the van?

19 A That is not true.

20 Q Is it not true that you told Mr. Joseph  
21 DiLorenzo not to tell Mr. Amoroso about them?

22 A That is not true.

23 Q Is it not true that on or about the first two  
24 weeks of September of 1979 Mr. Joseph DiLorenzo purchased  
25 and delivered to you on behalf of the Mayor an ounce of gold

Weinberg-cross-Brown

worth \$432 from the People's National Bank of Haden Township of New Jersey?

A Not true.

Q Is it not true Mr. DiLorenzo delivered the gold coin to you at the Hilton Inn?

A It is not true.

Q Is it not true that on or before April 6th, 1979, a Genesis 3, brand name, stereo was delivered to you by Mr. Joseph DiLorenzo as a gift from Mayor Errichetti, it being designated as a birthday gift for Yassir? Was that ever done?

A That is not true.

Q Did you receive on that occasion within the first six days of April, 1979, at the time of the receipt of this stereo, a letter dated April 4th, 1979, addressed to the Honorable Yassir Habiz accompanying said gift?

A This is not true.

MR. BROWN: Your Honor, that will be marked S for identification.

A This is not true.

Q Now, sir, with reference to the gifts I have already called to your attention, did you ever received such gifts in any form believing they were not paid for by Mayor Errichetti but possibly by someone else?

Weinberg-cross-Brown

1  
2 A I don't follow that question.

3 MR. BROWN: I will withdraw the question.

4 Q Did you say you didn't receive these items at  
5 all?

6 A That is correct.

7 Q In other words, you do not say you received  
8 them believing they were from someone else, you say you did  
9 not receive them at all?

10 A That is correct.

11 Q Did you, on or about January 19, 1979,  
12 receive a microwave oven, along with a set of dishes  
13 delivered to you by Mr. Joseph DiLorenzo?

14 A That is not true.

15 Q Did you, sir, on or about March 19th or  
16 April -- February or March, I'm sorry, if I may rephrase  
17 it.

18 Did you on or about February or March of  
19 1979 receive from Joseph DiLorenzo a four hour Betamax  
20 RCA worth \$831. purchased from Best Products in Morristown  
21 from Joseph DiLorenzo as a messenger accompanied by Angelo  
22 Errichetti, the Holiday Inn in Long Island, New York, and  
23 delivered directly to you?

24 A Not true.

25 Q Did you on that occasion say that nobody

Weinberg-cross-Brown

1 was to know that you have it?

2 A That is not true.

3 Q Did Mr. Joseph DiForenzo on that occasion  
4 put the Betamax into your van?

5 A That is not true.

6 Q You did receive three watches from Mr. George  
7 Katz?

8 A That is correct.

9 Q All of the gifts I have outlined you  
10 unequivocally and absolutely deny having received as items --  
11 that is to say you never received them whether you believed  
12 they were from Mr. Errichetti or not?

13 A That is correct.

14 Q Now, I want to call your attention to the  
15 draft of a transcript of a telephone conversation, index  
16 1183, dated July 12, 1979. There is a conversation which  
17 is apparently of short duration such as you have described.

18 Would you examine it?

19 MR. PUCCIO: I object to the statement.

20 THE COURT: Sustained as to form. Disregard  
21 the statement.

22 Q Mr. Weinberg, you have stated when phone calls  
23 were only for two minutes and you talked to Danny, it wouldn't  
24 be recorded?  
25

Weinberg-cross-Brown

1  
2           A        When I called Danny up to speak to the Mayor,  
3 if the Mayor wasn't there, I didn't record it.

4           Q        Would you examine that particular transcript  
5 which is a recording and tell us whether or not you ultimately  
6 got the Mayor after that contact?

7           A        I did not get the Mayor on this conversation.

8           Q        But it is recorded?

9           A        That is correct.

10          Q        When you told us you generally called and  
11 didn't get him, you wouldn't record it -- that is not an  
12 example?

13          A        Yes.

14          Q        You didn't always do the same thing the same  
15 way, sometimes you did record something and sometimes you  
16 didn't?

17          A        I guess so.

18          Q        Thank you.

19                    I think this is yours, Mr. Puccio.

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

21          Q        Within the indictment that is here charged  
22 against these people, it is a fact, is it not, that in  
23 spite of the meetings or one meeting of August 22nd with  
24 the Congressman, there is absolutely nothing that was done  
25 in furtherance of any word, promise, or anything else?

Weinberg-cross-Brown

1  
2 A I don't follow that question.

3 Q You did have a meeting with Congressman Myers  
4 and others on the 22nd, is that correct?

5 A Yes.

6 Q On that date, in spite of the conversation  
7 and in spite of whatever passed, absolutely nothing was  
8 carried out to aid the Arab or doing anything in his behalf?

9 A That is correct.

10 Q The fact is, no matter what happened,  
11 absolutely nothing was ever done by the Congressman to  
12 carry out any of the so-called objectives?

13 A To the best of my knowledge.

14 Q It is also true that you stated that  
15 Mayor Errichetti was with you up to September, but that was  
16 the end of Errichetti and ABSCAM?

17 A He went down to Florida and there were a few  
18 phone calls.

19 Q What date would you put for the end of  
20 Errichetti and ABSCAM?

21 A I would say sometime in October.

22 Q In October of 19 --

23 A '79.

24 Q '79?

25 A Yes.

\* \* \*



\* \* \*

6 CROSS-EXAMINATION BY

7 MR. BEN-VENISTE:

8 Q Mr. Weinberg, we place in front of you Exhibit  
9 22 A, which is a partial transcript of a conversation that  
10 began on July 31st, 1979 at 6:00 and it was a telephone call  
11 between yourself and K. Errichetti. Do you recall that?

12 A Correct.

13 Q You were in Florida at the time. And the  
14 only question I have, sir, has got to do with the very  
15 beginning of that conversation. I want to show you --

16 MR. BEN-VENISTE: May I approach the witness,  
17 your Honor?

18 THE COURT: Yes.

19 Q The extract that begins at some point while  
20 the conversation is in progress. Do you recall that, sir?

21 A Not offhand.

22 Q Well, do you see where these dots at the top --

23 A Right.

24 Q That indicates that something is left out.

25 Now, I am not suggesting that that is relevant, but I want

1 Weinberg - Cross/Ben-Veniste

2 to get your recollection as to what happened at the beginning  
3 of that conversation when you started tape recording it.

4 For those purposes I ask you to put on your earphones -- and  
5 ladies and gentlemen -- I ask the jury to put on their ear-  
6 phones.

7 I am going to ask you, Mr. Weinberg -- would  
8 you remove them for a minute.

9 I am going to ask you if you remember what  
10 happened. There is some clunking around before there is  
11 any conversation. My question is going to be directed  
12 to what happened before the conversation actually started  
13 being recorded.

14 THE COURT: What is it that we are listening  
15 to?

16 MR. BEN-VENISTE: We are going to listen  
17 to the very beginning of that conversation which  
18 is not going to be reflected on the jury version of  
19 the transcript.

20 THE COURT: I thought you had referred to 23A.

21 MR. BEN-VENISTE: 22A, your Honor.

22 THE COURT: 22A. Thank you. Proceed.

23 (Tape recording played)

24 (Tape recording stopped)

25 Q Now, Mr. Weinberg, you weren't suggesting

Weinberg - Cross/Ben-Veniste

1  
2 that at that point in the conversation where you heard that  
3 clunking, that you dropped the tape recorder at that  
4 occasion, are you?

5 A No.

6 Q Could you tell the jury what happened before  
7 that conversation got started?

8 A I think I was waiting for the Mayor to get  
9 on the phone there.

10 Q Do you recall turning the machine on and  
11 off on that occasion that you --

12 A No. Go ahead, finish.

13 Q Do you recall whether you turned the machine  
14 on while you were preparing to make the call and then you  
15 turned it off and you turned it on again when you got the  
16 Mayor on the phone?

17 A I probably had the machine on once I knew  
18 the Mayor was in.

19 Q So at the point before we hear the convers-  
20 ation, that's where you started recording, activated the  
21 recorder button?

22 A Yes.

23 Q Now, just one other question. In connection  
24 with this time period, I want you to focus on July 29th and  
25 July 31st while you are in Florida and you are calling

Weinberg - Cross/Ben-Veniste

1  
2 Mayor Errichetti up in New Jersey. I want you to tell the  
3 jury, sir, whether at that time you had more than one tape  
4 recorder in your possession, if you recall?

5 A More than one tape recorder?

6 Q Yes.

7 A I don't think so.

8 Q Did you have access to more than one tape  
9 recorder?

10 A Not that I know of.

11 MR. BEN-VENISTE: No further questions at  
12 this time, your Honor.

13 THE COURT: All right. Redirect.

14 MR. MCCCIO: Yes, Judge.

15 Your Honor, you asked me to approach the  
16 Side Bar on some questions.

17 THE COURT: Do you want to do that now?

18 Side Bar.

\* \* \*

\* \* \*

10 REDIRECT EXAMINATION

11 BY MR. PUCCIO:

12 MR. PUCCIO: May I approach the witness,  
13 your Honor?

14 THE COURT: You may.

15 MR. PUCCIO: Thank you.

16 Q Mr. Weinberg, do you recall being asked by  
17 Mr. Duffy about two separate lists of -- that purported  
18 to record payments to you of monies by the Government?

19 A That's correct.

20 Q Now, with respect to the first list that was  
21 shown you, I believe it's Defendants' Exhibit E.

22 A That's correct.

23 Q Does that record payments made to you in  
24 connection with the ABSCAM investigation?

25 A That's correct.

1  
2 Q Now, with respect to the second list which  
3 covers a longer period of time -- that is, from 1969 I  
4 believe to 1980, does that cover other payments that were  
5 made to you in connection with other matters?

6 A That's correct.

7 Q Would it be fair to say that these other  
8 matters included services you performed for the Government  
9 and information you gave to the Government?

10 A That's correct.

11 Q All right. Unrelated to this case?

12 A Correct.

13 Q Now -- by the way, have you ever been indicted  
14 or charged with a crime in any place other than Pittsburgh,  
15 Pennsylvania?

16 A That's the only time I have been indicted.

17 Q And is that the only time you have been  
18 convicted?

19 A Correct.

20 Q Now, do you recall some questions directed  
21 to you about Agent Jack McCarthy of the FBI in his role in  
22 the ABSCAM case?

23 A That's correct.

24 Q Now, did you ever have any discussion with  
25 Mayor Errichetti about Mr. Mc Carthy?

1  
2 A He was a little peeved at him, mad at him.

3 Q Do you recall any specifics of these conver-  
4 sations?

5 A Just in general they just didn't get along.  
6 One was the problem they had -- they had a payoff.

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

8 MR. PUCCIO: Well, may I lead?

9 MR. BEN-VENISTE: We haven't fixed the time  
10 and we are going into an area that Mr. Puccio has  
11 been directed -- at least to get the Court's per-  
12 mission. It's unrelated to this case. It seems  
13 quite apparent.

14 THE COURT: The first as being unresponsive,  
15 you are overruled. You are correct. He hasn't  
16 fixed the time. And as to whether it's one of the  
17 areas we originally discussed, I just don't know.

18 MR. PUCCIO: Well, may I ask the question  
19 again, your Honor?

20 THE COURT: Yes.

21 Q Mr. Weinberg, would it be fair to say that  
22 based upon conversations you had with Mr. Errichetti, Mr.  
23 Errichetti's relationship with Mr. McCarthy was not that  
24 good in the context of this undercover matter?

25 A That's correct.

1  
2 Q And would it be fair to state that the reason  
3 that Mr. -- one of the reasons that Mr. McCarthy was re-  
4 placed was because he wasn't getting along with Mayor  
5 Errichetti?

6 A That's correct.

7 Q And Mayor Errichetti in fact said that he  
8 didn't like Mr. McCarthy, or words to that effect; is that  
9 right?

10 A That's right.

11 Q Now, you testified at a hearing in Philadelphia  
12 concerning the meeting on the boat on the 26th of July, 1979,  
13 is that correct?

14 A That's correct.

15 Q And I believe it was brought out during cer-  
16 tain questions that you had said Mr. Criden had brought up  
17 the discussion of the Immigration matter on the boat; is  
18 that right? that right?

19 A I told him I thought that Mr. Criden was the  
20 one that brought it up.

21 Q I think you testified that later you checked  
22 with Agent Amoroso and he refreshed your recollection that  
23 it wasn't Mr. Criden who brought up the matter; is that  
24 correct?

25 A That's correct.



1  
2 Q I direct your attention --

3 MR. PUCCIO: And if I may approach the wit-  
4 ness, sir?

5 THE COURT: Yes.

6 Q -- to page 3.144, the top of the page, at  
7 the hearing in Philadelphia, I ask you to read that and  
8 tell us if you in fact corrected that error right at the  
9 hearing in Philadelphia before you got off the witness  
10 stand.

11 MR. DUFFY: I object to the form of the  
12 question, sir.

13 THE COURT: Overruled.

14 MR. BEN-VENISTE: I object to the form itself  
15 and I ask -- I would ask that the Court be supplied  
16 with the transcript.

17 MR. PUCCIO: Your Honor, I will withdraw  
18 the question.

19 Q Mr. Weinberg, what else did you say about  
20 that meeting at the hearing in Philadelphia?

21 MR. BEN-VENISTE: Objection. Irrelevant.

22 THE COURT: Overruled.

23 You may answer.

24 A We spoke about the Immigration ideas; asked  
25 me about that and about the shah wanted to invest, putting

1  
2 up property over here.

3 Q Did you say anything about Mayor Errichetti  
4 in that connection?

5 A Yes. I said this is -- this is what the  
6 Mayor said. There is no problem. He can handle that.  
7 The Mayor said.

8 Q You said at the hearing at Philadelphia that  
9 the Mayor said at the boat they would be handling that?

10 MR. BEN-VENISTE: I object. He starts with  
11 saying that somehow he had corrected the misstate-  
12 ment about Mr. Criden in the Philadelphia hearing.  
13 That is not true. And now we are onto something  
14 else.

15 THE COURT: Mr. Puccio, wouldn't it be  
16 better procedure if there is more out of the  
17 transcript to put into context or correct or modify  
18 something that he has been questioned about on  
19 cross-examination, for you to read it to him and  
20 the rest of us, or else show it to him and ask  
21 him if it refreshes his recollection as to some-  
22 thing. And if so, let him testify to it.

23 MR. PUCCIO: All right, Judge. I was going  
24 to ask to be permitted to read it and see if he --

25 THE COURT: Yes. If it relates to the

1  
2 subject.

3 MR. BEN-VENISTE: The foundation is whether  
4 he corrected the misstatement about Mr. Criden. I  
5 would suggest that the testimony is irrelevant to  
6 answering that question because he does not correct  
7 that statement.

8 THE COURT: Are you saying that it does  
9 correct it, Mr. Puccio?

10 MR. PUCCIO: My position, your Honor, is that  
11 it clarifies that earlier question and answer and  
12 does correct it to some extent.

13 THE COURT: Overruled. You may proceed.

14 Q Now, were you asked these questions and did  
15 you give these answers at the hearing in Philadelphia?  
16 I assume the questions were asked -- well --

17 Were you asked these questions and did you  
18 give these answers?

19 "Q Now, you said earlier that it was on  
20 that boat, as I understand it, that Criden came up  
21 with the idea for the sheik's business?

22 "A Well, they discussed --

23 "Q Is that what you said earlier?

24 "A I said earlier before Criden was dis-  
25 cussing with Tony about the Shah and Somoza at the

1  
2 time Tony said, we had the same problem. We are  
3 worrying about getting the Arabs in the country  
4 if nothing goes wrong."

5 I would assume -- well, I assume that "if  
6 something goes wrong, there should be no problem.  
7 We can handle that. That is what the Mayor said.  
8 That is when the Mayor said that."

9 MR. BEN-VENISTE: I object to the form of  
10 the question, your Honor. Mr. Puccio is interject-  
11 ing what he assumes a transcript should say.

12 THE COURT: Whether or not other people  
13 interpret the transcript the same way, I will leave  
14 it to the jury.

15 MR. DUFFY: Your Honor, I object and move  
16 to strike.

17 THE COURT: On what grounds?

18 MR. DUFFY: On the grounds that the proffer  
19 is that it's a correction and that it's not. It  
20 is misleading to offer that conclusion.

21 THE COURT: Overruled.

22 Q Do you remember being asked those questions  
23 and giving that answer?

24 A I do.

25 Q Now, do you remember testifying, Mr. Weinberg,

1  
2 on cross-examination about a \$25,000 kickback from Mayor  
3 Errichetti?

4 MR. BROWN: I object and ask to be heard  
5 at side bar.

6 THE COURT: Side bar.

\* \* \*

Weinberg-redirect

(The following took place in open court.)

REDIRECT EXAMINATION

BY MR. PUCCIO:

Q With respect to the \$25,000, that had nothing to do with the matter under consideration here, is that correct?

A That is correct.

Q And it is a fact that the \$25,000 from Mr. Errichetti you never actually got personally, but it was delivered to an agent of the FBI who was undercover?

A Yes.

Q Mr. Brady, is that correct?

A Yes.

Q You kept no \$25,000 that Mr. Errichetti transmitted, is that correct?

A That is correct.

THE COURT: In view of the testimony, do you still want the limiting instruction?

MR. BEN-VENISTE: Apparently the first answer about receiving a gift was inaccurate, the witness did not receive --

THE COURT: Will you answer my question?

MR. BEN-VENISTE: The answer is no.

THE COURT: Next question.

Weinberg-redirect

Q Mr. Weinberg, directing your attention to the Myers matter.

Was there any discussion with anyone concerning you or Amoroso receiving a part of the \$50,000?

A Yes, at the meeting at the airport Amoroso told me to meet the Mayor and ask for a ten to \$15,000 kickback.

MR. BEN-VENISTE: May I have that? I didn't hear it.

MR. PUCCIO: Answer the question again.

MR. BEN-VENISTE: I would rather have the reporter read it.

(Above read by the reporter.)

THE WITNESS: Kickback of ten to fifteen thousand, that he needed money.

Q Did you in fact meet with the Mayor before the airport meeting on the 5th of August and ask him that?

A I met him downstairs on the main lobby and asked for -- Tony needed money, we would like to get \$15,000 kickback.

Q What was the purpose of asking that question?

MR. BROWN: I object and ask for a side bar.

THE COURT: Overruled.

Q What was the purpose in saying that to the

1  
2 Mayor?

3 MR. DUFFY: I object, it is not relevant.

4 THE COURT: Overruled.

5 A Tony Amoroso and Mr. John Good spoke to --

6 MR. BEN-VENISTE: Your Honor --

7 MR. BROWN: Your Honor, there is a --

8 MR. PUCCIO: May I ask a different question?

9 MR. BROWN: It goes to the same thing.

10 THE COURT: Do I understand the defendants  
11 are now taking the position that the state of mind  
12 of Mr. Weinberg and Mr. Amoroso was not an issue in  
13 this case?

14 MR. BEN-VENISTE: I object.

15 MR. BROWN: The rules of evidence still --

16 THE COURT: Let me hear the witness' answer  
17 as far as he got.

18 (Record read.)

19 THE COURT: You better rephrase the question.

20 Q Mr. Weinberg, Mr. Good and Mr. Amoroso spoke  
21 to you about this matter, is that correct?

22 A That is correct.

23 Q You were asked, were you not --

24 MR. DUFFY: Objection, leading.

25 THE COURT: Which way do you want it? You



object if it is leading and you object when he doesn't lead and the witness tell you hearsay.

MR. DUFFY: We are entitled to have it done right. That question is leading. I object to it.

THE COURT: Mr. Weinberg, with respect to the hearsay objection that has been raised, a witness is not supposed to tell us what someone else told him happened.

In other words, if Mr. Amoroso told you that Mr. Good had gone to Hauppauge, for example, that would not be admissible in court for the purposes of showing that Mr. Good went to Hauppauge.

THE WITNESS: All right.

THE COURT: It would be admissible to -- under some circumstances -- to show perhaps your belief that Mr. Good was in Hauppauge at the time if that were important.

I don't know if that gives you any insight into one of the many ramifications of the hearsay rule in this context, but with that bit of guidance, will you now answer the question and try not to give us hearsay.

A Mr. Amoroso told me to go downstairs because he wanted to find out who was sharing in the money by asking.

Weinberg-redirect

1  
2 for \$15,000 back. He had an idea the Mayor would tell him  
3 who else was sharing in the money.

4 Q As a matter of fact, on the tape, which is  
5 admitted in evidence as Exhibit 1, the Mayor says: And it's  
6 15 coming back, is that correct?

7 A That's correct.

8 Q Was this a reference to this 15,000 that  
9 Mr. Amoroso had asked you to ask the Mayor about?

10 A That is correct.

11 Q Now, later on there is a conversation where  
12 Mayor Errichetti uses the figure one, is that correct?

13 A That is correct.

14 Q I believe you testified that that referred  
15 to \$100,000?

16 A That is correct.

17 Q Was there ever a conversation about who would  
18 split the \$100,000?

19 A The hundred thousand dollars was to go to --

20 MR. DUFFY: Objection, sir. May I state  
21 my ground?

22 THE COURT: You want to --

23 MR. DUFFY: The answer is not responsive  
24 and the question does not ask time or place or person.

25 Q Was there ever any conversation with

Weinberg-redirect

1  
2 Mr. Errichetti about the split of the hundred thousand  
3 dollars?

4 A He said to me at one point that that has to  
5 be split up with certain people.

6 Q Did he tell you who those people were at that  
7 time?

8 A Not at that time.

9 Q Now, when the figure was reduced, as you  
10 testified to \$50,000, was there ever any conversation then  
11 about 15 coming back or anything to you and Amoroso?

12 A He balled him out at the meeting and told  
13 him: You didn't think of Weinberg --

14 MR. BEN-VENISTE: Objection.

15 THE COURT: On what ground?

16 MR. BEN-VENISTE: We asked for a time and  
17 place of this conversation to be fixed. If it is  
18 not fixed with respect to the last question, I ask  
19 it to be done when Mr. Errichetti said it had to be  
20 split. We have no such time.

21 THE COURT: Time and place, please.

22 Q As best you can recall, when did Mr. Errichetti  
23 say that it had to be split, that is, the hundred thousand  
24 dollars?

25 MR. BROWN: That is not the question, your

Weinberg-redirect

Honor.

THE COURT: That is the last one  
Mr. Ben-Veniste picked up --

MR. BROWN: Withdrawn, -hank you.

THE COURT: Can you recall when and where  
that occurred?

THE WITNESS: That was on the way when I  
went downstairs to meet him at the airport there to  
tell him we wanted 15.

Q On the 5th of August, 1979?

A That is correct.

(Continued on next page.)

## Weinberg-redirect-Puccio

Q The second conversation you mentioned where you say that -- next conversation you say Mr. Errichetti bawled out Mr. Amoroso, do you recall when that took place?

A Right after the payoff to Congressman Myers.

Q Now, on one or another of these transcripts, M. Weinberg, you used the phrase: "Come on strong," do you recall that?

A I do.

Q Can you tell us what your purpose was in telling Mayor Errichetti or anyone else to have someone come on strong?

MR. BEN-VENISTE: Objection, your Honor.

THE COURT: On what ground?

MR. BEN-VENISTE: The form of the question.

THE COURT: Overruled. You may answer.

MR. BEN-VENISTE: Can he fix the time? The question is Mayor Errichetti or someone else.

Q Whenever you used that expression, what was your purpose?

A The purpose, we didn't want to get in a situation like we got into once --

MR. BROWN: I object to this. The question calls obviously for --

THE COURT: Can you tell us without referring

1  
2 to other situations that may have occurred that are  
3 not involved in this trial, what your purpose was in  
4 telling someone to come on strong?

5 A Yes, your Honor. Tell him to come on strong  
6 that we get -- we knew that the man was taking the 50,000,  
7 tell us what he was going to do.

8 Q The public official?

9 A The public official.

10 Q And you knew, did you not, that Mr. Errichetti  
11 or someone was going to speak to the public official before  
12 the meeting?

13 A That is correct.

14 Q Now, do you have any idea or can you approximate  
15 for us, how many telephone conversations you recorded during  
16 the course of this entire investigation?

17 A I think it runs close to a thousand.

18 Q To the best of your knowledge, how many tape  
19 recordings of those thousand that you made are missing?

20 MR. BEN-VENISTE: Pardon me?

21 A Are you saying the ones I made?

22 Q Yes.

23 MR. BEN-VENISTE: Excuse me, I didn't hear the  
24 question. Mr. Puccio is facing --

25 THE COURT: Read it back.

(The above was read by the Reporter.)

THE COURT: Is there an objection?

MR. BEN-VENISTE: As far as this witness knows, I assume by missing that means ones he recorded and knew were gone with the airline episode?

THE COURT: I don't know what you assume.

There is an objection?

MR. BEN-VENISTE: Objection to the form of the question.

THE COURT: Overruled. You may answer.

A The only ones that are missing are the ones stolen in the airline on January 23rd.

Q Do you have the year?

A 1980.

Q Now, Mr. Weinberg, do you remember a conversation that you had with Mr. Errichetti and another person on June the 28th, 1979, that was played by Mr. Brown, or a portion of it was played by Mr. Brown?

A Is that the one at the Marriott?

Q Do you remember a conversation at the Marriott?

A Yes, I remember that conversation.

Q Do you recall that -- withdrawn.

How many people were in that conversation?

Do you recall?

1  
2 A Yes, I think it was three.

3 Q You and Mr. Errichetti?

4 A That is correct.

5 Q Who was the third individual at that meeting?

6 MR. BROWN: Objection. I think this is  
7 one of the things discussed at side bar.

8 MR. PUCCIO: I will be glad to discuss it  
9 if your Honor wishes.

10 THE COURT: Side bar.

\* \* \*  
2



I N D E X

2362

<u>WITNESS:</u>	<u>CROSS</u>	<u>REDIRECT</u>
MELVIN WEINBERG	2059	2272

E X H I B I T S

<u>DEPENEDANT'S:</u>	<u>Description</u>	<u>FOR ID.</u>	<u>IN EV.</u>
N	Document	2077	

COURT'S:

9	Mailgram		2051
10	Mailgram		2051
11, 12	Two letters		2186

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----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 21, 1980  
 12:30 o'clock P.M.

B E F O R E :

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

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13 \* \* \*

\* \* \*

Weinberg - redirect

2411

1  
2 M E L V I N W E I N B E R G, having been previously  
3 sworn, testified further as follows:

4 (Whereupon, the jury entered the jury box.)

5 REDIRECT EXAMINATION

6 BY MR. PUCCIO: (Continued)

7 THE COURT: Good afternoon, ladies and gentle-  
8 men. My apologies for the delay in getting started  
9 today. I think we are ready to proceed.

10 Before we do, however, I want to inquire of  
11 you again since I last inquired of you yesterday,  
12 has anyone attempted to speak to you or has anyone  
13 spoken to you about the case? If so, raise your hand.

14 Has any one of you talked to anyone else about  
15 the case? Have you seen any television broadcast  
16 about the case or newspaper articles about it,  
17 magazine articles, or heard any radio broadcasts  
18 about it since yesterday?

19 Very good. You may proceed, Mr. Puccio.

20 MR. PUCCIO: Thank you.

21 THE CLERK: Mr. Weinberg, please be advised you  
22 are still under oath.

23 THE WITNESS: Yes.

24 Q Now, Mr. Weinberg, I believe you testified  
25 yesterday that on the 28th of June you had a meeting with

1  
2 Mayor Errichetti and another individual; is that right?

3 A That's correct.

4 Q And do you recall that that was at the Marriott  
5 Inn in Virginia?

6 A That's correct.

7 Q Who was the other individual at that meeting,  
8 sir?

9 A Senator Williams.

10 Q Is that Senator Harrison Williams of New Jersey?

11 A That's correct.

12 Q Had you met with Mr. Errichetti and Senator  
13 Williams before that day?

14 MR. BEN-VENISTE: Would your Honor be kind  
15 enough to give the jury a limiting instruction with  
16 respect to Mr. Criden?

17 THE COURT: This is -- with respect to Mr.  
18 Criden or along the lines that I discussed at side bar.

19 MR. BEN-VENISTE: I only speak with respect  
20 to Mr. Criden, but I think it would apply to all of  
21 the defendants.

22 THE COURT: I will give a double limiting  
23 instruction, ladies and gentlemen. First off, the  
24 meeting they are talking about, you may recall from  
25 the testimony yesterday, involved three people,

1  
2 Senator Williams, the defendant Errichetti, and Mr.  
3 Weinberg. None of the other three defendants were  
4 present. And therefore until I tell you otherwise --  
5 unless I tell you otherwise -- you should not weigh  
6 the evidence as against them, the other three defend-  
7 ants or any of them.

8 But there is another sense in which the evi-  
9 dence that you are about to hear should be limited  
10 in your consideration. The purpose for which I am  
11 admitting this evidence is for you to weigh in con-  
12 nection with the contention that what happened as  
13 between the defendant Myers and the sheik's repre-  
14 sentatives on the occasion which you have seen in  
15 one of the videotapes when money was allegedly given  
16 to Mr. Myers, what happened on that occasion is some-  
17 thing that you are going to have to determine. What  
18 the meaning of what happened -- what the witness  
19 testified to about it, the defendants have argued  
20 to you in their opening statements and apart from  
21 questions that this is not what it appears to be  
22 on the surface, but was in effect someone acting out  
23 something they were supposed to be doing or were told  
24 to do.

25 This evidence that you heard yesterday was

1  
2 offered -- admitted for the purpose of your deter-  
3 mining whether or not there is merit to the conten-  
4 tion that this was in effect a stage play, that the  
5 people who were dealing with the sheik -- sheik's  
6 representatives -- in our case, that would be  
7 Congressman Meyers -- was he acting or was he not?  
8 And the contention with respect to the evidence  
9 relating to Senator Williams is there was similar  
10 conduct on the part of Mr. Weinberg, that he was  
11 giving instructions as to exactly what should be  
12 said. He did it on the one occasion. Therefore,  
13 the argument would be that he -- that is what he did  
14 with respect to Congressman Myers. It is what we  
15 call similar act kind of testimony. Its significance  
16 for your purpose is to determine whether or not there  
17 was some kind of a plan, pattern, action carried on  
18 by Mr. Myers and/or the FBI agents to put words  
19 into the mouths of the participants so it would appear  
20 on television or on tape recordings that they were  
21 taking money in return for being influenced in offi-  
22 cial actions when in fact that was not the case.  
23 That is one of the central issues that you are going  
24 to have to determine. And this evidence relating to  
25 Senator Williams is an entirely different transaction.



1  
2 It does not involved any of the -- directly any of  
3 the issues that you have to determine in this case.  
4 But it is offered solely on this question of what  
5 was it that was really going on. I am sorry. It  
6 is offered solely on the question of was there some  
7 kind of a pattern or plan of action on the part of  
8 Mr. Weinberg and Mr. Amoroso to tell people what  
9 they were to say.

10 It is contended that what happened before  
11 Senator Williams is that he was told what to say.  
12 And it is argued that it was part of a plan, and that  
13 plan extended to include what happened before  
14 Congressman Myers. There's no contention that  
15 there is any direct connection between Senator  
16 Williams and Congressman Myers. There is no indi-  
17 cation of connections other than the possible common  
18 connection of the defendant-Errichetti having been  
19 present on both occasions.

20 So it is in that limited sense that you are  
21 to view this evidence together with the limitation  
22 that it does not apply at this stage directly to  
23 any of the other defendants except to the defendant  
24 Errichetti.

25 Mr. Duffy?

1  
2 MR. DUFFY: Your Honor, I am sure it was un-  
3 intentional, but there was a point-- the precise  
4 wording of which I now forget, but where your Honor  
5 said Myers, when you meant to say Weinberg. You  
6 instructed the jury that the question was whether  
7 Myers and the agents and/or the agent said something  
8 to effect a certain rule. "I am sure you meant to  
9 say "Weinberg."

10 THE COURT: I am sure you must have understood  
11 me. It is the claim that the common plan of Mr.  
12 Weinberg and the agents that the defendants offer  
13 the testimony of the tapes which you heard yesterday,  
14 and, as I understand it, what Mr. Puccio wishes to  
15 do is to explain a little more of what happened in  
16 connection with the Senator Williams matter so that  
17 you can better assess whether there was a plan of  
18 that nature or whether it was a different kind of  
19 transaction which would be viewed differently.  
20 All of these things will be argued to you in the  
21 summation and I will have more to say about it in  
22 the charge.

23 Proceed, Mr. Puccio.

24 Q Now, had you met with Senator Williams before  
25 this date, Mr. Weinberg?

1  
2 MR. BROWN: I object to this, this question.

3 THE COURT: Overruled.

4 THE WITNESS: I really don't remember if we --  
5 I think this was the first meeting with him.

6 Q Well, Mr. Weinberg, were you in Fort Lauderdale,  
7 Florida --

8 MR. BROWN: I object, if your Honor please.

9 THE COURT: On what grounds?

10 MR. BROWN: Because he said he hadn't met him  
11 before and this is an attempt to rehabilitate him.  
12 And I submit it's improper.

13 THE COURT: Overruled.

14 THE WITNESS: That's correct. I met him at  
15 the party on the boat.

16 Q That was in March of '79?

17 A Yes.

18 MR. BEN-VENISTE: I object to leading.

19 THE COURT: Overruled.

20 THE WITNESS: That's right.

21 Q Was Mayor Errichetti at that party on the boat?

22 A He was present at the boat.

23 Q Was that at Fort Lauderdale?

24 A No, it wasn't Fort Lauderdale. It was Delray  
25 Beach.

1  
2 Q Was a Mr. Feinberg present at that time?

3 A Yes, he was present?

4 MR. BROWN: Objection, your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: He was present, too.

7 Q Now, Mr. Weinberg, in the portion of the tape  
8 that Mr. Brown played yesterday, there is a reference to  
9 loans. Do you recall that?

10 A That's correct.

11 Q That is, reference to loans on the 28th of  
12 June; is that right?

13 A That's correct.

14 MR. BROWN: If your Honor please, we ask that  
15 the entire tape be played at this time.

16 THE COURT: Well, if it becomes necessary it  
17 can be played again. But I will let Mr. Puccio  
18 conduct his examination as he sees proper.

19 Q Now, what did that refer to? Do you know?

20 A That was for loans on a titanium mine.

21 MR. BROWN: I understood your Honor to say  
22 there was some limitation. I won't go any further,  
23 but I would like to jog his recollection if I may.

24 THE COURT: I understand what you are refer-  
25 ring to. Overruled.

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Q Who was supposed to loan money in connection with the titanium mine?

A Yassir Abeeid was supposed to loan money to the group to buy the titanium mine and a plant down in Savannah, Georgia.

Q Okay. Who were members of the group?

MR. DUFFY: Objection.

MR. BROWN: Irrelevant and immaterial.

THE COURT: I think the full membership would be irrelevant, Mr. Puccio.

Q Well, was Senator Williams a member of this group?

A He was a member of the group.

Q Was Mr. Errichetti a member of the group?

A Mr. Errichetti was a member of the group, too.

Q And was Senator Williams asked to do anything in connection with this matter?

MR. DUFFY: Objection.

THE COURT: Overruled.

THE WITNESS: Yes. He was supposed to get government contracts for titanium for us.

Q Now, in this conversation on the 28th -- withdrawn.

What was your purpose in speaking to Senator

1  
2 Williams on the 28th of June?

3 MR. BROWN: Objection. The tape speaks for  
4 itself. His interpretation is irrelevant.

5 THE COURT: Overruled.

6 THE WITNESS: The purpose for the meeting was  
7 to -- the Senator was extremely nervous meeting  
8 Yassir Abeeid. My meeting with him was to calm him  
9 down, that it was no big deal to say to Yassir --  
10 it was just a meeting. We were going to get the  
11 loan. And all he had to do was just explain to  
12 Yassir for us to get the loan what he was going to do  
13 for us to get the contracts.

14 Q All right. And prior to this meeting, had you  
15 been told that Senator Williams had already agreed?

16 MR. BROWN: Objection, your Honor, because  
17 I think the burden of it is improper and to allow  
18 him to continue is improper. I object to the leading  
19 where he actually recites <sup>when he says</sup> conversations, your Honor.

20 THE COURT: You object to the leading. All  
21 right. I will sustain the objection.

22 MR. PUCCIO: All right.

23 Q Now, prior to this meeting, had you attended  
24 a meeting at the Pierre Hotel in New York City?

25 A That's correct.

1  
2 Q Was Senator Williams at that meeting?

3 A He was at that meeting.

4 Q Was this --

5 MR. BROWN: Objection. Unless Mr. Errichetti  
6 was there, if your Honor please. I believe he was  
7 not.

8 MR. PUCCIO: Your Honor, it's conceded that  
9 he was not.

10 MR. BROWN: Then I object to it. And I would  
11 like to have, if your Honor please, the transcript  
12 upon which this is based. I have not received such.

13 THE COURT: Was this a taped meeting?

14 MR. PUCCIO: Yes.

15 MR. BROWN: I have received none --

16 THE COURT: Make the transcript available to  
17 defense counsel before they have an opportunity to  
18 recross. I will overrule the objection. You may  
19 answer the question.

20 You understand, ladies and gentlemen, all this  
21 testimony is being offered by way of background so  
22 that you can better assess what it is that you heard  
23 on the tapes yesterday.

24 Proceed.

25 Q Now, Mr. Weinberg, at this meeting in the Pierre,

1  
2 was the subject of this titanium mine discussed with Senator  
3 Williams?

4 A That's correct.

5 Q And was the subject of his getting contracts  
6 discussed?

7 A That is correct.

8 Q Now, I direct your attention to the 24th of  
9 June, 1979 and ask you if on that date you had a conversa-  
10 tion with Alan Feinberg.

11 MR. BROWN: Objection, your Honor. If again  
12 Mr. Errichetti, as I understand it, since I have  
13 received no such information, was not present --

14 THE COURT: The objection is overruled.

15 THE WITNESS: Will you repeat the --

16 Q On the 24th of June, 1979, four days before  
17 this meeting at the Marriott Inn, did you have a conversation  
18 with Mr. Feinberg concerning Senator Williams?

19 A That's correct.

20 Q During this conversation, was reference made  
21 to this proposed meeting with Yassir?

22 A That's correct.

23 Q Do you recall what Mr. Feinberg told you about  
24 the Senator at that time?

25 MR. DUFFY: Objection.



MR. BROWN: Continuing objection. Hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. He told me that he had spoken to the Senator and everything will be all right.

Q Did he in addition say this, referring to the Senator, he's ready and willing to go?

MR. BROWN: I object, if your Honor please, and ask that that be stricken. And I wish to -- I am unclear, your Honor, as to whether a side bar is required for anything other than just the word "objection."

THE COURT: Tell me the grounds of your objection.

MR. BROWN: Well, my objection is that this material is hearsay. It is irrelevant. And I believe it reaches the posture where I must ask your Honor for a mistrial. And I am never certain as to your ruling, whether I said that -- but I -- that's why I asked for a side bar. But I do ask for a mistrial based on these proceedings.

THE COURT: The objection is overruled. It is not hearsay. The testimony is not offered for the truth of what may have been said by Senator -- by

1  
2 Mr. Peinberg. It is offered, ladies and gentlemen,  
3 only for you to better assess what was meant in the  
4 tape recordings that were played by one or the other  
5 of the defendants yesterday to determine how they  
6 may have effect -- how they affect what was going  
7 on in the minds of the people at the time the state-  
8 ments were made. And knowing what happened earlier,  
9 it is hoped you will be better able and more accurately  
10 able to determine what it was that was being said and  
11 what was meant by what was being said.

12 With respect to the motion for a mistrial,  
13 it is denied.

14 - Will you read the question back, please.

15 (Record read.)

16 THE WITNESS: That's correct.

17 Q Now, did you attend the meeting with Yassir  
18 Abeer on June 28th?

19 A Was that at the Marriott?

20 Q Yes.

21 A I was not at that meeting.

22 Q All right. To your knowledge, did Mr. Erri-  
23 chetti and Senator Williams attend that meeting?

24 A They did attend that meeting.

25 Q And, by the way, at this meeting that you had

prior to the meeting with Yassir Abeer, that is the meeting you had with Mr. Errichetti?

MR. DUFFY: Objection. There is no Yassir Abeer, sir. Unless the Government has someone new.

THE COURT: I don't understand your objection, Mr. Duffy.

MR. BEN-VENISTE: I object to a conversation where the identity of the --

THE COURT: Let me take care of Mr. Duffy's objection first. I don't understand it.

MR. DUFFY: He is asking this witness who responded in the affirmative about a meeting with Yassir Abeer. And I thought he was fictitious, your Honor. That's why I am objecting. Maybe he is real.

THE COURT: Who is Yassir Abeer, Mr. Weinberg?

THE WITNESS: He's an FBI agent.

THE COURT: There was someone who used the name Yassir Abeer?

THE WITNESS: That's correct.

THE COURT: All right. What is your objection, Mr. Ben-Veniste?

MR. BEN-VENISTE: I had the same one. I would like it if the witness would identify who the person really was whom he's having this conversation with.

1  
2 THE COURT: Who is the -- what was the name  
3 of the FBI agent who used the name Yassir Abeer?

4 THE WITNESS: I do not know, sir.

5 THE COURT: All right.

6 Q Now, at the meeting you did attend in which  
7 the tape was played concerning -- you said the word, all  
8 bullshit, do you remember that?

9 A That's correct.

10 Q What were you referring to, Mr. Weinberg, when  
11 you said that?

12 A I was trying to put the Senator at ease, that  
13 it was just bullshit. The whole meeting, just wanted to  
14 see you and hear what you are going to do for him.

15 Q Now, would you -- would it be fair to say  
16 that the formality of a meeting with Yassir Abeer was  
17 all bullshit?

18 MR. BEN-VENISTE: Objection.

19 MR. BROWN: Objection. That's a conclusion.

20 THE COURT: I'll sustain that objection.

21 Q Well, everything had been agreed to prior to  
22 this meeting?

23 MR. BEN-VENISTE: Objection.

24 MR. BROWN: Objection.

25 THE COURT: Sustained as to fo...m.

1  
2 Q Had everything been agreed to with the Senator  
3 prior to this meeting, Mr. Weinberg?

4 A That's correct.

5 Q Now, do you recall saying at this meeting  
6 with the Senator it goes no further?

7 A That's correct.

8 Q What did you mean by that?

9 A That it wouldn't go further out of the room,  
10 what he was telling Yassir.

11 Q Now, a few additional questions, Mr. Weinberg.  
12 Do you recall a meeting on the 16th of June, 1979 concerning  
13 which Mr. Brown, I believe, played a tape yesterday in  
14 which Mr. Errichetti said the following, I know what we  
15 got to do with Pete and the other guy?

16 A That's correct.

17 Q Now, Pete refers to whom?

18 A Senator Pete Williams.

19 Q Now, the other guy is no one who has been  
20 connected with this case; is that correct?

21 A That's correct.

22 MR. BROWN: That was stipulated, your Honor.

23 THE COURT: All right. Now it's been testified |

24 to.

25 Q Now, you testified yesterday that you never

1  
2 accused the Mayor directly of being responsible for the  
3 Nopo matter; is that right?

4 A That's correct.

5 Q Will you explain why you never accused him  
6 directly?

7 MR. BEN-VENISTE: Objection. This was brought  
8 out in -- objection.

9 THE COURT: Overruled.

10 THE WITNESS: Well, the reason we never  
11 accused him directly, we didn't want to lose being  
12 in touch with him and --

13 Q Now --

14 THE COURT: Did you finish your answer?

15 THE WITNESS: Yes, your Honor.

16 THE COURT: All right.

17 Q You did testify, did you not, that for some  
18 substantial period of time you were keeping in continual  
19 touch with Mayor Errichetti?

20 A That's correct.

21 Q For some period of eight months or more?

22 A Yes.

23 Q Why were you continuously keeping in touch  
24 with Mayor Errichetti?

25 MR. DUFFY: Objection.

MR. BROWN: Objection. I ask for a side bar. This too is collateral and has gone to a certain point where we would ask respectfully --

MR. DUFFY: Beyond the scope of the offer, sir.

THE COURT: It is an entirely different area of redirect examination. Overruled.

MR. BEN-VENISTE: Your Honor, I would ask for a proffer at the side bar so that -- since this doesn't involve Mr. Criden, I don't have to move for a mistrial. If the witness blurts out something that he shouldn't --

THE COURT: I assume the witness will only answer the question. Overruled.

You may answer. What was the reason you were keeping in touch with him over this period of eight months?

THE WITNESS: The Mayor was bringing continuous deals to us in Atlantic City. When we got to the politicians, different politicians he was giving us, so we knew that he would be a source of information of people. So we kept in touch with him for that reason.

MR. BROWN: I ask for a mistrial based on the question and the answer.

1  
2 THE COURT: Not again do you make a motion  
3 like that in the presence of the jury, Mr. Brown.

4 MR. BROWN: I asked you before, your Honor,  
5 for your direction.

6 THE COURT: You did not.

7 MR. BROWN: I beg your pardon, sir. I will  
8 show you.

9 THE COURT: It's not quite the way it happened.  
10 But you understand me now. You know very well such  
11 matters should be taken up in recesses.

12 MR. BROWN: That's why I asked you before if --

13 THE COURT: Don't argue, please, Mr. Brown.  
14 The motion is denied.

15 Ladies and gentlemen, disregard any discussion  
16 between me and counsel. These are things that keep  
17 you so penned up in the jury room. Sometimes many  
18 things we have to discuss are out of your presence.  
19 Occasionally something comes up that is a legal  
20 problem that does not affect your deliberations in  
21 any way. Disregard it.

22 MR. BEN-VENISTE: Your Honor --

23 THE COURT: It won't happen again.

24 MR. BEN-VENISTE: Your Honor, may I respectfully  
25 ask for a side bar if Mr. Puccio is going to pursue



any of these other areas that we have not discussed previously in any detail.

MR. PUCCIO: I am going to a different subject.

THE COURT: The request is denied. Proceed, Mr. Puccio.

MR. PUCCIO: Thank you, Judge.

Q Do you recall, Mr. Weinberg, being questioned by Mr. Brown concerning a certain gift you allegedly received?

A That's correct.

Q Now, would you tell us now during the entire period you were working in the ABSCAM investigation, to the best of your recollection, other than money which has been mentioned, what gifts did you receive?

A I received three gold wrist watches, received the liquor for the party, the food for the party, briefcase, a bottle of liquor and a wallet. --That's to the best of my knowledge. my knowledge.

Q That money you received was turned over to the FBI?

A The 25,000 was picked up by FBI agents.

MR. BROWN: Objection. Asked and answered.

I believe your Honor indicated --

THE COURT: I think that was covered yesterday.

1  
2 MR. PUCCIO: Yes, your Honor.

3 THE COURT: With respect to the 25,000.

4 MR. PUCCIO: Now, your Honor --

5 MR. BEN-VENISTE: Can we have an instruction  
6 with respect to that that it hasn't anything to do  
7 with this case?

8 THE COURT: I think it is not disputed.

9 Well, the matter in connection with which you  
10 say the \$25,000 was given back to you, that was not  
11 this case, was it?

12 THE WITNESS: It was never given to me, your  
13 Honor.

14 MR. BROWN: There we go. I object.

15 THE COURT: Do you understand the transaction  
16 we are discussing?

17 THE WITNESS: Yes, your Honor.

18 THE COURT: Did it have anything to do with  
19 this case?

20 THE WITNESS: No, your Honor.

21 THE COURT: All right.

22 Q Now, who gave you those watches, Mr. Weinberg?

23 A Mr. Katz.

24 Q What kind of watches were they?

25 MR. BROWN: Irrelevant. They don't pertain

to my client, if your Honor please.

THE COURT: I am sorry. I didn't hear all that.

MR. BROWN: I say it's irrelevant. It does not pertain to my client. He mentioned another person's name. Nothing to do with this case, as far as I know.

THE COURT: No. It is a matter which has been gone into on cross-examination. Overruled.

THE WITNESS: Paget.

Q Piaget, P-i-a-g-e-t?

A I think so.

Q About how much were those watches worth?

A About \$18,000.

Q The three totalled were worth about \$18,000?

A That is correct.

Q Now, did you keep those watches?

A I turned them over to Mr. John Good the same day.

Q Mr. Good with the FBI?

A That's correct.

Q Do you know Margo Kennedy's real name?

A Yes.

Q The FBI agent I am talking about.

A Yes.

1  
2 Q What is her real name?

3 A Dennedy.

4 Q Margo Dennedy?

5 A Correct.

6 MR. BEN-VENISTE: Will you spell that? Can  
7 we get that spelling?

8 MR. PUCCIO: D-e-n-n-e-d-y.

9 Q Mr. Weinberg, did you ever hear the expression,  
10 you can't con an honest man?

11 A That's correct.

12 MR. BEN-VENISTE: Objection. I move for a  
13 mistrial. I'm sorry, your Honor. I would like to  
14 approach the side bar with a motion.

15 THE COURT: We will take up motions at the  
16 end of the day. At the present time the motion is  
17 withdrawn. Proceed.

18 MR. DUFFY: I object and ask that the prose-  
19 cutor be admonished, sir.

20 THE COURT: The objection is sustained. Dis-  
21 regard the question and the answer, ladies and  
22 gentlemen.

23 MR. PUCCIO: I have no further questions.

24 THE COURT: Recross.

25 MR. BROWN: Yes, your Honor. If I may.

\* \* \*

7 RECCROSS EXAMINATION

9 BY MR. BROWN:

10 Q Why was the name Kennedy used for the lady  
11 Margo Kennedy? Why was Kennedy selected? Do you know?

12 A That I don't know.

13 Q Does it have anything to do with the fact that  
14 Mr. McCartney was referred to as a Kennedy man?

15 A I don't know.

16 Q You don't know whether it had any political  
17 meaning or not?

18 A I haven't the slightest idea why she picked  
19 the name. She is the one who picked the name.

20 Q Not in conference with others of the FBI?

21 A Not that I know of.

22 Q You always conferred with the FBI before  
23 making decisions, right?

24 A That's correct.

25 Q But she was allowed to pick Kennedy?

1  
2 A I don't know.

3 Q Well, I thought you just said that she picked  
4 it herself.

5 A She picked -- she may have used it before  
6 as an undercover name.

7 Q Do you know as a fact that she picked Kennedy  
8 personally?

9 A I don't know.

10 Q When you say she picked Kennedy, you were  
11 saying something you don't know?

12 A As far as I know, she picked it. That's  
13 all I know.

14 Q What is it that gives you the authority to  
15 say? How do you know that she picked Kennedy?

16 MR. PUCCIO: I object. Asked and answered.

17 MR. BROWN: I will withdraw it.

18 THE COURT: What is the question?

19 MR. BROWN: Well, depends on what he is con-  
20 cerned about.

21 THE COURT: Well, you said you withdraw the --

22 MR. BROWN: Yes.

23 Q What experience did you have that indicated  
24 that she personally selected Kennedy rather than having  
25 the FBI select the Kennedy name?

1  
2 A Because most of the agents pick their own  
3 undercover names.

4 Q As far as Margo is concerned, you don't know  
5 that she picked her own name, do you?

6 A That's correct.

7 Q So when you said you know she picked the  
8 name, that was not right?

9 A I didn't say I know she picked the -- I said  
10 as far as I know, she picked it.

11 Q You have no such knowledge; is that right?

12 MR. PUCCIO: Objection.

13 Q Now, as far as Senator Williams was concerned,  
14 you say he was nervous about meeting someone named Yassir  
15 Abeer?

16 A That's correct.

17 Q Who in truth didn't exist as Yassir Abeer?  
18 It was the name for an agent, you said?

19 A That's correct.

20 Q And did Senator Williams tell you why this  
21 man was -- who was the head of -- who was on this high  
22 status in Government was nervous about meeting a fictitious  
23 sheik?

24 A No.

25 Q Did he say that?

1  
2 A No, he didn't tell me.

3 Q He didn't tell you he was nervous, did he?

4 A He said he -- he didn't say he was nervous.

5 He was worried about the suit he wore, what name he should  
6 call him.

7 Q Now, with respect to this matter that you  
8 said was already locked up, I think that's what you said,  
9 wasn't it? The deal was already made?

10 A The deal was already consummated.

11 Q So what was the reason for bringing him in  
12 to go before the fictitious Yassir Abeed?

13 A Before Yassir would make the loan he wanted  
14 to hear it from Senator Harrison himself.

15 Q What was the reason -- I will withdraw that.  
16 Well, Yassir Abeed wasn't going to make any  
17 loan?

18 A That's correct.

19  
20 (continued on next page)  
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22  
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25



Q        Whatever you say happened had already been consolidated and solidified?

A        We were together, they were going to go ahead and do it.

Q        Why would he be brought in?

A        (No response.)

Q        Why was he induced to go before the fictitious sheik at this time?

MR. PUCCIO: I object to the form.

THE COURT: It is a little confusing.

MR. BROWN: The inducement?

THE COURT: Are you asking from the point of view of the FBI agent, why was he brought in or from the point of view of Mr. Williams, why was he there?

MR. BROWN: It's already established they induced him to come in --

MR. PUCCIO: I object.

MR. BROWN: All right, I'll ask it.

Q        Was it a fact that Senator Williams was induced to come --

MR. PUCCIO: Objection to the form, Judge.

THE COURT: Sustained as to form.

Q        Was Senator Williams asked to come?

1  
2 A I believe so.

3 Q Was it part of the plan to bring him in to  
4 watch or whatever you were to do before the sheik?

5 A He was in Washington.

6 Q Was it part of the plan to bring him to the  
7 Marriott Hotel to go before the sheik?

8 A I don't follow that.

9 Q Was it part of the FBI design to bring him  
10 to the Marriott to go before the sheik, as you described it?

11 MR. PUCCIO: I object.

12 THE COURT: Overruled.

13 A I don't know if it was part of the plan or  
14 part of the FBI, he was supposed to come in front of the  
15 sheik and explain to the sheik, Yassir, exactly what he  
16 was going to do for him to loan him the money.

17 Q Who set up the money and arranged for Mr.  
18 Williams to come?

19 A Set up by a group of people, set up by his  
20 attorney, Mr. Feinberg, set up by us and Mr. Er richetti.

21 Q Who was it that suggested the meeting to go,  
22 was it the FBI?

23 A No, it wasn't the FBI suggested the meeting  
24 to go.

25 Q What was the purpose of the meeting?

1  
2           A        To prove that Yassir, that Mr. Williams was  
3 going to do what he said he was going to do.

4           Q        Yassir was a fiction?

5           A        Come again?

6           Q        Yassir was a fiction, he wasn't truly an Arab  
7 sheik?

8           A        That is correct.

9           Q        Why were you bringing the United States Senator  
10 before an FBI agent?

11          A        For part of the acting there to get him to  
12 say in front of the Arab sheik what he would do in order to  
13 get the loan.

14          Q        It was part of the acting to set him up so he  
15 would be available for trial?

16          A        He was not set up. He knew exactly why he was  
17 going there.

18          Q        Was it part of the act to go before the sheik  
19 to get evidence?

20          A        I would say that is correct.

21          Q        That's what the acting was designed to do, to  
22 give you evidence?

23          A        I would say that is partly true.

24          Q        Tell me this, isn't it a fact that although you  
25 say things were locked up that you used certain language to

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direct Mr. Williams as to what to say?

A That is correct.

Q You told Mr. Williams to stress how important he was in the Senate, is that correct?

A That is correct.

Q What did that have to do with the deal which you already said was locked up, to investing in a titanium mine?

A The whole deal relied upon he could give government contracts.

Q What was the meeting before Yassir that you planned in the Marriott, what did it have to do with him getting government contracts?

A The meeting he said originally he could get the government contracts for the titanium mine. And the meeting was set up for him to tell Yassir to put up \$100 million.

Q No money ever passed?

A No.

Q When you brought him in you told him that Tony is -- Tony is a partner of ours?

A That is correct.

Q Shall I read that?

A Yes.

1  
2 Q "Tony is, you got to know Tony is a partner  
3 of ours, he's going to be, the main thing he thinks he's  
4 got to ask, he will ask you"?

5 A That is correct.

6 Q Is that clear?

7 A That is correct.

8 Q Therefore you were saying to him that Tony was  
9 a partner with you and others, not with the Arab?

10 A We owned 10 percent and the rest owned 18 per-  
11 cent of the mine.

12 Q So that you and Mr. Amoroso were to be partners,  
13 is that right?

14 A That is correct.

15 Q But according to the script the sheik was not  
16 supposed to know that?

17 MR. PUCCIO: Objection..

18 MR. BROWN: There is a script, a scenario,  
19 your Honor. Acting is what the gentleman said.

20 THE COURT: Sustained as to form.

21 Q There was a plan worked out in your mind that  
22 was to be followed, is that correct?

23 A There was no plan. Everything was worked out  
24 by ears.

25 Q By?

## Wainberg-recross/Brown

1  
2           A        There was no plan. We didn't know what was  
3 going on.

4           Q        But there was a general idea?

5           A        Maybe a general --

6           Q        Wasn't there a plan which you advanced to the  
7 person you were talking to as follows: Tony is, you got  
8 to know Tony is a partner of ours, that is part of the  
9 plan; wasn't it?

10          A        He knew Tony was a partner before the meeting.

11          Q        That was part of the plan?

12          A        There was no plan.

13          Q        Was there not a plan whereby you and Tony would  
14 represent yourselves as partners in this venture?

15          A        We would own shares in the venture.

16          Q        Wasn't that a part of your predetermined idea  
17 that you would pretend?

18          A        As we went along we made it up. We didn't  
19 have a plan.

20          Q        Didn't you say to the person at this time,  
21 here is what you should say, you got to just play and blow  
22 your horn, the louder you blow and mention names who you  
23 control -- was that a part of your plan to induce that kind  
24 of statement?

25          A        There was no plan, Mr. Brown.

1  
2 Q Wasn't that part of your idea, what you want  
3 to occur?

4 A We had no idea what would happen at a meeting  
5 or what was to be said.

6 Q You're suggesting what would be said?

7 A We told him in order to get the \$100 million  
8 from Yassir he has to make sure Yassir understands he would  
9 get the government contracts.

10 Q Now, let me ask you this. If you will examine,  
11 please, this transaction -- and I ask the Government to  
12 supply their copy of the June 20th draft as well as the  
13 28th --

14 MR. BROWN: May I conduct it this way, Judge?

15 THE COURT: Is there a copy for the witness?

16 MR. PUCCIO: Starting with --

17 MR. BROWN: Hold it --

18 THE COURT: What is the exhibit number?

19 MR. PUCCIO: 70-A, the 28th.

20 THE COURT: 3500-70A?

21 MR. BROWN: 70-A, your Honor.

22 THE COURT: All right.

23 MR. PUCCIO: The other one was the 20th.

24 3500-68-A.

25 THE COURT: Thank you.

1  
2 Q Now, you were in the first part of your ad-  
3 dress to him, starting with: "Tony, upstairs" --

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

5 THE COURT: I don't understand it.

6 MR. BROWN: The 28th, his address to the man.

7 THE COURT: What is the question?

8 MR. BROWN: The question is, I will call his  
9 attention to the first statement that is made. Tony  
10 is upstairs. To identify the page.

11 Q Do you have that page?

12 A No, I don't.

13 Q It would be page 2 --

14 THE COURT: Tell us when you find it, Mr.  
15 Weinberg.

16 THE WITNESS: On page 2?

17 Q Let me try to show it to you.

18 May I approach, Judge?

19 THE COURT: Yes.

20 MR. BROWN: Maybe we don't have the same one.

21 THE WITNESS: That is page one.

22 MR. BROWN: It says "2" up here, right?

23 THE WITNESS: I'm sorry.

24 Q As far as that tape is concerned, starting  
25 with what is called page 2, by your interpretation, I can



Weinberg-recross/Brown

1  
2 understand the first page is the cover, page two would be  
3 the first with the typewritten material. You say, "Forget  
4 the money, all you have to do is tell him, all right?"  
5 You are addressing that to the person you brought in, is  
6 that correct?

7 A That is correct.

8 Q Now, then you go on to ask him about -- tell  
9 him what he should say, who you know in the Senate can do  
10 you favors, right?

11 A That is correct.

12 Q In other words, you're telling him what he  
13 should say when he goes in to see Yassir?

14 A I'm telling him he's got to come on strong  
15 in order to get the \$100 million from Yassir.

16 Q You're telling him precisely what areas he  
17 should cover, is that correct?

18 A If you put it that way.

19 Q When you say who you know in the Senate could  
20 do you favors, aren't you saying to him, you tell Yassir  
21 who you know in the Senate?

22 A If the man says he's got government contracts,  
23 he's got to know who's going to get them.

24 MR. BROWN: I move to strike it as not responsive.

25 THE COURT: Overruled..

1  
2 Q Do you know --

3 MR. BROWN: May I withdraw my question and  
4 ask to play the entire tape since it's been touched  
5 upon? Let the jury make an interpretation.

6 THE COURT: Any objection?

7 MR. PUCCIO: No.

8 MR. DUFFY: No.

9 MR. BEN-VENISTE: No.

10 MR. BROWN: Play the entire tape.

11 Q Mr. Weinberg, this tape when played will be  
12 the total conversation that you had with this gentleman  
13 before he went into the room to see Yassir?

14 A Yes.

15 Q Did you not go into the room to see Yassir?

16 A No.

17 Q All that is about to be played is preliminary  
18 to his going in?

19 A That is correct. .

20 Q The conversation which you have here is the  
21 result of his arriving at the Marriott because that is where  
22 you had your setup to do the photographing?

23 MR. PUCCIO: I object.

24 THE COURT: I'm sorry --

25 MR. BROWN: I will withdraw it.

1  
2 Q By the way, he arrived and you gave him this  
3 talk about what is about to come out on the tape?

4 MR. PUCCIO: I object to the speeches.

5 MR. BROWN: I have to put it in its context.

6 THE COURT: Overruled.

7 Q At the time the tape which is being played  
8 was produced in terms of sound, there was a room set up  
9 in the Marriott already prepared for pictures to be taken;  
10 is that correct?

11 A I was not in the room, I don't know.

12 Q You don't know that there was already a room  
13 set up prepared to take the pictures?

14 A I knew there was a camera up there.

15 Q Your preliminary conversations on the tapes  
16 were prepared so that when he went in the room certain  
17 things would be discussed; is that correct?

18 A That is correct.

19 Q In that room in the process of this discussion,  
20 you knew that government agents were prepared to take pic-  
21 tures?

22 A That is correct.

23  
24 (Continued on next page.)  
25

1  
2 Q So that in a sense the tape preparation is  
3 the way you prepared the man before he went in?

4 A This is what I said to the man.

5 THE COURT: Look at the list of 3500 material.  
6 It indicates under 3500-70 a tape for June 28, 1979.  
7 at the Marriott Inn, 1790. And two conversations.  
8 The first conversation and the second conversation.

9 Are we to hear both of those conversations or  
10 one?

11 MR. BROWN: Both. The one we provided is  
12 the first one, your Honor. And the second one is --

13 THE COURT: The first one is indicated to be  
14 among Mr. Weinberg, Mr. Williams and Mr. Errichetti.

15 Is that the one you want played or do you  
16 want them both played?

17 MR. BROWN: Would you give His Honor the  
18 number before you start, Mr. Furst?

19 MR. FURST: 1790.

20 THE COURT: The Exhibit list indicates two  
21 conversations with different participants. Mr.  
22 Errichetti is the same participant in both.

23 MR. FURST: Yes.

24 THE COURT: All right.

25 MR. FURST: Just the second one.

Weinberg-recross-Brown

1  
2 THE COURT: That is the one that does not  
3 involve Mr. Weinberg or Senator Williams?

4 MR. FURST: Mr. Errichetti, Senator Williams,  
5 and Mr. Weinberg.

6 THE COURT: It seems to be indicated the  
7 persons on the Exhibit list --

8 MR. PUCCIO: That is Side B of the tape.  
9 There are two conversations. What they want is  
10 Side B.

11 THE COURT: That is the one we are going to  
12 hear?

13 Those three participants, Williams, Weinberg,  
14 and Errichetti.

15 Still in the limited area of this evidence,  
16 ladies and gentlemen.

17 You may play the tape.

18 (Tape played.)

19 MR. PUCCIO: Judge, I understood we were  
20 playing the whole tape. Apparently now it's a  
21 portion.

22 THE COURT: The request was the whole tape.

23 MR. BROWN: Yes.

24 MR. PUCCIO: Start it from the beginning.

25 MR. BROWN: I would say so. It's the whole

Weinberg-recross-Brown

tape referred to in the transcript.

MR. PUCCIO: That's what I thought.

MR. BROWN: I can't take responsibility  
for the electronics.

MR. FURST: Ready to play it.

THE COURT: Ready to play it, play it.

(Tape played.)

MR. BROWN: I have no further questions,  
your Honor.

THE COURT: Any other questions?

MR. DUFFY: I have a few, sir.

THE COURT: All right.

RE CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Weinberg, let's stay right on tapes for  
a moment.

You testified both on direct examination  
and cross examination and I think on recross examination,  
about the missing tapes.

Do you remember those four or more or less  
tapes that are missing?

A That is correct.

Q You are aware, are you not, that National  
Airlines has reported to the Court in response to our

Weinberg-recross-Duffy

subpoena that there was never any claim filed for lost or damage to your baggage?

A I haven't filed a claim.

Q There never was one filed, no one from the Government filed a claim, are you aware of that?

A The Government investigated, I didn't say filed a claim.

Q Would you like to see Government's Exhibit 7 -- Court Exhibit 7. May I approach the witness, your Honor?

THE COURT: Yes.

Q Would you read that to yourself?

(Pause while witness reads document.)

THE COURT: What is the question, Mr. Duffy?

MR. DUFFY: The question is whether the witness is aware no claim was filed by anyone in connection with tapes or anything allegedly lost or damaged on the flight he came up from or any other flight.

THE COURT: Can you answer?

THE WITNESS: I didn't file a claim with National Airlines. I turned it into the FBI to check it out. The FBI made an investigation in West Palm and up here for the missing tapes.

1  
2 Q But they never asked the airline, did they?

3 A You have to ask the FBI, not me.

4 MR. DUFFY: I offer Court Exhibit 7.

5 THE COURT: Any objection?

6 THE COURT: May I see it.

7 MR. PUCCIO: I have no objection.

8 MR. DUFFY: May I read it to the jury?

9 THE COURT: Court Exhibit 7 received in evidence.

10 You may read it.

11 MR. DUFFY: It's a document addressed to the  
12 Clerk of the Court, United States District Court,  
13 Eastern District of New York, 225 Cadman Plaza East,  
14 Brooklyn, New York.

15 Reference is United States of America against  
16 Errichetti, Cuden and Johanson.

17 It reads: "Dear Sir: Pursuant to the  
18 subpoena served on Pan American World Airways, Inc.,  
19 on August 15, 1980, and upon the instruction of Mr.  
20 Lou Raino, a clerk of Henry F. Furst, Esq., please  
21 be advised that National Airlines, Inc. ("National")  
22 does not have a copy of a ticket issued to Melvin  
23 Weinberg for Flight 181 from Florida to New York  
24 (LaGuardia) on January 23, 1980 or for any other  
25 National flight from Florida to New York on that date.



Weinberg-recross-Duffy

"Please note that National did not have a Flight 181 to New York on that date. However, National's passenger name record (PNR) does indicate that an 'M.Weinberg' purchased a ticket on January 22, 1980 from Sergeant Travel Agency, a Florida travel agent, for National's January 23, 1980 Flight 180. Since the ticket was not issued on National ticket stock, National does not have a copy of it and therefore cannot verify that Melvin Weinberg was a passenger.

"In addition, National does not have any record of a baggage claim for loss or damage to any of Melvin Weinberg's property for a flight from Florida to New York."

Q Mr. Weinberg, you told us earlier, I think you didn't know when the tapes were made, is that correct?

A That is correct.

Q Can we say with some certainty that the tapes were made within the month of January?

A They weren't made that far back, they were made within that week.

(Continued on next page.)

1  
2 CONTINUED RECROSS EXAMINATION

3 BY MR. DUFFY:

4 Q Certainly in the month of January, because  
5 that is the month you flew up here, right?

6 A Right.

7 Q Now, have you any notion or have  
8 you done any checking since you first got on the witness  
9 stand to determine of whom those were tape recordings?

10 A No.

11 Q Mr. Puccio asked you in redirect examination,  
12 whether you have ever been, in his words, indicted or  
13 charged of any crime or for any crime other than Pittsburgh.  
14 Your answer as I have it noted is that you were only ever  
15 indicted in Pittsburgh; is that correct?

16 A That's correct.

17 Q But you were charged with crimes in Miami,  
18 were you not?

19 A That was thrown out.

20 A Specifically interstate transportation of  
21 stolen securities; am I right?

22 MR. PUCCIO: I object, Judge.

23 THE COURT: Sustained.

24 MR. DUFFY: May I inquire along this line?

25 I think the time is relevant.

THE COURT: I'm not sure what it is you want to inquire about. I will hear you at side bar.

MR. DUFFY: Maybe if I just ask the question which I don't think it will be damaging, your Honor can entertain an objection to that.

THE COURT: Keep in mind what is proper cross examination.

MR. DUFFY: Yes, sir.

(End of side bar conference.)

(Open court.)

Q You were arrested on the Pittsburgh scam in January of 1977, were you not?

A That's correct.

Q Isn't it so that in February, 1977, you were arrested and charged with the Miami charge?

A February?

Q March '77.

A I think it was March.

Q Pardon?

A I think it was March.

Q So it was after you were arrested on the Pittsburgh scam you were arrested on another scam in Florida; is that right?

Weinberg-recross-Duffy

1.  
2 MR. PUCCIO: Objection.

3 THE COURT: You are a little late, Mr. Puccio.  
4 You should have objected two questions back. I  
5 will let him answer that question.

6 THE WITNESS: Repeat that, please?

7 Q After you were arrested on the Pittsburgh  
8 scam, Miami arrested you, did they not?

9 A That's correct.

10 Q And that was the federal prosecutor, was  
11 it not, the FBI?

12 MR. PUCCIO: Objection.

13 THE COURT: Sustained.

14 Q Isn't it so that the Miami charge was dismissed?

15 THE COURT: Sustained.

16 Q Isn't it so that the Miami charge was dismissed?

17 THE COURT: Sustained.

18 MR. DUFFY: I didn't hear an objection,  
19 so maybe I was talking too loud.

20 MR. PUCCIO: Same objection.

21 THE COURT: It is sustained.

22 Q You testified that on August 22nd, the day  
23 of the meeting with Congressman Myers, you had a talk,  
24 a chat with Amoroso upstairs, and then you went downstairs  
25 and approached the mayor, and had a conversation with

1  
2 him, do you remember that?

3 A That's correct.

4 Q And you told us that you informed the mayor  
5 then that ou and Tony wanted a \$15,000 kickback; is that  
6 right?

7 A You are talking about the meeting with Myers?

8 Q Yes, sir.

9 A No, I didn't inform them. I informed him  
10 at the meeting with Myers that he was only getting \$50,000.  
11 And that, you got the meetings mixed up.

12 Q Will you tell the jury what meeting it was  
13 that you left the room and went downstairs and talked  
14 about \$15,000 kickback?

15 A That was at the airport.

16 Q But it had to do with the Myers meeting?

17 A Had to do with Myers.

18 Q All right. It was the same day, was it  
19 not?

20 A No, it wasn't.

21 Q What day was it?

22 A I don't remember offhand what day.

23 Q In any case, you went to the mayor and told  
24 him that you and Tony would require a \$15,000 kickback,  
25 and your purpose was to see if you could uncover who was

1  
2 was going to share the money; is that right?

3 A That's correct.

4 Q All right. Did you tape record that conversation?

5 A No, I did not.

6 Q Did you prepare a report for this jury to  
7 see of that conversation?

8 A I did not make reports out.

9 Q Ever?

10 A That's correct.

11 Q Did Amoroso prepare a report of your meeting  
12 to the mayor that day?

13 A That you will have to ask him.

14 Q But so far, all the jury has to determine  
15 whether or not you had this conference with the mayor  
16 is your word; isn't that right?

17 MR. PUCCIO: Objection.

18 THE COURT: Sustained.

19 MR. DUFFY: That is all.

20 THE COURT: Any other questions for Mr.  
21 Weinberg?

22 MR. BEN-VENISTE:

23 RECROSS EXAMINATION

24 BY MR. BEN-VENISTE:

25 Q Mr. Weinberg, in connection with the

1  
2 expenses you put in for, during the time you were working  
3 for -- on the Abscam project, do you recall whether  
4 personal expenses relating to you you were put in, that  
5 is, things like toilet articles and so forth, everyday  
6 living expenses?

7 A That's correct.

8 Q Would it be fair to say that you charged  
9 the FBI for virtually everything you needed in order to  
10 live?

11 A Well, I was -- when I was on the road, yes.

12 Q So that things like things that you would  
13 ordinarily have to use, you charged the FBI anyway?

14 A I don't know what things you are talking  
15 about.

16 Q Well, like clothes?

17 A That is correct.

18 Q You charged the FBI? Do you know how much  
19 money you charged as expenses for clothes?

20 A I haven't the slightest idea.

21 Q Before you got involved in Abscam, I take  
22 it you wore clothes?

23 A I have reason to think I did.

24 Q Do you have a doubt about it?

25 MR. PUCCIO: Objection.

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THE COURT: Sustained.

Q And you wore -- let me understand.

At some point you were getting as much as \$5,000 a month?

Is that right?

A I don't know. You have it in front of you.

Q You don't know, Mr. Weinberg?

A That's correct. You have the slip in front of you, I don't.

Q You mean unless I have a slip in front of me, you are not going to answer before this jury whether you know if --

THE COURT: Sustained. Argumentative.

Q Do you know whether you were paid \$3,000 a month at some point?

A That's correct.

Q You testified that you know you were paid \$1,000?

A That's correct.

Q Didn't you testify in Philadelphia that you got a raise up to \$5,000 a month?

A I said I got extra money near the end.

Q Wasn't that a retroactive raise to raise you up to \$5,000?



A Not that I know of.

Q Was it a business?

A I don't know really what it was for.

Q Somebody just came up to you and said, "Mel, here is a bunch more money."

And you said, "Okay, I will take it."

Is that what you are saying happened, in substance?

MR. PUCCIO: I object.

THE COURT: I will let him answer.

THE WITNESS: Is that what happened? They gave me the money there, they had to put in there the -- what the money was for.

Q Did you ask for the money?

A I never asked them for the money.

Q You are saying you never asked for a raise?

A There wer times when I asked for raises but what you are talking, I didn't ask.

Q Wait a minute. When did you ask for a raise?

A When I was getting a thousand.

Q So you asked for a raise and you got \$3,000?

A That's correct.

Q Was that about the same time that Mr. Amoroso came in to pinch hit for Mr. McCarthy?

Weinberg-recross-Ben-Veniste

- 1
- 2 A I think so.
- 3 Q Then you got a bunch more money, you said?
- 4 Do you know how much it was?
- 5 A Ihaven't the slightest idea.
- 6 Q When you say you haven't the slightest idea,
- 7 Mr. Weinberg, do you really mean that?
- 8 A I never seen that slip until I came in to
- 9 court.
- 10 Q But you saw the clerk when someone laid
- 11 it on you?
- 12 MR. PUCCIO: I object.
- 13 Q Didn't you?
- 14 THE COURT: Sustained as to form.
- 15 Q You saw the check when you cashed it, Mr.
- 16 Weinberg? Didn't you?
- 17 A That's correct..
- 18 Q I ake it you did cash the check?
- 19 A That's correct.
- 20 Q You did accept the money?
- 21 A That's correct.
- 22 Q And are you saying you had no conversation
- 23 about what it was for?
- 24 A Somebody giving me money I don't ask questions.
- 25 Q I see. Okay, nothing further on that line.

Q Do you have any idea how much you charged him for things like clothing, for shoes, and socks, underwear? On top of the \$5,000 a month.

A I have no idea.

Q Did you save some receipts to put in with the vouchers or did you convince them to take your word for it?

A Whatever I spent, there was a receipt for it.

Q That you kept the receipts for?

A That's correct.

Q But those were the only things you were -- you managed to keep in the way of financial records; is that your testimony?

A I have -- as all receipts were turned in to the FBI.

Q Those were the only things that you managed to save in terms of your financial records? Is that right?

A That is not a fair question, because I got those receipts when I spent the money, and I got reimbursed that money.

Q But you kept no official records, you tell us?

A That's correct.

1  
2 MR. PUCCIO: I object on the grounds that  
3 all of this has been gone over.

4 Q Regarding the Mario Notto affair. Excuse  
5 me, I was looking at my notes.

6 THE COURT: I didn't rule. You went on  
7 to something else

8 MR. BEN-VENISTE: The witness answered the  
9 question, your Honor.

10 THE COURT: I will let it stand.

11 MR. BEN-VENISTE: Thank you.

12 Could we have it read back, if the jury  
13 heard? I heard him answer --

14 THE COURT: No, I think, Mr. Puccio is right,  
15 we have gone over it before.

16 MR. BEN-VENISTE: I-see. I will move along.

17 Q With respect to the Mario Notto situation,  
18 I think -- I think you testified in response to Mr. Brown's  
19 questioning yesterday, sir, that you never faced Mr. Wein-  
20 berg down. I am sorry. You never faced Mr. Errichetti  
21 down, in connection with them putting one or trying to  
22 put one over on you in the Mario Notto situation with a  
23 ringer. Do you recall that?

24 A I recall that.

25 Q And you said that you hadn't confronted

Mr. Errichetti, you didn't face him down in any fashion and your answer was, I didn't say it to Mr. Errichetti, I said to Mr. Criden.

A That's correct.

Q You remember that, sir?

A That's correct.

Q Now, in that connection, was the facing down of Mr. Criden that you were referring to, the tape that was played to the jury?

A I don't follow you there.

(Continued on next page.)

1  
2 CONTINUED RECROSS EXAMINATION

3 BY MR. BEN-VENISTE:

4 MR. BEN-VENISTE: May I have just a moment,  
5 your Honor?

6 THE COURT: Yes.

7 MR. BEN-VENISTE: I have it buried here  
8 myself.

9 Q It was an October 4th telephone conversation  
10 that you recorded, and I think it is in evidence, a portion  
11 is in evidence already as Exhibit 25A.

12 A MR. BEN-VENISTE: May that be supplied?  
13 May your copy be supplied to the witness so that  
14 he doesn't have to check ours?

15 MR. PUCCIO: Do you want another?

16 MR. BEN-VENISTE: Yes, Exhibit 25A, your  
17 Honor.

18 May the jurors' books be distributed to  
19 them at this time? I am going to play another  
20 tape, and we have a supplement for them as well.

21 THE COURT: Before we get that set up, let's  
22 take a short recess.

23 Don't discuss the case during the recess,  
24 ladies and gentlemen.

25 (Jury leaves courtroom.)

\* \* \*

\* \* \*

(Jury enters the jury box.)

M E L V I N    W E I N B E R G,    having been previously  
duly sworn, testified further as follows:

RECROSS EXAMINATION

BY MR. BEN-VENISTE (Continued):

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

THE COURT: Yes.

Q        I was asking you, Mr. Weinberg, whether the  
compensation that you had with Mr. Criden about the Mario  
Noto situation occurred on October 4, 1979 in your telephone  
conversation with him. And I direct the jury's attention  
to Exhibit 5-A, which is an excerpt of that conversation.

THE COURT: Is that when it occurred?

THE WITNESS: What's that?

THE COURT: Is that when it occurred?

A        I spoke to him before about -- this ain't the  
first conversation I had with him about it.

Q        Was that a taped conversation or not?

A        In fact, I spoke to him twice. Once was in  
the Holiday Inn and the other was at the Cricket Club.

1  
2 Q Was either of those taped?

3 A No, they weren't.

4 Q Now, with respect to Exhibit 25-A, sir -- as  
5 a matter of fact, what you did with Mr. Criden was not to  
6 bawl him out or confront him, but to criticize him for  
7 mentioning to Mr. Errichetti that you thought the ringer  
8 had come from Errichetti's office; isn't that so?

9 A That's correct.

10 Q Now, let's go to the question of your cooper-  
11 ation with the FBI after your Pittsburgh conviction, sir.  
12 You say you spent three days being debriefed by FBI agents  
13 and you told them basically everything about your past,  
14 all the criminal things you have done and all the fraud  
15 you had committed; is that right?

16 MR. PUCCIO: I object.

17 THE COURT: What grounds?

18 MR. PUCCIO: Asked and answered.

19 MR. BEN-VENISTE: Well --

20 THE COURT: It does seem like --

21 MR. BEN-VENISTE: Foundation, your Honor.

22 THE COURT: You are into an area that was not  
23 brought up on redirect, as I recall.

24 MR. BEN-VENISTE: This area had to await the  
25 discovery, your Honor, that we have just now completed.



THE COURT: All right, I will permit it.

Overruled.

THE WITNESS: Do you want to repeat that?

MR. BEN-VENISTE: Read it back, please.

(Record read.)

THE WITNESS: That's correct.

MR. BEN-VENISTE: Your Honor, would this be an appropriate time for that --

THE COURT: No.

MR. BEN-VENISTE: All right.

Q Mr. Weinberg, did you tell the FBI on that occasion -- strike that.

Part of your London Investor scam was the franchising all over the world to other con men of this particular scheme; is that correct?

A Correct.

Q Now, did you inform on all of those people to whom you had sold your franchise?

A I never sold the franchise.

Q Well, whatever you did with the franchise. Did you inform on all those people you brought in?

A I don't really remember.

Q This was in 1977?

A That's correct.

1  
2 Q Did you inform on some of them, but not others?  
3 Is that what you mean to say when you don't remember?

4 A No. I don't remember if I -- because I don't  
5 think I have a record of who we gave the franchises out to.

6 Q So you don't remember one way or the other whether  
7 you informed on those people?

8 A Correct.

9 Q And of course, there are no records of that?

10 A Correct.

11 Q Now, just one question about this Senator  
12 Williams business. Is it not a fact, sir, that you lied to  
13 Senator Williams or the middleman in connection with that  
14 case to make it appear that you and Tony were going to cheat  
15 the phony sheik?

16 A What do you mean by lie?

17 Q I mean by lie that you told them an untruth.

18 A We were doing an undercover operation so we  
19 had to tell certain stories.

20 Q Well, whether you had to tell the stories or  
21 not, one of the stories you think you had to tell involved  
22 representing to them that you were going to either steal  
23 something behind the sheik's back or cheat him in some way,  
24 be disloyal to him in some way?

25 A Not in this case. They offered 10 percent.

1  
2 Q Mr. Weinberg, answer my question yes or no  
3 if you can.

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

5 Q All right. Let me try to simplify it.

6 Did you not tell the individuals in that case,  
7 which admittedly has nothing to do with this case, that you  
8 and Tony were partners and you were going to split up a  
9 particular deal between the two of you, and the sheik didn't  
10 have to know about that?

11 A The sheik had nothing to do with that. He's  
12 only putting the money up.

13 Q He was only putting the money up and you were  
14 going to get the profits?

15 A No, it wasn't to do with the profits.

16 Q You were going to get some shares in that  
17 project?

18 A He offered ten shares in the project.

19 Q And this was behind the sheik's back, right?  
20 Yes or no.

21 A Couldn't be behind the sheik's back because the  
22 sheik told him what we were doing.

23 Q You told the sheik something?

24 A Sure. We told him we were getting 10 percent.

25 Q The sheik was an FDI?

1  
2 A That's why we told him.

3 Q He was fictitious. I am talking about what  
4 you told the people that you were dealing with. Didn't  
5 you make it appear -- you now know the difference between  
6 what is fake and what is real, don't you?

7 A We didn't tell the people.

8 Q Let me ask you a question again. If you can't  
9 answer, I will go on to something else.

10 Did you not make it appear to the people who  
11 you were dealing with that you and Tony were going to split  
12 up something involving the sheik's business that the sheik  
13 wasn't going to know about? Yes or no.

14 A That is, no. If we are talking about the  
15 sheik.

16 Q Or Abdul Enterprises?

17 A That's still, no.

18 Q What name do I have to hear to hear a yes.

19 MR. PUCCIO: Objection.

20 THE COURT: Sustained as to form.

21 Q Yassir?

22 A That's still, no.

23 Q Abdul?

24 A Still, no.

25 Q Ameer? Some other fictional character?

1  
2 THE COURT: The problem is with your question,  
3 Mr. Ben-Veniste.

4 MR. BEN-VENISTE: I will drop it, your Honor.

5 Q MR. Weinberg, there came a time when you learned,  
6 did you not, that the -- I will take that away from you.

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

9 THE COURT: Yes.

10 Q There came a time, did there not, sir, when  
11 you learned that the prosecutor in Philadelphia wanted to  
12 run a little operation on his own involving ABSCAM.

13 MR. PUCCIO: I object to that.

14 THE COURT: It does seem to be beyond the  
15 scope of the direct.

16 MR. BEN-VENISTE: Well, your Honor, it would  
17 mean recalling the witness otherwise in a matter  
18 which I think is going to come up next. I would  
19 ask for your Honor's indulgence on this one area.

20 THE COURT: My indulgence seems to run on  
21 endlessly.

22 MR. BEN-VENISTE: This will be very narrow.

23 THE COURT: I am trying to keep things in  
24 their proper order of proof. But I will leave that  
25 to Mr. Puccio. I will sustain the objection if he

1  
2 preases it. If he has a suggestion that might save  
3 something in the future, he can withdraw it.

4 MR. PUCCIO: All right. On the representation  
5 that it will save us some time, I will withdraw my  
6 objection.

7 MR. BEN-VENISTE: Thank you.

8 THE COURT: All right, proceed.

9 Q Can you answer --

10 MR. PUCCIO: Your Honor, on the -- I will  
11 withdraw my objection as to the taking it up at this  
12 time. But I object on the grounds that this witness  
13 can't testify to a conclusion of someone else.

14 THE COURT: I have forgotten what the question  
15 was.

16 MR. BEN-VENISTE: Then I will rephrase it.

17 Q Did you learn at some point that there was going  
18 to be some kind of undercover operation based out of Phila-  
19 delphia?

20 A That's correct.

21 Q And when did you hear about that?

22 A I don't know the exact time, but a week before  
23 I was told to make the call.

24  
25 (Continued on next page.)

Weinberg-recross-Ben-Veniste

Q And you were told to make the call to Howard Criden, were you not?

A Yes.

Q In between August 22nd, and the time that you make the call, you had had absolutely nothing further to do with Congressman Myers, had you?

A That is correct.

Q You were told to make a call to Mr. Criden in order to introduce Mr. Criden to another gentleman, is that correct?

A I didn't know. I was told to make the call and introduce Ernie. He was going out with another fellow.

Q Your instructions were to call Mr. Criden and tell him that he would be expecting a call from two other individuals?

A He was receiving a call from Ernie Apodapolos.

Q How about Haridopolos?

A Haridopolos. And he would call Mr. Criden up and make an appointment.

Q Wasn't there another gentleman?

A Michael Cohan.

Q Was Michael Cohan a real name or fictitious name?

A Fictitious.

Weinberg-recross-Ben-Veniste

1  
2 Q Was Haridopolos a real name?

3 A Yes. He didn't use that name, he used --

4 Q What was that?

5 A Poulos I think.

6 Q Special Agent Ernest Poulos and Special  
7 Agent Michael -- do you know his real name?

8 A I don't know.

9 Q Michael Wald, using the name Michael Cohan?

10 A If you say so.

11 Q Did you ever know his real name?

12 A I only met the fellow just recently.

13 Q You didn't know his real name?

14 A No.

15 Q You knew the name Cohan was fictitious?

16 A That is correct.

17 Q Do you recall having a conversation with Mr.  
18 Criden on January 18, 1980?

19 A I know I called him around that time.

20 MR. BEN-VENISTE: I would ask your Honor  
21 for the jury to hear 3500-231. It should be ready  
22 to go.

23 Q Let me show you 3500-231, the transcript.

24 Do you have the original of that?

25 (Pause.)



Weinberg-cross-Ben-Veniste

MR. PUCCIO: We didn't know the tape was going to be played.

MR. BEN-VENISTE: I advised the agent before the break, your Honor.

THE COURT: Are there any others?

MR. BEN-VENISTE: No.

THE COURT: How long is this one?

MR. BEN-VENISTE: Only two or three minutes.

THE COURT: All right.

Q Showing the witness 3500-231A, would you take a look at that please, Mr. Weinberg?

A Yes.

Q I ask you if that appears to be a transcript of a telephone conversation you had with my client Mr. Criden January 18, 1980?

A That is correct.

MR. BEN-VENISTE: May we play the tape, your Honor?

THE COURT: Play it.

MR. BEN-VENISTE: We will supply a transcript as soon as we can get the Xeroxed, your Honor.

THE COURT: Have them for the jury tomorrow morning.

(Tape played.)

Weinberg-recross-Ben-Vcniste

- 1
- 2 Q Mr. Weinberg, did you hear a Jewish or
- 3 Yiddish expression on Page 4 of that transcript?
- 4 A (No response.)
- 5 Q Where it says, okay, inaudible, name?
- 6 A Not really.
- 7 Q You didn't hear one?
- 8 A No.
- 9 Q Did you hear the word Haimeshe?
- 10 A No.
- 11 Q Do you know what that word means?
- 12 A No.
- 13 Q Did you make out you were Jewish during this
- 14 ABSCAM --
- 15 A With a name like Weinberg, what do you want
- 16 me to be?
- 17 Q I take that for a yes. That was your real
- 18 name?
- 19 A Yes.
- 20 Q You knew Mr. Criden was Jewish?
- 21 A I presume so.
- 22 Q But Mr. Cohan was not the real name of the
- 23 next agent who came along?
- 24 A I don't know.
- 25 Q You said it was a fictitious name?

Weinberg-recross-Ben-Veniste

A That is correct.

Q You knew it was fictitious?

A Yes.

Q You thought it would be pretty good, a pretty good idea for another man with a Jewish name to come along to help relieve the Pat Arabs of their money?

A That is not true.

MR. BEN-VENISTE: Nothing further.

MR. CACHERIS: May I show the witness Court Exhibit 14, your Honor?

THE COURT: Yes.

RE-CROSS EXAMINATION

BY MR. CACHERIS:

Q Look at Court Exhibit 14 and tell the jury what it says here?

A Compensation paid to Mel Weinberg.

Q I want to direct your attention to the date --

THE COURT: I don't think the document is in evidence.

MR. CACHERIS: It's not in evidence.

Q 10/17/79, they're all in the left hand corner. Do you see that?

A This here (indicating)?

Q Yes.

Weinberg-recross-Cacheris

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Is this what they said it is?

Q Yes.

A That is right then.

Q You're looking at the expense you received,  
\$1989.65?

A That would be correct.

Q Turn to the next page and tell the jury  
how much you billed the FBI for your personal clothing?

A 1021 you're talking about?

Q Right.

A \$635.58.

Q Did they pay that?

A Yes.

Q On October 21, 1979, how much did you bill  
the FBI for your clothing?

A \$113.48.

Q Did they pay that?

A Yes.

Q On November 19, 1979, turning to the next  
page, how much did you bill the FBI for your clothing?

A \$336.44.

Q On the first of -- 11th of January, 1980,  
how much did you bill the FBI for your personal clothing?

A \$541.84.

Weinberg-recross-Cacheris

Q They paid all of these?

A Yes.

Q Looking at that Exhibit 14, that is a break-down of the expenses that you spoke about yesterday, is that correct?

A If you say so, I haven't seen it.

Q You are verifying all the clothing figures?

A What is here.

Q Do you have any doubt?

A If they got it it must be true.

MR. CACHERIS: That is all I have.

THE COURT: Anything else?

MR. BEN-VENISTE: May I ask one more question?

THE COURT: All right.

RE-CROSS EXAMINATION

BY MR. BEN-VENISTE:

Q Mr. Weinberg, you knew, did you not, in connection with the Philadelphia aspect of this investigation in January that the purpose of calling Mr. Criden would be for Mr. Criden to try to bring in Mr. Myers to another meeting in Philadelphia?

A No, I did not.

Q You didn't know Mr. Myers was going to be sought for again?

1  
2 A No, I didn't.

3 MR. BEN-VENISTE: Nothing further.

4 THE COURT: Thank you, Mr. Weinberg, you may  
5 step down.

6 Next witness.

7 MR. PUCCIO: Michael Wald.

\* \* \*

\* \* \*

6 M I C H A E L W A L D, a witness called herein,  
7 was sworn by the Clerk of the Court and  
8 testified as follows:

9 THE CLERK: State your name and spell it for  
10 the record.

11 THE WITNESS: Michael Wald, W-a-l-d.

12 THE COURT: All right, Mr. Puccio.

13 DIRECT EXAMINATION

14 BY MR. PUCCIO:

15 Q Mr. Wald, you are a special agent of the  
16 Federal Bureau of Investigation, is that correct?

17 A Yes.

18 Q How long have you been a special agent of  
19 the FBI?

20 A Eleven years.

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

23 A Philadelphia Division.

24 Q For how long a period of time have you been  
25 assigned to the Philadelphia Division?

Wald-direct-Puccio

1  
2 A Approximately ten years.

3 Q Now, during January of this year, did you have  
4 occasion to act in an undercover capacity with the FBI?

5 A Yes sir, I did.

6 Q Would you tell the Court and jury what role  
7 you played in this undercover capacity?

8 A An individual by the name of Michael Cohan,  
9 a representative of some gentlemen from the Middle East.

10 Q Now, while you were acting in this undercover  
11 capacity, did you have occasion to meet with Howard Criden?

12 A Yes, I did.

13 Q Did you meet with Mr. Criden on the 24th  
14 of January of this year?

15 A Yes, sir.

16 Q Where?

17 A Barkely Hotel in Philadelphia.

18 Q Did you also on that day meet with Congressman  
19 Myers?

20 A Yes, I did.

21 Q In your undercover role, who was your  
22 employer?

23 A Two gentlemen from the Middle East, both  
24 Sheiks, Yassir Abeeid was one -- the only one I mentioned.

25 Q Could you describe to us -- withdrawn.



1  
2 Was the room in which you met with Mr. Criden  
3 and Congressman Myers at the Barkley Hotel in Philadelphia  
4 outfitted with equipment capable of producing a video tape?

5 A Yes.

6 MR. PUCCIO: Your Honor, I have available,  
7 unless stipulated, the FBI technical person who made  
8 the video tape.

9 THE COURT: Any need to qualify the tape?

10 MR. BROWN: There is another objection we  
11 would like to make. It may have slipped --

12 THE COURT: Is there an objection?

13 MR. BEN-VENISTE: I would like to see the  
14 expert.

15 MR. DUFFY: Yes.

16 THE COURT: I will hear the objection at side  
17 bar then.

\* \* \*

\* \* \*

1 THE COURT: Do you want to have Mr. Walsh<sup>(25)</sup>

2 step down at this point?

3 MR. PUCCIO: Yes. We will interrupt his  
4 testimony ask the technical witness to come in.

5 THE COURT: All right. Will you step down,  
6 Mr. Walsh?

7 (Witness excused.)

8 J O S E P H G M C Q U I L L A N , called  
9 as a witness, being duly sworn by the Clerk of the  
10 Court, testified as follows:

11 MR. PUCCIO: May I proceed, your Honor?

12 THE COURT: Proceed.

13 DIRECT EXAMINATION

14 BY MR. PUCCIO:

15 Q Mr. McQuillan, you are a special agent of  
16 the FBI assigned to the Philadelphia division; is that  
17 correct?

18 A Yes, sir.

19 Q Do you have any special assignment within  
20 the FBI?

21 A I do the technical work in Philadelphia.

22 Q Now, were you on duty as an FBI agent on  
23 the 24th and 25th of January of this year?

24 A Yes, sir.

25 Q Did you have occasion on both of those dates,

1  
2 sir, to make tape recordings of the Barclay Hotel in  
3 Philadelphia?

4 A I did.

5 Q I show you --

6 MR. PUCCIO: May I approach the witness?

7 THE COURT: Yes.

8 Q I show you Exhibit 7B and 8B and I ask you  
9 to identify them.

10 A 7B is an original evidence envelope that  
11 contains the tapes that we conducted on Howard Criden and  
12 Michael Myers.

13 8B is an original tape envelope containing  
14 a tape on Michael Myers.

15 Q All right. Now, with respect to 7B, that's  
16 the videotape; is that right?

17 A Yes, it is.

18 Q In fact, they are both videotapes?

19 A Yes.

20 Q And was the -- withdrawn --

21 Where were you located at the time these  
22 tapes were made?

23 A In a room adjoining the main room where the  
24 meeting took place.

25 Q On both of these occasions through the use of

1  
2 electronic equipment did you make these taps?

3 A Yes, I did.

4 MR. PUCCIO: Your Honor, I offer both exhibits  
5 into evidence.

6 THE COURT: Are you through with questioning  
7 the witness?

8 MR. PUCCIO: I think --

9 THE COURT: Just for voir dire or examination.  
10 That's all.

11 MR. PUCCIO: I might want.

12 MR. BEN-VENISTE: May I, your Honor?

13 THE COURT: He may have one more question.

14 MR. BEN-VENISTE: I am sorry.

15 DIRECT EXAMINATION

16 BY MR. PUCCIO: (continued)

17 Q Was there a backup audio recording made in  
18 connection with the tape -- videotape recording on the  
19 24th of January?

20 A Yes, there was.

21 Q Do you have it with you?

22 A No, I don't.

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

24 May I have this marked as -- may I approach  
25 the witness?

1  
2 THE COURT: Yes.

3 MR. PUCCIO: Your Honor, I would like this  
4 exhibit marked as 7C.

5 THE COURT: All right.

6 THE CLERK: So marked as Government 7C.

7 Q I show you Exhibit 7C. I ask you to identify  
8 it.

9 A This envelope contains two reels of the original  
10 audio tape on January 24, 1980 containing conversations  
11 of Howard Criden and Michael Myers.

12 Q Now, this tape is made with different equipment;  
13 is that right?

14 A Audio recorder as opposed to a video recorder.  
15 Yes, sir.

16 Q It's made simultaneously with the videotape;  
17 is that right?

18 A That's right.

19 Q Did you also make that tape?

20 A Yes, sir, I did.

21 Q Now, is there a portion on that audio tape  
22 that is not contained in the two videotapes of the meeting  
23 of the 24th? That is, Exhibit 7B?

24 A Yes. That's right.

25 Q That would be a portion when the two reels are

1  
2 changed?

3 A The videotape lasts for approximately an  
4 hour. And this meeting lasted almost two hours. Therefore,  
5 we had to change the videotape. The audio tape kept running  
6 while we changed the reels.

7 Q So that the audio tape fills in a gap that  
8 was made when the videotape machine was -- when the reels  
9 on the video machines were being changed?

10 A That's correct.

11 MR. PUCCIO: Your Honor, I offer that exhibit  
12 in evidence as well, only insofar as the portion is  
13 concerned that fills the gap between the two videotapes.

14 THE COURT: The rest is duplicative.

15 MR. PUCCIO: The rest is a duplicate.

16 THE COURT: So you are offering 7A, 7B and

17 7C.

18 All right, cross-examination.

19 CROSS-EXAMINATION

20 BY MR. BEN-VENISTE:

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

22 THE COURT: Yes.

23 MR. BEN-VENISTE: May I question from here?

24 THE COURT: If it helps you.

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

1  
2 Q 7C is contained in an envelope, sir, with  
3 a big evidence sticker around it; is that correct?

4 A Yes.

5 Q And would you explain to the jury the procedure  
6 at the FBI for maintaining records such as this evidence?

7 A The individual who takes the tape off the  
8 machine fills out this envelope and accepts custody in  
9 the first block, releases custody in the second block to  
10 the right. And the person who then receives custody signs  
11 his name and the reason in the block on the left below  
12 that, and so on down the envelope.

13 Q Would it be fair to say, sir, that in each  
14 of the exhibits that sit before you, 7B, 7C and 8B, the  
15 same procedure was followed?

16 A That's correct.

17 Q And, indeed, that is pursuant to some pretty  
18 strict FBI regulations concerning the maintenance of evidence?

19 A As far as Philadelphia is concerned, yes,  
20 sir.

21 Q You have certain rules that are unvarying  
22 about how you treat this evidence?

23 A Any evidence is -- we have to maintain a  
24 chain of custody on any type of evidence. Yes, sir.

25 Q And if I understand you correctly, as soon

1  
2 as that tape was taken off the machine, under your procedure  
3 it was logged in and dealt with in a way that conforms  
4 to a fixed procedure?

5 A That's true.

6 Q Now, with respect to the actual videotaping,  
7 this occurred in the Barclay Hotel in Philadelphia?

8 A That's correct.

9 Q And that is in a pretty fashionable neighborhood,  
10 is it not?

11 A It's down Center Street.

12 Q High rent?

13 A High rent district, yes.

14 Q The suite -- you had an opportunity to see  
15 it, of course?

16 A That's right.

17 Q How long in advance of the time that you  
18 operated your camera on the 24th and 25th did you have  
19 to work there?

20 A Installing the equipment?

21 Q Yes.

22 A Somewhere between two and four hours.

23 Q So on the very same day you had the meeting,  
24 you installed the equipment?

25 A That's correct.



1  
2 Q Would it be fair to say that in this case  
3 the cameras were focused through some ventilation ducts?

4 A Yes.

5 Q And there were some limited scope of the  
6 cameras, was there, within the room?

7 A Yes.

8 Q So when that -- when the jurors see this  
9 film tomorrow, they are going to see it circumscribed;  
10 is that correct?

11 A See what the camera saw, yes.

12 Q You trained the camera so that it would focus  
13 on a sitting area within the suite?

14 A That's true.

15 Q It was a suite, was it not?

16 A Yes.

17 Q The most expensive suite in the hotel, was  
18 it?

19 A I couldn't say that for a fact.

20 Q Pretty sumptuous?

21 A It was a nice place.

22 Q And were there other people in the room adjacent  
23 to the room that was going to be filmed?

24 A Yes.

25 Q Yours and who else?

1  
2 A Another agent that does what I do. We had  
3 another agent there to help us install the equipment. The  
4 special agent in charge was in there. One or two prosecutors.  
5 Another two or three agents.

6 Q Do you remember who the prosecutors were?

7 A Mr. Vervonti (phonetic) and Mr. Penrose.

8 Q Would you tell the jurors whether those two  
9 gentlemen were prosecutors from the Office of the Eastern  
10 District of Pennsylvania? That is, Philadelphia as opposed  
11 to New York?

12 A They were.

13 Q And this operation was being run out of  
14 Philadelphia at that point?

15 MR. PUCCIO: Objection. Irrelevancy.

16 Irrelevant, your Honor.

17 THE COURT: I will let him answer. Overruled.

18 Q You may.

19 THE COURT: You may answer if you know.

20 Q From the standpoint of the prosecutor's office  
21 I'm not talking about the FBI now.

22 A It is my understanding it was in conjunction  
23 with the case in New York.

24 Q But the prosecutors who were running the  
25 case, as far as you know, were from Philadelphia?

1  
2 A They were.

3 Q Okay. Now, you were also -- in addition  
4 to the camcras, you had some hidden microphones in that  
5 suite as well?

6 A That's right.

7 Q I think we have heard some testimony that  
8 microphones -- well, you tellus where the microphones were --  
9 when the jurors look at the film, where will they not see  
10 a microphone? Where are they hidden?

11 A They were pinned in the drapes on either  
12 end of the couch.

13 Q Some gentlemen were sitting on the couch?

14 A Yes.

15 Q And the instructions were to have the people  
16 who were not agents sit on the couch?

17 A I don't remember anything like that.

18 Q Were there going to be some stage directions  
19 so the faces of the Congressmen and Mr.Criden would be  
20 seen as opposed to those of the agents?

21 MR. PUCCIO: I object, your Honor, as to form.

22 THE COURT: Overruled.

23 THE WITNESS: The camera was set up in such  
24 a way that we tried to get everyone in the picture.

25 Q Is it fair to say that some -- you get a front

1  
2 face and others are going to be shown in the film in profile:

3 A Well, I'd say we had three-quarters of Mr.  
4 Wald there and Mr. Haridopolos. Probably just had the side of  
5 his face. Profile, yes.

6 Q How about Mr. Criden and Mr. Myers?

7 A We had a frontal view.

8 Q And when you set this up, I take it, you told  
9 Mr. Wald and Mr. Haridopolos, look, have the two other  
10 gentlemen sit in these particular seats?

11 A I don't recall doing that.

12 Q Did you go over it with Mr. Wald or Mr.  
13 Haridopolos was your camera arrangement was going to be?

14 A I remember we moved Mr. Haridopolos' chair over  
15 to the left a little bit so that it would be encompassed  
16 in the scope of the lens.

17 Q You had even essentially taken their places  
18 to see whether your cameras were going to get them once  
19 you started it running?

20 A I could tell without them taking their place.  
21 If I didn't have a chair in the picture, we wouldn't have  
22 a person.

23 Q I see. Did you do any kind of a run-through  
24 to make sure your equipment was working and so forth?

25 A We conducted a test on the microphone to

1  
2 make sure that the microphones were working. Yes.

3 Q Is it fair to say that every precaution was  
4 taken by you to make sure that the entire conversation  
5 was recorded?

6 A Yes, sir.

7 Q And is it also fair to say that, to the best  
8 of your knowledge, the whole conversation was recorded?

9 A Yes, sir.

10 Q That's because even when the videotape ran  
11 out, you had a backup audio tape?

12 A That's right.

13  
14 (continued on next page)  
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25

1  
2 Q And you were -- you had the presence of mind  
3 you were careful enough to make sure there were no missing  
4 parts of the conversation?

5 A Yes, sir.

6 MR. BEN-VENISTE: Nothing further.

7 MR. CACHERIS: I have a few questions.

8 THE COURT: All right.

9 Mr. McQuillan, were the microphones or the  
10 backup audio on the same microphones as used for the  
11 videotape?

12 THE WITNESS: Yes, sir. They fed into the  
13 video machine and they were looped in the back of  
14 them into the audio machines.

15 THE COURT: All right.

16 Yes, Mr. Cacheris.

17 CROSS-EXAMINATION

18 BY MR. CACHERIS:

19 Q The room that you were in, was it a bedroom  
20 in the suite?

21 A Bedroom and bathroom.

22 Q Aside from the bedroom that you occupied  
23 with your technical equipment, were there any other rooms  
24 occupied by any other FBI or prosecutorial personnel?

25 A No, sir.

1  
2 Q And the number of people you described for  
3 Mr. Ben-Veniste, yourself and the few other FBI agents  
4 and special agent in charge and two prosecutors all were  
5 in the same room?

6 A Yes.

7 Q Did you have the ability to tape a telephone  
8 conversation in that room?

9 A I did not.

10 Q Did you have the ability to do so?

11 THE COURT: What do you mean by ability?

12 Q Could you tape a telephone conversation if  
13 you wanted to?

14 A If I had the equipment, I could.

15 Q If you had the equipment. And you are familiar  
16 with that type of equipment?

17 A Yes.

18 Q All right. Was there a telephone in the bedroom?

19 A Yes.

20 Q Was the telephone frequently used to call in  
21 to participants that were being videotaped?

22 A It was used, yes.

23 Q Who used it?

24 A Mr. Virvonti and Mr. Best.

115 Q Mr. Virvonti is a prosecutor?

1  
2 A Yes.

3 Q He was calling in to the agents in the room while  
4 you were videotaping? He was calling Mr. Wald and Mr.  
5 Haridopolos?

6 A I don't know whether he actually instigated the  
7 calls. It may have been Mr. Best. But I know he spoke on the  
8 phone once or twice.

9 Q Regardless of who instituted the calls, someone  
10 from your group, either Mr. Best, Mr. Haridopolos, spoke  
11 to the agents inside the room while the videotape was running?

12 A Yes.

13 Q That was not recorded?

14 A No.

15 MR. DUFFY: One or two, your Honor.

16 THE COURT: Yes.

17 CROSS-EXAMINATION

18 BY MR. DUFFY:

19 Q You had monitors, did you not, in the room  
20 you occupied?

21 A Yes, sir.

22 Q So that you could see what was going on in  
23 the action room where Congressman Myers and Mr. Criden were  
24 talking with the two agents; is that right?

25 A That's right.



1  
2 Q If something went wrong with the videotaping,  
3 you'd know it in an instant, would you not?

4 A Yes.

5 Q Because your monitor would show blank?

6 A That's right.

7 Q Is that right?

8 A Yes.

9 Q The phone calls that were made into the two  
10 agents in the room by the prosecutors, touched upon instruc-  
11 tions from the prosecutors to the agents as to what to  
12 say or not to say; is that right?

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

14 THE COURT: Overruled.

15 THE WITNESS: I don't know what the content  
16 of the conversations were, sir.

17 Q Because you didn't hear?

18 A I was busy monitoring what was going on,  
19 watching the levels on the recorders and I had a set of  
20 earmuffs on.

21 Q And because you didn't tape, isn't that right?

22 A I did not tape it, no.

23 MR. DUFFY: That's all.

24 THE COURT: Any other questions for Mr.  
25 McQuillan?

1 MR. BEN-VENISTE: No, sir.

2525

2 THE COURT: Thank you, Mr. McQuillan. You  
3 may step down.

4 (Witness excused.)

5 THE COURT: Any objection to the exhibit on  
6 authenticity? We covered other objections.

7 MR. BEN-VENISTE: Not on authenticity.

8 MR. CACHERIS: No.

9 THE COURT: All right. Exhibit 7B, 8B and  
10 7C are received in evidence.

11 The next step would be to play them.

12 MR. PUCCIO: Yes, your Honor.

13 THE COURT: In view of the ones we have had  
14 as to the duration of the exhibits I think rather  
15 than stay here until -- looks like 6:30, we will recess  
16 and start off in the morning with these -- with these  
17 tapes.

18 During the recess, ladies and gentlemen, do  
19 not discuss the case among yourselves or with anyone  
20 else.

21 We will resume at 9:30 tomorrow morning.

22 I will ask the people to remain in the courtroom  
23 until the jurors have left the court house.

24 (Whereupon, the jury left the courtroom.)

25 (Whereupon, an adjournment was taken to Friday,  
August 22, 1980 at 9:30 o'clock a.m.)

I N D E X

2526

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>
MELVIN WEINBERG			2411	2461
MICHAEL WALD	2494			
JOSEPH G. McQUILLAN	2509	2513		

E X H I B I T S

<u>Court Exhibits</u>		<u>Ident.</u>	<u>In Evid.</u>
14	Copies of breakdowns of payments to Mel Weinberg		2410
<u>Government's Exs.</u>			
7C	2 reels of audio tapes 1/24/80	2512	



UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of )  
                  ) Investigation Pursuant to H. Res. 608  
Representative    )  
                  )  
MICHAEL O. MYERS )

Appendix to Special Counsel's  
Preliminary Inquiry Report

Volume III

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Washington, D.C. 20006



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 00219

United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

August 22, 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

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

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\* \* \*

\* \* \*

17 M I C H A E L     W A L D                    having been previously  
18                    duly sworn resumed the stand and further testified  
19                    as follows:  
20 DIRECT EXAMINATION  
21 BY MR. PUCCIO: (continuing)  
22                    Q            Mr. Wald, you indicated yesterday that in  
23 your undercover capacity you used the name Michael Cohen,  
24 C-o-h-e-n, is that correct?  
25                    A            Yes.

Q Why did you use that name?

A We tried to use the same first name as our own and we had identification and credit cards in the name of Michael Cohen existing from previous matters so we used that.

Q Had you ever met Mr. Weinberg or spoken to Mr. Weinberg prior to January 24, 1980?

A No sir.

Q When for the first time did you meet Mr. Weinberg?

A A couple of weeks ago, here in Brooklyn.

Q Now, in connection with your undercover activities in Philadelphia, you had a cover story, is that correct?

A Yes.

Q What was it?

A That as a representative of one of two sheiks I was in the City of Philadelphia to invest money based on some statements that had been made and relayed to me had been made by Congressman Myers concerning investments within his district, within the City of Philadelphia.

Q Was there any particular investment project that you mentioned?

A A hotel complex.

Q Now, was this meeting on January 24, 1980,

1  
2 your first meeting with Congressman Myers?

3 A Yes.

4 Q You never met with him before that day or  
5 had spoken to him?

6 A That is correct.

7 Q On this tape we are about to see, there is  
8 a meeting with Mr. Criden first, before Mr. Myers comes in,  
9 is that correct?

10 A Yes.

11 Q Did you have anything to do with setting up  
12 -- withdrawn.

13 Did you personally contact Mr. Myers prior  
14 to any meeting to set it up?

15 A No sir.

16 Q Was there anyone else present at this meeting  
17 other than you, on the 24th, other than you, Criden, and Myers?

18 A Yes, another Special Agent.

19 Q What is his name?

20 A Earnest Haridopolos.

21 Q What undercover name was he using?

22 A Ernie Poulos.

23 MR. PUCCIO: May I approach the witness?

24 THE COURT: Yes.

25 Q I show you Government's Exhibit 7A and I ask

1  
2 you to examine it and tell us what it is?

3 A It is a transcript, a written transcript, of  
4 the tape. Of the tape of that particular meeting we were just  
5 discussing.

6 Q Have you reviewed the tape of this meeting?

7 A Yes.

8 Q Have you compared it with the transcripts?

9 A Yes.

10 Q Is it accurate to the best of your ability?

11 A Yes.

12 Q This transcript only contains an excerpt of  
13 this meeting, is that correct?

14 A Yes.

15 MR. PUCCIO: Your Honor, I offer the trans-  
16 cript then I ask that it be distributed to the Jury.

17 THE COURT: Any objection?

18 MR. CACHERIS: No.

19 MR. PUCCIO: May we distribute the book?

20 THE COURT: You may.

21 MR. PUCCIO: May we play the tape?

22 THE COURT: As soon as the book is distri-  
23 buted.

24 MR. BROWN: Previous objections and -- per-  
25 haps I should come up?

1  
2 THE COURT: You are requesting a limiting  
3 instruction?

4 MR. BROWN: Yes.

5 THE COURT: In addition to the caution I  
6 gave you a moment ago, keep in mind the limiting  
7 instruction I have given you with respect to the  
8 other tapes, we have been dealing with transactions  
9 here which involve only the defendant Myers. He is  
10 the only one present. Until I tell you to the con-  
11 trary, you should use this only in connection with  
12 your evaluation of the case against the defendant  
13 Myers.

14 Mr. Criden is present too.

15 Mr. Errichetti is not present nor is  
16 Mr. Johanson.

17 MR. PUCCIO: Did you say only against Myers?

18 THE COURT: I corrected that. Myers and  
19 Criden are present.

20 Errichetti and Johanson are not.

21 MR. PUCCIO: May we play the tape?

22 THE COURT: Yes.

23 (Tape played.)

24 MR. PUCCIO: Your Honor, we are going to play  
25 the audio that was introduced in evidence, or that

portion that fills in the gap.

THE COURT: That is the part where the first reel of the video tape ended? You have the audio?

MR. PUCCIO: It continues for a short period and then we go back to the second reel.

THE COURT: Alright.

(Audio played at this time.)

MR. PUCCIO: Now we will go back to the video.

(Tape played.)

Date: January 24, 1980  
Time: 9:54 P.M.  
Place: Barclay Hotel  
Philadelphia, Pennsylvania  
Participants: MICHAEL MYERS (MM)  
MICHAEL WALD (MW)  
HOWARD CRIDEN (HC)  
ERNEST HARIDOLOLOS (EH)  
INAUDIBLE (IA)

\* \* \*

HC: This guy that you're gonna meet with in a few minutes, ah, let me give ya a little bit of background.

MW: Okay.

HC: I don't know if you know his background, Do ya?



83-1075

I know who, what his is, as far as his, ah, you know, I've known you've done business with him.

Yeah.

...on a substantial basis.

Yes.

...And I know, ah, his titles, positions.

Okay. He replaced the guy who was Congressman William Barrett. Congressman Barrett was an old, was a Congressman I guess longer than almost any guy that ever worked, lived, what, you know, served in Congress. And was a most unusual guy, was a little backward guy, wore a very starched collar, always, never saw him without a, a starched collar. Stiff starch and a little...very thin tie, you know, immaculate guy. Never stay overnight in Washington in his entire life and served like 45 years in Washington. Okay.

PH 183-1075

22

MW : That's incredible. Incredible.

HC : He would go every morning before there was plane service and take the train, or drive, or have somebody drive him, and go to Washington, and when it's done, the session, or whatever it was, he would drive home. he would hold court in his ah, and he's not a lawyer, was a ward leader. Had no other means of a livelihood except his political means. He would sit every night from 7 or 8 o'clock until midnight and nobody was denied access to him. The lowest Puerto Rican or a black guy that dug a trench wanted to see Barrett. He got in to see Barrett. He went in, got it to see, when he got in not if, when and he would sit till the last guy was sittin' out in the outer office.

EH : Okay

183-1075

...No matter, if he had talked to  
the President of the United States,  
a minute before he would still see  
that littlest guy. Okay. If  
he had a problem, Barrett would  
write it down, he would call ERNIE,  
tomorrow, this guy got a problem,  
you'll see that...

Handle it...

It's taken care of. Okay. Now,  
the next morning you would get a  
letter, in the mail ... (IA) ... Dear  
ERNIE, was ah nice to see you last  
night, I... (IA) ... so and so is  
handling your problem,  
we will make every effort to see that  
your problem is...

Can't lose an election.

You could have run the Khatollah  
against him in Iran and this mother  
would have won. Nobody ever ran against  
him. Okay. This guy, people literally,  
there was nothing...

How'd he make a livin'?

He lived very quietly in a row house  
he took... (IA) ...

PH 183-1075  
24

Okay and BILL would say HOWARD  
it's goin' to cost you "X" amount  
of dollars.

Wtr: BILL...(IA)...

MW: Up front guy....

EC: ...And he'd get the job done.

MW: I understand that, that, ah

Mr. MYERS is up front.

EC: Up front. That's what I'm givin' you  
...IA...

MW: I, I mean he and I can can have a  
byline. I don't have to fence  
with this, this fellow.

EC: No...

MW: I've been told by, by others that he  
he's the guy to deal with...

EC: He's a super guy.

MW: ...Makes life easy.

EC: He's a longshoreman...

UH: ....(IA)...

EC: ...And he mingles...(IA)...Okay. Grew  
up the hard way.

MW: Well, so did this other guy.

13-1075

Yeah. But... (IA)...

Okay.

Okay. He has acquired

... (IA) ...

That's right. He knows how to handle himself. He knows how to dress and he knows he runs with a little broad once and awhile, okay. And he's got the class already. He's, he's mingled with the high ... (IA) ... of Washington a little bit and a little has rubbed off on him.

Okay.

But he's still basically the street fighter. No problem. He's happy with us, or he wouldn't be coming here... (IA)...

Ah, I, ah I was at ah at the airport, remember when ah, OZZIE met ah TONY.

You met him. You've met him.

No. I never met him. I just was downstairs. You know it was one of those things. I had to go downstairs. I didn't see you around.

PR 103-1075

26

HC : I was there.

EH : You were at the airport that day? I didn't see you. Ah, ah, ya...when ah... (IA)...

HC : That was my first one...

EH : What... (IA)...

UM : Okay.

EH : I thought it was...I thought it was, who do you call it...

HC : ... (IA)...brought

EH : Yea, ANGIE brought

HC : But where do you think ANG got him from?

EH : Yesh. From you.

HC : Okay.

EH : But, but... (IA)...you weren't there.

HC : I didn't go up to the room, no, I, I brought him up to New York.

183-1075

And I didn't see ya in the lobby, because  
I was sittin'...(IA)...

No, I was just at the airport.

Oh. I don't know how he got there,  
I don't know whether he drove up or,  
did he fly up that day?

No, we took him up.

He drove up?

The other guy flew up from Washington  
...(IA)...

Ah, ah, the other...

The other guy...

Yeah, I saw you, you...we, we' sent  
the drink over to you. Ah, ah...

...Yeah, that's right...

...If you remember...

...(IA)...

ah, ah, and like I say ah I was, I  
know that, from the way it all went  
down, ah, that you were there.

This guy took BARRETT's place.

Uh-huh.

PH 183-1075

28

HC: Okay. And he's, operates, not exactly like BARRETT, but he's trying to emulate, to a certain degree, that's the reason I give ya that background history.

MW: BARRETT retired.

HC: BARRETT died.

MW: In office?

HC: Yes. You... (IA)...couldn't have, You couldn't have beat BARRETT. Okay. I don't care who it was. You could have spent 10 million dollars in that district, you couldn't beat BARRETT. There, ah, ah elections came and went and they never even, the Republicans never even slated a candidate against him.

MW: Do you have any Republicans in the city?

HC: There is one powerful Republican in the city, a guy by the name of BILL MEAD.



183-1075

Okay.

I'm sure you've heard his...

The name's been mentioned to me.

But, he's the republican, he's the, he's the leader of the Republican Party in the City of Philadelphia. He's a lawyer. Nice guy.

(IA). His father was the, the. This use to be a Republican town. His father was the Republican boss in this town. The absolute unequivocal boss. And if he said it's black, it's black, and nobody would fight. His name was AUSTIN MEAD and he was the-sheriff of the city. Great big heavy-set Irish guy,

Okay...

This is his son. Ah. Super guy and he words, he's, now the loyal minority of the loyal opposition.

Does he hold any type of position, other than ...

...Ah, he..not in the city wide, no ah he holds a position, held some positions in the State Government, he

PH 183-1075

30

was on the Turnpike Commission,  
some honorary bullshit.

MW: Is there anybody that, that we should  
be dealing with in the State  
Government. I know we've got a  
we've got liquor licenses to deal with.  
I know we've got that type of thing  
ah, ah...

EC: The State Government ...(IA)...right now:  
also in a very you know, it's a republica  
administration.

MW: I'm aware of that. I'm aware of  
that...

EC: Governor Thornburg..

MW: And I'm aware of that man's former  
position..

EC: That's right. U.S. Attorney.

MW: But I'm also aware that ah, he had ah  
make appointments and certain  
appointments, especially in Eastern  
Pennsylvania...(IA) ...

PG 183-1075

31

HC : Normally, it would be cleared by Mr. MEAD.  
 Okay, but not all of them have. And he thinks  
 Mr, the Governor is an asshole.  
 (Door bell rings)

HC : ....(IA)....OZZIE?

MM : Yeah. Hello. HOWARD...(IA)...

HC : How the hell are you buddy?

HC : Say hello to MICHAEL COHEN.

MM : MIKE, how are ya?

HC : This is Congressman OZZIE MYERS.

MM : Congressman, how are ya?

MM : My pleasure. MIKE.

HC : This is, this is ERNIE...

MM : Hi ERNIE.

EH : OZZIE, I, I saw you one time during the  
 summer, but you look a little different.

HC : He's grown a mustache.

ER : ....(IA)....

HC : Yeah...(IA)...He's grown a mustache.

PH 183-1075

32

EH : Wasn't your hair curlier?

MM : Yeah. Same hair.

EH : Yeah.

MM : Couldn't change that.  
(Laughter)

HC : So, when did you start with this?

MM : I was away sh during the second week of December, on a hunting trip...all right. So, I decided to ah, I wouldn't shave for a few days. (IA)...

HC : You look good.

MM : ... (IA)...I tried. I, I came home and everyone likes it, so I decided to try it for awhile.

HC : Did you ah...

UM : Let me get you a drink.

MM : Ah okay... (IA)...

EH : Scotch, or, or a...

PH 183-1075

33

MW : Scotch and there's some ah Jack Daniels over there.

UM : I'll take some Bourbon on the rocks.

EH : Okay.

UM : Was it snowing in Washington?

MW : ERNIE take care of this.

MM : Occasionally, ya know...(AI)... ah it was a heck of a time. I was originally scheduled on 5:40 then I was on a 6:35 and then 6:59. Finally...(IA)...7:20...(IA)... I had to stop at Palumbo's. I had office hours. I have a meeting yet after this.

MW : Okay...(IA)...

HC : I was telling MICHAEL about BILL BARRETT. ... (IA) ... Now he never spent a night in Washington... (IA)...

MM : For 30 years and he didn't spend one night.

PH 183-1075

34

MW : ... (IA) ... that's incredible.

MM : I just heard a new story about BARRETT the other day.

UM : Is that right?

MM : BARRETT had a place down in Margate and he was so secretive, he didn't want anybody to know that he had a place down there. Of course, it was in his daughter's name, and he went out to a hardware store and purchased one of these ah name plates that you put on your lawn, you know, a little animal, and...

UM : Yeah.

MM : .... (IA) ....

UM : Yeah.

MM : Little... Some kind of a figurine to hold the name place, you know. He put (IA) COOPER on his lawn. (laughter)

UM : Right out of the phone book.

EC : He's an unbelievable guy.

... (IA) ...

Is there some plain club soda there or ah?

Yes.

That's super. I love some of that if I may please.

Can you imagine that?

Name of COOPER...(IA)...

He was an unbelievable guy MIKE.

Unbelievable guy. I was telling MIKE how he held court every night.

Right.

He waited to see everybody.

Ah that's a, that's, you know I had a following, guy like BILL BARRETT was a, is very difficult...(IA)...

Tough act to follow.

Ah unreal.

So I ah, you know, that's how I'm into these night office hours. No other member of Congress in the nation has night office hours. It's unheard of today with all the...

He can't break that precedence.

...(IA)...

PH 183-1075  
36

- MM: I'm down scaling it. I started out with three nights a week and I'm down to two and once I'm through this next primary, I'll be down to one night a week.
- MM: Cuts on the social life.
- MM: Ah, it's, it's, it's, it, it, you just can't do it today. You can't be in Washington and be coming home to night office hours.
- MM: Right.
- MM: Now I can see when we're not in session, you know, I'm gonna try to change the whole image gradually. Now what I want to get into is ah town meeting and things like that. I'll go to West Philly to a town meeting and ah go up into Overbrook. Just do a ... (IA) ... and have a school hall something and just ah open, open forum type meeting. You know and take on a problems at once. Have enough staff that would handle that kind of stuff with that individual. Like on



social security, veterans problems  
and all that. And just talk about  
issues. I think, that you, ya know you do  
that and ah once or twice a month and your  
better off than gettin' ...(IA)...  
office hours.

I have people that come to see me.  
Thank you.

...This is no lie, and ah  
if I get delayed in Washington,  
and I can't come in that night,  
like tonight for instance, I ah  
you know, a tough time getting  
out of Washington because of the  
scheduling. Ah they'll  
just won't talk to any staff, like  
it's secretive, you know, this big  
problem that they have...  
It's usually nothing but they need  
a little favor.  
Yeah. Sure.

PH 183-1075  
38

EC:                   Somebody... (IA)...

MM:                   ...(IA)...will he be here Monday?  
Well, I come back Monday. Now,  
they'll sit there, ah, ah, an hour  
sometimes, two hours waiting  
to tell a staff member that they'll ah  
be back Monday.

UM:                   ...(IA)...

MW:                   That's loyalty.

EC:                   And...But BARRETT...

MW:                   He had 'em all trained.

UM:                   He had 'em trained.

MW:                   ...conditioned...(IA)...

EC:                   He's tryin'. it, it, it's  
impossible for him to get out of  
that image.

MW:                   He's got to win next time too.

EC:                   Well, he's not ...(IA).../  
problem...he couldn't lose if he tried.

MW:                   Let me tell you why I wanta meet ya,  
and I, and I did, I, I was instructed  
to first of all...

...Right...

I'll be right up front with ya. I was instructed to because of etiquette. He said you're in Philadelphia

...(IA)...

Your representative, if you have the opportunity, the man can see you, please see him. To me, that seein' if at all possible.

So...Ah, we take care of that. Ah, the Arabs have a word, Mouckta (Phonetic) right meaning "balls". Right. The man thinks you have a sizeable pair of balls.

(Laughter)...

Mouckta (phonetic); huh?

(Laughter)...

...(IA)...

I will, I will remember that.

The gentleman who gave it to me is, is different, ah...

PH 183-1075

40

HC:

We made an impression.

MW:

Yeah. You did. Ah, he's been led to believe that the...you're the gentleman, he, he puts his faith in, that, that he can deal with and he's happy with and feels very secure... Ah, ah I spent some time in, in D.C., ah earlier this week and received news which has been relayed back and ah the situation, ah that you discussed with our other associates, ah, is worsening. It really is. And I personally feel from what I've learned recently that ah my employer has a very short period of time to remain where he is.

Ah can you give some short, brief overview, a quick education, on what's gotta happen if you receive a telephone call that he's gonna come over here with his passport on a visa and get into this country. ah...

Well see like I had to explain the,  
back then, ah the problem you have,  
that I see, it's depending on who  
this individual is and, you know, what  
kind of heat is on this or if there's any,  
and I don't know...

He is friendly, he is friendly.

Ah, we're not dealin' with ah...

...Communist...

...Communist individual we're  
dealin' with somebody who's, who's  
so steep in free enterprise that ah  
Alexander Hamilton would have been  
proud.

(Laughter)

I mean this is, petro dollars by  
by millions, he's free enterprise, it's  
his thing, right. America is a shining  
light in the Statue of Liberty, but he  
likes to bypass the Statue of Liberty and  
come to Philadelphia.

We'd like to have him.

(Laughter)

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MM:

And I think that one of the reasons that he wants to come here is the the impressions that he's received, ah probably because of you. For him to use that word, a word that is not used very often over there, it's substantial. Ah, faith...

...(IA)...

MM:

Well, you know, each individual that I deal with, dealing with the State Department and immigration matters, ya know, they're each individually handled. And I had ah made ah...made it known that I have some friends in the State Department. But you're dealing, ya know, I don't know what the circumstances will be that day if that call rings. And more, hon, honestly, not to give you a short answer, I'll have to take it from that, from that point to see actually how I should handle it.

MM:

Okay.

MM:

Ah, Now I had made it well known then,

that I, I liked it, if there was ah  
investments in the city.

And I have a, a...

...(IA)...

...Just an open reason to be very...(IA)...

That's a point two, that's point two,

I'm...(IA)...

...(IA)...

Ya know I had made that clear then.

Ya know. Ya know. Give me a

reason to be vocal, I'm not, ah, I  
have no reason for someone I don't  
know that's...

I'm in the city, today...

Yeah. But ah the point, you're  
talking about...

...(IA)...Those comments, those  
very same comments that you made.

All right.

That's very important.

Also, now I've talked to some people.

Yeah.

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- MM: About that, and ah, I would think that ah, does this gentleman speak English?
- MW: Ah yes, he gets by, but he knows ... (IA) ...
- MM: He should, he should take, ah, I was advised that he should take some crash courses in English. To get by better, that's very important at this time.
- MW: Let's... (IA) ... put it this way. He understands everything you say to him. The man does not verbalize ah what he's thinking. These are sharp people...
- MM: Well, but I'm saying... (IA) ...
- MW: You know the image of the guy on the Arabian steed...
- UM: Yeah... (IA) ...
- MW: ...crashing through the desert and picking up the girl and throwing her on the back of the horse right, is nonsense... Ah you know, they're shy, retiring type individuals,



and he understands everything.

Okay... (IA)...

He just does not verbalize ah, and if he knew English as well as any of us, he ah, he still does not verbalize his, his thing.

... (IA)...

That's what he needs.

I would have him take some private... (IA)...  
Get a tutor, get him some private instruction and make a record of it with a legitimate outfit. That's important. Because he wants to come here. He wants to learn the language so he can...

Ah... (IA)...

... (IA)... Introduction of a bill. Private legislation.

Yeah, I could do that, but if I had a reason to do it, I can do it.

Fine. We'll get into that. We'll give ya reason to do it.

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MM: All right.

MW: We'll back you with whatever you need.

MM: All right, good enough.

MW: All right, so when you stand up, that was pointed out to me, by these other individuals exactly how you feel. And that's ah, ah, you can uphold your end of ah, of the the business arrangement all right, if you look good.

MM: Uh-huh...

MW: All right. From a very basic level. And we can make you look good in any direction you need, you need to look good.

All right...(IA)...

HOWARD is well aware...

EC: ...Right...

MW: ...Right...of, of the kind of financial ah situation we're in...

UM: ...(IA)...Okay.

MM: It's very good.

EC: Wide open...(IA)...

UM: Let's get out of that.

MW: Let's talk about that.

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EC:

Let's talk about it, and we've been talking about that the last couple of days.

MW:

All right. I, I arrived here ah last week and HOWARD ah, ah, set up some appointments with ah with individuals in municipal government for me, the last few days. And I've dealt with what I have been told and my researchers confirmed are very powerful important people within the municipal government.

UN:

Uh-huh...

MW:

Okay. I don't know if...(IA)...

MW:

...(IA)...

EC:

No we have not.

UN:

...(IA)...

EC:

Just the telephone conversation this morning.

MW:

Ah the sheik is interested in putting up a hotel/motel type complex. 34.6 million dollars was the figure given

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to him. All right. For what he envisions. Ah that is the figure, that was put together based on the plans at that time.

At that time is like two weeks ago. Ah we break ground in April and we still got an increase of probably 1.2 from now to April, we've been led to believe. So, the, the dollar values are no problem at all.

MM: Uh-huh.

MW: Figures are not problem. Financing is no problem.

I've been led to believe by the gentlemen I've met with that, zoning is no problem, that variances are no problem...

MM: That, that's...I can help you with, you know that's, that's no problem...

MW: ...(IA)..Labor and industry.  
Okay.

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MN:

Now, would you be able ah would it  
be fair to me to go back and say ah.  
Mr. MYERS has stated that ah he can  
use his office to help in those, in  
those, I noticed you're not on on a  
municipal level, your level is higher.

...(IA)...

UM:

MN:

...Be more than happy to. See,  
the one thing I, you got to understand  
about this new, this new Mayor, that  
just came in, and his administration,  
They're at this point in time, now  
at least from the dealing that I  
did with them, they're straight laced and ,  
you know, you got to be very careful how you  
deal with them.

EC:

You're talking about the Mayor

...(IA)...

MN:

Talkin' about the Mayor and...

EC:

...(IA)...

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MM: ...His close advisors. I'm talkin' about the ah, you know the new management director, for instance...

HC: All right.

MM: ...You couldn't talk to him the way you could talk to me.

MW: The managing director is a black man.

HC: WILSON GOODE.

MM: WILSON GOODE

HC: ... (IA) ...black guy.

MM: ...And obviously, you'll probably talkin' with DICK DORAN, who knows, you know, he's interested in bringing business to the city. They're very interested in that.

MM: There's no way I, there's no way I can do business with those two individuals as with the way I conducted business in the past. Is that it?

MM: That's exactly it.

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NW 1 Now Mr. DORAN is the...(IA)...

BC 1 Mr. DORAN is the uh, the public, the City's  
representative. Okay. He's the guy...

NW 1 ...The Commerce director.

BC 1 (IA)...

NW 1 The hype guy...(IA)...

BC 1 Yeah. Okay. The public relations guy, so to  
speak. He's interested in the community, the  
business community.

UM 1 Okay.

NW 1 Very interested in what you're speaking of...

BC 1 Oh yeah...

NW 1 Bypass these two, I would imagine through I  
mean, we've...

BC 1 Bypass them because there is no way that we  
could do anything...(IA)...

NW 1 Okay now, you, you obviously you want to deal  
with City Council President who is a guy that  
you know, I would think...(IA)....

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That you could deal with, you know,  
I can deal with him. And I'm sure  
...(IA)...

other people ...(IA)... here, very, very  
reasonable guy understands this  
business probably better than any of us.  
A sharp guy. Very sharp. My close  
friend.

UM: Yeah.

MM: In the zoning board again that  
would be no big problem. And I'm very..

MW: You can, you can help...(IA)...

MM: I can help with the zoning board.

MW: ...(IA)...Be a fair statement  
ah, ah to the sheik, that you that  
you're willing to do that as well...  
You know...

MM: ...Absolutely...

MW: That you're on our side in that  
direction.

MM: Absolutely.



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MM: Ah, we were considering South Philadelphia which is your district . right?

MM: That's me.

EC: (Laughter)

MM: For that complex...

MM: That's me...

MM: Okay and I'll...

MM: I give you some good, good builders too...

MM: ...Give you this reasoning why.

(Laughter)

I'll give you that, I'll give you the reasoning...

MM: Go ahead.

MM: Behind that. Ah, he has had dealings in Atlantic City. Those dealings are, are being continued at this point. Ah we don't have any real difficulties in doing a gambling situation in Atlantic City, but we do

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see a real problem with major hotel construction in Atlantic City.

UM:

Okay.

UM:

Well I...

MW:

Because of what's going on there. I think we're more welcomed in Philly.

MM:

Yeah. I do too, because you're in a... there...money's no object. You're dealin' in a, in a, in a, in a, you know a market place where they get money. They got all the money they could ever, you know, the concerns are looking to take Atlantic City over. You got a lot of people involved there that are you know, mafia type, they're involved with a whole different ballgame. The legitimate business and I think that's the direction he has to travel.

MW:

Okay.

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MM: Atlantic City, in my opinion...  
hey it's a great place to go and  
get involved with it, if you here,  
established, but to come in you know  
and try to break in to that kind of  
a line-up would be difficult.

MM: We've made some deals.

MM: Costly...

MM: Ah obviously you know...

MM: ... (IA) ...

MM: You can deal there...

MM: ...You know how we do business...

MM: ... (IA) ...Up front right?

MM: ...And you can deal there.

MM: ... (IA) ...Let me assure you, you  
can deal in Atlantic City...

MM: Right.

MM: Yeah, you know, but ah...

MM: A lot of its been dealt already.  
Right. We don't find a real problem  
with what we want to do there. When,

When I was told to come down and negotiate a situation here in Philly, South Philly was pointed out to me because of the fact that a, you have the easiest access to Atlantic City. There's a bridge there, you know... we're not, we're not on side streets, we're on main, thoroughfares. We're on situation. We get to Atlantic City in an hour from South Philly. We can run ah New York-Vegas style junkets only by limo right to Atlantic City. From a complex, we can take advantage of the sports complex situation you have in South Philly. Right.

UM:

...(IA)...

MW:

...(IA)...Your *sidekick*  
...~~(MW)~~...is there.

UM:

Yeah.

MW:

Ah

BC:

You're speaking to the man  
...(IA)...

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MM:

We do, we done research. We're not totally naive. I don't know the City of Philadelphia. Take me two blocks from here and I'm lost. Ah I don't particular like the City of Philadelphia, it's not for me. I don't have to be here though.

MM:

You don't know... (Laughter)

MM:

So I don't have to, I don't have to be happy here. There are so many places that I could be happy in, this isn't one of 'em. Ah

MM:

You don't know the City. If you knew the City, you would like it.

MM:

Yeah.

MM:

...(IA)...

I could take you to right now to a show and club that you, you would think was great. Seriously.

MM:

I don't know about that.

(Laughter)...

{...(IA)...

MW: (IA)...I've conducted good business here in Philadelphia and I'm happy. But how does that sound to ya?

BC: It's unimportant.

MW: ...(IA)...feasibility...  
I mean the ...

MM: Sure.

MW: Right. You be able to back it. Would that be the type of backing that you would require?

MM: Well that would certainly help me out.

MW: Okay.

MM: Something around that line would...

MW: ...Fine...

MM: Give me some interest in, in particularly my own area. Ah ya know.

MW: That would make you look better?

MM: Absolutely.

MW: ...(IA)...You stand up if this guy happens..

MM: I would like to, I would ah...

MW: ...(IA)...You're talkin' 30...you know 34.6. A lot of money.

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SP

MM:

Let me say to you. I would like to be in on the, you know be consulted about the, ah the location where you're goin', and so forth, so I could be in from the early stages.

MM:

Do you have any properties we...

MM:

Help to ah, yeah, I could maybe

held you find some ... (IA)...

See ya talk about excursions to Atlantic City like using that as a convention center or a place, and then you know the the next day after the business is over you head down there for the day and have some kind of an arrangement. Well South Philly it's gotta be the greatest place of all. But I don't mean any kind of action, real action is downtown. You know any kind of gambling or anything like that is (IA...)

MM: MM:

... (IA) ... Yes, yep okay,

... (IA) ...

MW: What else, what else...

MM: ... (IA) ... operation.

MW: Do you envision any other type of  
business for us in South Philadelphia?  
This doesn't... (IA) ...

MM: I have suggested that dealing with  
the port ah you know ah... (IA) ...

MW: All right. all right.

MM: ... seriously but...

MW: If I could just do that it's...  
(clears throat)  
(Phone ringing) ...  
Yes (Answering the phone).

HC: You goin' back tomorrow?

MM: No. We're not we, we don't  
that's why ... (IA) ... we're running  
late tonight... (IA) ... we finished  
up the ah final day off tomorrow,  
this session, but we will be back  
in Monday.

HC: Monday.

UM: Uh huh... (IA) ...

MM: Did you take an Allegheny commute today?

HC: Yeah, I've been on that everyday of this  
week. (73) 2



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MH:

Yeah. It is tough...

HC:

...(IA)...

MH:

I was thinking of registration tonight. I was, sat at the airport, for two hours, waitin' on that fuckin' flight and I've come to a conclusion that I ~~edited this~~ <sup>ought to introduce</sup> legislation that says "if the computer service has the...(IA)...amount of people, as the customers...

MH:

...(IA)...(In background)

Okay right. If you're happy.

I'm happy...(IA)...

MH:

...(IA)...Where they could run jets, they must do it.

MH:

Okay (in background)...

MH:

Now here's my thinking behind it.

I didn't do any research. Just, just throwing it out.

If you got these little commuters and all these major mishaps that have been occurring in the last couple of years, involve some little craft, off course, running into ah...

UM: Right.  
MM: some big traffic lane...  
UM: Yeah.  
MM: Now when you got a little commuter  
that has to go back, ah has to make  
six or eight trips, 28 people aboard,  
now ya got, ah to to fill up  
the capacity of one jet...  
UM: WEL  
MM: I agree.  
MM: Imagine the landing and take offs that's  
involved...  
UM: Yeah...  
MM: The safety factor.  
HC: I, I would love to back that bill  
of.  
(laughter)... (IA)...  
MM: Yeah.  
HC: Oh God... Gee... (IA)... that  
would take some balls.  
MM: That would take some balls...  
HC: Yeah... (IA)... I would...  
MM: I would at least get that one in...

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UM:

Ha Ha...

MM:

When I talked about the, the  
limo type situation, on the junket  
package, inherent in any of that  
type, ah activity, are certain  
problems some of them maybe on the state  
level, some of 'em maybe...

MM:

...Well...

MM:

...Maybe ah...

UM:

...(IA)...

MM:

...Some may be an interstate situation.

EC:

Sure will.

MM:

Yeah.

EC:

I could...

MM:

...(IA)...

Could you help us with that, could  
you even put me in ah, ah...

MM:

I could help you with that...

MM:

...(IA)...

MM:

Let me just say this to you.

The guy that's gonna be very key in  
any kind of operation like that, in  
my opinion, and I'll tell this right now.

is JIMMY FLORIO. He's the Congressman from across the river. Now FLORIO in my opinion, okay, will be the next Governor of New Jersey. That's what I feel about him.

EC: I would hear that, I would think, I've heard differently, okay.

UM: Okay.

EC: That's...

UM: ...Yeah, okay...

MM: Believe me when I tell you that he's got one hell of a shot, takin' that state over... (IA)...

Y

...And he's my very, very close friend. I can assure you that.

MW: Should I have a problem with a limo thing or something...

MM: ...Na, we could handle that...

MW: ...Like that... (IA)...

MM: ...The main thing ... (IA) ... that where you gotta... (IA) ... union problem, ya know, particularly with

the construction unions here,  
building trades, forget that that's,  
we can handle that...

MN: Okay. All right, now...

EN: Can I just say one thing?

You know you said before about ah you know..

MN: Port development is something that  
I think that ...(IA)...

MN: Yeah, well I'm gonna get into that.

MN: Go ahead.

MN: I'm gonna get into that..

EN: You ah said something before about  
mafia type guys in, in Atlantic City.  
Would we run into anything like this...

UN: ...(IA)...

EN: Here?... (IA)...

MN: ERNIE hold it. I wanna, I wanna  
discuss another situation, which  
could...

UN: Uh huh.

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MM:

...Go and lend itself to a, it's  
it's going to bring up a question, a  
major question, that we're gonna have to  
deal with. Ah, down the road.  
Again ah well your city councilman,  
right, city council seems to be a key  
here, right...(IA)...Can you help us  
with city council.

MM:

City council.

MM:

...(IA)...

MM:

...(IA)...Let me just say this.  
City Council, the members of City  
Council, four of them are in, within  
my district. ...(IA)...members that are,  
that are on City Council, elected members,  
are my close friends. One I helped make.  
Others I helped remake. Some  
...(IA)...

MM:

You could call in some chips for us?

MM:

I would say I could deliver four  
or five votes out of the overall  
council.

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NW: Fine. Fine. Okay...

NH: Ya know, ah now I don't mean over some mission that's a mission to nowhere.

NW: Ah yeah...(IA)...

NH: Something that's...

NW: ...Yeah something legitimate up front.

NH: ...Something that you can explain...

NH: ha, ha (laughter) that's it.

NW: All right. Ah you're willing to do that for us?

NH: Absolutely.

NW: I, I can go back and say yeah, I met with Mr. MYERS...

NH: I ...(IA)...

NW: Let me just say this to ya...

NH: ...(IA)...And his balls were as big as all outdoors.

NH: ...Right now I have more influence locally than I do in Washington. Because, I'm I'm only new in Washington. I'm only there, I'm in my second term. Now to get the kind of seniority that you need to be, ya know, heavy down

LA 7A

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'ere, ya, your like, ya, you got  
to be in your six, seventh eighth  
term before you're really recognized  
as a leader in Washington, because  
you have to establish that kind of  
seniority. Now, a lot of people say  
that your, you know, seniority is not  
what it used to be, it's true to a degree,  
but seniority is still the key. And I  
know what's happening to me right now.  
I'm in line to take DAN FLOOD's spot on  
the appropriations committee. I have  
the support of the Pennsylvania  
delegation. It's a Pennsylvania seat.

I have TIP O'NEIL on my side. Openly,  
TIP O'NEIL's on my side. I have  
GENE RUCK, majority leader on my side.

Jim Wright

There's 28 members of the ... (IA) ...  
Policy Committee. Out of 28, I got  
16 commitments. I don't mean just  
paper commitments, open commitments

give the press  
)... (IA) ... commitments.



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MM: Up front commitments.

MM: Ya know... (IA)...

MM: So, ah, it looks to me,  
there... (IA)...

MM: ...that ah ya know I'll be there  
very shortly.

MM: Would it be fair when I go back next  
week to report that I met with Mr.  
MYERS and he said yes, he has this  
influence, etc., and he's willing  
to use it?

MM: I'm willin' to use my influence.  
The only thing that I can be very  
honest with ... (IA)...

MM: and I'll tell ya this up front, I  
can't go on a Kamikaze mission.  
I won't go on a Kamikaze ...

MM: ... (IA)...

MM: Give you all the facts up front.

MM: Yeah. I won't go on a mission  
that there's no return ... (IA)...

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Give me a reason to go, that  
I can explain and I have no  
problems...(IA)...

MW: We'll back you up then in  
other words...

MW: I mean, you know, if I have...

MW: Does the hotel help back you up?...  
...(IA)...

MW: ... (IA) ...

The hotel will be, yes, absolutely.

MW: You get up on the floor ... (IA) ... and you  
say this man put 30, 36 million  
dollars in my district... (IA) ...

MW: You're lucky, you know, what we'll  
do, when you get ready to roll here,  
and I'd be, I'll tell you another thing  
that I like to see you get involved  
with because I think it would be a  
natural. And ah, is in Port  
Development.

MW: All right.

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MM: And ah...

MW: Port development is something I want to bring up now. The gentleman...

MM: Everybody's interested in Port Development. We have a need here for Port development.

MW: I'm gonna give you some Port Development or I'm gonna ask you for some help in that direction. When your, when your friend, the other day, mentioned ah, hard coal, Eastern Pennsylvania Coal Region, ah, he doesn't know how close he came to the reason that first brought me here, to Pennsylvania. And ah Pennsylvania was a place I flew over, all right. And the first time I really spent any time here was a few months ago, ah, in, in Schuylkill County.

DM: Uh huh.

MW: Did I say that correctly?

EC: ... (IA) ... oh yeah.

MW: Schuylkill County... (IA) ...

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MM: I mispronounced it a few times and I was told... (IA)...

MM: Skiing in a few months up there... (IA)...

MW: Different place... (IA)...

(laughter)...

MW: Let's put it this way, I think I emerged, the victorious, when I left Schuylkill County.

HC: If you were with the right people...  
... (IA)...

MM: Let me tell ya another thing... (IA)...

...Schuylkill County...

I got influence in Schuylkill County, believe it or not. I put six years in Harrisburg, at State Legislature.

HC: Mr... (IA)...

MM: The key, one of the key guys up there is the Democratic Chairman, who is JIM DUGAL<sup>(H)</sup> Very close friend of mine. Very close friend.

MW: Okay. My time in Schuylkill County was well spent, we have ah' enough options. We have enough leases,

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petro dollars are limited, a lot more limited than coal. And we have already taken care of ah ourselves when it comes to coal. Okay. I'm not talking about using this coal domestically, I'm talking about taking it from Pennsylvania.

MM: Export.

MM: Out of Pennsylvania. Now, how do I get it out of Pennsylvania.

MM: Only one way, you gotta take it by rail down to a Philadelphia Port and ship it out.

MM: Okay. This is to be shipped Scandinavian areas, parts of Great Britain, and ah, Western Europe in general. I have the commitments already lined up, purchased and I own enough coal, I, we own enough coal...

MM: Now let me just tell ya something about ...port development.

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NW: Ah...

UM: How do I get it out of Pennsylvania?  
How do we get it out of the United States.

MM: Let me tell ya, Let me tell ya how you do it. One of my closest friends and ... (IA) ... this kid, who is the Director of the Philadelphia Port Corporation, he's FRED DEBONA... I played a key part in getting his job in my last administration, but he's a sharp, sharp, guy. Very very sharp.

EC: His father is a Judge.

MM: His father is a Judge in the Court of Common Pleas... (IA) ... His father was one of the best criminal lawyers in the country.

EC: ... (IA) ... His father was BILL BARRETT's closest friend.

MM: Sharp operation here. Now the guy is, FRED DEBONA, Junior who's the executive director of Philadelphia Port Corporation, which is a, which is a corporation that

is funded, they get a million dollars a year from the state, from Harrisburg, they get a million dollars a year from the City of Philadelphia, to oversee the Port operations. They handle all leases on piers, all renting of space, all new development, all, any kind of a, a PR work that they do business in. Now the, the executive director is my guy. And if you want to move coal, he'll show you how to move coal.

MM: I'm gonna have to move coal.

MM: Okay. We'll take... We'll take you into some spots that can be bought now, can be leased now. We'll rip 'em down and rebuild the facility that's needed. For that, the guy is covered well, believe me when I tell you that.

MM: All right. What is it in...  
...(IA)...

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What are we talkin'? What's it gonna cost...

MM: Ah, well, let me tell ya what it's gonna cost ya.

MW: What's it gonna cost me in the bag?

MM: All right.

MW: To take care of that situation.

MM: Well.

MW: See, I have ah, I have ah...(IA)...

MM: Well, we, we'll talk about that...ha...

MW: All right. We got to cause, I'm committed in Schuylkill County, I'm committed.

MM: All right. Let me tell ya...

MW: Have enough money, I have enough money already spent...

MM: First of all...

MW: ...(IA)...

MM: I, I, I can't put figures on, well without researchin' I couldn't just quote a figure to ya. I, I, I mean I'd be



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lyin' to ya if I did. What we can do, we would have to get ah, first of all, we would have to look over the whole operation as far as what you're lookin' to export. What kind of facility is needed. Ah what we would have to put into develop that facility to, to build it, to, to meet your standards. Then we'd have to, you know, get into a...

MW: ... (IA) ... lease it to us? ...

NH: Long-time lease.

MW: We'd lease it to you. We'd build it. We'd use city bond money to build it, which would have to be approved by city council and in some cases, the electorate, which we ... (IA) ... could handle that

UH: Yeah.

NH: You know, it's not that tough...

MW: All right, does that help you on the floor ... (IA) ...

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MM: Absolutely. Helps me a lot.

MW: Ah...Are we talking in the right ball park now, we comin' up with the right things to...

MM: ...Helps me a lot...

MW: ...To make you look good, if, when, when you introduce this ...(IA)... and it's not matter.

MM: ...(IA)...

MW: ...At this point of, of, if ah...

EC: When, when he has to go to bat...

MW: Mr. MYERS, it's a, it's a when...

EC: Call him OZZIE, please okay.

MW: OZZIE, it's a when ah...

MM: You know...(IA)..., ~~in our field, etc...~~ ya know how the private bills work?

MW: To some degree.

MM: Okay. Private bills are not too readily approved. Okay, but they are approved on occasion. But, you know, ah, ah, ah, I and I don't know who were talking about ah but during you know, but if it's if it's a very controversial problem here....

RM : It's not...

MM : Okay. Well then, you know ah, and he's he's investing big bucks here. Certainly ah...

EC : You'll get all ya want. In other words, he'll say...(IA)...this many is creating...(IA)... jobs.

MM : All right.

MM : ... (IA)...be more than happy too...

MM : It's no embarrassment to you, you're not, you're not looking to get the job...(IA)...

MM : I'm telling you, I, I, I can't go on a mission to, of of no return.

MM : You don't want to cut your own throat.

MM : I can't kill myself at this young age. I've got I figure I got two many years left (ha, ha laughter)...

MM : True.

EC : ... (IA)...at the beginning of a long great career in politics.

MM:

But you know, I'm I'm you know,  
I'm ... (IA)...you know...  
I don't have too many fears.  
...(IA)...

MW:

Okay, now. In dealing, ah let me give  
ya a little insight, in, into the  
sheik. Ah the man is well read. And  
ah, he enjoys the cinema as well. If  
he's, if he's in Britain, if he's, if  
he's a week in London, four night with  
the cinema, and American ah cinema art is  
all over the world. He's seen every  
mafia type movie, the Godfather, the  
whole thing. He reads them all, and  
he's paranoid concerning ah the mafia.  
You'll hear him try to pronounce it,  
all right. But he is paranoid concerning  
them. Now we're dealing with docks  
all right.

MM:

...(IA)...

MW:

I am, I am obviously not...

MM:

Now let me...

MW:

...you know and I know we have a  
dock situation.