

The next stage for Abscam/Brilab

Scott Thompson assesses potential moves against the Reagan administration and its allies in the wake of the Williams trial.

No sooner did a jury find Sen. Harrison Williams (D-N.J.) guilty last Friday of all nine counts stemming from his Abscam frameup than the Senate Ethics Committee voted unanimously to hold disciplinary hearings that may result in Williams's expulsion from Congress. The committee took this action despite the fact that crucial questions involving Justice Department violations of Sen. Williams's constitutional rights through his Abscam entrapment have not yet been resolved in the courts.

At a press conference on May 5, Ethics Committee chairman Malcolm Wallop (R-Wyo.) admitted that this hasty action had been "spurred" by pressure from the House Committee on Standards of Official Conduct, which voted to expel four members because of Abscam. Wallop added that Senate hearings would be carried out "with as much dispatch as possible" and would not await the outcome of Williams's appeals.

The gutlessness Congress has shown in preferring to expel a member in "kangaroo court" proceedings rather than investigate why its members have been targeted for entrapment gives a green light to the frameup machine that ran Abscam for further indictments against political and labor leaders. Members of the Reagan administration, which has yet to clean out the corrupt nest of Carter and Kennedy Justice Department holdovers who orchestrated Abscam, may themselves also become targets for smears or indictments by the department's stable of press conduits.

In hearings the House Committee on Standards of Official Conduct on the case of Rep. Michael Myers (D-Pa.), who was among those congressmen expelled because of Abscam, Rep. Austin Murphy (D-Pa.) upbraided his colleagues for their cowardliness in the face of coercion:

I think this committee should look beyond why Mr. Myers and six or seven or ten or twenty other Members of Congress have been targeted for some scam, why are individual members of an elected Congress chosen for special probes? . . .

I shudder to think what might happen . . . if someday a chief executive comes on the scene and

says that "I am tired of dealing with an elected Congress and I am going to get enough of them indicted and they will all make moves against each other and I will dissolve that Congress and the people will agree with me. . . ."

What would happen to we Members of the 96th Congress if we expel him [Myers] and your later probes or the due process conduct of court proceedings points out that there were tremendous illegalities under our constitutional law committed by our Government, yours and mine? . . . What if there is a new trial? What if there is a reversal?

'Outrageous misconduct'

In fact, on Nov. 26, 1980 U.S. District Court Judge John P. Fullam did overturn the Abscam convictions of Philadelphia City Council President George X. Schwartz and Councilman Harry P. Jannoti. Fullam's decision, the only one made so far on Abscam's constitutionality, hit at the "outrageous misconduct" of the Justice Department, which Fullam found guilty of overreaching its power, of entrapment, and of violating targeted victims' due-process rights.

While his decision applied only to Schwartz and Jannoti, Judge Fullam cited the case of Sen. Harrison Williams, whose own due process hearings are pending, as an especially grievous case of Justice Department injustice. Further glimpses of department misconduct emerged this January and February at postconviction, due process hearings of seven Abscam victims before U.S. District Court Judge George C. Pratt.

At the Pratt hearings, two Justice Department officials, New Jersey prosecutors Edward J. Plaza and Robert A. Wier, Jr., revealed further abuses in the Williams case. Among these was the fact that the chief Abscam "sting man," Mel Weinberg, gave "coaching sessions" to the senator, telling him to "come on strong" in a videotaped meeting with representatives of the phony Abscam "sheikh."

Chief prosecutor Thomas Puccio not only stood outside the door to direct this "coaching session," but

in presenting evidence to the grand jury that indicted Williams, Puccio showed only the tape of the stage-managed meeting, suppressing that of the "coaching session." Among other possibly indictable offenses is the fact that the Strike Force permitted Weinberg to carry out "scams" netting over \$200,000 while on the government payroll.

Brilab-Pendorf next?

With all the chief Abscam targets convicted, the frameup machine of corrupt Justice Department hold-overs, lying press conduits, and others that ran Abscam is now concentrating its efforts on such national cases as Brilab ("Bribery-Labor") and Pendorf ("Pension Fund-Dorfman"), as well as dozens of local cases against the Teamsters, Longshoremens, Laborers and other progress-oriented trade unions.

In New Orleans, pretrial motions are already under way in a Brilab case against New Orleans businessman Carlos Marcello, public relations man I. I. Davidson, and local constituency leaders. On May 6, the defense lost a motion to suppress tapes that had nothing to do with the "sting," but contained comments in personal discussions that might prejudice the jury.

Mike DeFeo, the Kansas City-based chief of all strike forces west of the Mississippi and the field coordinator of Brilab, apparently decided to push the New Orleans case despite the fact that his main witness, insurance fraud specialist and "sting man" Joseph Hauser, was severely discredited in the first Brilab case. On Oct. 22, 1980, Texas Speaker of the House Billy Clayton, the first Brilab "sting" victim, was found innocent on all counts of bribery-conspiracy. Comments by jurors after the Clayton trial referred to Hauser as a "liar" and compared the Justice Department conduct revealed in Brilab to "Communist Russia."

Sources close to DeFeo report that if the New Orleans case results in convictions, indictments may be brought against labor and political leaders throughout the South and Southwest who were Hauser's victims.

These sources also report that, while massive wire-taps in Kansas City, Milwaukee, Chicago, San Diego, and Las Vegas did not garner sufficient evidence to permit blanket indictments in Pendorf—a case allegedly probing ties between casino skimming and the Teamsters' Central States Pension Funds—separate indictments may be brought in these cities. The first Pendorf-related indictments, reportedly planned to occur this June or July, will target Kansas City businessman Nick Civella. An attempt may also be made at that time to indict Roy Williams, the Teamster international vice-president considered a frontrunner to replace deceased IBT president Frank Fitzsimmons, even though sources close to DeFeo admit that the evidence is at best circumstantial.

Such frivolous indictments, aimed at tying up labor leaders' time and finances in costly legal defense, as well as besmirching their reputations through "trial-by-press" smears, have become common occurrences since Abscam began. Exemplary is the case brought in New Jersey against Salvatore (Sammie) Provenzano, an IBT international vice-president, Nunzio Provenzano, Teamster Local 560 president, and Mike Sciarra, business agent for 560. On May 1, jury foreman Ed Yakitch stunned the courtroom when he pronounced Nunzio Provenzano guilty of conspiracy and racketeering charges, before clearing Sammie Provenzano and Mike Sciarra on like charges.

The entire case was based upon the charge that codefendant Irving Cotler was taking bribes from trucking company executives and brokers. Cotler acknowledged the fact, adding that he had done so with the Provenzanos' knowledge. But Cotler's admissions were made to a judge, not the jury. In naming him codefendant in the same case, the Provenzanos' were denied the right to cross-examine a critical witness.

The only witness corroborating Cotler's earlier confession was Joe Szapor, a special commodities broker, who was making payoffs to Cotler. Szapor, who had cooperated with the FBI for 20 years, found himself in 1977 facing a potential 16-year prison sentence. Instead, he got a \$100 fine when he agreed to testify that the money he was paying Cotler was really going to the Provenzanos.

On this point, Szapor's testimony was so inconsistent that it drew surprised comments from the judge. Szapor managed to produce four different descriptions as to locales, persons present, and so forth, concerning the one alleged payment he made to the labor leaders.

Reagangate

According to sources close to Walter Sheridan, the former head of the Justice Department's infamous "Get Hoffa" squad under Robert Kennedy and who is now Ted Kennedy's chief investigator on the Senate Labor Committee, the prime obstacle to bringing frivolous labor indictments of the sort thrown against the Provenzanos is Secretary of Labor Raymond Donovan.

Sheridan, who held up Donovan's confirmation before the Senate Labor Committee, is reportedly seeking to maneuver Donovan into a "Catch 22" situation in which his attempts to carry out his constitutionally mandated job of fostering American labor development can be depicted as a coverup of corruption. During Donovan's confirmation hearings last February, Sheridan paraded such witnesses as Ralph "Little Ralphie" Piccardo, whose trial on murder charges was held up as part of a deal for his testimony, in order to smear the Labor secretary both in hearings and the press as "linked to organized crime."