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MM: All right, let me tell you what the story is in Philadelphia.

MM: Do we have that problem?

MM: No. No.

MM: Do we have to deal, I can deal with 'em. I, I don't want to deal...

MM: Let me say to you if ya have to deal with the problem, I can, I can handle that. ~~mafia~~ ^{WOMEN: IT WOULD BE A} problem. But you won't have to deal on the docks with that kind of a problem. You got a little bit of a black problem on the docks now. Ah the the old Moslem problem, and they've had some Moslem problems. But again that's not a big problem. We can handle that. Now as far as mafia in this city, the key people here, of course, ANGELO BRUNO is the key.

BC: The number one man.
(telephone ringing)...

MM: Now, he is an old man.

MW: See who that's for...

MM: Okay. He's an old man, but he
still respected. Now you got...(IA)...
ANTHONY TESTA.
You got CHICKIE NARDUCCI, who acts
...(IA)...as one of the mafia ...(IA)...
They're more into gambling, they're
not into an, kind of real legitimate,
they're into a lot of legitimate stuff,
but they're thing is gambling...(IA)...

MW: CHARLIE again.

UM: Yeah.

MW: I'm not gonna speak to anyone else.
So you get the phone from now on when
CHARLIE's callin'
Excuse me please.

MM: Go ahead.

MW: Yeah CHARLIE. (answering telephone)

EC: I don't think there'd be any
problem with that...
...(IA)...
docks...(IA)...

MM: I can handle the docks. Don't worry about that.

EC: That's his baby, he's a longshoreman.

EH: ... (IA) ...

MM: Got 13 years on the job

EH: All I gottin' to say is ah I know that this guy is about ya know and ah he, he doesn't want to get involved with that stuff.

MM: No, he can't. If he came in here and got involved with that kind of an operation that, that would be the biggest reason in the world that he shouldn't come in here.

MW: All right Tuesday... (IA) ...

MM: People don't want to hear that...

MM: {The dollar figure we talked about is good.
DWAY, VERY GOOD.

MM: You can't get involved with anything even if ya wanted to...

UM: Yeah.

MM: If he does, he's in trouble.

EH: Right.

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MW: Okay.

MH: No matter what I say on the floor.

MW: Excuse me, Tuesday'd good,
the dollar figure is good, and you'll
handle that ... (IA)...

MW: (clears throat)...Ah ah, go ahead...
I'm sorry. Ah...

MH: As far as the docks are concerned
with any kind of mafia operation in
this port, Philadelphia, I can handle
all that... (IA)...no problem...
Maybe there's some guys that
guerrilla suits, we may have to pacify
a few people, but that's nothin', nothin'
that can't be handled very easily. Very
smoothly.

MW: All right you brought up some names.
Okay.

MH: Okay. When you talk...

MW: You said they were into gambling.
... (IA)...

MM : Ah when you're talking about Mafia in Philadelphia, ANGELO BRUNO is the kingpin in Philadelphia for years, he's been the boss of any MAFIA operation here. And there's some others, SKINNY RAZOR, who's now big, all downtown, this is all my ward.

MM : ... (IA)... This is all south Philadelphia.

MM : They're in my area.

MC : That's what it is.

MM : Now the key guys today... ANGELO BRUNO with this ah grand jury in New Jersey, he's been in and out of jail. He put, Christ he did four years, one... (IA)... 'cause he won't talk. And ah, he's ah, he's a guy that very senior individual at this point in time. Very sickly ys know, I don't think he'd be lasting much longer. But a good guy. Very, very good guy. The young turks...

MM : Do you understand how a guy like that scares the sheik?

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MM: Okay, the young turks that are on the scene is a guy names TONY TESTA, and another guy named CHICKIE NARDUCCI.

MW: What, what's their thing?

MM: I mean what...

MM: Their thing is I can handle ah... Now I can't tell ya handle TONY TESTA because I'm not that friendly with him. I know him. He knows me. The kingpin is CHICKIE NARDUCCI.

MW: Can I deal with these people?

MM: ... (IA) ...

MW: Can we deal...

MM: ... (IA) ...

MM: Wait a second. You can deal with them without even being... (IA) ... I got that covered.

MW: All right.

MM: ... (IA) ...

MM: I got... (IA) ...

MW: I'll deal with them through you.

MM: You can deal ... (IA) ...

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DM: ... (IA) ...

MM: ... if ya have to... You don't, you
don't want to get involved with them.

DM: ... (IA) ...

MM: Let me just say this to ya. The worse
thing that you could get this individual
involved with is any kind of mafia
problem.

MM: Yeah.

MM: 'Cause your... (IA) ...

MM: I'll tell ya this is why I brought
it up.

MM: You don't want anything like that.
I don't even want to deal with 'em. I
don't, they don't know anything about
this... (IA) ...

I don't deal with them on a, on a
social level or any kind of level.
They're my friends and you know
from the old days when I was the,
know them, I, I wasn't a part of... (IA) ...

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MW: But, if an interest is taken in our operation, right, because I mean, we're dealing...

MM: Any kind of interest, we can handle...

MW: Again, you said their bailiwick is South Philadelphia.

MM: ...(IA)...

MW: ...that's yours as well...

MM: But they, they're bailiwick is ...(IA)...

MW: ...(IA)...hole.

MM: Now they're in here. They're tied into Atlantic City. They're tied in ah throughout the whole, this whole Delaware Valley area. They're into all kinds of slot machines, and gambling operations, all kinds of...

DM: ...(IA)...

MW: I'm not, I'm not a naive individual. You and I had a conversation the other evening and a name came up, Mr. MALNIK.

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EC: Right.

MR: Okay, concerning a piece of ground here in Philadelphia.

EC: Right.

MR: And, his name, you know, researched, the, the, research that's been done for me, ah you know he, he shows up.

EC: Sure.

MR: Ah I spent some time in in the mountains of Pennsylvania and a...

EC: ...His name showed up.

MR: ...picked up a few things up there... the man...

EC: ... (IA) ...he and Mr. PALMER...

MR: with the backing... of some Las Vegas types.

UP: Yeah.

MR: And some Central States Teamsters Pension Fund money.

EC: No question about it.

MR: He may have some situations already in the Poconos.

EC: Certainly.

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MW: Right.

MM: Let me tell ya something about...

MW: ...So I don't feel, I don't mind being surrounded, if I'm surrounded by friends.

MM: Let me just say something.

HC: You are.

MM: Let me tell ya something about the Poconos. Now, you'll, you'll be and you could relay this. The Poconos of course that section of Pennsylvania which for many years, DAN FLOOD, that's his area. Congressman FLOOD. Wilkes-Barre, you know, and that that general area. All right now, the new guy was down in Washington yesterday. He has just received the nomination from the Democratic Party to run the Special Election for Congress to succeed DAN FLOOD. His name is RACHEL MUSTO, member of the State House of Representatives, State House now. Very close friend of mine. Shared an office with him for two and a half years. Good, good guy and really is the guy in the Poconos who knows

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what's happening. I got, Poconos covered ... (IA)...

and you think I'm kiddin' ya right.

MW: ... (IA)... You tell me ya got the Poconos covered but Mr....

MM: ... (IA)...

MW: Look at my, look at my situation.

MM: Now... (IA)...

MW: I come to Philadelphia as a stranger.

UM: Okay.

MW: ... And I look at a piece of ground and I make a telephone call and I say check it out, and it gets back MALNIK.

EC: Let me tell ya something.

MW: I pick up MALNIK in Florida where I have transactions. I pick up MALNIK.

UM: Ah...

MW: Two months ago... (IA)...

EC: You want to talk to Mr. MALNIK.

MW: I don't want to talk to Mr. MALNIK... (IA)...

EC: Listen to what I'm sayin' to you. You don't have no problems with Mr. MALNIK. Mr. MALNIK and I go back...

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MW:

Mr. MALNIK's connections scare the man I work for...

EC:

...Okay...

MW:

...And anything that scares him... (IA)...

MM:

Now listen to what I'm tellin' you. I'm talkin' about legitimate business, that has a problem with some local municipality up in that part of Pennsylvania. The guy that I'm talkin' about, RAY MUSTO, who you'll see, you'll read his name in the next few weeks, who has been nominated by the Democratic Steering committee to succeed DAN FLOOD, and be the candidate in the Special Election. He was with me yesterday down in Washington. A very good friend of mine, and a good guy. Now, I don't mean guys lookin' to a, yeah, you know, there in somebody's, looking to jump and ah to get himself involved in any kind of an issue, but if you has any kind of legitimate money that wants invest, he's, our friend.

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This is only, I'm talking about zoning problems, local problems. This is the kind of shit that you got to...

MR:

Okay.

MM:

...(IA)...

MR:

If I go, if the hotel winds up ah and the hotels ah certainty...Hotel/Motel whatever the hell this is, a hotel. Right. A Holiday Inn is a motel. Something in the middle. Okay. Ah if, if we wind up with the thing in South Philadelphia, where that influence is there, there's no doubt about it, I mean this town, it's it's a good town, there's an element here, it's you brought it up, it's been brought up to me. It's, it's been ah, it's been made apparent What do I have to give up: Cigarettes, garbage, you know. These things, things I can live with Right.

MM:

Well.

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MW: What do I have to give up?...

MM: Well, there's a lot of things...

MW: ...'Cause these are questions, these are big questions to him...

MM: Now...Wait a second, you have to...

MM: To me, they're ...(IA)...

MM: First of all, you have to be, any kind help in, in the in the operation, I'm talkin' about the, the janitorial, maid service, all that stuff. You gotta give all that up. That's, you know, it's a set rate on that. The unions will control that. And bartenders, waiters, waitresses, all that's controlled.

MW: I'm talkin' about with the, the type of people you mentioned before. When I say give up...

MM: You, you talkin' about givin' up X amount.

MW: You know, they come in and say any of the people you mentioned before...

MM: Ah no.

MM: I don't think you got that big of a problem.

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MH: Any of those, any of those representatives
come in and say...

MH: Let me just say this...

MH: You're putting a facility here and
we own this area or whatever the
the pitch is, right.

MH: Yeah, but you not lookin...

MH: That you gotta give up.

MH: No. You're not going to have anybody
there takin', takin' action. I mean
you're talkin' about, ah, we're talkin'
about legitimate stuff here, aren't we?

EC: Sure.

MH: Yeah, But...I mean, he's gonna ask
me what do I have to give away and what
he means is, if I have to go to a
certain insurance firm, to make people
down there happy, if I have to use a
certain garbage, you know, I'm not municipa.
...(IA)...I gotta, a dumpster...(IA)...

MH: No you can't, they won't, they won't
bring it up.

MH: Right, I know. So I've got to go to a
contractor. Right.

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MM: Yeah, we... (IA)...

MW: Do I have then to go ah into spec ah a specific contractor, do I have to give up my vending machines, to a certain contractor, that's fine what I mean by give up, What contracts do I have to let to certain...

MM: It's not necessary to the point, depending on how, what, your overall operation on the street, up, hotel operation...

MW: Yeah.

MM: You'll have to give up some stuff you know, not to be harassed with other problems.

MW: Will that keep these people happy to give up those types of concessions.

MM: Absolutely.

MW: Those types of ... (IA)...

MM: Oh sure.

HC: You might have to give up a ... (IA)...

MM: What I'm sayin' it's not gonna be...

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MM:

Is that what they're lookin for, I mean
ha's gonna ask me what are they lookin'
for?

MM:

Okay.

UN:

Wall to wall...

MM:

...(IA)...Respect...

MM:

If he had let me say this to you.

As far as givin' up, you know, who hauls
the trash or who does this or who has
casualty insurance. We can work that,
work that out in a way that would be most
beneficial to you. Okay. We can handle
all that. That's no big problem.

Now if you get involved with any kind of
a mafia, you know, don't want you

comin' in because they want somethin'...(IA)

We can handle that. I'm tellin' ya, we
can handle it. That's no big thing...

MM:

You can take care of it...

MM:

I can take care of it...

MM:

Okay...

MM:

Now if it comes to a point in time

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where we have to do somethin', I
let you know that. I let you know that.
I mean, if, you know, I can back people
down, with the right kind of ... (IA)..

MW: He doesn't mind spending the money, right...
... (IA) ...

HC: When MIKE comes to you and say look...

MM: Let me say this to ya. What I, what
you have to do here, ... (IA) ... listen to me
a minute. You know. This ain't a town that
you're gonna get scalped every, every
step of the way.

HC: It's not...

MM: If you got legit, this is a city that
needs help. If you got legitimate
money and you want to invest it, we'll
show you how to invest it. Where you
don't have to get sca... every scam artist
in the city's gonna look and take a poke
at ya. Well, we can back them away. Ya
know, if ya want to ah, ah, you don't
wanta ah...

MW: There are, in every city... (IA) ...

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MM: Listen to what I telling you...

NW: ...(IA)...and this city to...

MM: Don't ...(IA)...

NW: ...(IA)...scam guys...(IA)...

MM: Listen to what I'm tellin' you, don't even, I mean you can say it to me 'cause it won't go any further, but if I was you, I won't even talk about who we had to take care of...(IA).... that problem arises in this situation, and we will show how to handle it.

EC: Exactly.

NW: ...Okay...

MM: I mean, if you advertise that you you want to come in and invest and ya, who do I see, you know, these fuckin' guys will rip you up in a few seconds.

...(IA)...

NW: HOWARD...(IA).....

HOWARD and I...(IA)...

MM: They'll kill ya...

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MW: HOWARD and I...(IA)...

MM: ...(IA)...need two boat loads of money just to take care of them.

EH: (Laughter) That's why he's here.

MW: HOWARD and I have participated in quite a few conversations with third parties, all right. And it has not come up and I would never mention it. But it is a major concern of the man and he told me directly to mention it to you, because you're the guy...
...(IA)...

MM: Who is this?...

MW: All right...

MM: If you come to this town and you needed guidance, we'll show you how to operate, you know, without no fuckin bullshit. Believe me when I tell ya that. I'll show you what to do. And who to pay and who has to be paid... who you kick in fuckin' ass and tell them to get up the road...

MW: All right.

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MH: If this, if ya, if you let it out, that you got money to spend every scam artist in the fuckin' country...(IA)...

MH: I know...

MH: ...(IA)...

MH: You two are the only two that I know...(IA)...

MH: Listen to ...(IA)...Don't, Don't let these people bullshit you. ...(IA)... bullshit.

MH: There is an element here that exists that has to be dealt with.

MH: There's an element ...(IA)...

MH: ...(IA)...

That's my point.

MH: I will bring, you, you put a hotel in my district, every one of those elements that has to be dealt with, I'll have them at the fuckin' opening night celebration.

MH: Okay.

MH: That's guest...

MH: All right.

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MM: Not looking for nothing. Now if it comes somethin' along their way that they're involved with then we'll give it to 'em.

MW: Okay...

MM: Without a question.

MW: Do you think I should meet ah Mr. DEBONA is that it? De, is it...
DEBONA or DEBOMA.

UM: DEBONA

MW: DEBONA, all right.

EC: DEBONA.

MW: Do you think I ought to meet him while I'm in town. Do you think that he and I ought to have ah sit down and come to some arrangement, right now, while I'm here. Because the coal, the coal is not a hypostasis.

MM: Do you know what you're lookin' for?

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MN: ^{square feet!}
 The coal is... (IA)...
 MN: Let me ask you this. Do you know
 what you're lookin' for?
 Are you prepared to meet with him and,
 ah...
 EC: Be specific...
 MN: Be specific and...
 MN: I'll tell you exactly how specific
 I can be...
 MN: ...How many square feet... (IA)...
 MN: No, but ... (IA)... I can tell him this. I
 can tell him I have ah, and I can
 get the figures if I have to, I have
 X amount...
 MN: Well, we need the figures.
 MN: ...Of square feet of coal, cubic
 feet of coal which I have locked
 firm leases on and I spent a lot of money
 to do that, and the coal is there...
 MN: I'm gonna give you another lease
 up in.
 MN: ...The mining will be started...
 MN: Central Pennsylvania, if you're
 interested. I got some good little

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information about some area up in, located in Clinton County and Centre County, on some ground up 'ere with some heavy coal in 'era. Their getting jerked off (IA)... If your interested in that type of coal. Now you're talkin' about anthracite, aren't you?

MW : I'm talkin' about hard coal.

MM : Hard coal.

MW : You see...

MM : You're talkin'...

MW : ...In Europe, in Europe, they have or they are developing the same type...

MM : ... (IA) ...

MW : ...of regulations...

MM : ... (IA) ...convert it into coke.

MW : ...The few folks yeah. The few folks in D.C. have done us and, and legistats, state legislatures have done right, we have clean air standards, and, and hard coal does burn well. And hard coal is a commodity in Europe.

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It's a commodity. It sells as a commodity. You know, it doesn't sell, you know, give ya 14 tons, 14 tons, it's like oil. Right? You get it out on the waterways right and I'll set that ship out there ah for a month if I have to, to get the right price and I'll get it. And I'll get, but I need to move it out. And where do I move it out from, if I'm mining it here, I've got to move it out.

EC: ... (IA) ...

MW: Delaware Port...

MH: ... (IA) ...

Let me just say another thing that, that which you should know now and you should keep in your mind. Philadelphia is a port that you can deal with.

... (IA) ...

You go to New York, you goin' to have more fuckin' shakedown artists than you can handle...

DM: ... (IA) ...

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MW: I know a little about New York and I...
DM: ... (IA) ...
MW: That's why we're here.
MM: Okay. You make; you can go to
New York and you know but you know what's
goin to happen there. I mean ah, SCOTTO,
I don't know whether he's gonna get
any jail but...
MC: Five years he got...
MM: He got five years, but if it ain't
SCOTTO, it's gonna be some, .
somebody else. Everything that happens
there, I don't care what you do, is a
price on. Here, we're lookin' for the
work. Okay. And now you may have to
justify a few things with certain groups
to make 'em happy and that'd be easy... (IA).
I tell you that. And you got to not only
... (IA) ... more productive, you
know, on a, on a tonage here, our
stevedores. Our fuckin' tonage
here is, is ah, not, not double

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the amount but it's about ah, it's about 50 percent more than what New York does an hour. Loading a fuckin' ship. These guys here work, they don't know what, you know, we need...

... (IA) ...

...the work, I'll be very honest with ya.

Should I meet with Mr. DEBONA while I'm here?

I, I, I could arrange it. How long ya gonna be here?

Well that depends on if I can meet with him. Ah...

When will you be back? See here's what we should do. Let me tell ya what you should do. If you could get your architect or you, whoever you're dealin', the engineers, to develop some kind of a, what is needed (IA)...what you're looking for. Okay. What kind of a facility, are you looking

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to lease, on the years, what kind?

...(IA)...

How long do ya want it? How much, how much coal you're gonna move out of here. What is needed to meet, what ya, you know, what ya need. That's what I got to know. And I can set it up with him and we got some facilities that are now vacant, that we can, you know, get working on, let's get it ready to go. (Telephone ringing)...

MM: Now you ain't gonna move coal next week, but you may be ready to, to...

MM: ... (IA) ...

MM: What kind, what kind of an option do you have? Five, you must remove the coal within five years.

MM: Ah eight point six (8.6).

EM: Hello (answering phone), yeah.

MM: It's a crazy situation, there's even days involved, all right, there's no...

All right, within 8.6 years you must remove the coal. See you're talkin' about

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NH : See 8.6 comes up, ya know, you got days in there too, too...

NH : Well, let's develop, sh, sh, sh, sh, some location within the city, taking everything into consideration...

ER : (IA)...in background)...

NH : What kind of raw services can be provided directly here, okay?

ER : (IA)... This if for you.

NH : It is CHARLES?

ER : No, it's someone else...

NH : Hello...(IA)...

NH : You need a little bit more on that trip boss, bossman...

EC : Got the two mustaches. You look good in it. OZ (IA)... It really does. It's looks, very becoming on ya. It's not becoming on everybody...(IA)...It really does look good on ya.

NH : OK. (IA)..handle that tomorrow morning...
No...(IA)...

Okay. We'll handle that tomorrow morning early? ... (IA) ... Okay ... (IA) ... All right (clears throat) ... I'm here for one purpose. The other gentlemen do things differently or do different things than I do. Ah, titles impress ah the individual I work for. I have a title, all right, I just expedite things. Okay. I'm not gonna be involved all right in this hotel/motel...-...motel, nor will I be involved anymore at, at this point with ah coal. These are things that I I really have no background in and no interest in.

MM : That's what...
MW : Ya know...
MM : I'm sayin' to you... (IA) ...
MW : I'm involved in takin' care of people up front. I, I'm gonna be very....

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MM:

Now, that's what I gotta know...

MM:

...See 'cause I, I...

MM:

You know straight, that's, that's
where I...(IA)...

MM:

Before I set you up with a, with a
guy who's gonna look to develop a
location, export spot. Now I liked
to get involved more with the people
that's involved in that line, and ...(IA)...
firm, I set the games up...

MM:

That's, that's ah, that's down the road
a short period of time, down the road,
but it's down the road. Ah, I came
here with the express purpose of makin'
sure that municipal government was very
friendly towards us in construction of
this hotel. Be it the site, a site
here in Center City or be it a site in
South Philadelphia, the City Council is
friendly to us.

MM : City Council...

MW : Okay. All right. You mentioned four individuals that you have connections with yourself...

MM : Yeah, that's right.

MW : ...in South Philadelphia ah...

MM : That's that very easy...

MW : Okay, I mean...

MM : That's firm...

MW : There's enough influence on your side in City Council, an individual that I've already dealt with that, you know I don't have a problem there. Right. Those zoning things are taken care of.

UM : Right.

MW : Let me, let me explain...

MM : ... (IA) ...

MW : The dialogue that I will have when I return...

MM : See, this FREDDY DEBONA, who I'm gonna ah, that you're gonna

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meet is now the Director of
Port Corporation. He is the former
Director.

EC: ...Director...

MH: ...of the zoning board...

EC: ...former chairman of the zoning board.

MH: That's nice, that's nice, okay.

MH: And there's the operation in and out...

WH: HC: Yeah.

MH: But understand...

MH: And I hope ya do, you know, good guy
my close associate...

MH: Understand my role, right, I'm
not a technical...

MH: Yeah.

MH: ...individual, right. I'm not those are not
my things. Okay. I come in and
I talk to an individual and I
become friendly. Ah we we strike an
agreement and I go home and I'm
happy. When I, let me give a short,
ah ...(IA)...of what my dialogue would
be when I go back. All right, and
that will be who did you meet. Okay.

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Yours was the only name mentioned up front by him. Please see him while you're there. Like who did you meet? What are they're titles? All right. Are they friendly to us? And what can they do? What type of, ah, friendship do you have? What can they do for me when I come over? Ah, or, or we gonna, am I gonna come over there and have problems? All right.

MM:

You just say this, see this, Philadelphia is a is basically a labor town, okay, it's a labor town. This city I would classify as a labor town. We have a lot of respect in the building and construction industry in this city. The building and construction trade unions are probably the most strenuous union group in this city. Okay. Teamsters have a lot of influence but the building and construction... (M) TEAMS

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is the, is the strongest. No question about that. They have one of their great leaders is their workers ah leader, JOHN MC COULLOUGH who, next Tuesday, I'll be having a fundraiser at Palumbos. He will be sitting probably next to me at, at a table. Okay. I mean, I got all that shit covered. Ya know these guys are not lookin' to rob anybody, not lookin' to shake anybody, they want the work, we need the work and we make it, here and there. We have some problems with various contractors and they have some problems, that we can work out.

...(IA)...

EH:

I guess that's what he sayin' like a guy like DEBONA. Would he have to be takin' care of ...(IA)...up front? Or would...

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MW: ... (IA) ...

EH: He be just happy enough...

MW: I'm goin' to Montreal... (IA) ...

EH: ...To be, to be just happy enough to have the work for the people here. Do we have to see him up front?

MM: Well ... (IA) ...

MW: I'll take care of it if it's necessary. The man ... (IA) ...

MM: Let me talk, well ... (IA) ...

MW: It can be handled?

MM: I would have to talk to him about money.

MW: It can be handled.

MM: Yeah, it's an old story money talks and bullshit walks.

MM: Ya know... (IA) ...

MW: It's appropriate.

It's appropriate. I'm, I'm goin' to Montreal. All right.

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MH: Let me, just say, tell ya one thing
one guy that isn't take care of is me.
(odd sound)
'Cause I got screwed on the, on the
last time I meet somebody.

EH: Well you're happy...

MH: Ya did...

EH: ...With the arrangement that we have
so far?

MH: Well, I, I'm the guy that got
screwed last time.

EC: There was a misunderstanding.

MH: Well tell me. Tell me about it. This
is the first, this is news to me.

MH: Ya know I'm.

MH: ... (IA) ...

MH: No, seriously I mean, ya know...

EC: No, let me explain that to ya, okay?

MH: ... (IA) ...

MH: I know only what told.

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HC: Go ahead...Let me hear what you were told.

MW: No, you tell me, right, because if I got a problem on, on, on, on you tell me about it.

EH: Yeah, O2 ... (IA)...

MW: What's the problem.

EH: You tell us.

MW: 'Cause we'll get it worked out quickly.

MM: I I was supposed to go up to New York, North Jersey, New York, whatever you want to call it, and meet with various people. And some people didn't show, am I, am I correct?

HC: Correct.

MM: And ah I was supposed to ah, the end of the day, be ah, ah be 25 ah times ah happier than what I was when I went there. And I wasn't, when I returned to my own city.

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EC:

...(IA)... There was a regional transaction that was told through a various source was that there was to be a number, okay. Ah, when they came out...

DM:

...(IA)...

EC:

...of the meeting the number was half of what it was supposed to be.

NH:

...(IA)...I don't, see this is the, this is the...

DM:

...(IA)...

NH:

Let me just say this to ya.

EC:

...(IA)...

NH:

Were you there?

EN:

No, I wasn't there. I was there not not listening to anything I ... (IA) ... was downstairs.

NH:

Let me just say this to you.

EC:

I remember you being at the airport.

NH:

All right. I was at the airport and I meet, ya know, the various people

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and I, I only came there because I had confidence in the people that brought me there. I've known them all awhile ya know.

UM : ... (IA) ...

MM : I'm not, not a goddamn idiot. Ya know. Ya know, it's a...

UM : ... (IA) ...

MM : What happened that day I was very very disappointed and ah I'll be very honest with ya. Now I hear all these big figures that you're investing 34 million, 50 million, 400 million... Everyone is talking about these (IA)... millions (ha-laughter) I like all that. I like to hear it. And I willin', ya know, I'm a little ah.

MM : I, I'm a little shocked here. All right.

MM : ... (IA) ... I'm tellin' ya facts.

MM : I'm...

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MH: Now let me just say this to ya.
I went back to my home city with
\$15,000 in my pocket and ya know, I...

MH: You, wait a minute...

MH: I went up there with a different
impression.

MH: You came back with \$15,000.

MH: That's exactly right.

EH: Weren't you given an envelope.

MH: Yeah I was given an envelope.

MH: I was lead to believe that you were
taken care of in the sum that was much
greater than...

EC: How much were you led to believe?

MH: \$50,000.

EC: We were...

MH: See that's not true.

EC: We were led to believe that there
was to be 100. Okay.

MH: I was told that you personally,
all right, up front, before we have
any transactions, ya know, before
we get down the line, all right was
\$50,000.

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MM: ... (IA) ...
 Now I'm telling you what the facts are now. Ya know I...
 EH: Of the 50,000 you only received 15,000.
 MM: I got 15,000.
 EH: Well I thought it was ah ~~50~~ FIVE - 0
 MM: ...Wrong.
 MM: I'm tellin' you what the facts are I'm, ya know, I'm willin' to get involved, ya know, and I'm interested in business for the city.
 MW: I am little embarrassed over that.
 MM: Well, I'm tellin' you facts, okay.
 UM: ... (IA) ...
 MM: So I, I just want to bring that up because I mean it's important to bring out.
 EH: We thought it was just 50...
 MM: Well ya, ya know what the problem is here. I mean, I meet you gentlemen in your operation, through other people. Okay. So I don't, ya know, and the people

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that I met you through are very good people, very standup...I won't even be here.

NW: Well, that's how we do business.

EC: Right...

NM: Okay.

EC: Exactly.

NM: Because how would be...

NW: HOWARD has been dealin' it. HOWARD has... (IA)

NM: But, the point I'm making to you, ya know, if ah, if I'm to get involved and I'm, I, I want to get involved, you can show me a legitimate way where you want to come into my district and invest ... (IA)...

Didn't I just do that?

You did it okay.

NW: And that's ... (IA)...

NM: I'm, I'm not lookin' to really put a hurtin' on anybody. I'm tellin' ya facts.

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MW: What do I owe ya? Let's get down to...

MM: Let me say this to ya. Now, I was a little hurt that day because I'm, I'm a guy that's as, look come up there and I was given ya know a, a figure that I was supposed to come up and I was led to believe that ah, all this is ah, you know, people wants invest, they want help in the Congress, we know the kind of guy you are, we know ya don't know that they, they know their own fucking guy, ah that I'm guy that I don't give a fuck what anybody says when it comes time to do something ya know.

MC: You'll stand up...

MM: I'll be the guy to do it.

MW: You, ya follow what I'm sayin' to ya. I auth...I authorized \$50,000. Now I'm gonna find that other 35. That's my problem, and that's... What do I owe you. I owe you \$35,000.

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MM: Well, I'm a lit...I, I don't want to say ya owe me 35 or anything like that but ya know...

MM: I authorized 50 thou. Is that what you expected?

MM: Well, I ...(IA)...

MM: And you ended up with 15?

EM: He says a 100.

MM: Well ya know, I was, I was under the impression there was so much more money involved, now I'm tellin' ya, I, I went up there with a different impression. Now I, ...(IA) ... I'm not gonna, I came back home and I had so much in an envelope.

MM: All right.

MM: Okay. Now, it, ya know, what am I gonna do? Ah I mean I just...

MM: Well, you're talkin' to the right guy...

MM: Chalked it up as experience.

MM: You're talkin' to the right guy about it.

MM: Well...

MM: Ah... .

MM: I just chalked it up as experience.

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ya know, I figure well...

MW: ... (IA) ... 'Cause we, we don't do business that way.

... (IA) ...

MM: Well, what I should have do, I'm not. Who am I goin' to complain to, ah, I mean my congressman.

MW: Well, that's true. That's true.

(Ha Ha laughter) ...

MW: Ha... Ya don't, ya don't go to ah

... (IA) ...

(laughter) ... IA ...

All right. Ah...

MM: And that's a fact...

MW: It'll be rectified...

MM: ... he'll tell ya...

MW: And that will be rectified. And I, I got credibility with HOWARD because I ... (IA) ... don't deal that way.

HC: Ain't no question about it.

MM: I didn't think it's true. I mean everybody's it...

MW: Nobody gets cheated, nobody gets cheated.

MM: Listen to what I'm sayin' to ya now.

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MM:

Listen to what I'm sayin' to ya now.
I go up there to talk to the Chase
Manhattan ... (IA) ... 400 million , ya know,
people want to invest in
American business. Ya know, get into
the shipping business, oil, coal. That's
ah ya know, there's one on every street
in the Delaware Valley. And there's
just me. You know, all this money, I
think, what the fuck, you got all this
money, man I guess that's bullshít
I, I thought it was bullshít all
this money. You're talkin' that
kind of money ... (IA) ... what the fuck.
If you, if you got to give a guy a few bucks
to get him involved, ya know, ya ain't
gonna, ya, ah, whosé gonna hedge at at
at that kind ah there's no limits
is it? I mean I mean that's the way
I feel about it.

MM:

... (IA) ... problem. My friend.

MM:

I mean if somebody's lookin' at,
now I don't know and I cert, I'm sayin'
this in front of ya 'now...

MM:

... (IA) ...

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MM: Because I want it aired out completely.

EC: Exactly...

MM: And I don't want no, I don't like...

EC: We were together...

MM: Whatever I do, I'll do up front
I don't need nobody talkin' for me
or nobody makin' a deal for me

MW: "Let's put it up front. The note was
supposed to be a 100.

MM: The note was supposed to be a 100. I was
supposed to walk away with 50.

EC: 50.

MM: I came home with 15. Now when I went
up there, I met people, they didn't
know what, they didn't really know anything
about Congress or know anything about
investing money in the Delaware Valley or
anything about Port operation, anything
about New York or Scotto or the guys that
are involved there, or anything about any
of that, ya know. And I just, ya know, I
know all about that. I've been down that
road many times. I know all about that
shit.

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MM: . I mean that's my...

MM: ... (IA) ...

MM: ...and of it...

MM: That's right. That's why we that's why we expected to deal with ya. But I'm not happy, if you're not happy.

MM: Well (IA) ...

MM: ...and obviously...

MM: ... (IA) ...

MM: There's reason to be happy...

MM: Well...

MM: ...and you walked away with less than half of what you ah expected or a third... (IA) ...

MM: Now what...

MM: ...of less than a third.

MM: What would you think, I mean. Think about it yourself... (IA) ... I mean ya know I figured well ya know I don't know whether it's a fuckin' scam, all ... (IA) ... is a few in the middle that 'shakin' somebody else down... quotin' shit. I don't know any of this and...

MM: I'll take care of... (IA) ...

MM: I don't expect to...

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MW: I'll take care of those problems.
'Cause if those problems exist...

MM: ... (IA) ...

MW: They're my problems all right.

MM: Let me say somethin'...

MW: ...and they will be handled. Now you
got 35 comin'.

MM: Okay.

MW: Period. That's the bottom line. And
that's what counts. That's what you
got comin' to ya.

MM: Well.

MW: All right.

MM: The point I'm tryin' to make here
is that you know I'm not the, the type
of guy that's lookin' to blow whistles
I could care less if somebody out
slipped me while I'm, I ain't the first
fuckin' time I've been out slipped
believe me, I'll tell ya.

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And it won't, the last, I can assure you (laughter). But when it comes to down to doing business in this town. Now I'm not sayin' I can go in and say BILL GREEN you're goin' to do this or do that, I can't do that. BILL GREEN's my close friend and very close associate. But when you deal with the key people in this city, I can use a lot of influence to help you. Now if you give me reason, I got the fuckin' balls...

ME:

Okay.

ME:

...enough to do whatever has to be done in Congress.

ME:

All right. When I'm tellin' you about ... (IA) ...

ME:

And I can't, I'm not...

ME:

... (IA) ...

ME:

...on a fuckin mission. Well one ... (IA) ... I'll tell ya, I like girls, I like to fuckin' gamble, that's one reason (Ha Ha laughter) ...

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MW: That's a good reason

MM: Laughter.

MW: That's two good reasons. Ah you got 35 comin'.

MM: All right.

MW: All right. And that's that's a statement of fact. All right. 'Cause I'm gonna take what you said.. Why didn't you bring this up?

EC: Because of my ^{pre-arranged} (IA)...to bring it up.

MW: All right then you're right.

EC: Okay, I don't ah... (IA)...Okay

MW: ... (IA)...I'm glad ya brought it up. I'm glad ya brought it up. Ah that'll be handled.

MM: Well I'm only sayin' to you...

MW: That's...

MM: ...you know, I felt a little hurt about it, hurt to a degree that I was misled. I, I mean, I made the trip on the agreement,

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EH: I know but who do you think misled you.
You think ah...

NH: I don't really know. Now I dealt
through HOW...HOWARD and HOWARD...

EH: HOWARD, who do you think misled you?
...and other people.

HC: Well, it's a I think it was a lot of
ah originally the number was 100.

EH: Yeah.

NH: Okay.

EH: Well you know who we're dealin
with right?

HC: Exactly.

EH: Okay.

HC: Well, I didn't at that time...
Let me tell ya, it was my first, ya
know transaction. I didn't have...

NH: HOWARD how much...

EH: Well you'll have to speak up.

NH: You have a great deal of money
transacted here.

HC: No question about it.

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MW: All right. Is this the only problem I got?
EC: It's the only problem you have. The only problem... (IA)...
MW: All right. We don't have a problem anywhere else?
UM: ... (IA)...
EC: Nowhere else. It was the first time, it was a fuck up from the beginning, okay.
MW: Yeah. But everything else is cool... I mean
UM: ... (IA)...
MW: I, I don't want any problems tomorrow morning.
EC: You don't have no problems.
MM: Ah, it seems to me that ya know, ya know I could be very helpful to you ya know getting other people who are really interested in in helpin' you. Ah, you know when I, when this happened to me, okay...
MW: I, I, apprec...
MM: I backed off.

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HW: I appreciate your feelings,...

HW: I didn't even, I didn't, now I'm
bain', bain' hon, well I, I know
what's goin' on which ya. I'm gonna
tell ya how I feel. Now one thing
about me, you'll know where
the fuck I comin' from, from day one.
'Cause I'm not gonna screw with ya.

HC: Amen.

DM: All right.

HW: Supposing...

HW: Ya know, I may not, and I'm not gonna
bullshit ya either. I'm not gonna
say look, ya meet me tomorrow and I
got this taken care of and I'll have
the mayor ...(IA)...I'm not gonna
kid ya. If the mayor ^{isn't there} ~~is~~ there...
(telephone ringing)...

I'll tell ya from day one. He's not
there. He's against ya. And what could
we do to try (telephone ringing) to get him
with us. Then we'll do that.

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Ain't that the way you want to deal?

EH: Yeah.

MM: I mean, let me be clear on how you want a deal

EH: Yeah. We thought... (IA)... everything was fine with that ah business at the the airport.

MM: Well...

MM: Uh huh (in background)...

UM: (hugh)...

HC: I'm glad you brought it up...

MM: Listen if I'm gettin' robbed, everybody ... (IA)... gonna end up gettin' in our hair..

HC: Ah absolutely pal... (IA)...
...by the way they're going to do business.

MM: Now you got 15 and I'm not... (IA)...

HC: ...that's why...

MM: ...don't want to hear about that...

HC: See nobody knows about this deal tonight, not even our other friend.

MM: Now, that's okay, I mean, I don't want everybody knowin' about my business...
... (IA)...

HC: ... (IA)... I didn't even tell him that I really talked to you about it...

MM: OK 211 2-24

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MC: Normally, I would have him call ya,
okay, but I didn't ... (IA). ~~fuck that~~
...and call ya direct.

MM: ... (IA) ...

MC: Right.

MM: You were promised 50, soon as I can
put it together, you got 35 comin' ...

MM: ... (IA) ...

MM: Okay. Bottom line, let's forget that .
situation, all right and that handles the
situa...that handles the the
immigration situraliza...ah, situation...a
bill the whole thing...I'll back you up with
the properties, we can work that out...
... (IA) ...

MM: We can work that out very quickly all
right.

Let's talk about the cash. Let's finish
it up. Right now, 'cause I'm pissed.

MM: Yeah.

MM: I understand.

MM: You got 35 comin', I'll put it
together. What are we talkin' about,

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all right, let's do it all at once...

UM: ... (IA) ...

MW: What are we talkin' about for you to
usa, all right, the influence we talked
about that you have in city government,
all right, on the docks and with any
organized type criminal enterprise
problem I might have in the future.
All right.

UM: ... (IA) ...

MW: Give me a figure right now, you got
one package...

MM: I would say that if you want, if you,
if you got, now now I don't know what
you're down so far as far as developing
a plan who your architect is, what kind of
land you're looking to acquire.

MW: The, the land is negotiable.

MM: Ah where was it located by...

MW: The land is negotiable... There's a
site we have interest in in center city,
all right?... Ah...

MM: Here's the thing...

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MW: But...

MH: We not gonna have...

MW: South Philadelphia, if it, the main problem is the immigration, you realize that...

MH: Okay absolutely.

MW: Getting the man here.

MH: Ya know I, I realize that...

MW: Okay, If the thing should be in South Philadelphia, well then it'll be in South Philadelphia, okay...

MH: Okay...Let me just say this to ya...(IA)...

MW: I've been led to believe that there are parcels of land...

MH: All right, let me say this to ya...

MW: ...in South Philadelphia.

MH: There is a, there is a, there is currently a, a vacant building in my area that is already built. Okay, it was built for the purpose of being a motel/hotel operation.

MC: A Holiday Inn.

MW: It's vacant...

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HC: You know where it is?
MM: Up for sale...
MW: I understand, yeah...
MM: Bad area.
HC: Bad area...
MM: But it's the kind of thing that
even, ya know, you offer it up, ya
know, they're tryin' to get somebody
else to take it up...
HC: The people...
MM: And I can explore that and you can
pick it up cheap. I'm lookin' to save
ya money...
MW: I'm not lookin' to save a dime...
MM: Well I'm lookin' to save...
MW: I'm...
MM: Ah (IA)...listen to what I'm tellin'
ya now.
EH: I think this package... (IA)...
MM: I'm lookin' to, we could, we can put
together a package cheaper and we can
get, instead of givin' it to the
contractors, we can ah, split somethin'.
I don't know, ya know, I mean, am I free to
talk here... (IA)...

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HC: Lay it on the table...

MM: I don't want to save nothin' either.
Now I ain't lookin' to save somebody
else's money...

MW: ...Fine

MM: But my own (laughter)...

But we might be able to put somethin'
together a lot cheaper than what we
was talkin' about...

MW: Okay, I am going to Montreal this
weekend and then I'm flying overseas.
And then, I'll be back as soon as
possible. The conversation I'm gonna
have with the man all right relates to
certain key topics. It's gonna be a
very short, sweet conversation,
because you sit with a man for five
hours and 22 minutes of it, all right, is
business. All right and three and a half
hours of it is fun ya know, it's
pleasantries, because that's how business
is conducted. In those 22 minutes, I
cover city council and a lot of things
on what I've done. Your name will come up

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ah there's no way in the world I'm gonna tell him about that problem that we discussed before. Ah I'll take care of that myself... (IA)...

There's no ~~LONGER A~~ ~~PROBLEM~~ problem you gotta...

DM: Okay...

MW: ...guarantee. You gotta 100 percent guarantee...
...(IA)...

MM: ...(IA)...

Now let me just say this to you. ...(IA)...

Ya know, I'm the type of guy that if I'm on a mission, okay, let's say I got to go deal with some mafia operation downtown. Say we got a little problem about some horseshit, whatever it may be. Somethin' that really shouldn't even relate to the individual who we're talkin' about. Okay. Now when I go down there and I say look, what's the problem, what does it take to straighten it out. Now I can't ah I mean my name is is very important down there and ya know my friendship is even more important. Now when I go back, I can

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go back and say look ah well I made the deal
but ah here's half the...(IA)... action. I'd
be in the fuckin' river the same night. I
can't operate like that. I gotta know what
I'm talkin' about. I gotta be specific. Very
specific on the way I deal. Now I don't wanta
die at this young fuckin' age...(IA)... good
reason. I'm after a good fuckin'
reason...(IA)...

MW : You have some of the same fears that he has...
UM : See...
MW : Okay.
UM : Uh-huh.
MM : Well...
MY : ...(IA)...
MM : If you say to me all right look you gotta
problem here with the cigarettes. Go down and
we'll make a deal, we'll resolve it for 10,
15,000. See what you can do. I'll do that...
MW : Fine, that's what I'm talkin' about...

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MM: All right. I'll do that. But I don't want to go down there and then when I'll meet ya tonight, and someone shows up and gives me 3,000, then I have to try to fuckin' negotiate and save my own skin...

MW: No problem.

MM: I don't wanta operate like that...

MW: You won't operate like that...

EH: You know...(IA)...it won't happen.

MM: But that...

MW: Okay...

MM: ...is the way. Well that was my own experience, that's why I'm bringing this shit up.

MW: I can go back...

MM: And I don't want to have to operate if I have to operate like that.

EH: I don't blame ya OZZIE.

MM: I mean what the fuck, I'm not, not gettin' shot over somebody I don't even know.

MW: ...(IA)...you're right...

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OZZIE I can go back there and tell them
that that...

MM: 'Cause they're figuring I'm fuckin'...
scamin' off the top. Ya know, and
I'm not...

MW: ... (IA)... Listen to me for a minute. If the
immigration situation is handled right?
'Cause I'm gonna finish up...
Handled to... I, I don't ... (IA)...
make it clear...

MM: Though I, I, I, I'm not kiddin' nobody
ya know, for any amount of money. I
can't just say, ya know we're in here...

MW: Mr. ... (IA)... allright Congressman MYERS...

MM: Now I want to be clear on it.

MW: ... is goin' to try as hard as he possibly
can, he's in your corner anything he can do
he will do.

MM: Now that's you can say that.

MW: Fine. That's all I need to say.

MM: And give me a reason.

MW: All right. Number two, right.

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MM: Other than, ya know a a reason that
... (IA) ...
what the hell why are you interested...
what are you gettin' a kickback...
MW: No, that's what I'm talkin' about,
number two.
MM: Give me a reason. Somethin that I
got some money in my district...
MM: ...Your hotel...
MM: ... (IA) ...where, hey this guy
is investing bucks...
EH: Well he's givin you a reason.
MW: You got a hotel...
MM: ... (IA) ...You see what I'm sayin' to
ya...
EH: Yeah sure...
MM: Give me a reason and I'm there...
MW: All right. Based on those facts that
you're gonna use your influence...
MM: Don't forget about what I told
ya about that English language, it's
very important...
MW: Okay, that's... (IA) ...
MM: State Department told me that...
MW: Number two...

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MM: Get a tutor, get... (IA)..

MW: All right. You can help use your influence with the, at least with the four city council members in your district.

BC: And.. (IA)... everybody else included?

MW: And everybody else.

MW: You can use your...

MM: ...listen...

MW: ...influence in city council for whatever benefits...

MM: See, ah, listen to what I'm tellin' ya...

MW: ...him in the construction...

MM: ...City Council, now I, I I don't, ya know, I can't say I got every city council member, city council we can handle. ~~We~~^{fact} get city council. Those that we can't handle, we can buy. So don't worry about city council.

MW: All right. GEORGE has given me a little or or ah HOWARD has given me a little

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education concerning city council and a
a lot of names have come and so forth.
who are those four that you're talkin'
about?

MM: ANN VERNA, JIMMY TAYOUN, FRANNY
RAFFERTY and AL PEARLMAN.

MW: Okay. Those are yours. You, I have no
problem with that.

MM: No problem whatsoever.

MM: I go back and tell him fine. You'll
use your influence, your office...

MM: Use my influence, my office and my
personal friendship...

MW: Okay...

MM: With these people...

MW: They'll go all the way... (IA)...

MM: They'll go all the way and...

MW: ...And so forth)...

MM: Everyones that we can't get I'll ah
I mean I could go on and tell ya. I
be glad....

BC: He might have another guy^W that we... (IA)

MM: I got Lucian Blackwell...

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EC: My guy.

MM: Oh, LOU JOHANSEN, forget it. I mean, he's ours automatically.

MW: Okay.

MM: ...And...

MW: The big ... (IA) ... and his last question and the bottom line, and he'll do it very dramatically. All right, is what do I deal with, how do I deal with the mafia. ... (IA) ...

MM: Ya deal with the mafia through... (IA)we'll keep it very quiet. You'll deal strictly through me.

MW: Fine. And you can handle those matters for me.

MM: I can handle... (IA)

MW: I can tell him those, all those points were covered with you. I'm not gonna mention to him this other problem we had fine. Now...

MM: You can handle...

MW: ...To be able to tell him, all right, those things, all right. We still...

MM: ... (IA) ...

MW: ...have the other matter, what do I owe you at that point. You were dealt with before on one thing, right...that immigration thing. Now I'm talkin' about three or four other things right. Three or four other...(IA)...

MM: ...(IA)...

MW: ...possibilities. Things I need help with, Things he needs help with.

MM: But I would say just, you know, it's here's the, now...

MW: Don't, don't, don't be embarrassed ... (IA)...

MM: I'm not embarrassed...

MW: ... (IA) ...figures, all right.

MM: Okay.

MW: Give me a figure...

MM: If you want to ah throw another 50,000 in are, and if you want me to spread it out and wind things up, I'll do it.

MW: That's your, that's your pick, right.

MM: Ah, let me just say this to ya. The thing with me and and I'm gonna be

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very...I, I want to be up front, okay. I'm not kiddin' nobody. I'm not tryin' to shake anybody down. If you want somethin done in city council, if you come to me with a proposal and say what does it take to get this enacted into law. Now I can't guarantee that the mayor will sign it. Okay. I could never guarantee that, I mean if it's a legitimate thing, investment of money, zoning, anything like that, you ... (IA)... simple shit. We can handle that for a few bucks.

MW: Fina.

MM: If necessary...

MW: It's... 'Cause it's legit, these are legitimate businesses. I'm not comin in...

MM: Okay...

MW: ... (IA) ...

MM: What I'm sayin' to ya, city council, if you got something I don't, if I don't I, I, I could, I don't care what it really is, you can, you can basically handle it, I'm tellin' you. Now I

can't put a dollar figure on every,
like, like tonight. I, I just can't
do that. If you want me to...

MW: What's it take to make you happy...
forget them?

MM: ...do somethin...

MW: Forget what we have to comin'
later on. I deal with that as it comes.
All right.

MM: Well ah, let me just say this to ya.
What would it take to make me happy is...

MW: ...in those other fields, because the
other thing is...

MM: Well, I'm talkin' about, see I
thought that I should had 50 grand that
day.

MW: All right. For this ... (IA) ...

EH: 35 you got coming.

MW: 35, yeah, I should, I should have
comin.

NW : All right. And add the rest for those other, those other things we talked about...

NH : Well, if want me to spread some...

NW : And... (IA)...

NH : other money... (IA)... around... now and you know, I, I don't what ya, you tell me what ya want me to do.

NW : Okay.

NH : Now if ya want me to get involved...

NW : No...

NH : ...with city council and line up guys that have been... (IA)... automatically on your side...

NW : When a vote comes, right...

NH : Ya tell me that...

NW : ...When and if a vote comes, you use all the influence you have and the power of your office to help sway city council if we have vote situation problems. Okay? Number one. Number two, you help us ah with any type of ah, ah labor ah city government, whatever, port authority,

this type of thing. Number two.
All right, just a commitment, right.
That you can do this, you'll help us,
you'll give us your best shot.

MM: Absolutely.

MW: Number three. And that's all anybody
can ask for in any type of situation.

MM: Best shot we have...

MW: ...All right, and number...

MM: ...is with Port Development. We're so
hungry for Port Development.

MW: And number three right, if we gotta
deal with mafia situations, right, that
you can intercede...

MM: I'll handle that...

MW: ...And use your good graces, and what
have ya, and tell us how to handle it.

MM: I will...

MW: All right...

MM: Handle that and, that...

MW: ...insight...

MM: ...will strictly be money deal, clear.

MW: Fine. That's okay. Now, ^{so} I'm not
talkin' about...

EH: The money comes from him.

MW: Right.

EH: ...And to you.

MW: I'm not talkin' about spreadin' money around down there because when it has to be spread around, you got it ... (IA) ... right?

MM: I'm tellin' you this, ya know, I and ah believe me when I tell you this, I'm not a, I'm not a ^{WEALTHY} ... (IA) ... man, but I'm, I'm lookin' to be, lay the cards on the table. Is that what ya, is this what you're lookin' for?...

MW: Exactly. For those three points.

MM: Now, ain't that the way we deal.

EC: Exactly right.

MW: You were dealt with before...

MM: Now I'm, I'm not gonna tell ya I need ah 8 million dollars before I, I mean, I mean I, ya know, I don't operate like that. I'm gonna tell ya how ya can do business, and if you, if you, you show me that you guys are reasonable guys, and

ya know, I'm not lookin' for a jackpot
...(IA)...or nothin'...Now I'm talkin'
with ya 'cause we gotta friend here, and I
don't expect any tapes to be runnin'
there. And I won't be talkin' if it
wasn't, if I don't know you guys, but I,
he's here, so I'm talkin' because I
feel he's here and ah I'm legit to be
able to talk this way. Now the key is you
don't go runnin' around like crazy . . .
people 'cause ya got a lot of money.
Don't do that. Don't try to butter every-
body with money because you'll waste more
fuckin' money in more differant
directions than you could ever spend
it right. You could spend probably one
third of it right and get the same
result or better than . . .(IA) . . .
That's why I'm dealin' with you people...
Well I realize that...
...(IA)...Right.
No, but you got the impression you're
givin' me the impression that, that well wh
will it take for this what will it take for
that.

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MM : No, no, no, no. No what...(IA)...

MM : ... (IA)... I'll submit you a bill each
month... (IA)... for three million..

MM : You don't understand...

MM : ... (IA)...

(laughter)

MM : No, no... You're not gonna get it.

MM : ... (IA)...

MC : ... (IA)...

MM : You're missing my, you're missing my point.
Right. You were deal with before. That
somethin' that made good that's guaranteed.
That's money in the bank. You were deal with
before strictly on one issue. All right?

MM : Yeah.

MM : Okay. I brought up three other situations.

MM : And I got them all covered.

MM : ... (IA)... influence right?

MM : ... (IA)...

MW: We struck a new bargain this evening
and I...

MM: I got 'em all covered.

MW: ... asking you what are we talkin' about
right.

MM: We're talking about make me happy.

MW: ...making you happy.

MM: ...(IA)... To keep me happy, just make me
whole with the kind of ah, ah...

MW: ...you'll be made whole...

MM: Kind of agreement that I...

MW: ...You'll be made whole...(IA)...

MM: I, I want to New York for...
I come home I was...(IA)...

MW: ...(IA)...business.

MM: I come home embarrassed.

MW: All right...(IA)...

MM: Make me whole and then we'll go on
from there.

MW: All right. I wanta you'll be made whole.
It's finished business right. I brought up
3 other fields, right. What, what I owe yo
for, I'm goin' back and gave him a commit-
ment, the same commitment ya gave me.

That the man said yeah, he'll handle his...

...(IA)...the best he can.

EH: I think what MIKE is sayin' is...

MW: Give me the figures.

MM: I know what he's sayin'...

EH: ...(IA)...

MW: ...(IA)...not what it's gonna cost me
down the line, but what, ya know, what
keeps ya happy.

EH: I think what he's sayin' is
he trusts you ah to deal the
extra bucks with these people who...

MM: ...(IA)...

EH: ...But what this, just what are you
lookin' for, ya know, like to make
you happy...

MM: ...to make me happy...

EH: ...(IA)...so...

MM: To make me happy...(IA)...

EH: ...(IA)...for six months like ya have
been.

MK: All right. Let me say this to ya.
To make my happy, I was introduced
to you people. Okay. I didn't read
your name in no want-ads section or I
didn't pick ya out of a paper. This
gentleman introduced me to ^{you}yeans. Now
what arrangements ya have with him, I
mean, does he have a retainer with you
or...

MW: HOWARD and I have...

MM: ... (IA) ...

MW: ... (IA) ... business transactions and
HOWARD ... (IA) ...

MM: I mean do I have...

MW: ... (IA) ... keep happy.

EH: Don't worry about HOWARD, that's
separats...

MM: Ah let me say this to ya when I talk
about what I'm talkin' about...

ME: You personally just you..!

UM: ... (IA) ...

MM: ... (IA) ...

MW: ... (IA) ... HOWARD, HOWARD...

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MM: I mean because I was referred,
recommended through this gentleman.

EC: Right.

MW: I take care of HOWARD...

MM: ... (IA) ... You know if I have to worry
about HOWARD than I'm talkin'

... (IA) ...

MW: You don't have to worry about HOWARD
this is strictly...

MM: Now look, the only thing I can say to
you, I can line a lot of customers
up for ya, members of congress that are
willing to deal with us. I could put
people around you, you wouldn't be, you
would be shocked. I mean, you may think
I'm kiddin' but ah if you want to spend
fuckin' money, I'll show ya how to spend
it.

MW: Oh, I'm sure you could.

MM: (Laughter)...

MW: I'm sure you could...

MM: ... (IA) ...

MW: I want to make you, ah, I want you got to be paid for those other three things. Now what is it?

MM: Well...

MW: Now, give me a figure because I gotta be, he's got a lot of banking business to do here for me and I...

MM: I would say that ah you know, I mean I and I'm not lookin' to rip anybody off. Give me, I want my 35, but ah... (IA)...

MW: All right, now that's ^{PERRO} cash business. You got it...

MM: Give me 50 in addition. You're gonna work on other people, city council, people, we're gonna have to deal with. I'll go talk to, to the mafia connection, there's CHICKIE NARDUCCI my close, close friend. Okay. We'll get FREDDY DEBONA lined up. You give me some plans. You send me your engineer who wants it to develop smethin' at the port. Done taken care of. You'll have to invest some money, give us a long term lease. We'll spend city money.

MW: Okay.

MM: Okay. Develop that operation.

MW: All right.

MM: I show you, do exactly how to do that.

MW: All right. Those two plus your influence with city council and your influence in your office. That's a powerful office, I mean...(IA)...no bones about it.

MM: Well if I need, I mean, just give me, - now I, I, I...

MW: ...this is yours...

MM: ...didn't rob ya...

MW: ...this is yours...

MM: Ya want me to tell ya to give me ten million, I'll tell ya that, I don't want to ...(IA)...ya know. I'm not goin' to tell ya that. Now I'm goin' to be very honest which ya. I, when I first talked about this, I was lookin' to get fifty. So let me walk away with my 35, give me 50 to go out and do these other things that we spoke about and you know...

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MW: Okay.

MM: ...We'll meet again...

MW: ...Fifty covers only you on these matters. Anything else we got to do down the road we do, right. It's a new ball game.

MM: ...(IA)...

MW: Fifty will cover you on those three issues. We'll take care of the other matter.

MM: Absolutely.

MW: All right. You got a big package comin' all right?

MM: All right.

MW: I'm a...

MM: We'll go out and do what we have to do...

MW: Let me do...

MM: I got that covered...

MW: Are you stayin' in town or are you goin' back tomorrow?

HC: No, no, he's stayin' ...

MM: No, I'm stayin' in town.

MW: Can you do this? Can you give it
some thought on whether I should see
ah, ah Mr. DEBONA tomorrow. I...

MM: Let me say this to ya...

MW: ...I'll give it some thought as well...

MM: If you want to see Mr. DEBONA, I
can arrange that, okay. I
can, all right, I can even take ya
to Mr. DEBONA's house tonight.' Okay.

MW: If I do, I want to go with a package.
I don't have a package available at...
...(LA)...

MM: But, you don't want to go in with a package at this point in time you listen to what I'm telling you.

MW: I'm listening, that's why you're here.

MM: Are you ready? I want you to meet with Mr. DEBONA, but I wanta...see, Mr. DEBONA is going to want; he don't want to talk to you about any packages (telephone rings). You follow what I'm saying to ya.

MW: I know wxactly what you're telling me.

MM: Alright now.

MW: (Answering phone) yes, yeah, hold on a second (MYERS leaves).

MM: (IA)...take a leak.

EC: Leave the door open for me will ya? Jesus christ it's; we got to wind this thing up here. I'm getting tired.

EH: Yeah, yeah.

EC: Can I use that phone (IA) (CRIDEN leaves)

EH: Yeah, take your best shot.

MW: (On phone) good enough, ok. I appreciate it. You know I like the way you do it. (off camera (IA) conversation)

MW: (To EH) where's OZZIE? Head?

EH: What's that? yeah. He's taking a leak and Mr. CRIDEN is telephoning

(pause) (IA talk off camera) (MM, MW and EH come into camera range)

MW: Alright, fine, why don't we do this. Tell me your itinerary. You gonna be in town tomorrow?

MM: Be in town tomorrow.

MW: Alright, alright we don't want to do business with him like that at this point.

MM: No.

MW: Fine, hey, that's good enough. Your opinion is valuable, there's no doubt about it.

(HC enters).

EH: I think we have a friend in (IA).

MW: Alright, I, I'm going to Montreal. I'm going to go, most likely tomorrow, the way things are going. I'm going to go. I have to. I have commitments. I'm going there. I'm going overseas from there this weekend. I'll take care of it. The money will be wired. You will take care of it. (points to EH).

EH: Alright. I'll take care of it next week.

MW: Alright, you'll be taken care of. You and I will deal. ERNIE will take care of it. Eh.

EH: And you have to...HOWARD, there's another piece of...

MW: Yeah, you...

EC: Ok, we'll talk.

MW: We'll round it off, alright. Eh, how long you going to be here?

MM: I'm gonna, I only, you know.

EC: He lives here.

EH: He's got a job in Philly.

MW: When you going back to DC?

MM: I'll be going back Monday morning...

MW: Ok.

MM: ...12 O'clock... mid-day...

MW: Could I possibly reach you through HOWARD?

EC: Sure.

MW: If I call him from, oh, oh...

MM: Absolutely.

MW: ...Montreal...

MM: Let me say this, Now I'm not...

MW: ...this weekend.

MM: I just want to be clear, you know, so, I mean, you're taken care of...

MW: He's my business.

NM : And whatever we do. We're doing...

MW : You and I.

NM : Ok, is that understood?

ER : Since we had misunderstanding before, we can make it clear now.

MW : Alright.

NM : So I know where I'm coming from now, I, I, I went up to New York with good people. Now I didn't ask a lot of questions, or question anybody, but as long as I know where I'm coming from. Alright, now, whatever I have to do, you know, we can meet the way we're meeting now. Are you the head hauncho of this operation in America?

MW : Right now, I'm it.

NM : Alright, you're the head guy, oka, sow e'll meet and we'll discuss what has to be done. Now, I mean, I can, I'm not looking to put any great price on anything, eh, eh...well, I have to talk to this longshoreman boss, oh, the guy that headed the ILA and it's gonna cost. I'm not looking to do that. Ok, I'm personally not looking to do that (phone rings) Now if that's what I should do, you tell me that.

(phone rings) and if you gotta.

UM: (IA).

MM: And if you're looking to spread money. (phone rings)
and you gotta have a reason, a reason to do it, then I'll
handle that. You know, you give me some clues on what
you want to do here.

EH: Just let me tell you this.

MM: You see what I'm saying.

EH: Just leave it the way... everything is fine now, because
we have to get this all squared out now.. Eh,
everything is great.

MW: (On phone) ok, ok, alright (hangs up). That's good.
That's finished now. That worked out nice and nobody's
mad at me. Eh, I'll tell you what. How can I get
in touch with you tomorrow? Alright, I'm going to
start making some telephone calls right now...

MM: I'll be around (IA).

MW: ...and you are as well and I'll make a few in the
morning, if I can't reach the parties tonight and I,
I'm ^{her} not and I'm a little embarrassed and I'm gonna
straighten the situation and I'm gonna try to make
you whole tomorrow, if I possibly can. If not, it will
be within a mat..., just a matter of days.

MM: Alright.

MW: Are you satisfied with that. You got eight,
 five coming...

MM: Very good.

MW: ...and I've got my commitments, and I'm happy, eh...

MM: (IA)

MW: I can only apologize for that. Alright, that's all
 I can do...

MM: Let me say this to you.

MW: ...and I'll make it whole.

MM: You know, I'm the type of guy that when you have to
 go do something, you just better hope I'm at your side,
 if you want to go do a serious mission, you should
 hope I'm at your fucking side, at your side.

MW: That's why I'm here.

MM: I don't give a fuck about nothing. I'm a little
 fucking, you know, half crazy at times. You know I'm
 the type of guy, did you know, how do you I got a
 ninth grade education. How the fuck do you think I
 got to congress? On my fucking wisdom? Hey, heh, heh.

EC: Yeah, on your wisdom OZZIE.

MW: How do you think I got where I am.

MM: (Laughter).

- MW: Luck? how can I reach you tomorrow?
- MM: You can call me at several numbers. The best way to call me is to call my office and tell them that you're looking for me.
- EC: Five-nine-seven-three-five-nine-two.
- MW: Three-five-nine-two. Ok, and eh, I can call you there. I can call there and say I...
- MM: Call there I won't be there.
- MW: Eh, MICHAEL COHEN, MICHAEL COHEN called you...
- MM: MIKE COHEN is looking for me and he's at a certain number and I'll call you back. That's all.
- MW: Ok, great, great. Eh, I'll take care of it. What else can I say. Alright, I'm going to make some telephone calls right now.
- MM: Alright, all these other things...let me just say this to you. All these other things, when you're dealing with the mafia in this town, when you're dealing with the part, when you're dealing with City Council, when you're dealing with the Zoning Board, all the key things that you may run into a problem with, in this town, if you got fucking money, you don't have a fucking problem. You can handle all the problems.

MW:

Fine then I have no problems because...

MM:

You have no major problems, now I can make things easier for you now, eh, you gotta tell me. Now I'm not a fucking thief to the degree that I'm trying to skin anybody and take their eyes out. I mean gouge your eyes out. You know, I, I believe in live and let live and I'll be very honest with you when you're dealing with FREDDY DEBONA, he's interested in quick promotion. If you can make him happy, in, while we're promoting the part, I'll tell you how to do that.

MW:

That's down the road alright.

MM:

That's down the road.

MW:

You got no problems...

MM:

Yeah, and I need, I need statistics, figures, tonnage...

MW:

You'll get it.

MM:

What you need, what kinda lease you're running into, and I can handle that. We'll enter into an agreement...

MW:

That's what lawyers are for.

MM:

...in two fucking days, if you got the proposal and you got the money to back up the proposal.

NW:

That's what lawyers are for. They handle that. That's what architects are for. That's what engineers are for. That's what those guys go to school.

ME:

(IA)

NW:

You know.

MM:

You know there's a lot that, that can be done, you know. I'm the type of guy, you know, I play eh, like a very fucking nonchalant role, till I know who I'm dealing with ok. I try to develop the kind of confidence that I think I can develop for you guys and then we can deal.

EH:

I think we understand each other now.

MM:

You know, I'm not...

EH:

I think we...

NW:

We got somethings up front and I'm, I'm...

MM:

I'm not coming in here looking to, looking to put a shake in anybody. I mean, eh, I'm interested in the city, given some reasons. I'm not, I'm not a fool, I'm not going to run out, you know, say well here's X amount of bucks, go out and introduce this bill. I'm not interested in a fucking bill that's going to get me fucking shanghai'd the next day.

MW: We're going to back you up.

MM: I'm no fool.

EB: We're going to be here a long time.

MW: We're going to back you up.

MM: Give me reasons...

EB: We got a nice arrangement between all of us.

MW: This man's going to back the.

MM: ...and I'm willing...

MW: City of Philadelphia to the tune of 11 dollars and it's
it's, it's...

MM: Well, the point I'm making, you know, you...

MW: ...he's going to make people happy to have him here.

MM: You want to, you wanna, oh, build good relationships
you want a good understanding, clear understanding,
so you know where I'm coming from.

MW: I think; did we clear up some things tonight?

MM: I think so.

MW: Fine. I have...

EC: It was a super meeting.

MW: I have to do a little investigation right now. Alright,
I'm going to get on the telephone and burn some wires...

MM: Ok.

NW: ...and I don't show it, but I'm a little hot. I'll take care of you.

MM: Alright.

NW: Beautiful.

MM: MIKE, pleasure.

NW: OZZIE, good meeting you and it will be taken care of possibly tomorrow, if I can.

MM: I'll tell you, whom we have...

NW: Hustle them up.

MM: ...whom we have a face and discuss such as we did tonight, I think we should get together like this...

NW: Alright.

MM: ...just thrash it out.

NW: (IA).

MM: If you have, if you even envision a problem. Let's say it's a, I don't give a shit what it is. If you envision a problem, I don't care what it is, I mean if it's local. I don't care what the fuck it is, if you envision a problem if it's Atlantic City, if it's labor, part, if you envision a problem, you call me in on it.

NW: Alright and you can use some influence to help us out.

EC: You want me to stay a minute?

NW: No, I'm going to get right on the phone and I...

EC: No I want to talk to you just for a second.

NW: Fine, that's great.

MM: If you got the kind of money that you tell me you have we can straighten any problem out.

NW: Eh, HOWARD knows what the resources are.

EC: No problem.

NW: That'll be, that'll be made good.

MM: What I'm saying.

NW: Let 's not even discuss that anymore, cause I'll take care of it.

EE: You want OZZIE to wait for you downstairs?

EC: Yeah, just a minute, I'll only be a second OZZIE.

EH: OZZIE.

MM: Pleasure.

UM: (IA).

MM: MIKE, see you.

NW: Ok, thank you for stopping in.

MM: I'll wait down there.

EC: Where?

MM: And we'll have; down in the lobby.

HC: ...in the bar, yeah. I'll be down and we'll have a beer.

MM: I've got to get home and get some a..., I've been away from Philadelphia for a week, you know. Got to go home and take care of the home life.

MW: Whatever you have to do show him out, make sure does he know how to get out.

EH: Do you....

MM: Yeah.

HC: Do you like this guy?

MW: Yeah, that's how to do business.

HC: Right.

MW: That's how you do business.

HC: Right.

MW: I'll take care of that. That's my problem alright.

HC: I want to give you a little background to that problem, ok, tell you how that problem arose, ok. That problem arose because somebody may have said that there was a hundred, ok, and he was given commitments that he was going to get fifty, ok, but when it came to the meeting, there was only fifty and I, I, ok.

MW: Who took the package up.

HC: The package got whacked, ok, from the time that

he got...

MW: Let me ask you a question.

EC: What I want you guys to understand.

MW: Was there fifty thousand in that bag?

EC: There was fifty in the bag.

EH: Ok, that's all we want to know. Everything's fine as far as we're concerned.

MW: Ok, then all we have.

EC: (IA)...I didn't want you to get the wrong impression, that I, I'm assuming that what you thought was that the people (IA).

MW: Somebody skipped out...

EC: But that was not the case the case was...

MW: But they know better.

EH: As long as there was fifty, that's all that was.

EC: You're people did what was right.

MW: Fine, that all I'm after.

EC: Ok, that's what I want to get.

MW: Who walked out with the package?

EC: Well, it changed hands, I mean, it was...

MW : Fine ok.

HC : ...between, eh...

MW. : There was fifty thousand dollars in that bundle.

HC : There was fifty in that bundle.

MW : Fine.

EH : You saw CREE as he walked out with the package.

HC : Yeah.

MW : Would you tell him that?

HC : Oh yeah.

MW : Would you tell him that downstairs?

HC : Yeah, yeah, I'm gonna tell him that, ok, there was fifty in the package, ok, but before the package got down to him, it got skimmed, ok, there were other people.

MW : What do I owe you on him.

HC : You tell me.

EH : We can work something out.

HC : You tell me.

MW : I'll be in touch with you very soon.

HC : Ok.

EH : It was a good meeting tonight.

HC: Ok, I, but, I, I, don't want to go in, listen, some guys deserve to get burned, but some guys are...

MW: If he walked out of that...you can assure me.

HC: I swear to you.

MW: You were standing there and you saw it. There was fifty in the package.

HC: There was fifty in the package.

MW: That's what I was led to believe (IA).

HC: There was fifty.

MW: As long as we know where we're standing.

EH: We know there was fifty in the package.

HC: There was fifty in the package.

MW: That's a misunderstanding and if there was supposed to be a hundred, that's that's, something else.

HC: Yeah, see the commitment was made that there was a hundred to be given and he was told he was going to get fifty.

MW: That's a misunderstanding. I was told fifty, if I was told a hundred, eh, he'd had a hundred.

HC: See, nobody told anybody that there was going to be a switch from a hundred to fifty until the meeting was in progress.

NW: Are we friends? heh.

EH: We're they...

MW: What did you get out of that? Did you beat him?

HC: Oh, no, no, no.

EH: Let me ask you this.

HC: I got something, but I didn't get pis ^{cock} ~~cock~~ out of it. You got to remember the guy across the river there, was involved in this.

EH: Was it supposed to be whacked up so much?

MW: Tell me how it was whacked up?

EH: I mean, was it supposed to be whacked up so much?

HC: When I got the package, when it was (IA). Now he knows there was more than fifteen, ok, but there was twenty-five when it got down to me, ok, and he sat in my office and and took fifteen.

MW: The guy across the river, he took twenty-five.

EC: I don't know what...I can't vouch for anything.
Ok, when the package came back, when the package came to the office, ok, there was twenty-five in the package, ok, and he got fifteen and ten stayed and there was, and there was somebody else involved on my end.

MF: Ok, alright.

EC: Of the ballgame.

MF: Ok, he'll be made whole.

EH: We can assure you...

EC: Alright, I don't bullshit you.

EH: We can assure you there was fifty when the package when it...

EC: There was no question about it.

EH: Ok, that's all we want to know.

MF: That's an embarrassment...

EC: I understand that.

MF: ...and I left like, I didn't care for it.

DM: Remember one thing.

MF: The short hand, not only will it be made whole, but that it's a misunderstanding, that eh, alright.

HC : Let me tell you something, ok.

MW : Do I want to look chintzy to this guy?

HC : No, no, no-no, no-no. But I don't won't you to, ah, I want to play straight up and it was the first chance, I was only a messa..., I'm not a messenger boy.

EH : I never saw you there.

HC : I, I, delivered him, ok, ok, the other guy across the river took credit for the delivery, cause he was the guy..., you were there. He brought him in...ok, I wasn't even, ah, oka, now I have no control, I didn't even know.

MW : He not only took the credit. He took twenty-five...

HC : I didn't even know.

EH : (IA).

HC : What am I going to do?

MW : Great day for him, twenty-five.

HC : Ok, now, what are you going to do?

MW : Then things will work out.

HC : Ok.

MW : (IA)

HC: I just wanted you to know.

MW: It's money. It's nothing, nothing to be concerned about.

HC: No, but I didn't want you to think that your people skinned you.

MW: Ok, I'm going to take care of it and I can relax.

HC: Now.

MW: Make sure he doesn't think that we...

HC: No, no, OZ thinks,...

MW: (IA).

HC: I see, he understands (IA).

MW: See how uptight he got, because he thinks that, eh.

HC: No, because he got uptight because when we made the arrangement with him, we said OZZIE, there's fifty in it for you. Ok, there will probably be a hundred. Fifties going to get whacked, cause nobody was taking, taking care of us at that time. We had to care of our other package.

MW: Ok, that why you and I have a different (IA).

HC: Exactly and I would rather do it that way.

MW: Fine.

HC: I don't want to be involved in a...

MW: Ok.

EC: I'd rather he got his and I...

MW: Ok, he gave me, he gave me the right commitments
and, and everything's fine.

EH: This was a good meeting tonight.

MW: Yes, that took care of a lot off...

EH: He deserved something for setting this up.

MW: Alright we'll take care of that and I'll. I mean
the right way.

EH: Besides what you already have...

MW: Yeah, HOWARD, thank you.

HC: Ok MIKE.

EH: Ok my man.

HC: Alright, ERNIE, take care pal, when will I talk to
you?

EH: I don't have to tell you where the elevators...

HC: No, eh, when will I talk to you?

MW: If I can't get anything, if it, this weekend. I'll
try to call you from Montreal, if not you'll hear from
him no later than next week.

EC: . Ok.

MW: You just took a load off my mind, thank you.

EC: Me: *HAVE A SAFE TRIP*
I knew I would.

MW: (LA).

EC: I didn't want to...

EH: Did you leave anything.

EC: I didn't want you to have ulcers unnecessarily.

EH: Ok, my man.

MW: Good night HOWARD.

EC: Chow.

(END)

12 MR. PUCCIO: Judge, apparently a couple of
13 pages were missing. We just stopped for that.

14 MR. BROWN: We don't know what is happening.

15 THE COURT: I don't know how it appears with
16 the others, I had 183 in the 150's. That is all that
17 was wrong with me.

18 The tape stopped playing on page 159.

19 MR. BEN-VENISTE: We have the same mistake.

20 THE COURT: Apparently the xerox collator
21 flipped.

22 MR. BROWN: Are there any new pages?

23 THE COURT: I don't think so.

24 MR. PUCCIO: The last page is 183 and that
25 was stuck somewhere in the 150's.

1
2 THE COURT: I have in effect two pages 163,
3 one of them is out of order.

4 MR. BEN-VENISTE: Can we continue to run at
5 this stage rather than to redistribute pages? I make
6 my request on one leg. There is not much more to go.

7 THE COURT: We are on page 159.

8 (Tape played.)

9 MR. PUCCIO: May I indicate we are on 162
10 at this point?

11 THE COURT: 163.

12 MR. PUCCIO: Alright.

13 (Tape continues.)

14 THE COURT: Alright, we will take a short
15 recess.

16 Don't discuss the case.

17 (Recess taken at this time.)

18 (continued on next page)
19
20
21
22
23
24
25

1 MICHAEL W A L D having been previous-
2 duly sworn resumed the stand and testified further
3 as follows:

4 (Whereupon, the Jury entered the Jury Box.)

5 THE COURT: Alright, Mr. Puccio, you may
6 proceed.

7 DIRECT EXAMINATION

8 BY MR. PUCCIO: (CONTINUED)

9 Q Now, Agent Wald, did you have occasion to
10 meet with Congressman Myers again?

11 A Yes, I did.

12 Q That's on the very next day, the 25th of
13 January, 1980?

14 A The 25th.

15 Q Where did the meeting take place?

16 A In the same location, Barclay Hotel.

17 Q Was there anyone else present at that
18 meeting?

19 A I believe Agent Haridopolos was.

20 Q I show you --

21 MR. PUCCIO: May I approach the witness?

22 THE COURT: Yes.

23 Q I show you Exhibit 8A and ask you if you can
24 tell us what it is?

25 A That's a partial transcript of the second

1
2 meeting I believe.

3 Q And have you had the opportunity to compare
4 that to the video? Are you satisfied that that is a trans-
5 cript of the meeting?

6 A Yes.

7 Q Accurate?

8 A Accurate, to the best of my ability.

9 Q Now, let me show you Exhibit 8?

10 MR. PUCCIO: May I approach the witness?

11 THE COURT: Yes.

12 Q Can you identify that for us, please?

13 A That's a video tape of the second meeting --
14 my second meeting with Congressman Myers on January 25th,
15 1980.

16 Q That's a redacted portion that corresponds
17 with the transcript; is that right?

18 A Yes, it is.

19 THE COURT: In other words, this is a copy
20 of a part of 8B.

21 MR. PUCCIO: That's correct, your Honor.

22 Your Honor, I offer those two Exhibits in
23 evidence and I ask that the books be distributed and
24 the tape be played to the Jury.

25 THE COURT: Any objection to 8 or 8A?

1
2 MR. DUFFY: Your Honor, I assume I have the
3 same continuing objection?

4 THE COURT: Yes.

5 MR. DUFFY: On the basis --

6 THE COURT: On what we discussed.

7 Again, keep in mind, ladies and gentlemen,
8 we are dealing here -- I don't see any reference to
9 any conversation by the defendant Myers. The defen-
10 dant Criden is involved; is that right.

11 MR. BEN-VENISTE: No sir.

12 THE COURT: I beg your pardon.

13 MR. BEN-VENISTE: On this one --

14 MR. PUCCIO: This is Congressman Myers.

15 THE COURT: I am sorry. I hadn't turned the
16 page. I am sorry.

17 MR. BEN-VENISTE: We would ask for a cau-
18 tionary instruction with respect to Mr. Criden.

19 MR. PUCCIO: Judge, may I approach on that
20 question? I can hold it, I suppose.

21 THE COURT: I think it can wait until
22 later.

23 MR. PUCCIO: Ok.

24 THE COURT: It shows Congressman -- the
25 defendant Myers, not any of the other three defen-

dants, so when it is still continuing -- consider this as part of the same cautionary instruction I have given you. I will give you more instructions on it later.

Alright. 8A and 8 are received in evidence.

You can distribute copies if you have not already done so. And then play the tape. Are you ready, Mr. Puccio?

MR. PUCCIO: We are setting up, Judge.

(Video tape played)

Date: January 25, 1980
Time: 8:20 P.M.
Place: Barclay Hotel
Philadelphia, Pennsylvania
Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)
ERNEST HARIDOPOLOS (EH)

* * *

MW: Oz, how you doing? Come take a seat.
Ernie will take your coat. Can I get
Ernie to get you a drink?

MM: Ah, not really.

MW: Okay.

EH: A little bourbon.

MM: No, not really.

MW: Long day. Ah, I started early this
morning and, da, checked out a lot
of things, all right, I mean, ah, the
operation, ah took a blow from you
last night on that story you related
to me, you know, I was, I was upset
very upset. You weren't out of here
five minutes and I was on the telephone.
Now, when you left I had a little talk
with Howard and I made some telephone
calls and had some people contacted who .

were involved in the situation, and eh should anybody within this organization, all right, within our organization, try to, try to skim, all right on a, on our employer, there are consequences, and they're dire. There's no courts involved, there's none of that nonsense.

MM:

MM:

Sure.

It's, it's Moslem retribution and ERNIE would have had certain things he would have to accomplish. And st..., it would have been a very bad situation. All right. And I was very upset. I'm less upset now, but I still am in one regard. I found out that they had \$50,000, just as was agreed on, and that that package was handed to you with 50 in it. Talked to Howard last night and he said that's true. Ah, the gentleman was supposed to receive, Mr. MYERS, was supposed to receive \$50,000, and that's what was in the package, but from there, right, it went to various places.

MM: Oh. I...I...

MW: It wound up with you.

MM: Ah...No...I don't disagree with that.

MW: It...it...becomes a matter of honor with my employer.

MM: See the thing...

MW: He's not aware of this situation, you know. Right. I kept that from him entirely. Kept it with me.

MM: Uh ha.

MW: And da, it's a matter of honor. You promised 50, and you end up with a package of 50. What happens from there?

MM: Ah...

MM: See, here's what happened. You know when I was there. First of all it seemed to me. Now I was approached with initially, okay, by right people, with a, you know come up for lunch, you know meet these people and who could help in some way. See we don't want you to sign in blood but you have to do. But you know these people, are looking to

establishing a relationship on a friendly basis and this is the way it was explained to me. Now, when I get there, see, it was suppose to be a 100, okay, now these people who were setting it up, and there were very few names, I couldn't name everybody that was involved here. I didn't ask and I wasn't really told, but my understanding with the guy I dealt with which was another associate to this gentleman, you know it seems like there was a lot of hands in the pie.

ME: Tell me about it. If you wound up with 15...

ME: I wound up with 15...

ME: Then we had heavy heavy hands in the pie.

ME: Okay. Now, right afterwards...

ME: Now if there was supposed to be a 100 in the first place, then there was a dire misunderstanding because I was told when the approach, be, ah, before the approach was made, ah, we need 50 thousand dollars for this gentleman. I said

That's fine. That's what he, that's what he should, do, obtain here, that's what he, that's what it takes.

MM: All right. So we go up there. All right. Now, all through the process, you know, I didn't personally want to walk out of, up in New York, with this package anyway. I wasn't looking to do that, travel back down myself or fly back down or any other way with the package. So the other people that are involved eh, in other words, I...I took the package.

MW: Right.

MM: Didn't see what was in the package. Didn't have any, a, reason to rip it open and go through it, walked out the door and handed the package over. I didn't see the package no more. Now I headed back to Philadelphia. Now I didn't, you know, people that I was referred up there by, I didn't know

whether there was, ah, there were
you know, ah, the kinda people that were
aware what this arrangement was.

MM: That appears to be where the
misunderstanding.

MM: Right. Now. So when I got back
home, ah, back down this area,
Philadelphia, ah, I went to...to
meet the people at the City. Now
when I met, meet the people, there
is a misunderstanding. The first thing
that I was told, instead of a 100, there's
only 50, because the other people are
obviously were supposed to get half of, for
whatever the action was, for setting it
up. So when I get there, there is a
misunderstanding. The 100 turned into 50.
And other people were involved and played
a part of it, this had to happen, and that
had to happen, and this had to happen.
So now there was 15 left. So I was in a
position either to take 15 or figure, or

not take it. Now that's the position I was in. So, I almost didn't take it to be very honest with you, but I figured, fuck it, why should I give him back the 15, and let somebody else take it, really screw me, so I, I, I you know eh, you know, now other people even that, that, that day were, were talking me, you know, I'm going tell you so you hear this. "Look, don't deal with him, deal with me." So it seemed like a fucking scam to me, all the way of whoever was at the top, so I wouldn't even ask to get some more customers or you know some members, I'm talking about. And I, I got a little bit of clout. I'm not saying that I could deliver 30 or 40 members, but I got a few stand-up guys that could help and they would be interested in...I could never approach anybody...

MW:

I...I want you to realize that it becomes a point of honor.

MM: Yeah...Ah...

MM: With us...

MM: Same to you. If I had a deal...I...
 Even if I had to go for it myself, I
 couldn't get caught in that kind of a
 trap. If I do somebody...You know...
 that somebody, reputable guy on an
 important committee that could help
 and we...and I tell them a certain
 thing and that's how I'm instructed...

MM: You've got to be better, be backed up.

MM: You know I...I can't...I wouldn't do it,
 you know I'm afraid...

MM: As long as you see...

MM: Ta..When they say got me customers and you
 could get a piece of their action, I'm
 not looking to do that.

MM: All right.

MM: Believe me when I tell you, I'm not.

MM: As long as you see that in that
 incident we have a....we're were trying to
 be honorable. I mean I was told fifty

thousand dollars for you. That was made available. And it was there. And that's what was given to you. Now. Other people took a slice of it...

MM: Yeah. And I'm not aware...

MW: For the time you had it, "A" and the time you wound up with it "B".

MM: Yeah, I can't ...

MW: Eh...

EM: I think I know how it got whacked...

MM: Well I don't know. I don't even know these people...Okay...And I...I...I'm not blaming anybody. I mean I'm telling you just what happened.

MW: Well,..

MM: I...I...

MW: I'm a little miffed at Howard because he didn't bring it up.

MM: Well, you know...

MW: Until you brought it up last evening.

MM: Maybe he didn't expect me to bring up...
I...

MM: It's...

MM: But I'm going to tell you. I'm going to be up front...

MM: Ah...If fifty thousand is there in an envelope for you and you wind up with fifteen. I mean what kind of... what kind of fee for that is setting it up...is...is...a thirty five thousand dollars for setting up a fifteen thousand dollar...a...note. That's, that's insane. Right...That's...that... that bothers me. If it was a hundred... it should have been made clear to begin with. Obviously it wasn't because I was told fifty. If I'd been told a hundred, I'd have asked "why" and I would have known...and it would have been handled I mean...it...In other words...the... the...the thing about...you know, I just felt...and you know...and now when he called me, he had no idea I was going to bring that up. But I wanted to bring that up for a reason.

NW: I'm glad you did.

MM: I brought it up for a...for a reason...
I...I want to know where I'm coming from.

NW: Right.

MM: I can't be dealing with other people when
I'm uncertain. And I gotta wait for this,
and then this changes, that changes.

EM: You got a beef. Let me tell you...

MM: Sure...

MM: I appreciate you bringing it up for a
lot of reasons and one of them is that
ds...tah...

MM: See that...

NW: I rather deal differently at this
point. Okay?...

MM: I'm glad...

NW: Ah...

MM: Let me say something. I'm glad you call
me. You know the way you do, it's...
I didn't call the other gentleman. I
called you.

MM: Okay.

MM: You understand...

MM: You called...Whenever...Whenever you call,
for instance, I get calls continually.

MM: I'm sure you do.

MM: Now...

MM: As I do...

MM: I get called...

MM: I just got off...

MM: They screen out my calls.

MM: The last two hours on the telephone.

MM: I have all kinds of calls, I don't
even want. Now if it's important...for
instance...when I got the call today, I
was at home if you want me to be honest with
you. That you had called. The gentleman called.
and you know, ah, anytime, eh, if you
call and leave a message like that...eh...
unless I'm on an airplane or, eh, on a
boat, and they can't reach me immediately,
you know...

MW: All right.

MM: Ah...I'll be reached within, within the hour, and you know I can usually, you know, I'll call right back.

MW: All right.

MM: And you know...

MW: Ah...

MM: I'm in town or if I'm...

MW: Ah...The business we did last night, let's forget about that for a minute. That's a problem but that's gonna...I want to deal with you differently. We're not gonna have those kind of misunderstandings anymore.

MM: Okay. That's fine.

MW: Right. There...There...

MM: I'm glad to hear that.

MW: All right. What you did last night, right, is fifty. Okay? The things we talked about last night that's worth fifty thousand dollars, and that's what you will be paid. You got nobody cutting that pot.

That's^{*} between you and I, okay?

* * *

MW: And eh, I'm not going to have any misunderstanding because you and I can talk.

MM: Sure . . .

MW: As have have that, this misunderstanding before might be water under the bridge but I remember . . .

- MM: Yeah, I'm not concerned about it. If, Eh, you see, let me say this to you, one thing about this guy that was here last night, he's a reputable guy. Now I don't know who he deals with, I didn't ask him, and I don't wanta know, to be very honest with you. Now the guy that I got connected with, with him, is another good guy, you know one of his key guys, he's a good stand-up guy, a guy you could do business with.
- MM: You see what happened to the, the package that was put together for you.
- MM: But now, when other people get involved, and you go across the river, and I don't know who else is involved beyond that, and when I got up there that day, it was, it was a really bad scene. I'm telling you.
- EH: I don't know if you remember. I was there. I was standing with ANGIE in the lobby. Remember where you came walking in...

MM: Yeah.

EM: I don't know what happened after that, but it's none of my business because you went upstairs.

MM: Yeah. I'm just saying, it's ah, you know, when I arrived at the airport, I, eh was you at the airport?

EM: No.

MM: I was.

EM: I was at the hotel there when you walked in.

MM: When I walked in the hotel, but I'm saying when I got to the airport, you know, first of all, I don't even know why I even went to the airport. It's a bad place to meet. You know, there's too many people in the airport. I might even bump into people I know coming into Kennedy Airport. I don't even know why I met anybody at Kennedy. I thought that's, I didn't have, I, I thought that, I really thought that the hotel where, ah, these

gentlemen were staying is right across from the airport, like walking distance, but it was yet some miles from the airport so I didn't fly, I had no reason to be at the airport. But anyway I met, when I got to the airport, it seemed like there was too many people involved with this.

MM: Well I...

MM: People I didn't know, really, you know, there was another two or three people there. And I didn't...

MM: Ozzie, I was, I was not involved in that, couldn't control it.

MM: It was...it was a bad scene.

MM: Alright but I, I, you know, I did my investigation I'm satisfied that it was a an error right, nobody tried to do anybody, it was just an error.

MM: No, I didn't think that, let me just say this to you, you know MIKE to be very honest about it, that's the main reason I brought that up. I want you to know where I'm coming from.

MM: I'm glad you did. I'm glad you did.

- MM: I understand English, clearly, you know what I mean?
- MM: Because there's no reason for us to have a misunderstanding.
- MM: That's why I brought that up last night.
- EH: From now on, just deal direct, direct with Michael.
- MM: Now last night, the gentleman...I, I waited downstairs for him, he came down and he says "I'm so happy you got that brought right out," and I, you know, that was the end of it, he said no more about it, and I said no more about it and he was very happy that that issue was cleared up.
- MM: He knows how much money I've spent here in the last, less than a week. I mean an awful lot of money, and eh, he's aware of it, right, and he should have brought it up, but that's, eh, let's forget that. That's it's a matter of honor and it sticks...
- MM: See what happened here.

MM:

See, you see, I tell ya, I tell ya
what happens, just so you understand
the picture here. When you're dealing
through one source and he's handling
the rest of the action and there's one
set figure and you know what you have to
do, that's what I want to know.
That's that's what, the way I like to
understand things.

* * *

12 THE COURT: We have no audio.

13 (Video tape stopped)

14 MR. PUCCIO: We are getting the redacted
15 part.

16 THE COURT: I see.

17 MR. BEN-VENISTE: Your Honor, there is some
18 audio on the original copy of that. I would ask that
19 that be played to the Jury.

20 THE COURT: We have seen something on video
21 with no related audio. Does that have anything to
22 do with what is in the transcript? That is, SA.

23 MR. PUCCIO: No, it doesn't. We are playing
24 the portion that corresponds to the transcript with
25 the understanding that if defense counsel wants to

1
2 play the entire tape, that's fine. But we are playing
3 this portion.

4 THE COURT: They may play any other --

5 MR. BEN-VENISTE: May we have a -- we did
6 not have the prelude. We did not know it was going
7 to be played, what the agent says by himself in front
8 of the camera.

9 MR. PUCCIO: Judge, in the transcript we
10 supplied, that part is not in. So I don't see how
11 it could be misunderstood.

12 MR. DUFFY: Before there is any discussion,
13 I have a motion that I respectfully ask your Honor
14 to hear at Side Bar.

15 THE COURT: Side Bar.

* * *

* * *

7 Q Mr. Wald, on the 29th of January this year,
8 did you have a telephone conversation with Congressman
9 Myers?

10 A Yes, I did.

11 Q Is that the conversation -- is that conversa-
12 tion recorded?

13 A Yes.

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

15 THE COURT:

16 Q I show you first Exhibit 9B and then Exhibit 9.
17 Can you identify 9B, please.

18 A Yes. It is a tape recording of a telephone
19 conversation made on January 29, 1980, approximately 3:30
20 p.m. from me in New York to Mr. Myers.

21 Q That's the original; is that correct?

22 A Yes.

23 Q Now, will you look at Exhibit 9B and tell us
24 what that is -- I am sorry. Exhibit 9 and tell us --

25 A 9 appears to be a copy, an excerpt copy from

1
2 the original.

3 MR. PUCCIO: May I approach the witness?

4 THE COURT: Yes.

5 Q I show you Exhibit 9A and I ask you to identify
6 that.

7 A This was a transcript of this telephone
8 recording I just spoke about.

9 Q Is that a transcript of the excerpt copy?

10 A Yes.

11 Q Have you compared that, the excerpt copy,
12 and is it accurate, to the best of your ability?

13 A Yes.

14 MR. PUCCIO: I offer the exhibit copy, Exhibit
15 9, and the transcript 9A into evidence.

16 THE COURT: Any objection?

17 MR. BEN-VENISTE: May I have a voir dire?

18 THE COURT: Yes.

19 VOIR DIRE EXAMINATION

20 BY MR. BEN-VENISTE:

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

22 THE COURT: Yes.

23 Q Mr. Wald, the date of the tape-recorded con-
24 versation was January 29, 1980?

25 A Yes.

1
2 Q And do you recall what you did with the
3 actual tape, Exhibit 9B, the original, after you made the
4 recording?

5 A I made the telephone call. I did not make
6 the recording. So I never had possession of the tape.

7 Q Someone was present with you?

8 A Yes.

9 Q And can you take a look in this? Would you
10 open that envelope, Exhibit 9B? It has an evidence sticker
11 around it.

12 A Yes, it does.

13
14 (Continued on next page.)
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1
2 Q Would you examine the tape itself and see
3 if it bears any identifying material?

4 A Yes.

5 Q Whose handwriting is on it?

6 A I don't know whose handwriting that is.

7 Q Did someone write on it in your presence on
8 the 29th?

9 A Yes, someone wrote on the tape and we made
10 the telephone call.

11 Q May I see it for a moment?

12 A Yes.

13 (Pause.)

14 Q Is it fair to say, sir, that the evidence
15 was logged in immediately after the tape was made?

16 A That is our usual procedure but I had no
17 role in that.

18 Q You are familiar with the handling of these?

19 A Yes.

20 Q There are strict guidelines with respect to
21 that?

22 A Yes.

23 Q Is it fair to say that those guidelines were
24 followed in all respects in the handling of this material?

25 A As far as my knowledge, yes.

1
2 Q From the Exhibit 9B, there is a record of
3 everyone who had the tape at the time it was made until
4 today?

5 A It appears that way, yes.

6 MR. BEN-VENISTE: I have no further questions.
7 My objection is on the basis of the materiality
8 to this indictment, to the fact that Mr. Criden
9 is not a party thereto, and for the other reasons
10 we have discussed at the side bar relating to the
11 relevancy and Katteakos case.

12 THE COURT: Objection overruled.

13 MR. PUCCIO: May I have it marked in evidence?

14 THE COURT: 9 and 9A are received in evidence.

15 MR. BEN-VENISTE: May we have a limiting
16 instruction, your Honor.

17 THE COURT: The same instruction here, ladies
18 and gentlemen, this conversation is a telephone
19 conversation between Mr. Wald and the defendant
20 Myers, none of the other defendants are involved.
21 Until I instruct you otherwise, you should consider
22 it only with respect to Mr. Myers.

23 Are you going to play that tape now?

24 MR. PUCCIO: Yes.

25 THE COURT: You may proceed.

1
2 MR. PUCCIO: May I distribute the transcripts
3 your Honor?

4 THE COURT: Yes.

5 (Pause.)

6 THE COURT: You may proceed.

7 (Tape played.)

Date: January 29, 1980
Time: 3:30 P.M. (approximate)
Place: Telephone Call from Michael Wald (New York)
to Michael Myers (Philadelphia)
Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)

* * *

MM: Where do I stand with that?
MW: Well a I still, you know, I owe you a the monies we
discussed.
MM: Yeah.
MW: And a I'm going overseas this weekend, I'm leaving Friday
and I'm going a be back within a well definitely within
ten days, probably less, and a and then you've got that
amount coming period. I mean there's no if's, and's
or but's it's owed to you.
MM: O.K.
MW: You know that's a we we we got that out Friday. We
had a good conversation I think and a . .
MM: I thought so and a . .
MW: You know, you made it apparent you're owed X amount
of money and I'll go along with it. I I have no problem

with it. A you know I might have problem with the other people and the way they treated you with that thing but a, a that's that's their problem. You know that's between me and them and that'll be taken care of, but a, you'll be made whole. You know I I promised you that and I I there's no way I can go back on my word there.

MM: All right.

MW: Ok but let me a let me get a hold tomorrow a...either from here again or a or from there and I call that 202 number?

MM: Yeah.

MW: And they...

MM: I'll be there to 202 tomorrow.

MW: Ok fine what's the best time a in the afternoon sometime?

MM: Well probably around 3 - 4 O'clock.

MW: Very good.

MM: I'll be staying there tomorrow night.

MW: Ok fine.

MM: 202.

PH 183-1075
11

MW: Very good then I'll take to you then.

MM: All right Mike

MW: O.K. thank you.

MM: Right.

MW: Right, bye now.

(End of Call).

8 DIRECT EXAMINATION

9 BY MR. PUCCIO (Continued):

10 Q Agent Wald, two days later, January 31, 1980,
11 did you have occasion again to speak on the telephone with
12 United States Congressman Myers?

13 A Yes, I did.

14 Q Was that call recorded?

15 A Yes, it was.

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

17 THE COURT: Yes.

18 Q I show you Government's Exhibits 10, 10A
19 and 10B. I ask you to examine these.

20 A Yes.

21 (Pause.)

22 Q First, with respect to 10B, what is that?

23 A It appears to be the original recording of
24 that telephone call.

25 Q What is Exhibit 10?

1
2 A 10 appears to be a cassette copy of that
3 call.

4 Q Of the same recording?

5 A Yes.

6 Q Is that an excerpted copy?

7 A Yes.

8 Q It contains a portion of the telephone
9 conversation, is that correct?

10 A Yes.

11 Q What is Exhibit 10A?

12 A That is a transcript of 10, Exhibit 10.

13 Q Have you compared that transcript to the
14 tape recording, Exhibit 10?

15 A Yes.

16 Q Is it the same to the best of your ability --
17 accurate?

18 A Yes, it is accurate.

19 MR. PUCCIO: I offer Exhibit 10 and 10A in
20 evidence.

21 MR. BROWN: I have one objection to be heard
22 at side bar.

23 THE COURT: A new one?

24 MR. BROWN: Yes.

25 THE COURT: Side bar.

* * *

* * *

14 THE COURT: Ready to proceed?

15 MR. PUCCIO: We are going to call that 10-A1
16 if it is all right with the Court.

17 THE COURT: All right.

18 The objections have been made and 10-A will
19 be left for identification. 10-A1 is admitted
20 into evidence.

21 And you are going to play the Exhibit 10
22 and stop it where the transcript ends on 10-A1; is
23 that correct?

-- MR. PUCCIO: That is correct.

* * *

* * *

THE COURT: 10 and 10A1 are received in evidence.

(So marked.)

(Jury is in the box.)

THE COURT: Ladies and gentlemen, I have received in evidence Exhibit 10 which is the excerpt from the tape of January 31, 1980, telephone conversation between Mr. Wald and Mr. Myers. I have also received in evidence the transcript which has been marked 10-A-1. And it is the intention of the Government to play 10 to you and give you 10-A-1 right now.

(Pause.)

THE COURT: Anyone who does not have a transcript? All right, you may proceed, Mr. Puccio.

MR. PUCCIO: We are ready, your Honor.

(Tape played.)

THE COURT: All right.

DIRECT EXAMINATION

BY MR. PUCCIO (Cont'd):



Date: January 31, 1980
Time: 1:25 P.M. (approximate)
Place: Telephone Call from Michael Wald (Philadelphia)
to Michael Myers (Washington, D.C.)
Participants: MICHAEL MYERS (MM)
MICHAEL WALD (MW)

* * *

MM: Now what do you want me to do on the other thing?
MW: On what thing Oz? Ah, what I owe you.
MM: Yeah.
MW: Well, as soon as I come back ah I'll make you whole
and, the other figure that I owe you as well.
MM: O.K. (IA).

1
2 Q Mr. Wald, did you have occasion to speak
3 to Mr. Myers again?

4 A Yes, sir.

5 Q Was that on the same day?

6 A Yes, later that evening.

7 Q Specifically, when you spoke to Mr. Myers
8 again, did you agree that someone would be coming to see
9 him on Saturday --

10 MR. CACHERIS: Leading, your Honor. I object.

11 MR. PUCCIO: I am leading in the area because
12 I'm trying to cover a certain particular item --

13 THE COURT: I will permit it.

14 Q Did you agree that someone would be coming
15 to see him on Saturday, February 2nd, at Longport, New
16 Jersey, at his home?

17 A Yes.

18 Q Who did you agree would be coming to see him?

19 A Mr. Poulqs, the agent.

20 Q What was Mr. Poulqs to see him for on Saturday,
21 February 2nd?

22 MR. CACHERIS: Objection, unless he told
23 him.

24 Q Did you tell him what Mr. Poulqs was to see
25 him for?

1
2 A Yes.

3 Q What was he --

4 A To deliver \$85,000.

5 MR. PUCCIO: I have no other questions at
6 this time.

7 THE COURT: Cross-examination, Mr. Duffy.

8 MR. DUFFY: Mr. Johanson passes.

9 THE COURT: Mr. Ben-Veniste?

10 MR. BEN-VENISTE: May I have a moment, your
11 Honor?

12 THE COURT: All right.

13 (Pause.)

14 CROSS-EXAMINATION

15 BY MR. BEN-VENISTE:

16 Q No other money was given to Mr. Myers, was
17 there?

18 A No.

19 Q Indeed, all that fumbling and putting \$5,000
20 in an envelope, that didn't go to Mr. Myers either, did it?

21 A No.

22 MR. PUCCIO: Objection to the form.

23 THE COURT: Overruled.

24 Q Your answer?

25 A No, it didn't.

1
2 Q Now, you knew, did you not, that Mr. Melvin
3 Weinberg was going to set up a meeting so that you could
4 meet my client Howard Criden in January, 1980?

5 A Yes, sir.

6 Q You knew that Mr. Weinberg was supposed to
7 get Mr. Criden to set up a meeting with Ozzie Myers so
8 that you could meet with Ozzie Myers?

9 A No.

10 Q You didn't know that Mr. Weinberg had told
11 Mr. Criden that he wanted to meet with Ozzie Myers?

12 A No, I wasn't aware of that.

13 Q Were you aware of the fact that Mr. Weinberg
14 had arranged for Mr. Myers to be brought before the cameras
15 on August 22, 1979?

16 A I had viewed a videotape of Mr. Myers in
17 New York City.

18 Q Did anybody tell you what Mr. Weinberg had
19 said either directly or through an intermediary to Mr.
20 Myers about how he should behave at that meeting?

21 MR. PUCCIO: I object to the form. Also
22 it assumes facts not in evidence.

23 THE COURT: Overruled.

24 A I am not sure I understand the question.

25 MR. BEN-VENISTE: Read the question.

1
2 THE COURT: Read the question.

3 (Question read by the reporter.)

4 A No, sir.

5 Q No one told you one way or the other?

6 A No one had mentioned it to me.

7 Q I think you said you had not met with Mr.
8 Weinberg yourself?

9 A I had not.

10 Q Until very recently?

11 A True.

12 Q When was that recently you had met with him?

13 A Approximately two weeks ago, two and a half
14 weeks ago.

15 Q Did you review the tapes and transcripts in
16 this particular case?

17 A Only the ones I participated in.

18 Q As far as the meeting with Mr. Criden, which
19 was in turn setting up a meeting with Mr. Myers, you had
20 no knowledge about Mr. Weinberg's participation; is that
21 your testimony?

22 A No. That is not my testimony.

23 I was told that MR. Weinberg had placed a
24 call to Mr. Criden for the purpose of introducing me, and
25 Myers did not enter into it. I don't know what was on --

1
2 the text of that telephone call, but Myers was not part of
3 it as far as I was told by anyone. That came up later.
4

5 (Continuad on next page.)
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2 Q What do you mean it came up later?

3 A It came up in conversation with Mr. Criden.

4 Q So if Mr. Weinberg had mentioned that one
5 of the purposes in Mr. Criden meeting with you was for
6 him to introduce Congressman Myers to you, that would be
7 a surprise to you as you sit here?

8 A Yes.

9 Q And you say there was a conversation. Do
10 you know whether there was more than one conversation be-
11 tween Mr. Criden and Mr. Weinberg to set up that meeting?

12 A I am only aware of one. It could have been
13 more.

14 Q So if there were more, that would be a sur-
15 prise to you?

16 A Yes.

17 Q So is it fair to say that the only thing
18 that you know about, as far as Mr. Weinberg contacting
19 Mr. Criden concerning meeting you, would be that one
20 conversation?

21 A Prior to meeting me, yes.

22 Q Right. That one conversation?

23 A Yes.

24 Q And the day that he met Mr. Criden was what
25 date, sir?

1
2 A The first time I met Mr. Criden I believe was
3 the 18th of January.

4 Q Now, did you compare the transcript which is
5 marked as Exhibit 7A with the tape recording?

6 A Which? I compared all of them at one time
7 or another, yes.

8 MR. BEN-VENISTE: May I just have a moment,
9 your Honor?

10 THE COURT: Yes.

11 MR. BEN-VENISTE: May I have the Court's
12 indulgence.

13 Q Do you recall Mr. Criden's using a word in
14 another language other than the English language during
15 that meeting?

16 A He did use a word during one meeting that --
17 I don't know which meeting it might have been. We had
18 several.

19 Q Let me show you page 178, very bottom of the
20 page.

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

22 THE COURT: Yes.

23 Q You knew that Mr. Criden was Jewish, didn't
24 you?

25 A Yes.

1
2 Q And you see the word in the sentence by
3 Mr. Criden in the second line from the bottom, "I got
4 something but I didn't get" -- and then it says "piecock."
5 Did that make any sense to you?

6 A Absolutely none.

7 Q Do you know what the word "piecock" means?

8 A No. In the context in which he used it, I
9 assumed it meant "nothing."

10 Q You assumed it?

11 A Nothing or very little. Only from the con-
12 text. I had never heard that word before.

13 Q Now, had you studied psychology at all in
14 the course of your official training?

15 A Somewhat in -- meaning FBI training or --

16 Q Yes.

17 A -- or education? FBI training, slight amount.

18 Q And during the meeting with Congressman Myers
19 on the 24th of January, Congressman Myers was given a cer-
20 tain amount of liquor, was he not?

21 A Yes, I believe he had something to drink.
22 Maybe he had two drinks.

23 Q Two tumblers of bourbon over ice?

24 A I know he had bourbon. How much, you know,
25 I don't know. I didn't make the drinks.

1
2 Q You didn't pour the drinks?

3 A No.

4 Q Did you intentionally intend for Mr. Myers
5 to imbibe alcohol?

6 A No. Certainly not.

7 Q So that when you offered him alcohol, that
8 was not your intention for him to drink it?

9 A No. It was my intention to be sociable. It
10 was a business situation and --

11 Q So you did.

12 A The normal thing to do.

13 Q You intended him to drink?

14 A I intended to make the offer. If he wanted
15 to drink it, fine. If not, that's fine, too.

16 Q During the course of the tape there is -- as
17 I listened to it -- I don't know whether you heard it,
18 there is a great deal of clinking of glass -- ice in glasses
19 that you can actually hear.

20 A Yes. Most of that was mine.

21 Q Yes. You weren't drinking alcohol, were you,
22 sir?

23 A Yes. I had a little.

24 Q A little?

25 A Yes, I did.

1
2 Q You were aware of the fact that the clinking
3 of cubes in a glass made another person -- it would have
4 the effect of reminding him that he's got a glass in front
5 of him and to drink as well?

6 A No.

7 MR. PUCCIO: I object to this.

8 THE COURT: Overruled.

9 The answer is no?

10 THE WITNESS: I was trying to condition Mr.
11 Myers into drinking or or less? I had a sore throat.
12 I was ill. I had a cold during that entire time.
13 I was chewing ice.

14 Q Is it fair to say, sir, that in your conver-
15 sation on the 25th of January -- and, of course, my client
16 wasn't present -- but you mentioned the -- you mentioned
17 something about Moslem retribution. Do you recall that?

18 A Yes.

19 Q Is it a fact that you wanted to give the
20 impression to Mr. Myers that Ernie was either a hit man
21 or an enforcer in some way in connection with your organi-
22 zation?

23 A^{er} Yes. Qualified by the fact that if someone
24 in our organization wanted to give him the impression that
25 if someone in our organization had in fact doubled us, that

1
2 he would be in fact in serious difficulty, meaning employ-
3 ees of ours.

4 Q Serious difficulty. You weren't suggesting
5 just being quiet, were you?

6 A I really wasn't suggesting anything. I just
7 threw it out.

8 Q You were suggesting that he was going to get
9 hurt, that Ernie was going to be sent out on a mission
10 of retribution?

11 A That was a possibility, yes.

12 MR. BEN-VENISTE: Okay. Nothing further.

13 THE COURT: Mr. Cacheris?

14 MR. CACHERIS: Yes.

15 CROSS-EXAMINATION

16 BY MR. CACHERIS:

17 Q Mr. Wald, you told the jury that you are an
18 11-year veteran of the FBI; is that correct?

19 A Yes.

20 Q Ten of those years you spent in the City of
21 Philadelphia?

22 A No. In the Philadelphia division, which
23 encompasses three-quarters of the State of Pennsylvania.

24 Q Now, in connection with the January 24th
25 meeting, you consulted with your superiors about having

1
2 Mr. Myers brought back before the cameras, did you not?

3 A Would you repeat that?

4 Q In connection with the January 24th meeting,
5 that's the first time you met Mr. Myers?

6 A Yes.

7 Q You had discussions with your FBI superiors
8 and with prosecutors about bringing Mr. Myers back before
9 the cameras?

10 A Yes.

11 Q Now, at that time you had discussed the
12 areas that you wanted to talk to Mr. Myers about?

13 A No. I had pretty much finished talking to
14 Mr. Myers about anything I had to do with him on the 24th.

15 Q I am sorry. You are correct, the 24th.
16 Prior to the meeting of the 24th, the first meeting, the
17 first time you met him, you had decided the areas you wanted
18 to talk to him about?

19 A Yes.

20 Q You had decided those areas in consultation
21 with or your superiors of the FBI and with federal prose-
22 cutors in Philadelphia?

23 A Yes.

24 Q Now, those discussions centered around the
25 City of Philadelphia, the municipal government of Phila-
delphia?

1
2 A Yes.

3 Q You wanted to discuss with Mr. Myers the
4 City of Philadelphia?

5 A Yes.

6 Q And, indeed, that's what you did discuss?

7 A Yes.

8 Q And so from the beginning of the meeting that
9 occurred on the 24th of January, you told him about the
10 City Council? You wanted to know what he could do for
11 you at the City Council?

12 A Yes.

13 Q You told him about the zoning problems?
14 You wanted to know what he could do about zoning problems?

15 A Yes.

16 Q And you discussed the hotel complex?

17 A Yes.

18 Q And you wanted to know what he knew or
19 could do about the hotel complex? You discussed with him
20 a limousine service?

21 A Right.

22 Q Is that correct?

23 A Yes.

24 Q Now, all of those things were prearranged
25 between you and the prosecutors and your superiors in the

1
2 FBI as areas to discuss with Mr. Myers?

3 A Most of them, yes. A few of them were brought
4 up. And there were other things that we discussed that
5 came into it as we went along.

6 Q But that was the entire thrust and purpose
7 of that meeting, to discuss the local affairs of Phila-
8 delphia?

9 A No. The real purpose of that meeting -- I
10 was in Philadelphia doing other business with others. And
11 Mr. Myers in a previous meeting with our people had stated
12 that we should invest in his district. And I was touching
13 base with him, to show him the type of investments we
14 were looking at.

15 Q You were talking about local investments in
16 the district?

17 A That's his district.

18 Q That's correct. But they were to be local
19 investments? Local investments in the City of Philadelphia?

20 A Well, the City of Philadelphia, we spoke
21 about coal. We spoke about many things. But the hotel
22 was going to be in Philly.

23 Q And the City Council and the Municipal Govern-
24 ment is all in Philadelphia?

25 A Yes.

1
2 Q And associated matters would all be in
3 Philadelphia?

4 A Certainly.

5 Q Now, you told him also that your superior,
6 this fictional Arab, was living in London then and was --

7 A No. I never told him where he was living.

8 Q I am sorry. You told him that he had viewed
9 films in London of The Godfather and other Mafia type
10 things, that he was paranoid about it.

11 THE COURT: Yes is the answer?

12 THE WITNESS: Yes.

13 MR. CACHERIS: Did I speak --

14 THE COURT: No. He was nodding, yes, and
15 you were accepting it. We are supposed to have it
16 on the record.

17 Q And you wanted to see what Myers would tell
18 you about the Mafia, didn't you?

19 A Well, he brought it up in the conversation
20 about Atlantic City.

21 Q He said, "Don't go to Atlantic City because
22 the Mafia is there"?

23 A Yes.

24 Q You considered that bringing it up?

25 A Yes.

1
2 Q He told you not to go there because of the
3 Mafia?

4 A Yes.

5 Q And then you took that as a cue to recite
6 this fairy tale about The Godfather and how paranoid the
7 sheik was about the Mafia?

8 MR. PUCCIO: Objection to the form of that,
9 Judge.

10 THE COURT: Strike the "fairy tale."

11 Q This fiction.

12 THE COURT: You may answer.

13 A I thought it would be an appropriate avenue.

14 Q You thought --

15 A To discuss with him.

16 Q You thought it would be an appropriate avenue.

17 Now, Mr. Myers told you not to deal with the
18 Mafia?

19 A That's right.

20 Q He told you, you shouldn't deal with the Mafia.

21 A That's right. Unless we had to.

22 Q He told you that and you pressed him on that?

23 A Yes, I did.

24 Q Now, during the whole meeting, which I believe
25 lasted -- what, an hour? 45 minutes?

1
2 A Approximately.

3 Q You had in the very next room agents of the
4 FBI and two federal prosecutors?

5 A One, I believe, during that meeting.

6 Q All right. I will accept one. Was that
7 Mr. Fioravanti?

8 A Yes, it was.

9 Q Did you and Mr. Haridopolos, who was posing
10 as Ernie Poulos, have any code between you during the
11 course of this meeting?

12 A No.

13 Q None at all?

14 A None at all.

15 Q You had no prearranged code words?

16 A None.

17 Q But you expected during the course of the
18 meeting to receive instructions from the prosecutor as to
19 how to proceed?

20 A From my immediate boss, not from the prose-
21 cutor.

22 Q Did you in the series of phone calls that
23 have been shown on the television -- you have seen them,
24 of course -- talk at each instance to one of your FBI
25 superiors?

1
2 A Always to one, Mr. Best.

3 Q And Mr. Best was a special agent in charge?

4 A Yes.

5 Q And Mr. Best was also viewing this video
6 proceeding from the adjoining room?

7 A That's correct.

8 Q So that he was able to call you and clue
9 you and instruct you during the course of this meeting?

10 A Yes. He had that capacity, yes.

11 Q Well, he did it?

12 A On occasion. Not all the calls were for that
13 reason. But, yes, I received instructions to pursue a
14 certain area.

15 (Continued on next page.)
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2 Q In other words, as they were viewing the
3 video tape and they saw a certain area, you were to pursue it?

4 A Yes.

5 Q Did they tell you at certain times to
6 examine certain areas?

7 A The only thing that related to that was
8 the last telephone call in that tape and he said, try to get
9 rid of him. He said, it's late.

10 Q Try to wrap it up and get rid of him?

11 A Yes. He said, you have been there a long
12 time. You guys are just looking at each other at this point.

13 Q I am sorry.

14 A He wanted me to end that particular tape
15 because it had gone on for quite some time and we had pretty
16 much exhausted what we had been talking about anyway.

17 Q Now, was your purpose also to strike what
18 you called a new bargain; isn't that correct?

19 A Yes.

20 Q And that was the bargain that you wanted
21 to strike concerning the local events that we described earlier?

22 A Yes.

23 Q Now, in connection with the Mafia, Mr. Myers
24 told you he heard or knew of Angelo Bruno?

25 A That's correct.

1
2 Q And as an agent of the FBI, you knew who
3 Angelo Bruno was?

4 A Certainly.

5 Q Anyone who would read the Philadelphia
6 newspapers would know who Angelo Bruno was?

7 A Yes.

8 Q He was as familiar in Philadelphia as
9 Frank Costello was in New York?

10 A Probably more so.

11 Q Probably more so. So it didn't require
12 any special knowledge to know Angelo Bruno's name?

13 A No.

14 Q He also told you he knew a Tona Testa?

15 A That's correct.

16 Q And do you know a Tony Testa?

17 A No, I do not personally. I know who he is.

18 Q You know who he is?

19 A I heqrd of a Phillip Testa.

20 Q That's right. There's no Tony Testa in
21 the Mafia.

22 A Phil Testa.

23 Q He told you that he knew a Skinny Razor
24 whose big in Philadelphia in the South Ward isn't he?

25 A He mentioned the name. I never did put

1
2 that together.

3 Q Well, did you try to investigate who this
4 Skinny Razor was?

5 A No.

6 Q Had you heard of Skinny Razor before?

7 A No.

8 Q Did you know that Skinny Razor had been
9 dead for 16 years?

10 A I had never heard of him so how could I
11 know he was dead.

12 Q But that was put on you as a big man in
13 the Mafia by Mr. Myers.

14 A He did mention the name, yes.

15 Q He did that and you had never heard of
16 him?

17 A No.

18 Q Now, at the end of this conversation,
19 Mr. Myers had been drinking as you described.

20 A He had two drinks, yes.

21 Q At the end of this conversation you got
22 a phone call --

23 MR. CACHERIS: And, Mr. Puccio, do you
24 want to show him page 166 of the Exhibit.

25 Q Does page 166 of that Exhibit -- at the

1
2 bottom of 165, Mr. Wald, where the sentence of Myers talking,
3 "Ok, I am personally not looking to do that".

4 Phone rings.

5 A Right.

6 Q And then continuing, Myers says, "Now,
7 if that's what I should do, you tell me that.

8 Phone rings".

9 Is that correct?

10 A Yes.

11 Q Is that the call that you received from
12 Mr. Best telling you to wrap it up?

13 A One of those two would have been that
14 call.

15 Q Well, the phone rings, but you answered.
16 You didn't answer twice, did you?

17 A There were two phone calls near the end
18 of that conversation if I remember correctly. Very close.

19 Q Both phone calls deal with you wrapping
20 it up?

21 A No. I'm sure at least one of them did.

22 Q In wrapping up, you summarized the events
23 of the evening didn't you?

24 A Yes. To some degree, yes.

25 Q You told him that there were three points

1
2 that were decided upon on that evening as far as you were con-
3 cerned?

4 A That's right.

5 Q Those points were what?

6 A Any City Council -- influence with the
7 City Council.

8 Q Right.

9 A Dealing with any organized crime elements
10 that would give us any type of problem. And I am not sure
11 what the third one was at this point.

12 Q You don't know what the third one was?

13 A I don't know.

14 Q Zoning?

15 A Zoning, yes.

16 Q So those three problems, City Council,
17 Zoning and the Mafia were the points that you summarized as
18 being the new bargain that you think you struck?

19 A Yes.

20 Q And none of those have anything to do with
21 the United States Congress?

22 A No. Not a great deal.

23 Q That's correct, isn't it.

24 Now, when you called him back again on
25 the 25th of January for the next meeting -- and did you call

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him?

A Yes.

Q Was that based on a decision between you and the prosecutor to get him back again?

A That was based -- I had told him I would be in touch with him. And it was based on a decision made by my superior, Mr. Best, to try to set up a meeting with someone else through Mr. Myers.

Q And you did get him back?

A Yes.

Q And again you recited to him by summary form that the new bargain was the local events you just described for us?

A Yes.

Q And again none of those dealt with his position as a United States Congressman?

A Yes.

Q Isn't that correct?

A Well, it is -- not -- I don't really understand that. His position as a Congressman --

Q They dealt with local municipal events in Philadelphia?

A Yes.

Q Zoning, City Council and the Mafia. You

1
2 don't suggest that the Mafia then is in the United States
3 Congress?

4 A I wouldn't make that suggestion. But I
5 would like to answer the question. The fact that he was a
6 Congressman and, you know, is the reason I was talking to him,
7 the fact that he had that position.

8 Q The fact that you were a Congressman is
9 why you were talking to him?

10 A Well, that's where his influence would
11 come in. If he was Michael Myers, cab driver, he would have
12 no influence politically within the City of Philadelphia.

13 Q You don't know that to be a fact? If he
14 was Michael Myers, longshoreman, he might have a lot of in-
15 fluence in the City of Philadelphia?

16 A Yes.

17 Q Just because he had the title indicates
18 he deals in Congressional matters day and night, does he?

19 A I had been told by Mr. Criden that he was
20 also a Ward Leader in the --

21 Q Alright. A Ward, that's local. A Ward
22 Leader is not a United States Congressman?

23 A In this case it is.

24 Q It happened to be in this case?

25 A Yes.

1
2 Q In fact, Mr. Myers told you because of his
3 longstanding friendship he knew people in the City of Philadel-
4 phia?

5 A Yes.

6 Q He grew up in the City of Philadelphia?

7 A Yes.

8 Q He worked in the City of Philadelphia?
9 That was personal. Friendships that he had. Isn't that
10 correct?

11 A I would believe so. Yes.

12 Q Now, near the end of the conversation
13 after you had been told to wrap it up by your superiors, and
14 that's the first conversation of January 24th, and I direct
15 your attention to page 171, he told you, "I'm not going to
16 run out, you know, say, well here's X amount of bucks, go out
17 and introduce this bill. I'm not interested in a f'ing bill
18 that's going to get me shanghaied the next day".

19 Didn't he tell you that?

20 A Yes.

21 MR. CACHERIS: No further questions.

22 THE COURT: Mr. Brown, any questions?

23 MR. BROWN: No sir.

24 MR. DUFFY: I've got a few. I only
25 passed.

THE COURT: Ok.

CROSS EXAMINATION

BY MR. DUFFY:

Q Mr. Wald, are you telling this Jury, sir, that the only reason you brought Ozzie Myers into the Barclay is that at the meeting in Kennedy on the 22nd of August he mentioned something about investing in his district?

A No. That would not be the only reason. That was the rationale behind meeting him.

Q Weren't you aware at the time you brought Ozzie Myers into the Barclay Hotel, that the folks in the FBI were dissatisfied with Weinberg?

A No. I never knew -- I still don't know that anyone was dissatisfied with Weinberg.

Q You didn't hear from any of your superiors that Weinberg was suspect of setting people up or skimming money?

A I never heard that.

Q Weinberg had been the one who was in on all of the meetings up until that time, was he not?

A I don't know if he was or not.

Q With Amoroso?

Did you read the reports?

A No.

Q Did you look at any of the files?

1
2 A I watched I believe two or three video
3 tapes.

4 Q Wasn't Weinberg in there?

5 A He was in two of them I believe.

6 Q He never struck you as a subject of
7 inquiry to say, what happened to Mel?

8 A What do you mean, what happened to him?

9 Q Why wasn't Mel running the Philadelphia
10 skam?

11 A Running the Philadelphia skam? Philadel-
12 phia was a City. I was told, you're Michael Cohen. And that's
13 it. I didn't inquire why Mel --

14 Q Mel was a peripatetic individual? He
15 went from Florida to Washington to New York to Jersey, why
16 not Philadelphia? Did that ever occur to you?

17 A No.

18 Q You were brand new to this operation, were
19 you not, in January of 1980?

20 A Yes.

21 Q Just brought into it?

22 A Yes.

23 Q Are you telling this Jury that Ozzie Myers
24 was not at all affected by the licquor he consumed when he
25 met with you that night, the 24th?

A He appeared totally rational and sober to me at that time.

Q And at all times through that meeting?

A Yes.

Q You didn't pour the bourbon, did you?

A No sir, I did not.

Q But it was a full size table glass, wasn't it? We can look at the film.

A They were regular hotel type glasses. I think seven ounces or six ounces.

Q And just straight bourbon, right?

A I have no idea.

Q Well, you were there in the room.

A I did not watch the drinks being made. It was in a bar area in a different location.

Q The man sat in front of you and no further than I am from the end Juror, am I right? And are you telling this Jury that you didn't see the whiskey.

A I never looked to see, you know, what was in his glass or how much. I had one of my own.

(continued on next page)

1
2 Q Could have been iced tea?

3 A I doubt it. He asked for bourbon. I'm
4 sure he got bourbon.

5 MR. DUFFY: Your Honor, I don't mean to
6 be disrespectful with the next question but I feel
7 I have to ask it with all due respect to the ladies
8 in the Courtroom.

9 Q In the beginning of that meeting with
10 Ozzie Myers, he never said fuck, did he?

11 A I don't know in that meeting when and where
12 he might have said that.

13 Q But he said it regularly towards the end,
14 didn't he?

15 A Yes.

16 Q You studies psychology?

17 A Yes.

18 Q You know what booze does to the tongue?

19 A Booze does to the tongue?

20 Q To the inhibitions?

21 A Yes.

22 Q Alcohol reduces inhibitions? I don't
23 want to turn you into a doctor but you know that?

24 A He had a tendency to do that.

25 Q Toward the end of that meeting that word

1
2 was frequently in Ozzie Myers conversation?

3 MR. PUCCIO: I object to this unless you
4 qualify Mr. Wald as an expert.

5 MR. DUFFY: He already answered.

6 THE COURT: Overruled.

7 Q It did not --

8 A The same thing held true --

9 Q Answer my question, will you please.

10 A Would you repeat it?

11 Q Towards the end of the meeting, isn't it
12 true, that Ozzie Myers uses that four letter word frequently?

13 A Yes.

14 Q You didn't connect that at all with the
15 state of sobriety?

16 A No.

17 Q He didn't have just one of those seven
18 ounce glasses of bourbon did he?

19 A I don't know if he had a seven ounce glass
20 of bourbon.

21 Q I am only going on what you told the Jury.
22 You want to make it six?

23 A I would like to qualify that particular
24 drinking thing. I asked him if he cared for a drink and he said
25 yes, I will will have bourbon.

1
2 I said I will have one too.

3 Q We saw it.

4 A Mr. Poulos made the drinks. I believe we
5 both had a refill.

6 I don't know if that was that much in the
7 glass or --

8 Q You're indicating about a foot?

9 A Certainly not. You saw the tape. Regular
10 highball glass.

11 Q When you brought Ozzie Myers into Phila-
12 delphia, isn't it true one of your purposes was to get him to
13 admit on that tape with the cameras running that he had traveled
14 to New York from another state on August 22nd?

15 A Categorically, no. I never expected him
16 to mention it.

17 Q Isn't it true one of your purposes was to
18 find out on this tape whether he got money in New York on
19 August 22nd?

20 A No. I had viewed the video tape in New
21 York and knew he had a package.

22 Q You only knew he was handed a package?

23 A Yes.

24 Q You didn't know if he kept it?

25 A No.

1
2 Q Are you telling the Jury one of your assign-
3 ments was not to find out how Ozzie got to New York on the
4 22nd of August?

5 A That's right.

6 Q One of your assignments was not to find
7 out whether he -- or to get him to admit that he accepted
8 money or received money on August 22nd?

9 A That's right.

10 Q One of your assignments is not to find out
11 the way he got to New York on August 22nd?

12 A That's correct.

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

14 (Pause.)

15 Q You were in the room with Ernie Poulos,
16 weren't you?

17 A Yes.

18 MR. DUFFY: Next week I will have a helper
19 but I have to look for it myself now, your Honor.

20 THE COURT: It's alright.

21 (Pause.)

22 MR. DUFFY: Unless somebody wants to volun-
23 teer over there.

24 THE COURT: If we knew what you were looking
25 for --

1 MR. DUFFY: I know, but I don't want him to
2 know yet.

3 (Pause.)

4 THE COURT: We will be patient.

5 MR. DUFFY: Thank you, your Honor.

6 (Pause.)

7 MR. DUFFY: I am really embarrassed.
8 Mr. Ben-Veniste has a question or two, may I sit
9 down and find it while he goes on? I will find it.

10 THE COURT: Yes.

11 CROSS EXAMINATION

12 BY MR. BEN-VENISTE:

13 Q Is it fair to say Mr. Wald that in terms
14 of the assets of this mythical Arab you wanted to appear it
15 would be carte blanche?

16 A Yes.

17 Q In terms of Philadelphia, that meant great
18 things could be built in Philadelphia that would help the city?

19 A Yes. Hotel.

20 Q And the Hotel, as far as you're discussing
21 it with Mr. Myers, could be located in South Philadelphia?

22 A Yes.

23 Q And South Philadelphia did not have a
24 luxury hotel at that time did it?
25

- 1
- 2 A Luxury hotel?
- 3 Q Thirty-four and a half billion dollar
- 4 hotel.
- 5 A Not like that.
- 6 Q South Philadelphia is a working class
- 7 area.
- 8 A Yes.
- 9 Q Now, with respect to other projects you
- 10 were talking to him about the construction on the waterfront?
- 11 A Moving coal through the waterfront.
- 12 Q Construction of a pier, did that come up?
- 13 A Yes.
- 14 Q Building a new pier?
- 15 A The City would pay for that.
- 16 Q To get back to hotels, were you aware that
- 17 the City of Philadelphia had a great need at that time for
- 18 hotel construction?
- 19 A Yes.
- 20 Q That the City itself was clamoring for
- 21 this kind of construction?
- 22 A Any type of construction.
- 23 Q This would mean jobs in the construction
- 24 field?
- 25 A It would mean jobs in running the hotel

1
2 for people who would work there?

3 A Yes.

4 Q It would mean an increase in the city
5 tax roles, that is the business would generate income that in
6 turn would go into the City coffers?

7 A Yes.

8 Q You were aware there were certain depressed
9 areas within the City of Philadelphia?

10 A Yes.

11 Q Some of which were in Mr. Myers' district?

12 A Yes.

13 Q You were aware were you not, that Mr. Myers
14 was very, very concerned about jobs?

15 A Yes.

16 Q And providing jobs?

17 A Yes.

18 Q Indeed, he stressed this on many occasions,
19 the City of Philadelphia needs more jobs, we have to put people
20 to work?

21 A Yes.

22 Q Indeed, every time Mr. Myers mentioned one
23 of the things good for the City of Philadelphia, you said: We
24 could be right there with the money?

25 A I don't remember saying that.

1
2 Q Did you ever say there was any project that
3 was suggested that you didn't have the funds to accomplish?

4 A No, I gave him the impression we had what
5 amounted to the unlimited funds --

6 MR. BEN-VENISTE: Nothing further.

7 MR. DUFFY: One other area before I turn
8 to what I was looking for.

9 CROSS EXAMINATION

10 BY MR. DUFFY:

11 Q Did you cover that with Mr. Criden, how
12 Ozzie got up to New York, wasn't that part of your assignment
13 too?

14 A No, as I said before it was never part of
15 my assignment.

16 Q Regardless of whether it was, did you do
17 that?

18 A No.

19 Q Was it done in your presence?

20 A It was brought up by Mr. Myers late on
21 that day of the first tape.

22 Q Would you look at page 26 of the transcript
23 of 7A where the conversation is with Howard Criden, turn back
24 to the bottom of 25 if you will.

25 A Yes.

1
2 Q You say -- can you go through it with me?

3 A Yes.

4 Q This is an accurate transcript?

5 A Yes.

6 Q And you are present at that meeting and
7 this was said in your presence?

8 A Yes.

9 Q There is an MW, that is you?

10 A That is me.

11 Q Ernie said: "Ah, I, Ah I was at ah at the
12 airport, remember when Ah Ozzie met Ah Tony."

13 You said: " You met him. You've met him."

14 Ernie says: "No. I never met him. I
15 just went downstairs. You know it was one of those things. I
16 had to go downstairs. I didn't see you around."

17 Howard says: " I was there."

18 Ernie says: "You were at the airport
19 that day? I didn't see you."

20 Howard says: "That was my first one."

21 Ernie says: "What. I thought it was, I
22 thought it was, who did you call it..." and

23 Howard says: "The one Ange brought." and

24 Ernie says: "Yea, Ange brought." and

25 Howard says: But where do you think Ange

1
2 got it from?" and
3 Ernie says: "Yea, from you." and
4 Howard says: "ok." and
5 Ernie says: "But, but you weren't there."
6 and
7 Howard says: "I didn't go up to the room,
8 no, I brought him up to New York."
9 EH "And I didn't see ya in the lobby, because
10 I was sittin'...(IA)..."
11 HC: No, I was just at the airport.
12 EH: Oh. I don't know how he got there.
13 I don't know whether he drove up or,
14 did he fly up that day?
15 HC: No, we took him up.
16 EH: He drove up?
17 HC The other guy flew up from Washington
18 ...(IA)..."
19 EH: Ah, ah, the other...
20 HC: The other guy...
21 EH: Yea, I saw you, you...we, we sent
22 the drink over to you. Ah,ah..."
23 And then so forth.
24 Q Were you there during this conversation?
25 A I was there during the conversation.

1
2 Q Are you telling this Jury -- this may have
3 been asked and answered and if it was I apologize -- are you
4 telling this Jury that the FBI had not virtually disowned
5 Mel Weinberg by January 1980?

6 MR. PUCCIO: Objection, asked and answered.

7 THE COURT: I will permit it.

8 A I had no idea what Weinberg's relationship
9 with the FBI was then, now, or previous to that time.

10 Q You were working on the same scam, is that
11 correct?

12 A Working on the Philadelphia end of it.

13 MR. DUFFY: I don't have anything further.

14 THE COURT: Any redirect?

15 MR. PUCCIO: No, Sir. I have to go call
16 another witness. Perhaps we should take a recess.

17 MR. BEN-VENISTE: Can I ask one question
18 while Mr. Puccio makes up his mind?

19 THE COURT: He is trying to wait for me to
20 make up my mind.

21 CROSS EXAMINATION

22 BY MR. BEN-VENISTE:

23 Q One thing, with respect to Testa, you
24 knew that Mr. Myers gave you the wrong first name for
25 Mr. Testa?

A

1
2 A Yes.

3 Q With respect to a Skinny Razor, he was
4 supposed to be a Mafia figure, with all the capability and
5 computers that the FBI has and criminal investigation network,
6 from that day up until today, did anybody run that name through
7 the FBI computer?

8 A I don't know.

9 Q As far as you know no one ever did?

10 A As far as I know.

11 Q You don't argue the fact that the man has
12 been in the ground for 16 years?

13 A I don't know.

14 Q Despite when Mr. Myers was telling you in
15 response to your question about the Mafia, who he was knew was
16 big in the Mafia, he mentioned Skinny Razor, is that correct?

17 A I never asked him that. He brought up
18 his name. I knew Bruno, Maguchi, and he got a half name right.

19 Q These are people he's supposed to know
20 personally?

21 A Yes.

22 Q When you say he got half a name right, that
23 is if I call you Jack Wald, that would indicate to you I was in
24 good --

25 A Certainly knew something about it.

* * *

6 THE COURT: Alright, Mr. Puccio, next
7 witness.

8 MR. PUCCIO: We call Mr. Best, your Honor.

9 E D G A R N. B E S T called as a witness
10 being duly sworn by the Clerk of the Court, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. PUCCIO:

14 THE COURT: Ladies and gentlemen, I am
15 not sure as to the full extent of Mr. Best's testi-
16 mony but I have been informed by counsel that one of
17 the things he will be testifying to is certain state-
18 ments made to him by the defendant Johanson either
19 on or shortly after February 2nd, 1980.

20 I have given you a variety of limiting
21 instructions before. I will give an even more
22 stringent one now as to this testimony. As to what-
23 ever Mr. Best tells you that was said to him by
24 Mr. Johanson, assuming that's the thrust of this
25 testimony, that testimony can only be used by you

1 in determining the guilt or innocence of the defen-
2 dant Johanson. You may not consider that testimony
3 in sense as relating to the other three defendants.

4 I will give you a final instruction or
5 rather a detailed explanation with respect to how
6 you may use statements, conduct by various people
7 when they are accused as the four defendants are
8 here as being involved in a conspiracy. There are
9 a number of special rules that relate to those
10 things. And some of the limiting instructions I have
11 given you are tied in with those rules. And I will
12 have to modify some of these limiting instructions
13 that I have given you and give you some other in-
14 structions as to how to deal with those various
15 items. I will try to clear all that up for you. But
16 one of the -- you should view any statements made
17 by Mr. Johanson that may be testified to by Mr. Best
18 as having been made at this time, that is, February
19 2nd or later, as being related strictly to Mr. Johan-
20 son and not to the other defendants. And you would
21 use them primarily for determining one of the issues
22 that you will have to determine for each of the
23 defendants and that is whether or not he was in fact
24 a member of a conspiracy, if you find that indeed a
25 conspiracy did exist. And you have to make that

1 finding with respect to each defendant separately
2 based upon what that defendant did and not based on
3 any statement that anybody, any of the other defen-
4 dants may have made about it.

5 That is a very, very short version of
6 what I will explain to you later when it's time for
7 you to deliberate. But all that needs to be said
8 for the moment, the purpose of this testimony by
9 Mr. Best, you may just think we only have one defen-
10 dant involved and that is Mr. Johanson. None of the
11 others with respect to none of the others may it be
12 weighed in your determination.

13 Alright, proceed, Mr. Puccio.

14 Q Mr. Best, by whom are you employed?

15 A The Federal Bureau of Investigation.

16 Q For how long a period of time have you
17 been employed by The Federal Bureau of Investigation?

18 A A little over 20 years.

19 Q What is your present occupation, sir?

20 A Special Agent in Charge, Philadelphia
21 Division.

22 Q For how long a period of time have you
23 been a Special Agent in Charge of the Philadelphia Division
24 of the FBI?

25 A Almost 2 years.

1
2 Q Now, direct your attention to Saturday,
3 February 2nd of this year. On that date did you have occasion
4 to interview Councilman Louis Johanson?

5 A I did.

6 Q Where did this interview take place,
7 Mr. Best?

8 A In my office.

9 Q In Philadelphia; is that right?

10 A That's correct.

11 Q Now, prior to commencing this interview
12 with Mr. Johanson, was he advised of his rights regarding
13 self-incrimination?

14 A He was.

15 Q And about how long a period of time --
16 about how long did this interview take? Do you recall?

17 A From the time he was in our office base
18 until he left, it was approximately 6 hours.

19 Q Now, at some point during this interview,
20 did you advise Mr. Johanson that the FBI had video tapes?

21 A I did.

22 Q And subsequent to that, did you question
23 him about a trip to New York City during August of 1979?

24 A Yes, I did.

25 Q Did he in fact tell you that he had

1
2 traveled to the vicinity of a hotel near Kennedy Airport
3 during August, 1979 in connection with a meeting with Mr.
4 DeVito, a Mr. Weinberg and another person?

5 A He did.

6 Q During this interview did Councilman
7 Johanson tell you that as a result of this trip he received
8 a sum of money?

9 A that's correct.

10 Q Did he tell you that he in fact had
11 observed the sum of money in large denominations wrapped in
12 rubber bands?

13 A He did.

14 Q And did he tell you in fact that there was
15 less money than was actually expected?

16 A Yes, he did.

17 Q Now, at one point in the interview, Agent
18 Best, did you say -- did you ask this question of Mr. --
19 or councilman Johanson? Did you say to him Councilman do
20 you understand the ramifications of this type of influence
21 peddling?

22 A I did.

23 Q And what did he say to you? Do you recall?

24 A He said that he did realize the serious-
25 ness of this type of activity. As a matter of fact, he went

1
2 on to say that since July of that year he had many sleepless
3 nights.

4 MR. PUCCIO: I have no other questions.

5 THE COURT: Cross examination.

6 CROSS EXAMINATION

7 BY MR. DUFFY:

8 Q Agent Best, you are the head man in
9 Philadelphia?

10 A I am the Special Agent in Charge.

11 Q Tell the Jury what that is? That's the
12 boss; is that right?

13 A Yes, that's the senior agent in charge.

14 Q You have been with the bureau for 20
15 years?

16 A That's correct.

17 Q Are you a lawyer?

18 A I am law trained.

19 Q Did you go to law school?

20 A Yes.

21 Q Like all of us lawyers here?

22 A That's correct.

23 Q So you had college and then three years
24 of law school?

25 A That's correct.

1
2 Q So on the night you had Louie Johanson in
3 the office of the FBI for six hours, you knew what you were
4 doing and what you were after, did you not?

5 A Yes, I did.

6 Q And tell this Jury, Louie asked to have a
7 lawyer there, didn't he?

8 MR. PUCCIO: I object, your Honor.

9 I will withdraw the objection.

10 THE COURT: Overruled.

11 Q Didn't he?

12 A That's not quite correct.

13 Q Well, Mr. Puccio asked you if you advised
14 him of his rights?

15 A That's correct.

16 Q Did you do that?

17 A Right.

18 Q When you advise people of their rights,
19 you read from a card that says, you have a right to have a
20 lawyer present during the interrogation and things like that,
21 right?

22 A Yes.

23 Q And you told that to Louie, didn't you?

24 A Yes.

25 Q and Louie said, I want to call a lawyer,

1
2 didn't he?

3 A No, he didn't. At first he said that he
4 read the advice of rights, which was a printed form. I asked
5 him if he understood it. He said he did.

6 Q Alright.

7 A But at that point --

8 MR. DUFFY: Your Honor, I object to this
9 characterization. I am asking the witness if he --

10 THE COURT: You just want the --

11 MR. DUFFY: I am asking him if Johanson
12 asked that he wanted a lawyer. That can be answered,
13 yes or no.

14 THE WITNESS: At one point he asked tele-
15 phonically to contact an attorney. That's correct.

16 Q Are you telling us that he told you, I
17 would like to telephonically contact an attorney?

18 A He said, can I use your telephone to call
19 an attorney.

20 Q He tried to get one for an hour or an hour
21 and twenty minutes, didn't he?

22 A Yes.

23 Q He didn't get a lawyer?

24 A No.

25 Q Because you got these fellows in on a

1
2 Saturday night, right?

3 A He came in on a Saturday night. That's
4 correct.

5 Q And you were aware what most criminal
6 lawyers are doing on Saturday night, weren't you?

7 A No.

8 Q In the office of the FBI in Philadelphia,
9 tell this Jury on the day, February 2nd, 1980, did you have
10 video tape equipment?

11 A Yes.

12 Q Did you have Nagras?

13 A Yes.

14 Q Did you have other tape recording equip-
15 ment?

16 A Yes.

17 Q And you were interviewing Lou Johanson
18 with an eye toward sitting in that seat where you sit right
19 now and telling twelve, sixteen people what he told you, were
20 you not?

21 A I didn't think of it that way. We were
22 trying to find out what the truth of the facts were.

23 Q Well, you weren't spinning your wheels,
24 were you, Agent Best? You knew you were trying to get a state-
25 ment to tell a Jury some day?

1
2 A Not necessarily. We were interested in
3 what he could tell us to be the truth of a situation.

4 Q Well, what did you intend to do with the
5 truth? Send it to the other guys or tell the Court?

6 A No. Provide it to the prosecutors.

7 Q And come into Court and testify as a wit-
8 ness right?

9 A That would be their decision.

10 Q But -- and they decided to have you here
11 today, didn't they?

12 A that's correct.

13 Q And you don't have a video tape of Lou
14 Johanson, do you?

15 A No, we do not.

16 Q And you don't have a tape recording of
17 this statement you say he gave you, do you?

18 A No, we do not.

19 Q Because you didn't bother that night to
20 do it, did you?

21 A We didn't do it. No.

22 Q And you don't have a typewritten statement
23 or handwritten statement that's signed, Louis C. Johanson,
24 do you.

25 A Not because we didn't ask him to do that.

1
2 Q Answer my question.

3 A We don't have it because we didn't try.

4 Q Alright. What you had -- what you have is
5 your word.

6 THE COURT: Wait a minute. He said, we
7 don't have it because we didn't try. Is that what
8 you mean.

9 THE WITNESS: Yes. We asked him to do
10 just that, provide us with such a statement.

11 Q And he wouldn't do it?

12 A Yes. He was ready and willing to do it
13 the following day.

14 Q But he got a lawyer, didn't he?

15 A that's correct.

16 Q Alright. Now, what you have for this Jury
17 is Edgar Best's word -- I beg your pardon. John Best, isn't
18 it?

19 A Edgar.

20 Q Edgar Best's word for what happened in
21 that room in the Office of the Federal Bureau of Investigation
22 on the night of February 2nd; isn't that right?

23 A As well as two other special agents.

24 Q But you don't have anything with Louie's
25 signature on it? You don't have the video tape which is what

1
2 this case is all about, do you?

3 A No. We have got a receipt for the return
4 of bribe money.

5 MR. DUFFY: Objection, sir. That is not
6 responsive.

7 MR. BEN-VENISTE: I move to strike and
8 admonish the witness to answer only the question.

9 THE COURT: The objection is sustained.
10 Disregard the answer.

11 Read the question back to the witness.

12 (Record read.)

13 THE WITNESS: That's incorrect in part.

14 Q On the night that you took this statement
15 or you interviewed Lou Johanson, you didn't video tape him,
16 did you?

17 A No, that's correct.

18 Q And you didn't audio tape him, did you?

19 A No.

20 Q And you knew that -- well, strike that.

21 Now, let's go to the question that Mr.
22 Puccio asked you, whether you asked Louis Johanson if he
23 understood the ramifications of this type of influence ped-
24 dling. Are you telling the Jury there your exact words?

25 A Those were my exact words. Yes.

1
2 Q What did you say?

3 A I said, do you understand the ramifica-
4 tions of this type of influence peddling.

5 Q And Louis -- you have in your report -- you
6 prepared this report, did you not?

7 A Yes.

8 Q You signed it?

9 A Yes.

10 Q You attest to your superiors at the Bureau
11 that what was in there was true, am I right?

12 A Yes.

13 Q Did you write in your report, he stated
14 that he had been aware of the dangers of these dealings since
15 July, but it was a chance to make some easy money and he
16 decided to go forward. Is that what you wrote?

17 A Yes.

18 Q Is that what Louie said?

19 A To the best of my recollection, yes.

20 Q We have to go on your recollection?

21 A You certainly do.

22 (continued on next page)
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2 Q And then did you write, according to
3 Johanson, he had many sleepless nights since it began, but
4 that his family situation pressured him greatly? Is that
5 what Louie told you?

6 A Yes.

7 Q He then related that his son Louis Jr.,
8 an alcoholic at age 25, is currently hospitalized with ex-
9 tensive liver damage and the prognosis indicated very large
10 medical expenses in the immediate future. Is that what Louie
11 told you?

12 A Yes.

13 Q And we just have your recollection; is
14 that right?

15 A As well as two other special agents.

16 MR. DUFFY: That's all.

17 THE COURT: Any other questions?

18 Mr. Ben-Veniste.

19 CROSS EXAMINATION

20 BY MR. BEN-VENISTE:

21 Q Mr. Best, you were aware prior to January
22 of 1980 of the fact that an investigation called ABSCAM had
23 been going on for some time, run out of Brooklyn, is that
24 correct, sir?

25 A That's correct.

1
2 Q And you pushed for Philadelphia getting
3 some share of the investigation; is that true, sir?

4 A We were interested in some aspects of the
5 investigation, yes.

6 Q There was a time when you -- when you
7 specifically requested that you be allowed to get a crack at
8 ABSCAM, run by the Philadelphia FBI Office; is that right?

9 A Yes.

10 Q And in that connection, sir, is it fair to
11 say that a request was made of Mr. Weinberg to do something?

12 A No, I never requested him to do anything.

13 Q If you listen to my question, sir, my
14 question was, is it fair to say that a request was made of
15 Mr. Weinberg to do something?

16 A That's possible. Yes.

17 Q Well, you were in charge of the Philadelphia
18 investigation?

19 A That's correct.

20 Q And you were concerned with how it was going
21 to be set up, were you not?

22 A Yes.

23 Q And you had determined for whatever reason
24 that you weren't going to use Mr. Weinberg; is that correct?

25 A We had no use for Mr. Weinberg in our --

1
2 Q I understand. With respect to Mr. Weinberg,
3 sir, do you not know that Mr. Weinberg was instructed to call
4 Mr. Criden in order to introduce Mr. Criden to the new cast
5 of characters?

6 A Yes, I believe that's correct.

7 Q And do you not know, sir, that Mr. Weinberg
8 was asked to tell Criden --

9 Do you not know, that Mr. Weinberg was
10 asked to ask Criden whether he could get a hold of Ozzie Myers
11 and introduce him to your agent?

12 A I have no knowledge of that conversation.

13 Q You don't?

14 A No.

15 Q You were in charge of the -- you don't
16 recall such a message being brought to you, that such a re-
17 quest was made?

18 A At no time did we direct Mr. Weinberg at
19 all.

20 Q No. But you were coordinating with
21 someone else, were you not?

22 A That's not how we made our connection.

23 Q Pardon me?

24 A That is not how we made the connection.

25 Q Weren't you coordinating with the FBI

1
2 Office in New York?

3 A To a limited degree at that point.

4 Q Well, didn't you know it was going to be
5 Mr. Weinberg who made the introduction of Mr. Criden to your
6 new cast of characters?

7 A No. We were going to use a different
8 situation.

9 Q Well, do you not know that in fact Mr.
10 Weinberg called Mr. Criden?

11 A That's possible. I'm not aware of it.

12 Q Let me see if this refreshes your re-
13 collection, sir.

14 MR. BEN-VENISTE: I am showing the witness
15 a recording -- a transcript of a recording marked as
16 number 1589.

17 Q I would like you to take a look at it.

18 THE COURT: 1589?

19 MR. BEN-VENISTE: Yes. January 11, 1980.
20 That's not the 3500 -- it is the FBI number. This
21 witness may not be familiar with our 3500 code.

22 THE COURT: How is anyone reading the
23 record going to know what you are talking about.

24 MR. BEN-VENISTE: Maybe Mr. Levy can help
25 us.

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MR. LEVY: 3500-230A.

THE COURT: Thank you Mr. Levy.

Q Take a look at the first page of that,
please, Agent Best.

MR. BEN-VENISTE: May I ask the questions
from here?

THE COURT: Yes.

Q Now let me ask you to review pages 2 and 3,
sir?

A Ok.

Q Doew that refresh your recollection, sir,
that indeed Mel Weinberg telephoned Howard Criden and asked
Mr. Criden whether he would be willing to get a hold of
Congressman Myers and introduce him to these new fellows who
were going to be in Philadelphia?

A That's what that appears to say, yes.

Q Do you have any reason to doubt that?

A No.

MR. BEN-VENISTE: Nothing further.

MR. CACHERIS: No questions at this time.

THE COURT: Mr. Brown, any questions?

MR. BROWN: No, your Honor. Thank you.

THE COURT: Any redirect?

MR. PUCCIO: May I have a moment, your

Honor.

THE COURT: Yes.

MR. PUCCIO: Your Honor, I won't pursue this witness. I will call Agent McMullen.

THE COURT: I take it, there are no more questions for Agent Best.

MR. DUFFY: No sir.

THE COURT: Thank you, Mr. Best. You may step down.

(Witness excused)

THE COURT: Next witness.

MR. PUCCIO: We call Agent McMullen.

R I C H A R D M C M U L L E N called as a witness, being duly sworn by the Clerk of the Court testified as follows:

THE COURT: Alright, Mr. Puccio:

DIRECT EXAMINATION

BY MR. PUCCIO:

Q Mr. McMullen, by whom are you employed?

A the FBI.

Q For how long a period of time have you been employed by the FBI?

A In excess of 15 years.

Q Are you assigned to any particular office

1
2 within the FBI?

3 A Yes. I am an Hauppague resident agent of
4 the Brooklyn-Queens Office.

5 Q On February 2nd of this year, did you have
6 occasion to speak to Congressman Michael Myers?

7 A Yes, I did.

8 Q Where did this conversation take place?

9 A In a home in Longport, New Jersey.

10 Q That's where Congressman Myers was staying;
11 is that right?

12 A That's correct, sir.

13 Q At the time of this conversation were you
14 accompanied by any other members of the FBI?

15 A Yes. Special Agent James T. Mahr of the
16 Philadelphia office.

17 Q Now, prior to speaking to Congressman
18 Myers -- withdrawn.

19 Why don't you tell us what you said to
20 Congressman Myers and what he said to you and Agent Mahr, as
21 best you can recall?

22 A Yes. On February 2nd, 1980, we arrived
23 at the residence in Longport, New Jersey, approached the house.
24 Congressman Myers was standing near the door looking out the
25 window, saw us approach, opened the door. We identified our-

1
2 selves by displaying our credentials, handed our credentials
3 to Congressman Myers. He took both sets, examined them, handed
4 them back to us and invited us into the house.

5 We sat in the -- what I would believe to
6 be the living room of the house where we told Congressman
7 Myers that the FBI was conducting an investigation into the
8 activities of Tony DeVito, Mel Weinberg, Angelo Errichetti,
9 Howard Criden and Michael Cohen. He was asked if he was
10 acquainted with any of these individuals.

11 Congressman Myers replied that he knew
12 Howard Criden to be an attorney, Philadelphia attorney, that
13 he knew Angelo Errichetti to be the Mayor of Camden, New
14 Jersey. And he was not acquainted or did not know Tony DeVito,
15 Mel Weinberg or Michael Cohen.

16 At this point of the interview, Special
17 Agent James Mahr advised Congressman Myers of his rights by
18 reading to him the contents of a form known as Interrogation,
19 Advice of Rights. He handed the form to Congressman Myers.
20 Congressman Myers studied the form for a few minutes, handed
21 it back to Special Agent Mahr. Special Agent Mahr asked the
22 Congressman if he understood the contents of the form. Con-
23 gressman Myers stated, very clearly.

24 Congressman Myers was asked for a second time, do
25 you know Mr. DeVito, Mel Weinberg, or Michael Cohen. He stated

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2 again, no, he did not know these individuals. He stated that
3 he did know Howard Criden to be an attorney --

4 MR. BEN-VENISTE: Objection.

5 Q Alright. Agent McMullen, during the course
6 of this interview, was Congressman Myers asked for the third
7 time if he knew Tony DeVito, Mel Weinberg and Michael Cohen?

8 A Yes, he was.

9 Q And what did he say for the third time?

10 A He did not know either -- he did not know
11 any of the individuals. Did not know Tony DeVito, Mel Wein-
12 berg or Michael Cohen.

13 MR. PUCCIO: No other questions.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION

16 BY MR. CACHERIS:

17 Q Agent McMullen, when you went to this house
18 in Longport, did you tell Mr. Myers that he was under investi-
19 gation?

20 A Not specifically. No sir.

21 Q did you tell him that Tony DeVito was
22 really an FBI agent named Anthony Amoroso?

23 A No sir.

24 Q Did you tell him that Mel Weinberg was an
25 undercover agent, FBI operative?

1
2 A No sir.

3 Q Did you tell him that Michael Cohen was
4 really an FBI agent named Michael Wald?

5 A No.

6 Q did you tell him that you had or the FBI
7 had video tapes showing Mr. Myers in August and January?

8 A No sir.

9 MR. CACHERIS: No further questions.

10 THE COURT: Any other questions? Mr. Ben-
11 Veniste?

12 MR. BEN-VENISTE: May I have a moment,
13 your Honor.

14 THE COURT: Yes.

15 MR DUFFY: May I have one more shot, your
16 Honor?

17 THE COURT: Yes.

18 CROSS EXAMINATION

19 BY MR. DUFFY:

20 Q Mr. McMullen, were you aware when you went
21 to see Congressman Myers that in an interview with Cohen, who
22 is really Wald, Cohen told him that the Arabs attended to
23 people that got out of line with Moslem retribution adminis-
24 tered by Ernie Poulos?

25 A No sir, I don't believe I was aware of

1
2 that.

3 MR. DUFFY: That's all.

4 THE COURT: Mr. Ben-Veniste.

5 CROSS EXAMINATION

6 BY MR. BEN-VENISTE:

7 Q Did you do anything to indicate in that
8 regard, sir, that there would be no danger to any of those
9 individuals if Mr. Myers were to discuss that with you?

10 A I don't remember.

11 Q In other words, in connection with the
12 undercover names that you mentioned, Cohen, Weinberg and
13 DeVito, did you indicate anything to Mr. Myers that these were
14 just a put on?

15 A The Me. Weinberg name is a true name. But
16 I didn't indicate to him at all that Tony DeVito or Michael
17 Cohen was an assumed name.

18 Q You say you had received no briefing to
19 the effect that Agent Wald had told Myers that if any of these
20 individuals got out of line that Poulos was going to kill them
21 or do something serious to them in the way of physical retri-
22 bution?

23 A No sir. I never received a briefing like
24 that.

25 MR. BEN-VENISTE: Nothing further.

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THE COURT: Any redirect?

MR. PUCCIO: No, your Honor.

THE COURT: Alright, thank you, Mr.

McMullen. You may step down.

(Witness excused.)

* * *

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 25, 1980
 9:30 o'clock A.M.

B E F O R E :

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

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

1
2
3 EDWARD R. KORMAN, ESQ.,
4 United States Attorney for the
5 Eastern District of New York

6 Department of Justice
7 Strike Force
8 Brooklyn, New York

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12 Attorneys for the Government

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24 Attorneys for the Defendant Angelo J. Errichetti
25

A P P E A R A N C E S : (Continued)

1
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11 NEIL I. LEVY, ESQ., of Counsel

12 Attorneys for the Defendant Howard L. Criden
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2 THE COURT: Good morning.

3 Do you have another witness, Mr. Puccio?

4 MR. PUCCIO: We will have no further evidence
5 at this time.

6 THE COURT: The Government rests.

7 Any motions?

8 MR. BEN-VENISTE: Yes, your Honor.

9 We would move to dismiss each count of the
10 indictment on the ground that the Government has
11 failed in its necessary burden at this stage. I
12 won't belabor the point that we have made, however,
13 the evidence does not demonstrate the conspiracy
14 charge. The evidence does not show other than the
15 fact that this was a sham proceeding from beginning
16 to end that the Government agent arranged for
17 Congressman Myers to act out a role and all actions
18 which he took were confident with his doing and
19 opposed to making a promise to receive money with the
20 intent to actually misuse his official office.

21 Further, we would urge the Court, on the basis
22 of the record already standing, that this Court
23 dismiss the case on the basis of Government overreach-
24 ing that is so shocking that it is to the extent of
25 offending any conception of due process of law.

Further, I ask that the indictment be dismissed on the ground that on the Government's case it's been shown there was entrapment as a matter of law in this case.

Further motion with respect to the striking of evidence -- shall I take that now, your Honor? Or stop with respect to the motions for directed verdict?

THE COURT: The motions for acquittal are denied.

MR. CACHERIS: We all join and we add one observation with regard to Mr. Myers. The Government must prove beyond a reasonable doubt what Mr. Myers was supposed to do was an official act that has been defined in the statute. There has been absolutely no proof that there was any official act to be done or the Government hasn't proved what was contemplated was an official act. They have the burden to put in before the jury, to give the jury guidance as to what the official act is and they have not done so.

Secondly, on the same point, the 24th and following tapes, do not deal with official acts of the Congressman, they deal, as the Court has heard with local municipal affairs and could not be considered official acts.

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2 THE COURT: I don't quarrel with your latter
3 characterization of what happened in January. But the
4 motions to dismiss on the official acts ground is
5 denied.

6 MR. DUFFY: As to strictly defendant Johanson,
7 I move for a directed verdict of acquittal on the
8 grounds the Government has not offered any proof at
9 all that he was a party to any agreement to violate
10 any law, number one, and number two, that with respect
11 to the travel act, the Government demonstrates
12 jurisdiction that was manufactured. I don't speak
13 for the other defendants, they were lured into the
14 Eastern District of New York. And their travel into
15 the Eastern District was a sine qua non of jurisdiction
16 which was manufactured by the Government.

17 THE COURT: Motion denied.

18 MR. BEN-VENISTE: I would simply add to that
19 the fact the Government has not proved that essential
20 element of the crime that is Ozzie Myers was a
21 Congressman of the United States and had the capacity
22 to perform the official acts charged.

23 THE COURT: You don't think there is evidence
24 of that in the record?

25 MR. BEN-VENISTE: I don't think they have

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2 satisfied their burden in the direct case.

3 THE COURT: Denied.

4 MR. BEN-VENISTE: With respect to the evidentiary
5 matter, your Honor, I would ask at this time that
6 the Court strike the testimony of Ellis Cook
7 particularly with respect to the hearsay statements
8 made by Cook concerning travel to the Eastern District
9 of New York.

10 Ellis Cook was not shown to be a member of
11 a conspiracy. He did not act in furtherance thereof.
12 There was no one act taken by Ellis Cook which shows
13 participation in a conspiracy.

14 His testimony was that he sat down with his
15 law partners when the matter was broached and had a
16 discussion about whether anything was improper in
17 introducing the Congressman to the supposed Sheik.

18 They in and the Congressman would receive a
19 fee therefore, however, it's emphatically stated
20 there would be no quid pro quo and therefore no
21 violation of law.

22 The only concern he had was whether a law
23 firm should register as an agent of a foreign govern-
24 ment and their conclusion since the Sheik was not a
25 representative of a foreign Government, is that they

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2 had no such responsibility.

3 Under those circumstances the Government has
4 failed to show that Ellis Cook was a co-conspirator.

5 He is cast in that light simply by the Govern-
6 ment saying so in the Bill of Particulars. The
7 Grand Jury took no such action.

8 For those reasons, we would ask tha the
9 hearsay statements which were admitted, I suppose
10 subject to proof that he was a member of the conspiracy,
11 be stricken.

12 THE COURT: What specific hearsay statements
13 are you referring to?

14 MR. BEN-VENISTE: Statements by Ellis Cook
15 with reference to travel, with reference --

16 THE COURT: What did he testify to about travel?

17 MR. BEN-VENISTE: That he was told that Johanson
18 and Criden were going to travel to the vicinity of
19 the airport in New York.

20 THE COURT: Is that hearsay?

21 MR. BEN-VENISTE: Yes.

22 THE COURT: Doesn't it indicate a present
23 state of mind?

24 MR. BEN-VENISTE: Ellis Cook is testifying
25 what Mr. Criden told him.

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2 THE COURT: He's going to go to Kennedy Airport
3 or whatever --

4 MR. BEN-VENISTE: Yes. He further testified
5 he had a meeting up in New York which would be in-
6 admissible hearsay.

7 He further testified over our objections as
8 to his characterization of what Mr. Criden told him
9 about what the Sheik would be receiving for his
10 money. That was objectionable on other grounds other
11 than hearsay, but your Honor allowed it.

12 I would suggest that the Court -- that that
13 is extremely prejudicial on the basis of the Government's
14 failure to show Cook's participation in a conspiracy
15 and it should be stricken.

16 THE COURT: I will reserve decision on that.

17 MR. BEN-VENISTE: With respect to Cook's
18 testimony and that of Michael Criden, I suggest to
19 the Court that the Government had no independent
20 basis for obtaining that testimony other than the
21 statement made by Mr. Criden on February 2nd and
22 that that testimony is fatally tainted and should have
23 been excluded. We ask your Honor at this time to
24 strike it.

25 This evidence introduced a matter taken up

1 before Judge Mishler.

2 THE COURT: You better run that by me again.

3 MR. BEN-VENISTE: A matter that Judge Fullman
4 ruled upon, Judge Mishler accepted Judge Fullman's
5 opinion. Judge Mishler had a brief hearing pretrial.
6 Perhaps I can approach the side bar?

7 THE COURT: No. I don't know what you're
8 talking about. You started talking about Michael
9 Criden.

10 MR. BEN-VENISTE: Yes, he testified that his
11 father -- that he had drove his father to New York
12 on August 22nd.

13 THE COURT: You say Judge Fullman made a ruling?

14 MR. BEN-VENISTE: May I approach the side
15 bar?

16 THE COURT: You're talking about the taint
17 arising out of Mr. Criden's statement?

18 MR. BEN-VENISTE: Yes.

19 THE COURT: I passed on that.

20 I already ruled.

21 MR. BEN-VENISTE: I don't recall your
22 specifically done so. Judge Mishler held a hearing
23 pretrial where he found on the basis of representations
24 made by Mr. Puccio that there was no taint.

25 I would suggest to the Court that a reevaluation

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2 of that ruling in light of the evidence adduced at
3 trial is in order and on that basis the testimony of
4 Mr. Michael Criden and Ellis Cook should be stricken.

5 THE COURT: That request is denied. Anything
6 further?

7 MR. SEN-VENISTE: No, sir.

8 THE COURT: Do you wish to --

9 MR. BROWN: May I have one?

10 THE COURT: Yes.

11 MR. BROWN: I would like to incorporate in
12 my objection, my motion for a directed judgment, the
13 concepts enunciated by other counsel.

14 In addition, I would move to strike from
15 consideration of the jury with respect to Mr.
16 Errichetti all that which occurred after December,
17 1979, particularly with respect to the incidents
18 concerning Congressman Myers of January 24th, 25th
19 and subsequently.

20 Since the testimony of Mr. Weinberg and I
21 believe confirmed by the conversations on the January
22 24th tape were to the effect that Mr. Errichetti
23 had in effect withdrawn, I based that on Mr. Weinberg's
24 testimony where he said while they continued to
25 contact Mr. Errichetti in order to keep him available

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2 or neutral it was their conclusion he had in essence
3 withdrawn after the Noto incident of September.

4 And of course, implicit, although not explicit,
5 in the objection is the fact that throughout Mr
6 Puccio has stated he considers incidents, for example
7 the Lederer circumstances, one of a total conspiracy
8 which goes beyond that which is charged in the
9 indictment. Getting in what is a multiple conspiracy
10 being tried.

11 I ask for a dismissal of the indictment or
12 a limitation in the rulings which respect to Mr.
13 Errichetti.

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15 (Continued on next page.)
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2 THE COURT: I think what you are arguing
3 with respect to the ending point of Mr. Errichetti's
4 participation in this conspiracy is probably a
5 fair argument.

6 There is a conceptual problem, however, in
7 that what happened after that time is admissible
8 and probably helpful in this case only to the extent
9 it helps determine Mr. Myers' state of mind back in
10 August.

11 MR. BROWN: That is true.

12 THE COURT: In so far as his state of mind
13 in August is a relevant factor, Mr. Errichetti is
14 bound by that if the jury finds there was a conspiracy
15 at that time.

16 MR. BROWN: I wrestled with the concept.
17 I tried to carefully phrase my objections so that at
18 least it makes some sense.

19 How that can be handled I think is a matter of
20 law which I will later have to submit to your Honor
21 in a brief.

22 It does appear there is at least a reasonable
23 inference arising almost to a presumption that
24 because of what Mr. Weinberg said and the way he
25 said it, "After that Noto thing," we felt he withdrew

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2 and was trying to work out some sort of trickery
3 on us -- I don't think the Court is bound by the
4 phrase Mr. Weinberg used in response to my question:
5 "Would you say that at that time he was no longer
6 involved in ABSCAM," and he said, "Yes."

7 I do not say in any sense Mr. Weinberg's
8 statement is binding on the Court.

9 I do argue it is a strong inference to a
10 presumption that he has withdrawn.

11 As far as Mr. Myers state of mind in the total
12 concept, it is important. I would have to work hard
13 for a motion to do whatever justice is indicated.

14 THE COURT: When you get right down to what
15 I have to instruct the jury, it may require some
16 kind of a focusing of the jury's attention with
17 respect to two or three of the overt acts that are
18 alleged.

19 MR. BROWN: Yes.

20 THE COURT: Which may have occurred after the
21 time that Mr. Errichetti was out of the conspiracy
22 and if the jury finds he was.

23 I understand your problem and I have focused
24 on it to some degree. I don't know if it requires
25 any instruction at this point.

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2 MR. BROWN: My argument is, I suppose, a
3 motion for a partial judgment of acquittal with respect
4 to that aspect which is merely to introduce the idea
5 that I would urge your Honor to charge the jury
6 after -- I am picking December as the outreaching
7 date, for example, the Myers conversation of January
8 24th and those that followed are somewhat precise on
9 this point that appears to me, as I recall the tape,
10 Mr. Criden says that fellow across the river hasn't
11 been notified of this and the agents in their technique
12 say this is a new deal, this has nothing to do with the
13 old.

14 This is between Weinberg, the co-conspiratory
15 statement, in reality he had withdrawn from the
16 conspiracy.

17 I would ask your Honor perhaps this is not the
18 right place to bring for a direction to the jury
19 that would fairly limit any testimony of December
20 from being considered by them, in the presentation
21 of the defense those issues will I think be high-
22 lighted --

23 THE COURT: To the extent it is a motion for
24 a partial verdict of acquittal, it is denied.

25 MR. BROWN: That is what I had in mind.

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2 THE COURT: As to what instructions to give to
3 the jury I will wait.

4 MR. BROWN: I make the Bertolotti argument,
5 on the basis, of course, part of the Kotteakos argu-
6 ment as well, Mr. Puccio said: I view all of these
7 matters not mentioned in the indictment, Lederer,
8 to be specific, Williams when he first -- to be
9 all of one indictment and even though they are not
10 charged that with Bertolotti, I ask for a dismissal
11 of the indictment based on the Kotteakos case.

12 THE COURT: That is denied.

13 MR. BEN-VENISTE: We would all join in that.

14 Not rearguing specifically those points, but
15 with respect to the January 24th and January 25th
16 meetings, in so far as there are admissions with
17 respect to the receipt of money, we have no quarrel.
18 That is admissions with respect to the receipt of
19 money coming from the August 22nd meeting. We do
20 not quarrel with the relevance of that.

21 However, with respect to Mr. Criden although
22 he is present at the meetings on the 24th, it's
23 quite clear from the statements made at that time
24 and statements made on the 25th outside his presence,
25 anything to do with the local situation is entirely

1
2 prospective and does not involve Mr. Criden in any
3 way.

4 He's not elicited or enlisted into any
5 prospective agreement, and because of the fact that
6 he has simply exceeded to a request to produce Mr.
7 Myers, to invite him to a meeting, he is now in a
8 position in the jury's eyes somehow responsible for
9 these statements made therein.

10 Although he does not adopt them or act in any
11 way to further them

12 THE COURT: You are forgetting some of the
13 evidence that was on the tapes.

14 MR. BEN-VENISTE: I am not forgetting it,
15 your Honor, I simply don't believe that the statements
16 made on the tapes with respect to how we are starting
17 out a new situation, that and that Mr. Criden is
18 not necessary to be contracted any longer, it's quite
19 apparent in the January 25th meeting which incidentally
20 is charged as an overt act in the conspiracy, improperly
21 as I suggested to the Court before, since it has
22 nothing to do with the agreement which led to the
23 August 22nd meeting. I ask that overt act be
24 stricken and not submitted to the jury.

25 Further, I will ask your Honor to review the

1
2 prosectuor's memorandum prepared by Mr. Puccio in
3 December of 1979. Judge Fullman has done that.

4 THE COURT: So have I.

5 MR. BEN-VENISTE: You have?

6 MR. BEN-VENISTE: I would ask whether the
7 Court would be willing to comment on my suspicions
8 that in that memorandum Mr. Puccio concluded that
9 Mr. Myers should be prosecuted on the basis of the
10 facts surrounding the August 22nd meeting.

11 This would indeed confirm the argument which
12 was advanced to your Honor concerning the fact that
13 the later January meeting, and the discussions about
14 the Mafia and the various other things in Philadelphia,
15 were at least in part generated with the notion in
16 mind that Mr. Myers would be sitting in a Courtroom
17 at some point and that tape would be played not only
18 to his detriment, but any other co-conspirators sitting
19 in the Courtroom with him.

20 I think that is an improper technique and the
21 Government has succeeded in having that evidence
22 come before the jury.

23 THE COURT: That is a matter for me to consider
24 with respect to the dur process motion pending before
25 me.

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2 MR. BEN-VENISTE: Does your Honor have any
3 guidance with respect to the putting in of our
4 defense, whether your Honor will allow the jury to
5 consider disputed factual evidence concerning the
6 due process issue?

7 THE COURT: It's not an issue for the jury to
8 consider. I am going to deny your seventh request
9 to it on that ground.

10 MR. BEN-VENISTE: Despite the fact it would
11 appear from a reading of Judge Fullman's decision
12 that he may well allow disputed facts on the due
13 process argument to come before your Honor --

14 MR. DUFFY: There are two items I want to
15 mention. I join Brother Brown on the Kotteakos
16 aspect. I didn't want to beat that into the ground
17 during the trial --

18 THE COURT: Yes.

19 MR. DUFFY: Your Honor consistently overruled
20 us and I am sure you take the same position.

21 I have a pleasurable motion to make with
22 some pride. I seek the Court's permission to
23 permit a senior law student from Villanova to assist
24 me for the during of the trial.

25 I take some pride because he is my daughter.

1
2 THE COURT: Miss Duffy?

3 MR. DUFFY: Jane Duffy.

4 THE COURT: You have my permission.

5 Now, did the defendants reach some agreement
6 as to the manner to proceed?

7 MR. CACHERIS: Mr. Myers wishes to testify.
8 In that connection I intend to play two of the tapes
9 during the course of his testimony. And at a certain
10 point I want to stop for his commentary.

11 I want to work that out with the technician.

12 THE COURT: Will he be the first witness?

13 MR. CACHERIS: Yes.

14 THE COURT: Are the tapes ones already in
15 evidence?

16 MR. CACHERIS: I would specifically tell
17 you the tapes of the August 22nd meeting, which is
18 5A or 5B is the actual tape and 7 which is the
19 January 24th.

20 THE COURT: You intend to play all of both
21 tapes?

22 MR. CACHERIS: Yes. I feel I have to have
23 that done --

24 THE COURT: It is a rerun?

25 MR. CACHERIS: A summer rerun, yes.

1
2 I might suggest that perhaps because there
3 will be some commentary at a proper point of stopping
4 it might be better to have the jury not put the
5 earphones on and try to listen to the loudspeaker.

6 THE COURT: I don't know. It's very difficult
7 to hear what is being played out there without the
8 earphones.

9 You can hear the conversation through the
10 earphones.

11 MR. CACHERIS: I would be guided by your Honor's
12 wishes in this regard.

13 I wonder if the transcript would be made
14 available. It will be my hope that they will concen-
15 trate more on the watching rather than reading.

16 THE COURT: In so far as the transcripts go --

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18 (Continued on next page.)
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2 MR. DUFFY: Yes, your Honor, we of course,
3 and I in particular, viewed that, let us say in
4 particular the tape at the Barkley, I viewed that
5 tape many times watching television. And My experience
6 the other day in Court led me to conclude that the
7 thoughts I had entertained earlier might not be
8 true. I think I have concluded, after watching it
9 again over the weekend, without the transcript, that
10 the difficulty arose from the fact that I succumbed
11 to the temptation to read the transcript and not
12 watch the picture. And I suggest to the Court that
13 that may be what happened with the jury. I
14 particularly for one am interested in the jury really
15 seeing the film. And I enlist the Court's guidance.
16 I suggest it might be good to tell the jury we are
17 not going to give you the transcripts because we
18 really want you to watch the picture.

19 THE COURT: I certainly have no quarrel with
20 focusing the jury's attention either upon the trans-
21 cripts or possible difference between the transcripts
22 and what it sounds like on the audio, or upon what
23 the actions is on the video. I have some reserva-
24 tions about giving or exposing the jury to an hour
25 and a half of tape without the aid of the transcript.

1
2 although I would, for the purposes of the defendants,
3 if you want to present it in that way I will permit
4 you to do so, or in the way in which it is done if
5 you have a reasonable purpose of what it is you are
6 trying to present, it is all right with me.

7 If you want them to have the transcripts, fine.
8 If you don't I will explain to the jury that the
9 purpose is to have them focus more upon what is on
10 the screen, what they hear by ear, and what they see
11 by their eyes, and if they were to see the transcripts
12 that perhaps there may be a doubt --

13 MR. DUFFY: It might be better if they were
14 to get the transcript, your Honor, so they don't
15 suspect we are trying to keep it from them and if
16 the Court were to tell them --

17 THE COURT: I would feel more comfortable with
18 that.

19 MR. CACHERIS: I have no problem with that,
20 your Honor. I suggest they try to avoid the use
21 of the transcripts.

22 MR. BEN-VENISTE: Your Honor, the order would
23 be on the order of the indictment in terms of
24 presenting the offense.

25 THE COURT: All right, that is --

1
2 MR. BEN-VENISTE: Myers, Errichetti, Johansen
3 and Criden.

4 THE COURT: All right.

5 MR. BROWN: Your Honor, we do have one witness
6 whom we would like to put on th stand who may not
7 be available tomorrow. I assume your Honor would
8 not restrict us so long as the defense is going
9 along and we would be able to call that witness --

10 THE COURT: I will not restrict that.

11 We are ready to proceed?

12 Bring in the jury.

13 MR. CACHERIS: I have a problem of watching
14 this to indicate when it is to be stopped. I may
15 have to move over here (indicating).

16 THE COURT: That is no problem.

17 MR. DUFFY: Your Honor, may I inquire of
18 the Court, Mr. Cacheris examines the Congressman,
19 and would it be the Court's position that I cross
20 next or that Mr. Puccio conducts his cross and then
21 we get to cross.

22 THE COURT: Normally I would expect the
23 defendants to examine him further, whether it be
24 viewed as cross or direct examination I guess is
25 a moot point, and then Mr. Puccio gets the opportunity

1
2 to cross examine.

3 MR. CACHERIS: We will be ready shortly, your
4 Honor.

5 THE COURT: All right.

6 MR. BEN-VENISTE: While we are waiting, could
7 I most respectfully except to your Honor's severance
8 ruling in respect to the Lederer case, not insomuch
9 as opposed to the severance from Congressman Lederer
10 as I am with the severance as it relates to Brown.

11 THE COURT: I haven't made th ruling yet.

12 MR. BEN-VENISTE: Oh, I thought that you had.

13 MR. BROWN: I thought that you had. But that
14 was scuttlebutt, I guess.

15 THE COURT: I won't make the ruling until for
16 example the Government appeals.

17 MR. BEN-VENISTE: I see that's conditional.

18 THE COURT: I am prepared to do it in order to
19 accommodate Judge Fullman. There are all kinds of
20 things that might prevent it --

21 MR. BEN-VENISTE: In which case it would be a
22 severance under certain conditions.

23 THE COURT: It is my present intention --

24 MR. BEN-VENISTE: We were thinking of things
25 like your Honor deciding it our way.

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2 THE COURT: That is another possibility.

3 Are you ready?

4 MR. CACHERIS: Yes.

5 THE COURT: All right, bring in the jury.

6 (The jury thereupon returned to the Courtroom
7 at 10:12 o'clock A.M.)

8 THE COURT: Good morning, ladies and gentlemen,
9 I hope you all had a nice weekend. Since I spoke
10 to you on Friday morning have you talked to anyone
11 about the case? Has anyone talked to you or attempted
12 to talk to you? If so, will you please raise your
13 hands.

14 (There was no response.)

15 THE COURT: Since that time have any of you
16 read any newspaper articles, or seen any television
17 broadcasts or any radio broadcasts that had anything
18 to do with the trial?

19 (There was no response.)

20 THE COURT: Very good.

21 Now, the Government has concluded its side
22 of the case so we are at that stage of the trial
23 where the defendants have the opportunity to present
24 evidence on their side of the case. The order in
25 which the defendants will proceed, although there

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2 may be some deviation with respect to the order of
3 witnesses and so forth, but generally speaking you
4 will be hearing from Mr. Cacheris on behalf of the
5 defendant Myers, Mr. Brown on behalf of the defendant
6 Errichetti, Mr. Duffy on behalf of the defendant
7 Johanson, and Mr. Ben-Veniste on behalf of the
8 defendant Criden.

9 All right, Mr. Cacheris, you may proceed.

10 MR. CACHERIS: Your Honor, I call Mr. Myers.

11 THE CLERK: Please raise your right hand.

12 M I C H A E L M Y E R S, called as a witness,
13 having been first duly sworn by the Clerk of
14 the Court, took the stand and testified as
15 follows:

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

18 THE WITNESS: Michael Myers, M-y-e-r-s.

19 THE CLERK: Please be seated.

20 DIRECT EXAMINATION

21 BY MR. CACHERIS:

22 MR. BROWN: If your Honor please, you might
23 perhaps suggest if the jurors would not refer to the
24 transcripts.

25 MR. CACHERIS: It will be a few minutes before

1
2 we get there.

3 MR. BROWN: I beg your pardon.

4 THE COURT: Proceed.

5 BY MR. CACHERIS:

6 Q Mr. Myers, how old are you?

7 A 37 years old.

8 Q Where do you reside?

9 A Philadelphia. 2636 South 6th Street,
10 Philadelphia, PA.

11 Q What type of neighborhood is that?

12 A It's a working class neighborhood.

13 Q With whom do you live?

14 A I live with my wife and three children.

15 Q How old are your children?

16 A My oldest son is Michael, he is 12 years old.

17 I have a daughter, Kelly-Ann, 10 years old, and I have a son,
18 Kevin, who is 9 years old.

19 Q Are your parents living?

20 A Yes, they are.

21 Q Where do they live?

22 A They live about two blocks away from where
23 I live, same neighborhood.

24 Q What does your father do for a living?

25 A He is now a retired longshoreman.

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2 Q Mr. Myers, how long did you go to school?

3 A I left school in the 10th grade. I completed
4 nine years.

5 Q What kind of a family do you come from in
6 terms of size?

7 A I am one of eight children. I have five
8 sisters and two brothers, and three cousins that was raised
9 with us.

10 Q Now, when you left school in the 10th grade,
11 did you say?

12 A Yes.

13 Q What did you do after that?

14 A Well, I went to work as a Western Union
15 telegram boy delivering telegrams.

16 Q For how long did that last?

17 A That lasted about six months.

18 Q What did you do thereafter?

19 A After that I went to work in a can company,
20 assembly worker in a can company.

21 Q How old were you then?

22 A I was about going on 17.

23 Q How long did you remain as an assemblyman
24 in the can company?

25 A Four or five months.

1
2 Q What did you do thereafter?

3 A After that I went to work on the waterfront
4 in Philadelphia.

5 Q Your father had previously worked there?

6 A Yes, my father had worked down there at the
7 time and my brothers.

8 Q How old were you when you first started working
9 on the docks?

10 A I was 18 years old at that time.

11 Q How long did you remain working on the docks?

12 A Well, I worked on the docks until about 1974,
13 from '70 to '74 on a part time basis, because during that
14 period of time I was a member of the State Legislature in
15 Pennsylvania. But in those days when I was a member of
16 the legislature the salary was only \$7200 a year, and I used
17 to work a couple of days on the waterfront to supplement
18 my income to try to make ends meet at home.

19 Q When did you first get into politics?

20 A I first got into politics when I wa 21 years
21 old.

22 Q Tell the jury how you got into politics?

23 A Yes.

24 I was helping a friend out at the time, a
25 gentleman named McNulty, William McNulty. He was the Democratic

1
2 Ward leader in those days, and he asked me to help out
3 at one of the polling places. So I agreed to. And I took
4 it from there. I ran for Committeeman after that and
5 gradually worked my way up through the Ward organization.
6 I became the First Vice Chairman. Then I became Chairman
7 and then I became Ward leader. And I got an opportunity when
8 I was 27 to run for the State Legislature.

9 Q How old were you when you ran for the State
10 Legislature?

11 A 27 years old.

12 Q How long did you remain in the State
13 Legislature?

14 A I was elected in November of 1970. And I
15 served -- and I was sworn into office in January of '71,
16 and I remained there until November of 1976 when I became
17 a member of Congress.

18 Q Tell the jury how you became a member?

19 A Well, my predecessor was a William Barrett.
20 He had died in April of 1976. And under the party rules
21 it was up to the party to select someone to replace his
22 name on the ballot. He had been nominated posthumously
23 in the primary election. So with his death of course it
24 created the vacancy. And the Democratic Party leaders of
25 the county met and they selected me to run and replace Mr.

1
2 Barrett's name in November.

3 Now at that point in time the Governor, Governor
4 Schaff it was at that time, declared a special election to
5 be held on November -- on election day in November of '76.
6 So actually I was elected twice the same day. One election
7 elected me to serve out the unexpired term left vacant
8 by Mr. Barrett and the other was to a full two year term
9 which would commence January of 1977.

10 Q What type of district is that?

11 A Well, it is strictly a working class district.
12 It's about half black, half white.

13 Q Mr. Myers, I want to direct your attention
14 to July and August of 1979?

15 A Yes.

16 Q And ask you if you met Louis Johanson?

17 A Yes, I did.

18 Q Will you tell the members of the jury how
19 you met him?

20 A Yes, I will, Mr. Cacheris.

21 Sometime in late July, early August of 1979
22 Mr. Johanson called me and said that he would like to talk
23 to me.

24 So I said fine. That I would be going to
25 Longwood, where I had a summer place probably most of the

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2 month of August where he could stop by and if he wanted to
3 see me, we will talk.

4 He did. He stopped by my place. He stopped
5 by one night around 5 or 6:00 o'clock. My wife and I were
6 going out at the time.

7 And I said, "Lou, listen, I am going out.
8 Would you mind if I stopped off? I will stop over your
9 house tomorrow morning. We will have a cup of coffee and
10 we will talk."

11 He said, "Fine."

12 So the next morning I went over to Lou's
13 house and we--

14 Q Will you tell us how you knew Mr. Johanson?

15 A Well, I knew Mr. Johanson through politics.
16 Mr. Johanson is a Ward leader in the City of Philadelphia.
17 I am also a Ward leader. And we have attended many political
18 gatherings, rallies, meetings dealing with registration, deal-
19 ing with putting our ticket together for the election and
20 the primary in general.

21 We have a system in Philadelphia where all the
22 Ward leaders meet once a week for about 8 to 10 weeks prior
23 to an election. Every Friday morning we meet and we go
24 over election strategy. We get into the overall registration
25 drive. You know Lou and I have spent a lot of time together

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2 over the period of the time that I have been a Ward leader.

3 Q Did he ever help you in an election year?

4 A Yes. He has helped me. He has pitched
5 in and helped me. And he has helped other friends of mine
6 in various elections because we work together.

7 Q And you did meet with him?

8 A Yes. I met with him at his place in Longport
9 which is a couple of blocks from my place.

10 Q What did you discuss?

11 A Well, we had a discussion about -- we sat
12 down -- when I got to his house he said, "Well, come around
13 the back of the house." And he had some beach chairs sitting
14 in the rear of his place with a little garden there. And
15 we had some general discussion. We had a cup of coffee.
16 And he went on to tell me about this rich Sheik, about this
17 rich Arab Sheik that he knew. He told me about a deal that
18 he was involved in with his partner, Mr. Criden.

19 Q Did you know Mr Criden?

20 A No, I didn't know Mr. Criden. I knew of him.
21 I had seen his name, you know, on the law firm on a door,
22 but I really didn't know Mr. Criden.

23 And he told me about this hotel casino deal
24 in Atlantic City. And that him and Mr. Criden were looking
25 to land this deal. It looked very good. He told me that if

1
2 went through they were going to make a tremendous fee.
3 He didn't tell me the exact fee, but he told me it was in
4 the millions.

5 He told me if it worked out he was going to
6 retire, get out of politics, go down to Longport and just
7 retire.

8 So of course it just sounded great to me.
9 I wished him luck.

10 And so he went on further starting to tell me
11 about his son, which I was aware of.

12 And he went on to tell me that this rich
13 Arab was willing to pay \$100,000 to him and Mr. Criden if
14 they could introduce some important people to the Sheik.

15 So I told him, I said, "You know, Lou, that
16 sounds like a fairy tale to me."

17 I never heard of something like that.

18 "For what reason?"

19 I said, "Why would he do that?"

20 He said, "Well, he has got so much money; he
21 has got billions," he said, "\$100,000 to him is just peanuts.
22 It just don't mean anything."

23 So, you know, thinking about this hotel and
24 all this money, maybe it's true. It seemed like a fairy
25 tale. I couldn't believe that it was true. But I had

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2 confidence in Lou. I wouldn't believe he would be giving
3 me any B.S. I believed it. So he said if I was willing
4 to meet with this gentleman that there would be a hundred
5 thousand dollars and he would be willing to give me \$25,000.

6 Then he went on to explain how the money
7 was to be split up.

8 He told me about Angelo Errichetti at that
9 time, the Mayor of Camden.

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1 He told me about Mr. Weinberg.

2 He told me I would get \$25,000 and him and
3 Mr. Criden would get \$25,000 to split.

4 Mayor Errichetti would get \$25,000, and \$25,000
5 would go to Mr. Weinberg another representative of the Sheik.
6 No other names were mentioned. I didn't know of any other
7 names at that time of any of the representatives.

8 Q What were you supposed to do?

9 A Well, I just asked him that question.

10 I said, "Lou, what am I expected to do?"

11 He said, "You will probably never see these
12 guys again. You won't have to do anything. I can assure
13 you these people have so much money they are willing to
14 pay that amount just to know some important people."

15 So I said, "Well, as long as I don't have to
16 do anything," I said, "It sounds okay to me."

17 So he went on and told me that -- I said,
18 "Well, what do they want to ask me?"

19 I said, "Do I have to know anything?"

20 "Well, the Sheik may ask you some questions
21 about immigration. There was some talk about," he said,
22 "Maybe a hostile situation where he currently lives. He
23 might have to try to come to America. He may talk to you
24 about that. But," he said, "I am not sure about that."
25

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2 He said, "If you really go you will meet later with
3 Mayor Errichetti and he will tell you word for word just
4 what to do and what to say."

5 He says, "And also with Weinberg. You will
6 meet with them and I will set that up."

7 So I said, "Okay. Set it up."

8 Q Why did you agree to set it up?

9 A Well, first of all I thought, you know,
10 obviously Lou was very excited about this hotel deal. I
11 thought I was doing him a favor by meeting with this rich
12 Arab, and because he had done me a lot of favors, particularly
13 in the last general election.

14 And so I also seen it as a way to pick up
15 some easy money for doing absolutely nothing.

16 Q Did that conclude the conversation at that
17 time?

18 A That basically concluded the conversation at
19 that time with Mr. Johanson.

20 Q Did you meet with him again?

21 A Yes, I spoke to him again.

22 During that period of time, during August,
23 Congress was in recess, and I had spent a lot of time down
24 at my summer place. I would go back Mondays, and Tuesdays
25 and Thursdays and just ride back to the office, which is

1
2 about, well, 56 miles from my home. So it is about an
3 hour ride. I would go up for office hours at night and
4 then return the same night to my place at the shore.

5 He stopped by my house one night right around
6 supertime and he said that the meeting was set up for the
7 next day. So that would be the day before the 22nd. This
8 would be the 21st of August.

9 So I said, "Okay. What we do have to do?"

10 He said, "Well, we will have to get there
11 early because you are going to meet with Mayor Errichetti
12 and you are going to meet with Mel Weinberg to go over the
13 script of what you are to say to the Sheik."

14 I said, "Okay." I said, "Well, how do you
15 want to go up?"

16 He said, "I don't care. I will pick you up
17 or you will pick me up."

18 I had a pretty decent car. And I said, "I
19 will pick you up tomorrow morning."

20 The next morning, that would be August 22nd,
21 the day of this meeting, I picked up Mr. Johanson at his
22 house. And then I headed up the Garden State Parkway up
23 to the -- we got up to the airport, Kennedy Airport, I
24 would say somewhere around 9:45, somewhere in that range.
25 And we went in the airport. We had some breakfast there.

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2 And we hung around the lobby there just waiting for this
3 meeting to take place. I was to meet with Errichetti
4 and Weinberg. We waited there. We waited there and they
5 never showed until about somewhere in the vicinity of 11:30,
6 I would say, a quarter after eleven or 11:30 they showed
7 up.

8 Q Did you meet anyone else?

9 A During that period of time?

10 I didn't meet anyone else, no.

11 Mr. Johanson and I just sat there reading
12 papers and just waiting for them to show up.

13 Q At 11:30 they showed up?

14 A At 11:30 Angelo Errichetti walks in and with
15 him is Mr. Criden and a couple of other gentlemen. One
16 was Mr. Criden's son and another gentleman I believe to be
17 now that I have seen him around, I believe it was the Mayor's
18 driver.

19 I was introduced to everybody. This was the
20 first time I met Mr. Criden and the first time I met his
21 son.

22 Of course I knew Mayor Errichetti because of
23 any number of other transactions in the Port of Philadelphia
24 which of course includes his City, the Port of Camden.
25 We met on the Penjurdel Corporation. That's a corporation

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2 that takes in the whole Delaware Valley, Philadelphia, New
3 Jersey and Camden, the Port.
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2 Q As a matter of fact, Camden is across the
3 river?

4 A Yes, directly across the river.

5 When you talk about the Port of Philadelphia,
6 that includes the City of Camden. The ILA in Philadelphia
7 handles all that work in that port, although it's another
8 state, the same jurisdiction.

9 I knew Ang, and said hello, and he grabbed
10 me by the arm and pulled me on the side.

11 He left the main group standing talking,
12 and we were against the wall in the airport.

13 He told me at that time that the plans had
14 changed. We weren't going to meet with Mel Weinberg because
15 of a time problem.

16 Q Not?

17 A Not going to meet with Mel Weinberg, which
18 I believed we were going to do to go over the script of
19 what I was supposed to say and do.

20 He said, "I will tell you what you have to
21 do. First of all, the sheik does not understand English.
22 No matter what you say, he doesn't know what you're saying
23 is the truth or what."

24 I said, "Is he going to ask any questions?"

25 He said, "They may ask you something about

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2 immigration."

3 I said, "I don't really know that much about
4 immigration. If he gets into any technical areas I won't
5 know the answer."

6 "Talk about anything. Talk about the Phillies."
7 I know quite a bit about the Phillies.

8 That was about the extent of it. "You've
9 got to come on strong."

10 He also told me: "Did you ever see me on
11 television?" I had seen him many times talking about things
12 in Camden. "You know how positive I am, how strong I come
13 on? That is the way you've got to act. The sheik likes
14 tough guys. Tell him how powerful you are. Maybe talk
15 about immigration. You will never have to do anything.
16 Don't worry about that. I got that covered. If there
17 are any areas you don't understand I will talk up. Mel
18 is going to be in the room with us. Mel is our friend.
19 He wouldn't let anything happen to get you in trouble."

20 I said, "Okay. If it's that simple." He
21 assured me that it was and I said fine.

22 Q What happened then?

23 A After that, we headed over to the hotel which
24 was a mile or so away from the airport. A few minutes
25 later Lou Johanson and I walked out and walked to the parking

1
2 lot and picked up the car. We followed maybe ten minutes
3 or so behind him over to the hotel, parked outside the
4 hotel. Lou and I both walked in.

5 When I walked in the hotel lobby, Mayor
6 Errichetti was standing right in front of the elevators.
7 Lou said, "I will wait" and veered over to my right over
8 to the cocktail lounge in the lobby.

9 I walked up to the Mayor. He said: "There
10 has been a change in plan."

11 "What do you mean," I said. "The sheik is
12 tied up at another meeting. You're not going to meet with
13 the sheik."

14 I said: "With whom will I meet? "One of
15 his representatives, but Mel will still be there. Come
16 on the same way."

17 "Suppose they ask me questions I can't handle?"

18 He said, "We will handle that."

19 "What about immigration?"

20 He said: "Tell them to do anything they
21 want, don't worry about that. You don't ever have to worry
22 about the sheik coming to America because Mel already told
23 me if he has to leave his country arrangements have been
24 made in South America and they never include to come to
25 America."

1
2 So, I said, "Fine." As long as I understood
3 that. That was about the extent of it.

4 He was telling me all the way up in the elevator
5 "Come on strong, talk positive, tell him about yourself,
6 how important you are in Washington and you're on important
7 committees and you control this and that, make yourself
8 sound important because they like important people."

9 I walked in the door. That is where the
10 tapes are.

11 MR. CACHERIS: With your Honor's permission,
12 we would like to run the August 22nd tape.

13 THE COURT: That is Exhibit 5.

14 With respect to the playing of the tapes, ladies
15 and gentlemen, you have seen this tape before, and
16 with this one and with respect to another one you
17 may be looking at, counsel have requested me to suggest
18 to you that since you have been through the tapes
19 once with the transcripts, and what they would like
20 to do at this point, instead of concentrating heavily
21 on the transcript, concentrate more on what you hear
22 and what you see.

23 I know there is a temptation to watch the words
24 rather than what is going on at the screen. Let me
25 encourage you to keep your eyes off the transcript

1
2 and watch the screen and listen to the words.

3 The transcripts will be given to you so that
4 you can follow and so forth. Keep in mind the trans-
5 cripts themselves are not the evidence, it's what
6 you see and what you hear which is the evidence.

7 You may distribute the transcripts.

8 MR. CACHERIS: I ask Mr. Furst to help me.
9 I'm totally unmechanical. I would push the wrong button.
10 I am sure.

11 (Transcripts being distributed to the jury at
12 this time.)

13 THE COURT: Did I understand it was your inten-
14 tion to stop the tape at certain points and ask
15 questions and proceed with the rest of the tape?

16 MR. CACHERIS: Yes, sir.

17 THE COURT: You will go through the entire
18 tape?

19 MR. CACHERIS: Yes, sir.

20 One juror does not have Exhibit 5A in her volume.

21 (Pause.)

22 THE COURT: Ready?

23 MR. CACHERIS: One question.

24 Q What is your nickname?

25 A Ozzie, O-z-z-i-e.

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2 MR. CACHERIS: We are ready to proceed.

3 THE COURT: All right.

4 (Tape played.)

5 Q Mr. Myers, is it correct to say you just
6 walked into the room and you made discussion about your
7 position and your leadership, is that correct?

8 A Yes, Mr. Cacheris.

9 Q Were all the things you were saying in there
10 accurate?

11 A No, they were not. When Mr. Errichetti gave
12 me the clue to talk about me, I went on to expand how
13 important I was.

14 Q Did Mr. Errichetti say you were the leader
15 of a six Congressional delegation?

16 A Yes. I picked up on that. He was not right.

17 Q How large is it?

18 A The delegation is four members. To keep
19 his statement right, I go on to expand Philadelphia and
20 talk about two more counties to make it six members.

21 Of course, that is not true.

22 Q If indeed there were six members including
23 the Southeastern counties, would you be the leader?

24 A No, there are senior members from the other
25 counties.

1
2 Q Did you also tell them that you had representa-
3 tion in the Judiciary Committee?

4 A Yes. I said that, and of course, we do not.

5 Q Do you tell them you were very keen with
6 immigration matters?

7 A I said that. Of course, we don't have.

8 Q Are you, as you said, the spokesman for the
9 Southeast region?

10 A No, I'm not. I speak for myself only.

11 Q Why did you say these things?

12 A I was trying to make myself look important.
13 Impress the representative of the Arabs. I had all the
14 power and I was an important individual.

15 MR. CACHERIS: All right.

16 (Tape played.)

17 Q Was that Mr. DeVito speaking to you?

18 A Yes.

19 Q He told you that he was sure the Mayor had
20 explained all this to you?

21 A Yes.

22 Q In fact, the Mayor had explained it all to
23 you?

24 A There may be talk about immigration and I
25 should come on strong, but the Mayor never mentioned anything

1
2 about Somoza. When Mr. DeVito brings up the name Somoza,
3 that is the first I heard of that.

4 MR. CACHERIS: All right.

5 (Tape played.)

6 Q Now, you've told Mr. DeVito that you could
7 drag out a bill keeping someone in the country?

8 A Yes, I did.

9 Q Is that correct?

10 A That is not correct. As far as I know about
11 private bills, each bill would be judged on its own merits
12 and that is strictly up to that committee to handle it.

13 I don't serve on that committee.

14 Q Why did you say that?

15 A I was trying to impress them saying I could
16 do anything.

17 Q Now, again you discussed the four and six
18 delegation?

19 A That is -- I don't want to change it, what
20 he said.

21 Q You are tied up with Ohio, what did you mean
22 by that?

23 A If they want an important man, I could control
24 Ohio too.

25 MR. CACHERIS: Okay.

1
2 (Tape played.)

3 Q Do you take matters to the Chairman of the
4 Judiciary Committee?

5 A No. I never took any matter to the Chairman
6 of the Judiciary Committee. I only know the man to say
7 good morning.

8 I hardly know Mr. Rodino.

9 MR. CACHERIS: All right.

10 (Tape played.)

11 Q Mr. Meyers, Mr. DeVito asked you about your
12 connections in the State Department?

13 A Yes.

14 Q Your response was you had a lot of connections
15 in the State Department?

16 A That's what I say. That I had connections
17 in the State Department. I'm trying to impress how important
18 I am.

19 Q Do you have any connections with the State
20 Department?

21 A No. I didn't have any then and I don't have
22 any now. I never had any connections in the State Department.

23 MR. CACHERIS: All right.

24 (Tape played.)

25 Q Did you go on the Appropriations Committee?

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A No.

Q What committee were you on?

A Education, Labor, and Merchant Marine and
Fisheries Committee.

MR. CACHERIS: Okay.

(Tape played.)

Q What do you mean by that statement, were
you in his corner?

A I don't know really what that means. It's
strictly BS.

MR. CACHERIS: All right.

(Tape played.)

Q Did you tell him you had the clout to introduce
legislation?

A Yes.

Q What does that mean?

A Any member of Congress can introduce legislation
by having the bill drafted and dropping it in the hopper.

I tried to make it sound like it takes me
to introduce a bill which is totally untrue.

MR. CACHERIS: All right.

(Tape played.)

Q Now, you just said you can wait until the
smoke clears, eighteen months pass, what are you saying?

1
2 A I am just stalling, trying to answer his
3 questions. Impress upon him I could do all this, stall the
4 committee.

5 I am totally BS'ing there.

6 MR. CACHERIS: All right.

7 (Tape played.)

8 Q Mr. DeVito told you, asked you, are you going
9 to introduce a bill to get him here, what does that mean?

10 A He didn't understand what he was talking
11 about either. He's all through this. He said things that
12 don't make sense to me. He doesn't understand immigration
13 or the Congress.

14 MR. CACHERIS: All right.

15 (Tape played.)

16 Q You were asked about the worst possible
17 situation, what did Mr. Errichetti say?

18 A He said I would have to put a bill in. I
19 said yes. I would have to put a bill in at that point
20 in time.

21 MR. CACHERIS: All right.

22 (Tape played.)

23 Q What did you mean by that?

24 A I wanted to impress the representatives that
25 I'm on his side and how important I was. I control the

1
2 delegation, to impress upon him. I wanted to have him
3 believe I was a strong guy in Congress.

4 Q Is that in accordance with the directions
5 you had?

6 A Come on strong. I'm coming on strong. I
7 know he doesn't know what I'm talking about. I even build
8 it up more.

9 MR. CACHERIS: Okay.

10 (Tape played.)

11 Q You can speak for the Philadelphia delegation,
12 Southeastern Region and the rest of the State delegation?

13 A We tie into the rest of the State delegation.
14 What I mean, I can deliver all these people. That is the
15 procedure we use -- that is what I am telling him. It's
16 total BS. We don't use that procedure. Each region is
17 after its own things for its own region. What's beneficial
18 for Pittsburgh doesn't help Philadelphia. We differ on
19 most all issues.

20
21 (continued on next page)
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(Tape played.)

Q What did you mean by that expression?

A That is a figure of speech that I use and had been using for many years.

I had heard that back in the waterfront days. It seems that everything you wanted to do or had to do took money, so it is a phrase we used on the waterfront and something I have been using for many years.

(Tape played.)

Q Now, you just told Mr. DeVito that you have all sorts of people coming from the Middle East and OPEC countries and wanted to make deals?

A Well, that is what I said, but I didn't know anybody from OPEC countries or the Middle East and I don't anybody from OPEC countries or the Middle East whoever intended to come.

(Tape played.)

Q You say you know all sorts of operations such as we are talking about now?

A I say that but I am just trying to impress him that I am the guy who knows all about these immigration matters, and that I can handle these things.

I do not know any of these deals and never heard of one.

1
2 I am trying to build up how important I am
3 and can handle it just for his ears.

4 (Tape played.)

5 Q Do you know key staff people, key people who
6 can show you how to stall things?

7 A No, I don't know any staff people on the
8 judiciary committee. I don't know any key people on there
9 whatsoever.

10 I told him this to make me seem important.
11 That is why I am saying it to him.

12 (Tape played.)

13 Q Now, you tell him that you got the best guy
14 in the world, you have got some real key people in State.

15 A I don't know anybody in State, and he asked me
16 for the name and I told him I could not give him the name
17 and the reason I couldn't is because I don't know any.

18 (Tape played.)

19 Q You just said you were going to discuss with
20 State and line up your connections there.

21 Is that correct?

22 A That is what I said.

23 Q Did you ever go to anyone in the State
24 Department and discuss anyone, with anyone, in the State
25 Department, about this matter?

1
2 A No, I did not.

3 In never did. I never intended to and never
4 had in my entire career.

5 (Tape played.)

6 Q All right.

7 Now, Mr. DeVito asked you about green cards.

8 A Yes, he asked me about green cards.

9 Q What did Mr. Errichetti say?

10 A Angelo butted in and said he has feelers out
11 for green cards.

12 Q Do you know anything about that?

13 A I knew absolutely nothing about green cards.

14 When Angelo butted in I knew he was in an
15 area and I couldn't explain.

16 Q Did you know anything that Mr. Errichetti
17 was doing about green cards?

18 A No, that was an area I didn't understand
19 well and if there was any question about green cards, if
20 you read on, you can see that I dummed up because I didn't
21 know anything about green cards.

22 (Tape played.)

23 Q What did you mean in this passage where you
24 were talking about economics, investing dollars?

25 A It goes back to the hotel in Atlantic City

1
2 that Lou Johanson told me about, and all the other investments
3 they were talking about.

4 I thought if he was, if the Sheik had all
5 this money and intended to invest over here, fine, I would
6 like to have some in my district and I go on to tell him
7 that is the way that people can immigrate here.

8 Of course, I don't know much about that
9 procedure, but I knew he didn't neither.

10 (Tape played.)

11 Q Now, you said there that this gives you the
12 perfect opportunity to raise hell before Congress.

13 What do you mean by that?

14 A I am trying to impress him that if some
15 investments came into my district this would give me an
16 opportunity to raise hell.

17 I am always looking for any kind of investments
18 in my district and that is what I was trying to relate to
19 him, that Philadelphia was a good town and he should try
20 to spend some money there.

21 I was trying to impress him that this would
22 make me go ahead with anything dealing with immigration,
23 if he would come back and put some investments in my
24 district.

25 I knew that I never had to do that and I

1
2 wouldr.'t be asked to do that, and I thought it was a great
3 opportunity to lobby for my City.

4 Q Did you intend to do anything before Congress?

5 A I never did anything and never intended to
6 do anything before Congress and was told that I did not
7 have to.

8 That is the reason why I went to this meeting.

9 (Tape played.)

10 Q Now, you said there you deal with these
11 matters continually. What did you mean by that?

12 A Well, I was trying to impress upon the
13 representative of the Arab that this was just a matter of
14 routine for me. That I deal with these things all the
15 time, this was not true. I never deal with them. In my
16 experience I have had one private bill in four years and I
17 don't know anything about private bills and I never was
18 involved in private bills.

19 Q Why don't you tell us about the bill.

20 A Okay.

21 Sometime around June of 1979, a social agency
22 in Philadelphia in my district contacted my local office
23 and they said that there was a gentleman who was going to
24 be deported from the United States and that they would like
25 to have me intercede. He resided in my district.

1
2 So my staff handled the matter and they got
3 all the facts together and the way it came down is that this
4 gentleman had cancer and he didn't expect to live too long.
5 He had two children that were born here in the United States.
6 For that reason he did not want to leave his family, you
7 know, until his death, sometime in the near future. After
8 all the facts were together his lawyer contacted my staff
9 and they came to me and explained the situation to me,
10 that this gentleman had two children born here and he wanted
11 to remain here for the remainder of his days.

12 I agreed.

13 I said, have a bill drafted and I would be
14 happy to introduce it.

15 That is the only experience I ever had with
16 immigration matters at all.

17 (Tape played.)

18 Q Were you interested in legitimate investments
19 in Philadelphia?

20 A Of course.

21 I am always interested in any kind of invest-
22 ments in Philadelphia in my district and particularly with
23 the poor.

24 I am always lobbying for business to come
25 into the City, whenever I get an opportunity.

1
2 In this case I knew all this money, I heard
3 four hundred million in Chase Manhattan, and I heard about
4 this big hotel casino and a mortgage company and all this
5 money and I continually thought about my district, knowing
6 I didn't have to do anything.

7 If this was for real, and they had to come
8 to my district, it certainly would be a plus for me.

9 (Tape played.)

10 Q All right.

11 Now, you are telling him you can use your
12 connection with the committee and stall things?

13 A That is what I said.

14 Q Is that true?

15 A No, that is not true.

16 Each bill, whether it would be an immigration
17 matter of not, that is introduced in Congress is weighed
18 upon its own merits. Whatever committee has jurisdiction
19 over that matter sets the scheduling of the matter and sets
20 the hearing and it is taken up from there. They either
21 approve or it falls on the merits.

22 Sometimes a hearing can be held in one day
23 and it is recorded out or it may stay there for three months.

24 I don't have anything to do with that committee.

25 So I am just B.S'ing him.

1
2 Q Did you have any ability to staff anything?

3 A No, anything dealing with immigration you have
4 to understand it strictly in the judiciary committee. I
5 don't serve in the judiciary committee and no member of
6 our State does.

7 (Tape played.)

8 Q Now, you mentioned the Port of Philadelphia.

9 Why did you do that?

10 A Well, anytime that I get in a room with more
11 than two people I talk about the Port.

12 The Port is very close to me. I always
13 talk about the Port.

14 Of course, my father worked there and I
15 worked there and we made a nice living from the Port.

16 Anything I can ever do as an elected official
17 to help that Port, I try to do it. I am thinking about all
18 this four hundred million and that we have a need for a
19 third container Pier and we have all sorts of needs for
20 Port development and I thought it was an area they might
21 be interested in.

22 If I could explain to them that it was a good
23 Pier and it is a good place to work out of and do business,
24 maybe they would come and if they did it would be a plus
25 and I would be very happy.

1
2 Q Did that have anything to do with your
3 Congressional office?

4 A Oh, no, it had nothing to do with my Congress-
5 ional office.

6 (Tape played.)

7 Q What are you saying there? What is your
8 intention?

9 A My intention there is in case they were
10 intending to go to New York, I was trying to discourage
11 them and to bring them into Philadelphia.

12 (Tape played.)

13 Q What are you talking about there, about handling
14 that, all that can be handled?

15 A Well, he mentioned that we have to kick some-
16 thing into the Union people. That is not so.

17 Philadelphia is dying for the work and a
18 very good Port.

19 You don't have to operate like that in
20 Philadelphia. If you have a shipping company that wants
21 to come in, there are Piers that are empty and dying for the
22 work.

23 Because of automation we have lost a lot of
24 jobs in that Port and we will do anything to get jobs in
25 that Port.

1
2 (Tape played.)

3 Q What are you saying there?

4 A What I am saying, it is a great opportunity
5 for them to come in with all this money to take over one
6 of these empty Piers. It is a legitimate operation.

7 They could, you know, get all the help they
8 needed as far as the local participation from City Government
9 is concerned, from the Port corporations and it would have
10 been a great thing for my Port and that is what I was
11 concerned about there.

12 I keep trying to promote the Port because
13 anything that comes into that City is of benefit to me and
14 particularly when I know I don't have to do anything for
15 it.

16 (Tape played.)

17 Q Mr. Myers, you just said you got my guarantee,
18 you have no problems with me, and Mr. Errichetti says you
19 have my guarantee.

20 What were you guaranteeing?

21 A I would have guaranteed him anything he wanted
22 a guarantee on because I knew I didn't have to do anything
23 and never intended to do anything and was told that.

24 I was also told, as I told you earlier that
25 this possibility could never come up because it was already

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taken care of.

(Continued on next page.)

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2 (Tape ends.)

3 MR. CACHERIS: Can we have a recess at this
4 point, your Honor?

5 THE COURT: Yes.

6 Take a short recess ladies and gentlemen.

7 Don't discuss the case during recess.

8 (Recess taken at this time.)

9 THE COURT: All right, bring in the jury.

10 (The jury is in the jury box.)

11 THE COURT: All right, Mr. Cacheris.

12 M I C H A E L M Y E R S, resumed the stand,
13 having been previously duly sworn, testified
14 further as follows:

15 DIRECT EXAMINATION

16 BY MR. CACHERIS: (Continued)

17 Q Mr. Myers, at this meeting of August 22nd,
18 which was just gone through, Mr. Weinberg was there?

19 A Yes, he was.

20 Q Were you told by anyone what to expect from
21 him?

22 A Yes, I was told by Mayor Errichetti that
23 Mel Weinberg would be there, and in the event I ran into
24 a problem in an area I didn't understand or couldn't explain,
25 he would take care of that.

1 He would handle that and butt in.

2
3 Q When you left that meeting, did you have any
4 intentions of doing anything?

5 A No, I had never had intentions of doing any-
6 thing.

7 I was strictly told that I never had to do
8 anything on several occasions.

9 I never did anything and never intended to
10 do anything.

11 Q Did you do anything in connection with this
12 private bill?

13 A I never done anything at all.

14 Q Now, as you left the meeting you had an envelope
15 with you?

16 A Yes.

17 Q Can you tell the jury what happened to that?

18 A I walked out of that room with this envelope
19 which was handed to me by Mr. DeVito. And as soon as I
20 passed through that door I handed the envelope over to Mr.
21 Errichetti.

22 Q What happened then, Mr. Myers?

23 A We continued up the corridor towards the
24 elevator. When I reached the elevator I stepped off. Mayor
25 Errichetti stayed on that floor with the envelope.

1
2 The door closed. That is the last I seen of Mr. Errichetti.

3 I went down to the lobby and walked over to
4 the cocktail lounge to pick up Lou Johanson.

5 I looked around the cocktail lounge and
6 it was completely empty, there were no customers.

7 I walked outside figuring maybe he went out
8 to the car. Sure enough, he was sitting in the car reading
9 a pocket novel.

10 I got in the car and Mr. Johanson said to
11 me: "How did it go? I guess it went fine."

12 We started the car up and went back to
13 Philadelphia.

14 Q What did you do then?

15 A Got back to Philadelphia, we stopped and
16 had something to eat in the center City area near Mr.
17 Johanson's office.

18 He made a phone call over to his office. And
19 he said, "Okay, they are back, let's go over."

20 We left the restaurant and headed over to the
21 law office. There were people there that I didn't know.
22 I walked into Mr. Criden's office and Mr. Johanson, Mr.
23 Criden and myself sitting around in his office around his
24 desk.

25 Mr. Criden went on to tell me, he said: "We

1
2 got a problem."

3 I said, "What is th problem?"

4 He said, "There has been a misunderstanding."

5 I said, "What do you mean a misunderstanding?"

6 He said, "It was supposed to be one hundred
7 thousand dollars in the package. But now it's only fifty
8 thousand."

9 So he said, "I don't know what happened at
10 the top. I don't have all the details."

11 So, I didn't know what to think at that time.
12 Maybe Weinberg got off with the money. I didn't know what
13 to think. What could I do or say about it?

14 He said to me, "Because it was only fifty,
15 that twenty-five had to go back to Ange and Mel so we were
16 left with \$25,000."

17 He put the twenty-five thousand on his desk
18 and he said: "I am sorry, I never expected this to happen."

19 So we talked about it.

20 He said, "Look, you were promised twenty-five,
21 how about if you take fifteen and we will take ten?"

22 I said, "Well, what can I say about it. It's
23 all right with me. We don't have to do anything for the
24 money, it's found money."

25 It seemed like a fairy tale to me. What is the

1
2 difference.

3 At that point in time I picked up \$15,000
4 which was three bundles of money, five thousand in each
5 bundle. I put it in my pocket and I left his office and
6 walked out of his office to my car.

7 Q Did you get any other money out of this?

8 A No, that was the extent of any money.

9 Q What did you do with the money?

10 A Well, first of all, this was in August.
11 It was back to school time. I paid the tuition for my
12 children to go to Waldren Academy and including the tuition
13 and back to school clothes and books it was about \$4,000
14 right there.

15 I paid some of my wife's charges and got all
16 of that stuff paid off, a couple of more thousand dollars,
17 maybe \$3,000.

18 I bought some furniture. I paid my father
19 back a thousand dollars that I owed him from the last summer
20 tuition money.

21 I went through it that way, things for the
22 house, and bought a couple of things probably I didn't
23 need. It was found money so I spent it quickly.

24 Q From that time, August 22nd, till January of
25 1980, did you ever have anything further to do with any of

1
2 the participants in this transaction?

3 A No. I had nothing to do with any of the
4 participants. The only one I really had any dealings with
5 after that was Lou Johanson. And that went back to the
6 political end, going into a general election, we met at
7 the Friday meetings, but we never discussed any of this.

8 Q When did you next hear from anyone?

9 A The next I heard about the Sheik was in
10 January, January 24th. I was down in Washington that day.
11 The house was in session.

12 I received a phone call from Mr. Criden.
13 And Mr. Criden -- when the call came through I was on the
14 house floor. I returned his call.

15 Mr. Criden said "Our friends were back in
16 town." He had spoken to Mel Weinberg and they were very
17 much impressed with me."

18 I impressed the Arab representative and there
19 was a new representative in Philadelphia working on a
20 hotel complex that they were looking to build. Another
21 Jewish gentleman named Mr. Cohen. He said I impressed
22 him the first time. I impressed him and they wanted to
23 see me to say hello and have a meeting about investing
24 money in Philadelphia.

25 "Can you meet with him?"

1
2 I said, "Sure, I am coming to Philadelphia
3 tonight."

4 We were finishing up business for the week.
5 I always went back on Thursday to my office, and Monday
6 and Wednesday I went back.

7 That night I happened to be going because
8 the week was over as far as the legislature in Congress.

9 Q At the end of that working day, what did you
10 do in your office?

11 A I did basically the same thing I do at the
12 end of every working day, see my staff, administrative
13 assistant Michael Corbett, we had a couple of beers, couple
14 of cans of beers. It's not usually after five or 6:00
15 o'clock.

16 Q Are you normally a beer drinker?

17 A Yes.

18 Q Do you drink hard liquor?

19 A No. Rarely do I.

20 Q Why?

21 A I just don't like it first of all and I
22 can't handle it.

23 Q After you left your office, where did you go
24 then?

25 A My administrative assistant drove me to the

1
2 airport to pick up my plane and head for Philadelphia.
3 I was scheduled, I believe, on a 6:45 or 6:50 flight back
4 to Philadelphia.

5 Q What were the weather conditions?

6 A The weather conditions were very rough, raining
7 and hailing and snowy. It was a bad day.

8 When I got to the commuter terminal, my
9 assistant left and I was waiting for the flight which was
10 delayed.

11 I had time to kill. I got an hour delay,
12 almost two hours before I actually took off.

13 During this period of time, I walked over to
14 the lounge in the main terminal which I do whenever there is
15 a delay. I have a sandwich or whatever. And I had a couple
16 of beers at that lounge over in the terminal. I don't know
17 how much, maybe three at the terminal.

18 Then I went back, of course, boarded the flight
19 to Philadelphia.

20
21 (Continued on next page.)
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25

1
2 Q When you got to Philadelphia, what did you
3 do?

4 A I went from the airport to my office, but
5 this was rather late and the people that were there to see
6 me -- it was a bad rainy night -- most of them had left.

7 My constituents would come in to see me
8 at night. Sometimes 40, 50 people.

9 Because of the late hour and because of the
10 weather, I only had a few.

11 I went in the office. I saw the few people
12 still remaining. I called Mr. Criden at that point at the
13 hotel to tell him I was in Philadelphia and I was here.

14 He said, "Can you come up?"

15 I said, "Yes."

16 It takes about ten or fifteen minutes because
17 my office is not that much from the Barkley Hotel.

18 I locked the office up and headed up to the
19 Barkley Hotel.

20 MR. CACHERIS: Your Honor, we would like to
21 run the tape which deals with this meeting at the
22 Barkley Hotel?

23 THE COURT: All right.

24 I see what is on the monitor, you're beginning
25 a few pages in?

1
2 MR. CACHERIS: Yes, Mr. Myers was not there
3 for a number of pages.

4 THE COURT: Page 31?

5 MR. CACHERIS: That is correct, your Honor.

6 THE COURT: Proceed.

7 MR. CACHERIS: It is cued up already, I am
8 told.

9 THE COURT: Proceed.

10 Q Mr. Myers, when you got there, to whom were
11 you introduced?

12 A Introduced to Michael Cohen, Ernie -- I
13 didn't know Ernie's name at that point in time, Ernie
14 Haridopolos is the gentlemen. Who did you believe these
15 people were?

16 A I believe they were representatives of the
17 Arab Sheik, the same one I had met the other representatives.
18 And they were in Philadelphia to get involved
19 with local building and a hotel complex and all kinds of
20 other investments in Philadelphia.

21 Q What did you believe you had to do?

22 A I believed I had to impress them that I was
23 a strong guy and the same way I did back in the August
24 meeting.

25 I had to come on strong and make sure they

1
2 wanted to invest here. Try to impress upon them this is
3 the City to come to.

4 Q In the tape you used some rather foul
5 language?

6 A Yes.

7 Q Why did you do that?

8 A Because I was instructed to act like a tough
9 longshoreman. The only way I know is to use foul language.

0 MR. CACHERIS: All right.

11 (Tape played.)

12 Q You were offered alcohol?

13 A Yes, I was, Mr. Cacheris.

14 Q Did you accept it?

15 A Yes, I did. I accepted it.

16 I asked for a burbon on the rocks. I would
17 say that is probably the only time in my life I ever did
18 that.

19 The reason I asked for it is because it's
20 mentioned here by Michael Wald there is scotch and Jack
21 Daniels there. That is the only thing they had. Had they
22 had beer there I would have accepted a beer. I would have
23 asked for a beer.

24 I can't stand scotch so I asked for a burbon.

25 Q Describe the drink?

1
2 A The drink was a large water tumbler, a glass
3 that reminded me of a McDonald's glass, the kind they give
4 out at McDonald's hamburger shop, a very large glass.

5 Q Was it filled?

6 A About half filled with ice and almost to the
7 top with liquor.

8 MR. CACHERIS: Go ahead.

9 (Tape played.)

10 Q You were asked by Mr. Wald about these
11 fellows coming over?

12 A Yes.

13 Q You said depends on who he is, didn't you?

14 A Yes.

15 Q What were you intending to say?

16 A I wasn't sure whether Mr. Wald was aware of
17 Mr. Weinberg and what already happened? I didn't know.

18 He seemed to be fishing. I let him go.

19 I explained each case is individual. I was
20 waiting for him to tell me more about this.

21 MR. CACHERIS: All right.

22 (Tape played.)

23 Q What were you saying when you were asked
24 about individual problems dealing with State and Immigration
25 is individually handled, you don't know what the circumstances

1
2 will be?

3 A Well, I didn't think he knew what the
4 circumstances were. I told him I have to take it from that
5 point. Nothing at that point was ever going to come.

6 MR. CACHERIS: All right.

7 (Tape played.)

8 Q What difference does it make if this gentleman
9 speaks English?

10 A I was told back in the August meeting that
11 he did not speak English and I could talk about the Philies.

12 I get into telling Mr. Wald he better speak
13 English, trying to say let him learn English -- who knows
14 how long that will take.

15 I was interested in the development of the
16 City and I had questions about whether these guys were
17 legit, everything was going to be built, they talked about
18 it, but I don't see nothing.

19 MR. CACHERIS: All right.

20 (Tape played.)

21 Q You were just asked by Wald about the
22 introduction of a bill for private legislation?

23 A Yes.

24 Q You said you could do that if you had a
25 reason?

1
2 A Yes.

3 Q What did you mean?

4 A I wanted the conversation to fall in line
5 with the first meeting. I didn't know what Mr. Wald
6 understood about the first meeting. I also wanted to
7 let him know I knew something about immigration.

8 Q Did you intend to introduce immigration
9 bills?

10 A I never intended to. I was told I didn't
11 have to do anything. That was made clear prior to the first
12 meeting to me. That is the reason I went to the meeting.

13 MR. CACHERIS: Okay.

14 (Tape played.)

15
16 (Continued on next page.)
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1
2 (Tape played.)

3 Q Now, Mr. Myers, you just heard Mr. Wald,
4 the supposed representative of the Sheik telling you that
5 they were going to put up a hotel, 34.6 million dollars,
6 and they were going to break in August -- break ground in
7 April, is that correct?

8 A Yes, that is what he said.

9 Q And what did you think of that?

10 A Well, you know, I thought it was kind of
11 an unusual story. Here is a major hotel complex, and that
12 they were going to break ground like eight weeks from this
13 date we are talking, this January meeting. I hadn't
14 even heard a word about it. And something that significant
15 would be in the press. There would have been a lot of talk
16 about it. I never even heard about it. So I had my doubts
17 about it, what he was telling me, that it could be true.
18 And at this point in time I figured, you know, let me hear
19 more.

20 (Tape played.)

21 Q Now, Mr. Wald has asked you if you could use
22 your office in connection with the zoning problem, variances?

23 A Yes, he does.

24 Q You said you would be more than happy to.
25 What did you mean by that?

1
2 A Well, I meant that if someone is going to
3 break ground in eight weeks, they don't have any zoning
4 and variance problems because that is already taken care of
5 ahead of time.

6 In a City like Philadelphia that is dying for
7 a hotel complex, and recently we lost a Democratic National
8 Convention because we didn't have rooms. There wouldn't be
9 a problem with zoning or variance. The City would bend
10 backwards to try to get someone to build a 34 million
11 dollar hotel.

12 I knew at this time this guy don't know what
13 he's talking about. He is B.S.'ing me.

14 Q How could your office help on the municipal
15 level?

16 A My office has nothing to do with zoning or
17 anything along those levels. Nothing whatsoever. And there
18 wasn't a problem. He is trying to create a problem that
19 never existed and that would not have existed in a City like
20 Philadelphia or any town where someone was going to invest
21 that kind of money.

22 (Tape played.)

23 Q What help did you give with the Zoning Board?

24 A I could give absolutely no help with the Zoning
25 Board.

1
2 But getting back to what I said earlier,
3 he is talking about a hotel that they are breaking ground
4 on. I knew there never was any zoning problem. If you
5 are breaking ground obviously you are ready to roll. So
6 there couldn't be a zoning problem. That stuff would have
7 been taken care of 18 months to a year in advance.

8 So I know this guy is giving me a lot of
9 B.S. So I just letting him go on. I am just letting him
10 talk.

11 (Tape played.)

12 Q Mr. Myers, as you look at yourself on the
13 screen at this point, describe to the jury what your
14 condition is?

15 A At this point in time I am starting to get
16 intoxicated.

17 My words are getting slurry.

18 If you watch my motion I am even slouching
19 on the couch and I am really getting drunk here.

20 (Tape played.)

21 Q This is the first reference to the Mafia?

22 A Yes, sir.

23 Q What are you telling him?

24 A I used the reference here to try to deter them
25 to stay away from Atlantic City, to come to Philadelphia.

1
2 Anytime I get a shot to -- anywhere they talk
3 about it I tell them there is a problem there, but come
4 to Philly. There is no problem. None of these problems
5 exist. But if they think there is a problem there they
6 will locate in my City, in my district.

7 (Tape played.)

8 Q You just assured Mr. Wald that you can deal
9 in Atlantic city?

10 A Well, he was telling me that he wants to
11 make some deals there. So I told him I could handle that
12 too.

13 You know, I thought I have got to, you know,
14 impress him. If he was.. insistent upon going to Atlantic
15 City, well, then, I will handle that too.

16 (Tape played.)

17 Q How are you feeling at this point, Mr. Myers?

18 A Well, I gradually -- I can see myself through-
19 out -- I have watched this tape many times and I can
20 actually see myself getting more and more intoxicated as the
21 meeting goes on.

22 (Tape played.)

23 Q You had previously mentioned the Port back in
24 August, had you not, with the other representative of the
25 Sheik?

1
2 A Yes, I did.

3 Like I said, I always talk about the Port.

4 Q And you raised it again?

5 A Pardon me?

6 Q You raised it again here?

7 A Yes, I did.

8 (Tape played.)

9 Q What did this computer service have to do
10 with it?

11 A Did it have anything to do with the conversa-
12 tion that is going on?

13 A That is nothing at all. It is just something
14 I brought out, I was thinking about. I was talking to Mr.
15 Criden. It had nothing to do with the other conversations.

16 (Tape played.)

17 Q You have just been asked whether there is a
18 problem with a limo thing or something, and you told him
19 you could handle that?

20 A Yes, I said that.

21 Q What did you mean by all that?

22 A. What I meant, when he mentioned interstate,
23 and he told me earlier about this excursion, junket package
24 from Philadelphia to Atlantic City, and to get to Atlantic
25 City you have to go through south Jersey. That is how I

1
2 mentioned the name Florio. I bring up the bit about becoming
3 Governor and he is my close friend. To let them know how
4 important I am. You know, they have to see me if they want
5 to talk to Florio. Of course I never even talked to Florio
6 about any of this stuff.

7 Q What about construction, and building trades
8 and all that that you say you can handle?

9 A Well, these are all problems that don't exist
10 so I keep telling him that I can handle them.

11 (Tape played.)

12 Q You have been asked about the City Council.
13 And you say you can deliver four or five votes on the overall
14 council.

15 Is that correct?

16 A No, that was not correct. I never could
17 deliver any votes for any reason.

18 (Tape played.)

19 Q Mr. Myers, look at yourself again on the
20 screen and tell us --

21 A I have got a bad picture here.

22 Q How do you feel at this point? Can you see
23 that?

24 A Well, gradually I notice myself continually,
25 you know, getting more and more heavy tongued.

1
2 (Tape played.)

3 Q Did you have these commitments that you are
4 speaking of?

5 A No, I didn't have these commitments.

6 I talk about a seat being one seat, being a
7 Pennsylvania seat. The seat went to California.

8 Of course I would have liked to have got it,
9 me, and I guess about 400 other members approximately,
10 but I didn't get it and I had no commitments.

11 (Tape played.)

12 Q Mr. Myers, you are telling him now that you
13 won't go on a Kama Kazi mission.

14 What do you mean by that?

15 A A Kama Kazi mission means to me a mission
16 where there is absolutely no return.

17 I wouldn't do anything wrong as far as my
18 office was concerned is what I am trying to tell Mr. Wald.

19 By this time in this conversation I know
20 that this guy doesn't know what he is talking about. He
21 is all screwed up on the hotel complex. First he is going
22 to break ground eight weeks from this conversation.

23 Now he is still looking at parcels in South
24 Philly.

25 I know the guy don't know what he is talking

1
2 about.

3 So I want to make it clear to him where I
4 am coming from.

5 I don't know whether he had any discussions
6 with the other gentlemen, the other representatives that I
7 met. He don't seem to be clear on certain things. So I
8 take, you know, a different position. I am trying to make
9 it clear to him where I am coming from.

10 Q In the meeting in August at the Kennedy Airport
11 you tried to portray yourself as a very powerful Congressman?

12 A At the hotel you mean. Not at the airport.

13 Q Yes.

14 A Yes. I try to portray myself as a very
15 strong guy in Washington loaded with influence.

16 Q Now, at this meeting at the Barkley on the
17 24th of June do you not tell him that you have got more
18 influence in Philadelphia than you do in Washington --

19 A Yes, I reverse my position because he is
20 looking for influence now in the City.

21 So I tell him how important I am now.

22 Q And in this passage we just read on Page 67
23 you go back and tell him how important you are in Congress?

24 A On Page 67?

25 A Yes. About your taking the spot --

1
2 A Well, I tell him that would be an important
3 position and that I am going to take it. You know I'm
4 trying to build myself up on all angles -- on all levels.
5 If he talks about the City I am important there. Whatever
6 he talks about I am important there.

7 (Tape played.)

8 Q What influence did you have in that county?

9 A I had no influence at all in Starrucca County.
10 But like I said earlier, whatever he brings up I am the guy
11 who can handle it. I have got the influence.

12 (Tape played.)

13 Q You just mentioned a key guy, a Democratic
14 Chairman, Jim Dugan?

15 A I don't know any Jim Dugan. I made that up
16 while he was sitting there.

17 (Tape played.)

18 Q Now, you mentioned Mr. DeBona. Is he in fact
19 a friend of yours?

20 A Yes, I know Mr. DeBona quite well.

21 Q Did you play any part in getting him his
22 job?

23 A I played no part whatsoever. A Congressman
24 has nothing to do with the Port Corporation. He got his
25 job -- the way it works, the Mayor recommends to the Executive

1
2 Board of the Corporation several names, and then they have
3 a vote and select who they want to appoint to that job.

4 As far as my duties, I had nothing whatever
5 to do with appointing that job. And Mr. DeBona's father,
6 I think this is probably how he got recommended, was a very
7 close personal friend of the previous Mayor.

8 Not only that, but you know Fred DeBona is
9 a very, very sharp guy. And, as I said, he's a good lawyer.
10 He is a guy that has done amazing things in that old Port.

11 Q Now, the Philadelphia Port Corporation that you
12 mentioned here is a local municipal corporation, is it not?

13 A Yes. It is a local corporation and has nothing
14 to do with me.

15 It is strictly on a local level.

16 Q And your interest in the Port is because of
17 your background as a longshoreman?

18 A As I said from the beginning, anything that
19 would help that Port, I would fly to China once a week to
20 do something to help that Port, because it was good to me
21 and my family. And it is just a good place.

22 (Tape played.)

23
24 (Continued on next page.)
25

1
2 Q You were asked by Wald what it's going to cost
3 him in the bag, what does that mean to you?

4 A I thought he meant what it is going to cost
5 to put this kind cold terminal together. I answered, I
6 don't know without figures. I asked him about figures.
7 I continually asked him to give me architects or builders
8 and of course he keeps coming back that he's a financial
9 man and he doesn't know about these things.

10 This guy at this point in time, I know he
11 doesn't know what he's talking about. I still think maybe
12 there is hope, if this comes, fine. I would love it if it
13 comes.

14 MR. CACHERIS: All right.

15 (Tape played.)

16 Q You just told Wald you could use City Bond
17 money, have to be approved by the City Council and electorate?

18 A Yes.

19 Q Did Wald ask you, did that help you on the
20 floor?

21 A I say absolutely it helps me on the floor
22 a lot.

23 Q What did you mean?

24 A If he thought it helped me on the floor,
25 all right.

1
2 Q Did it?

3 A It has nothing to do with the floor.

4 This local stuff he's talking about is
5 130 miles removed from Washington. They have nothing to do
6 with that.

7 Q When he talks about the floor, you understood
8 it to mean the floor of the House of Representatives?

9 A That's what I understood it to mean, yes.

10 Q Mr. Myers, Mr. Wald directs the conversation
11 back to private bills?

12 A Yes.

13 Q What did you tell him?

14 A I tried to talk around it. I'm trying to get
15 by it without getting any real details because he still
16 hasn't given me an indication he knows about the first
17 meeting and why I went to the first meeting.

18 I am still looking for this guy to come across
19 with an indication to make that clear to me and I still
20 haven't heard it.

21 MR. CACHERIS: All right.

22 (Tape played.)

23 Q Mr. Wald directs the conversation now to the
24 Mafia?

25 A Yes.

1
2 Q What did he tell you?

3 A Well, he's asking me if there is any problems
4 with the Mafia in the docks in the Port of Philadelphia.

5 Q What do you tell him?

6 A No. There is not a problem.

7 MR. CACHERIS: Okay.

8 (Tape played.)

9 Q You told him, if you have to deal with the
10 problem, you can handle that.

11 What did you mean by that, Mr. Myers?

12 A I could handle a problem. He thinks there
13 is a problem. The Sheik is paranoid about Mafia. If he
14 thinks there is a problem, I can handle a problem that
15 doesn't exist.

16 First I tell him no, you will see as we go
17 on, he keeps insisting there is a Mafia problem.

18 If he wants to go back and tell the Sheik
19 we can handle that, fine.

20 I go along with that.

21 MR. CACHERIS: All right.

22 (Tape played.)

23 Q You heard the telephone ringing several times
24 during this conversation you had, didn't you?

25 A Yes.

1
2 Q Do you have any idea what directions were
3 being given to Mr. Wald?

4 A No. I thought he was a financial advisor
5 and was getting all these important phone calls.

6 Q Did you know there were prosecutors and
7 FBI agents in the next room directing Mr. Wald's interroga-
8 tion of you?

9 A No, I did not.

10 A JUROR: Could we have the set adjusted, please?

11 It's very dark.

12 THE COURT: Yes.

13 (Pause.)

14 THE COURT: It is better?

15 MR. CACHERIS: Can everyone see that?

16 (Tape played.)

17 Q Mr. Myers, after you told Mr. Wald there is
18 no problem, he comes back and asks you some names?

19 A Yes.

20 Q The name you gave him, one of the names is
21 Angelo Bruno?

22 A Yes.

23 Angelo Bruno is a name in the Philadelphia
24 papers, probably papers around the nation, for the last
25 25 years.

1
2 Q Did you have anything to do with Angelo
3 Bruno?

4 A No.

5 I was never in the company of Angelo Bruno
6 and didn't know him.

7 Q You also named Tony Testa. Is there a person

8 A I found out since this tape there is a Philip
9 Testa. I remember Testa being in the papers.

10 Q You know him also from the newspapers?

11 A From the paper, I know Naducia from the papers.

12 Q You mentioned Skinny Razor, how did --

13 A That is the name I remember going back to
14 being a kid when you hear a Mafia name, it sounds important
15 when you are a kid.

16 Skinny Razor has been dead for 15 or 16 years,
17 I understand.

18 Q You told him you could deal with all these
19 people?

20 A I can handle something that doesn't exist.
21 He's trying to manufacture a problem. The Sheik is paranoid.
22 He wants to go back and tell the Sheik we've got the Mafia
23 covered, fine. Because it was never a problem, at least
24 that I was aware of.

25 MR. CACHERIS: All right.

(Tape played.)

Q In fact, on Page 85 you tell him the worst thing you can do is get involved in any kind of Mafia problem?

A I'm trying to give him a hint. Don't think or talk about it. But he continuously insists a Mafia problem. I don't know of any Mafia. So this guy is rambling on and he's got me really confused. I don't know where he's coming from.

MR. CACHERIS: All right.

(Tape played.)

(Continued on next page.)

1 Meyers direct Cacheris

2 CONTINUED DIRECT EXAMINATION

3 BY MR. CACHERIS:

4 (Tape played)

5 Q Do you know a person known as Rachel "usto?

6 A No, I know a gentleman named Rayfiel "usto,
7 who, at that time, was a member of the State Legislature
8 in Pennsylvania. Here the alcohol is getting dimmer.
9 I call him Rachel; his name is Rayfiel.

10 Q Did you hear the name Rachel in place of
11 Rayfiel.

12 A I heard myself call him Rachel, a woman's name.

13 (Tape played)

14 Q Mr. Wall is talking about Mr. Malik.

15 Do you know him or anything at all about
16 him?

17 A No, I don't know Mr. Malik at all.

18 (Tape played)

19 Q What are you talking about here, Mr. Meyers?

20 A Well, he refers to if the hotel is built in
21 south Philly, the one the ground was going to be broken
22 on eight weeks after this meeting. Now he's trying to
23 lead me into a Mafia question here and I tell him as far
24 as I know, anything to do with waiters, waitresses and
25 that stuff is all union jobs and they must be union

1 2 Meyers direct Cacheris

2 employees. That's what I tell him. He doesn't have to
3 give anything up, as long as they have a union book, they
4 work.

5 (Tape played)

6 Q Mr. Wall is asking you to give up, amount
7 of money, or give up, amount of money?

8 A I don't know what he's talking about. He
9 keeps throwing all these questions to me. He is hitting me
10 with stuff, I can't understand what he's really up to at
11 this point in time.

12 Q What do you tell him?

13 A I tell him there is no problem. You don't
14 have to give up anything.

15 (Tape played)

16 Q There, what do you tell him?

17 A I ask him if it's legitimate stuff that
18 we're talking about here. You know, I'm trying to get
19 him to say something to me.- Up to this time in the
20 conversation, he's feeling me out, he's lying to me, I
21 know he has been lying to me, and I am not sure about
22 him. I don't know whether he knows anything about Mel
23 Weinberg, you know, what I was told initially. I am
24 trying to get clear what he's trying to convey to me.
25 It's not coming through to me. He jumps from one area to

1 3 Meyers direct Cacheris

2 another.

3 (Tape played)

4 Q Here again, Mr. Wall is asking you what
5 he has to give up and what do you tell him?

6 A I tell him it's not necessary. I don't
7 know of it being necessary anywhere in Philadelphia.
8 Anything on what he's talking about You know, he's
9 throwing this stuff at me continually and I keep telling
10 him that's not a problem and if he thinks it is a problem,
11 I tell him I can handle it, because I know it is not
12 going to be a problem.

13 (Tape played)

14 Q Is that part of the same theme, Mr. Meyers?

15 A Yes, it is, Mr. Cacheris. He just continually
16 pressed me on these things, and at least I don't think
17 there is any problem, I never heard of one, if he really
18 believes he has to tell the sheik this is a problem, well
19 then, I can handle it. That's what I'm trying to do here,
20 trying to tell him to let the sheik know that Ozzie can
21 take care of whatever problems you have. He just mentioned
22 Poconos, I got Poconos covered. No matter what he mentions,
23 I got it covered.

24 (Tape played)

25 Q Mr. Meyers, again, here you are telling him

that there are no scam artists

A. I am trying to let Mr. Wall know that the way he is talking, he wants to walk into this city with bags of money, walk up and down Market Street and let everybody stick their hand in it. I am trying to tell him that's not the way to handle this, that's not the way to do business in this city.

(Tape played)

Q. What are you telling him here, Mr. Meyers?

A. Trying to impress upon him that if he thinks there is a problem, that he has to pay people, if people try to gorilla them, mafia or whatever, we'll take care of it. I wanted to convey the thought to him that I could handle any problem that could ever exist.

MR. CACHERIS: We're coming to the end of a reel. I think I can read it. It is also in the books. This is the part not on the video. It's on the audio.

THE COURT: I was beginning to wonder, do you want to continue through this before we break for lunch?

You have been about an hour, you're half way through.

MR. CACHERIS: I can do it either way.

1 5 Meyers - direct Cacheris

2 MR. BROWN: I would rather break for lunch.

3 THE COURT: Would this be an appropriate
4 time to break for lunch?

5 MR. CACHERIS: Yes.

6 THE COURT: We'll break now for lunch, ladies
7 and gentlemen.

8 Don't discuss the case.

9 We'll resume at 2 o'clock.

10 (Luncheon recess taken)

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M I C H A E L O. M E Y E R S, called as a witness,

having been previously duly sworn, was examined and testified as follows:

THE COURT: Bring in the jury.

(The jury is in the jury box.)

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

MR. CACHERIS: Page 199, Mr. Meyers.

This portion of the audio will be played.

THE COURT: This is the bridge between the two reels?

MR. CACHERIS: Yes, your Honor.

DIRECT EXAMINATION

BY MR. CACHERIS: (Continuing)

Q Page 199, Mr. Meyers.

A Yes.

MR. CACHERIS: The headphones might be needed for this audio part.

All right, go ahead.

(Tape played)

Q Mr. Meyers, on the audio portion, you said to Mr. Wald, you know what you're looking for, be specific; what do you mean by that?

A I asked him if he has -- for some more infor-

1
2 mation about what he's looking for. All through the conver-
3 sation to this point, he doesn't give me any facts. He
4 continually evades the questions.

5 I ask him about tonnage or square feet at
6 the piers, he doesn't know the answer.

7 I'm totally convinced at this point this guy
8 doesn't know what he's talking about.

9 THE COURT: Proceeding with the video tape?

10 MR. CACHERIS: Yes.

11 (Tape played.)

12 Q You mentioned andalusite and he talks about
13 hard coal, aren't they indeed the same?

14 A As far as I know, yes.

15 MR. CACHERIS: All right.

16 (Tape played)

17 Q Do you know what Mr. Wald was saying to you
18 at this time?

19 A He continually confuses me when he gets in-
20 volved with coal. The only thing I ever heard about coal
21 is tons. He talks about cubic feet, square feet. He's got
22 me really confused.

23 He talks about 14 tons. I never heard of
24 14 tons of coal, millions of tons is what they talk about
25 when you talk exporting. One ship would hold over one-

1
2 thousand tons.

3 He doesn't know what he's talking about. I
4 am letting him go on and on.

5 MR. CACHERIS: All right.

6 (Tape played.)

7 Q Mr. Meyer, this passage that was just played,
8 were you asking for architects and engineers? What are you
9 telling him?

10 A I want him to give me some facts. He just
11 will not do it. He cannot give me any facts, making it more
12 and more clear to me this guy may be a financial man, he
13 wouldn't be there building hotels not having any knowledge
14 of nothing.

15 (Tape played.)

16 Q You just said give me a little bit more of
17 that tip, boss?

18 A I was asking for a refill in my glass.

19 Q Had you finished the other?

20 A I finished the drink I had in my hand.

21 Q How are we feeling at this point?

22 A I would say right now I am about three-quarters
23 of the way done towards being drunk.

24 MR. CACHERIS: All right.

25 (Tape played.)

1
2 Q Mr. Wald is telling you he's not going to
3 be involved in the hotel-motel with coal anymore, what did
4 you take that to mean?

5 A At this point in time, I just figured he
6 didn't want to provide me with any answers to these questions.

7 When I viewed the video it becomes clearer
8 he got instructions he was on the wrong area because he
9 couldn't answer these questions.

10 Any minute I have to find him out that he
11 is a liar.

12 MR. CACHERIS: Okay.

13 (Tape played.)

14 Q Mr. Wald tells you he came for the express
15 purpose to make sure the municipal Government is friendly
16 with --

17 A Yes, he says that.

18 (Tape played.)

19 Q He's asking you about your influence in the
20 city council, knowing things that are taking care of, what
21 do you have to do with --

22 A I have nothing to do with any zoning matter
23 or any matter concerning local government. Mr. Wald
24 never stops with the hotel. Now he's telling me he's not
25 sure if it's in South Philadelphia. He told me they were

1
2 going to break ground in eight weeks. I realize he's lying
3 but I let him go on.

4 It's obvious because of the first meeting
5 on the 22nd with Mr. Weinberg I'm trying to get answers out
6 of him. .

7 (Tape played.)

8 (Continued on following page.)
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(Tape played.)

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3 Q Mr. Myers, what are you saying here?

4 A Well, I am promoting the building and
5 constructions trades, and what a good job they do in our
6 City.

7 And I also am evading his question when he
8 hits me with titles.

9 And I go into promote the City again, and how
10 good the unions are.

11 (Tape played.)

12 Q Mr. Myers, when you use that expression,
13 what are you trying to say here?

14 A They keep bringing up money, money, money.
15 So, you know, if they think it is that important I tell them
16 that it is.

17 (Tape played.)

18 Q Now, you are saying that you got screwed the
19 last time.

20 A Yes, I say that.

21 Q Why did you bring this up?

22 A Well, at this point in the conversation it
23 is very, very clear to me that Mr. Wald don't know what he
24 is talking about as far as any investments in any kind of
25 Port, any kind of hotel, or anything else that he is talking

1
2 about. So I figure this is a good time to bring up the
3 last discussion and find out if he knows anything about
4 Mel Weinberg. If he knows anything about that transaction.
5 That is how I got involved with that is how I got screwed.
6 I tell him the story.

7 Q What do you mean by that?

8 A Well, what I meant by it was that I got
9 screwed because I was told I was going to get \$25,000. And
10 when I come home I got \$15,000. Now, I don't know who ripped
11 off at the top, who was skimmed in the middle. I thought
12 maybe I could get some of these questions answered by him.

13 I thought it was a good time to bring it up.

14 I am also getting drunk here.

15 (Tape played.)

16 Q You say you were supposed to go to New York,
17 New Jersey, New York, whatever you want to call it and meet
18 various people, and some people didn't show.

19 What are you saying there?

20 A Well, what I meant by that is I was told
21 that I was going to meet with the Sheik. I was told I
22 would meet the Sheik himself, who didn't understand English.
23 Now when I got there I didn't meet the Sheik. I met the
24 Sheik's representative, Mr. DeVito.

25 (Tape played.)

Myers-direct-Cacheris

1
2 Q You tell him you heard all these big figures?

3 A Yes.

4 Q What was your state of mind at that time?

5 A Well, I heard all these big figures. And
6 Lou originally told me about the hotel in Atlantic City.
7 I thought it was true. Lou was a lawyer, a smart intelligent
8 man. I didn't think he was being conned. I thought for
9 sure that this was a legitimate deal, and when they spoke
10 about all this money and all these investments in Philadelphia
11 and in the Valley area and the region, but here they
12 continually talk about it, but I never saw it. All these
13 investments, all these hotels, all these Piers. Nothing
14 ever comes. When I ask questions, they don't have answers.

15 (Tape played.)

16 Q What did you mean here when you tell him
17 what the facts are and about getting involved?

18 A Well, I am telling him I got 15. He obviously
19 was under the impression I got 50.

20 I want to get involved because I agreed to go
21 up there. There was nothing I ever had to do. I never
22 did anything. I agreed to meet. I keep telling him that
23 the people who brought me I had confidence in. And that
24 is the reason I went there. I am trying to make it clear
25 to him.

1
2 Q Did you tell him that you were interested
3 in business for the City?

4 A I am always interested in business for the
5 City.

6 But I never see any business coming. This is
7 the problem.

8 (Tape played.)

9 Q Do you notice your manner of speech in this
10 passage?

11 A Yes, I do.

12 Q Is it your normal manner?

13 A No, it is not.

14 I am really getting under the weather here
15 to the point where I am just mumbling. You know, what can
16 I say about it. I don't feel good about it. It is
17 embarrassing even to watch it.

18 (Tape played.)

19 Q Did I understand you to say you owe me 35?

20 A Yes, that is what I said.

21 (Tape played.)

22 Q What do you mean here, Mr. Myers?

23 A Well, they give me the impression that there
24 was no limits to the money. They had so much. Johanson
25 told me that a hundred thousand dollars was peanuts to the

1
2 Sheik. And, you know, I just thought that all of this
3 money was going to come into Philadelphia and be spent in
4 my district and in my City.

5 (Tape played.)

6 Q Now, they tell you that the note was supposed
7 to be a hundred, and your response is that you were supposed
8 to walk away with 50, is that correct?

9 A Yes.

10 Q Were you supposed to walk away with 50?

11 A No, I was supposed to walk away with 25.

12 But earlier, a few pages back, Mr. Wald,
13 he made it sound like I was supposed to get 50. So I didn't
14 disagree with him. He only owed me ten the way I looked
15 at it. I knew he was mixed up then.

16 (Tape played.)

17 Q What do you mean in this last passage about
18 the fact that you didn't know whether it was a scam or
19 shaken down?

20 A Well, when I got back to Mr. Criden's law
21 office, a hundred thousand dollars went from a hundred to
22 fifty in about a two hour ride from New York down to
23 Philly.

24 I had my doubts about the people at the top,
25 Mr. Weinberg and the other representative. I had some doubts

1
2 about the people above me. That is the quickest fifty
3 I had ever seen disappear.

4 (Tape played.)

5 Q What are you telling him now, Mr. Myers?

6 A Well, we are talking about Bill Greene, who is
7 the Mayor of Philadelphia.

8 - You know, I had all this power that I am telling
9 about. I can control anything. I didn't even want to get
10 into that area because if he asked me to deliver I couldn't
11 deliver.

12 I couldn't call the Mayor and talk about
13 anything. And I just wanted to lay it out ahead of time
14 in case if he got into that area, because he is really going
15 all over the lot here.

16 (Tape played.)

17 Q At the bottom of Page 129 you say you dealt
18 with who?

19 A Harold.

20 Q Who did you mean?

21 A Howard Criden.

22 Q And you called him?

23 A Harold. I called him the wrong name. Now,
24 you know I am drunk. What can I say.

25 (Tape played.)

1
2 Q Look at yourself in the screen, Mr. Myers,
3 did you spill the drink down the front of you at that
4 time?

5 A I can't tell from this. I wasn't watching
6 when you went into it.

7 I know watching it from before I did see myself
8 spill drinks down the front of me and in my face.

9 MR. CACHERIS: May I go back, your Honor?

10 THE COURT: Yes.

11 (Witness observes himself on screen.)

12 Q Did you see it then?

13 A I saw it. I had saw that once before.
14 But I didn't catch it the first time you asked me because I
15 was following the transcript.

16 MR. CACHERIS: Go ahead.

17 (Tape played.)

18 Q You say when this happened to you you backed
19 off. What did you mean by that?

20 A Well, these people were untrustworthy. You
21 couldn't be dealing with them in any way at all. I never
22 tried to approach anybody. No one ever tried to approach
23 me. I just forgot it.

24 (Tape played.)

25 Q Now Mr. Wald again starts telling you about
50, and 35. And he says that handles the immigration

1
2 situation and Bill, the whole thing.

3 What was your response to that?

4 A I knew that that was never a problem because
5 that problem did not exist.

6 I would never have to do anything along those
7 lines. I was told that time and time again that this
8 never would even be a possibility because everything was
9 taken care of through Mr. Weinberg and this wouldn't be
10 a problem for me to ever have to get involved with it.

11 I never got involved with anything. I never
12 intended to get involved with anything.

13 And I was told that time and time again.

14 Q In fact you didn't even answer the statement
15 that he made, did you?

16 A I didn't answer the statement because he
17 says you have got 35 coming. His arithmetic was bad.
18 I had ten coming. I didn't answer. He is making mistakes.

19 (Tape played.)

20 Q Now, Mr. Wald again is summing up and telling
21 you that the things that we talked about is the City, the
22 docks, organized crime and you start talking about architects?

23 MR. PUCCIO: Judge, I object to the statement
24 and the question.

25 THE COURT: It is more in the nature of summation.

1
2 Mr. Cacheris.

3 Q Did you start talking about architects?

4 A Yes. He hits me with we will give you one
5 package. He is talking about putting a package together.
6 And I asked about development and architects. I just
7 dodge around the question.

8 (Tape played.)

9 Q What are you telling him here, Mr. Myers?

10 A I am asking him if I am free to talk. He is
11 not biting. He is not -- it don't seem like he is entering
12 into the same kind of agreements that Mr. Weinberg wanted
13 to enter into.

14 I am trying to get some direction off him.
15 I am looking to save him money. He don't want to save the
16 Sheik's money. So I figured he wants to waste it. So I
17 come back with that kind of question trying to get him to
18 say something to me that I can understand.

19 This gentleman just will not respond to my
20 questions. Everytime I hit him with something he don't
21 understand me.

22 (Tape played.)

23 Q What are you saying there, Mr. Myers?

24 A Well, I am trying to tell him a point where I
25 got fifteen thousand when I was told I was going to get twenty-

1
2 five. I am trying to make him understand I have got to
3 know what I am talking about. I am to get him to tell me
4 something which he won't do.

5 That is, I am trying to use this as an
6 illustration because of the great fears that they keep
7 talking about Mafia. So I figured, you know, if I got to
8 go downtown to do something I have got to know facts. That
9 is the point I am trying to convey to him. But again he
10 just will not come back.

11 (Tape played.)

12 Q Mr. Wald again says the immigration situation
13 is handled. Did you respond to that?

14 A Yes. I wanted to be clear on it. I
15 keep asking him to make it clear. I know what was clear
16 to me. But he sounded like he didn't know what was clear.

17 What I was told prior to the first meeting
18 at the hotel in New York was clear to me. That I didn't
19 have to do anything. Would never probably see these people
20 again. And I never intended to do anything. It seemed to
21 me this thing was now out of hand. I don't know whether
22 he was communicating with Weinberg. I was getting very
23 confused here. I wanted to make my position clear.

24 (Tape played.)

25 Q When you look at yourself in the screen there,

1
2 will you tell the jury what your condition is?

3 Q Well, my condition at this point, I am drunk.

4 (Tape played.)
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9 (Continued on next page.)
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Meyers-direct-Cacheris

1
2 Q Can you handle the five city councilmen?

3 A No, I cannot. I never had any dealings with
4 city councilmen on these levels or any others.

5 MR. CACHERIS: Okay.

6 (Tape played.)

7 Q You mentioned four names, who are they?

8 A I mentioned four names, members of the city
9 council. I never spoke to anyone of these city councilmen.
10 I have no control over them. I know them as being members
11 of the council. As far as having any influence what they
12 would do, I have none whatsoever.

13 MR. CACHERIS: All right.

14 (Tape played.)

15 Q You say you will use your influence, office,
16 and personal friendship; what did you intend --

17 A I told them whatever they wanted to hear.
18 They keep going over the same thing, never stopping with
19 these questions by Mr. Wald, the way he is hitting me.
20 Influence, influence.

21 I would have told him at this point in time
22 I could have done everything he could have dreamed up.

23 He's talking about problems I don't even
24 know. I come back with: don't worry, I can handle it.
25 It's total B.S. here.

1 Q All right.

2 - (Tape played.)

3 Q Again, you are asked about the Mafia, what
4 do you tell him?

5 A I told him it would be handled strictly
6 through me and to keep it very quiet. My reasoning there
7 is that there is no problem I know of with the Mafia. Not
8 a problem existing.

9 That you can deal through me. I can handle
10 this problem that doesn't exist.

11 MR. CACHERIS: All right.

12 (Tape played.)

13 Q What are you saying here, Mr. Meyers?

14 A Finally, I told him to throw another 50,000
15 in here after he is pressing me, don't be embarrassed. This
16 is too much B.S. This guy doesn't know what he's talking
17 about. I'm going along with whatever he is saying.

18 MR. CACHERIS: All right.

19 (Tape played.)

20 Q You are telling him you can handle anything?

21 A I can handle anything. And I can't put a
22 dollar figure on it. He wants to put dollar figures on
23 everything he talks about.

24 It's not -- it's a dream when someone thinks
25

1 that way.

2
3 This type of problem, zoning, city council matters,
4 anything going to benefit the city of Philadelphia, the
5 city council will pass overwhelmingly. Everyone knows that.
6 The problems he imagines do not exist. That's why I say
7 he can do anything. Anybody going to spend 400 million dollars
8 they would lay a red carpet down for him on broad street.
9 We need help in this city. This guy is talking about --
10 everything he does, give me a price. It's ridiculous.

11 MR. CACHERIS: All right.

12 (Tape played.)

13 Q Mr. Wald says, if a vote comes you will
14 use all your influence; what vote do you have?

15 A My vote is in the United States Congress.
16 He's referring to here a vote in the city council.

17 Again, the kind of problems he envisioned
18 don't exist. The city council wants a hotel complex. Auto-
19 matically, they're for a port development. Anything that
20 is going to help the city. He's making problems that don't
21 exist. But he's putting prices on everything.

22 If the shiek wants to come here -- he wants
23 to tell the shiek about coming here and spending money
24 every inch of the way.

25 If that is what he wants to be pulled, I keep

1
2 telling him. He doesn't pick up the point.

3 (Tape played.)

4 Q You are telling him here, Mr. Meyers?

5 A I am trying to give him a little advice,
6 you don't run around with money sticking out of his pockets.
7 He's trying to force money on everything. Prices on
8 everything. Trying to make it clear that is not the way
9 to do business.

10 (Tape played.)

11 Q And what did you tell him you would submit
12 a bill for?

13 A I would submit him a bill each month for
14 three million dollars a month if that is what he wants to
15 hear. It's ridiculous.

16 (Tape played.)

17 Q And what did you do when Mr. Wald was trying to
18 get you to say here, Mr. Meyers?

19 A He's telling me he trusted me, I take it the
20 shiek. If there were extra bucks they would have them.

21 Q Did he ask you for figures?

22 A Throughout he asks, give me figures, sure.

23 (Tape played.)

24 Q What did you mean by this response, Mr.
25 Meyers?