

ner. Jepsen is himself a leading Heritage protégé.

The Heritage Foundation has been out front in its war against American trade unions and the urban constituency machines built around labor. In this effort, the Heritage networks found a close ally in the Carter administration Justice Department and in the radical union busting networks associated with the Democratic Socialist Organizing Committee, the official U.S. branch of the Socialist International.

The Senate at stake

If two-thirds of the U.S. Senate votes in support of Harrison Williams's expulsion, then that institution will have completed the process of capitulation that began with the Watergate travesty and extended through the Senate's failure to investigate the criminal activities of the FBI and Justice Department in the Abscam and Brilab operations.

To the extent that Senator Williams—an innocent man and leading public figure—is sold out by his colleagues on the basis of cowardice or petty partisan opportunism, then the credibility of the Senate is destroyed and the U.S. Congress is transformed into an assembly line of framed-up felons. Under such circumstances, the U.S. Constitution would be no more than an artifact.

time, the program has grown to nationwide proportions.

- **On substance abuse:** Williams cosponsored legislation to create a National Institute on Alcoholism to promote medical approaches to the problem with Sen. Howard Hughes and in 1970 helped pass the Drug Abuse Prevention and Control Act.

- **High interest rates:** Williams believes that Volcker's policies have damaged every aspect of American life, and condemns the Reagan administration for taking no action to seek alternatives to an obviously bankrupt policy. As part of the senator's actions to reverse the effects of the Volcker measures, he has written emergency standby legislation, commonly referred to as the "Ginnie Mae Standby," that would infuse mortgage funds for homeowners and to create construction employment. Williams sees success in relieving the damage to the housing industry as a parameter turning around the economic collapse as a whole.

- **Housing:** In addition to his "Ginnie Mae Standby" legislation, Williams would favor any lending institution that would return to mortgage lending, thereby encouraging homeownership, and would seek incentives to permit such a return to occur.



Thomas Puccio

The FBI documents exculpate Williams

by Mary Jane Freeman

A series of FBI internal documents released in August 1981, demonstrate the innocence of Sen. Harrison Williams.

These internal documents were the results of the FBI's review of the first series of Abscam videotapes, shown both in the courtroom and broadcast by NBC, in which Senator Williams persistently and repeatedly refused to promise the Justice Department Abscam "sheikh" that he would provide government contracts, leaving the entrappers with no case.

Following the taped sessions between the "sheikh" and Williams, in which the senator judiciously committed himself to nothing more than to "look into" the proposed business ventures, the FBI crime strike task force met and frantically planned one further attempt at securing indictable evidence against Williams. It was out of that first meeting that the Nov. 27, 1979 document was generated, proposing one last "contact" with Williams to obtain indictable evidence. In short, as of Nov. 27, the FBI was convinced that Williams was innocent.

In the last "contact" between the FBI sheikh and Williams, directed from behind the door by DOJ prosecutor Thomas Puccio, Williams is shown on the videotape, again committed to do no more than to "look into" a new proposal, this time to secure special immigration for the "sheikh." At one point, the frustrated Abscam agent left the room to confer with Puccio on how to consummate the bribery of the intractable Williams.

Williams, left alone, begins searching the room for a cigarette lighter or match, and, opening a desk drawer, uncovers the bribe money. He quickly closes the drawer and reseats himself on the sofa. When the sheikh returns, and makes his bribery offer, Williams responds with a rapid succession of "no, no, no, no," and, declaring his wife awaits him, departs.

The FBI's own videotapes, exhibited to the jury and broadcast on television, thus show Williams refusing the bribe offered to him as part of the Abscam frameup. They record him scouting a presumed-to-be legitimate business venture for his friends and state. The senator never once on those tapes said he would use the influence of his office to secure the deal. The FBI and the Brooklyn organized crime strike force, headed by U.S. Attorney Thomas Puccio, went ahead, regardless. The three FBI internal documents, which were in the hands of Judge George C. Pratt at the time he presided over the case, totally vindicate Williams's testimony.

No 'overt action'

In the FBI internal memorandum dated Nov. 27, 1979 to Assistant Director in Charge Francis M. Mullen, Jr., a status report is given on a Nov. 19 meeting of the entire New York/New Jersey staff of prosecutors and agents. It states that "The purpose of the meeting was to insure that all previous bribe situations were complete relative to prosecution and did not necessitate any further investigative action." In the section pertaining to whether Senator Williams had committed any crime in his conduct with the Abscam agents the memo states:

The following was decided:

1. *It will be necessary to recontact U.S. Senator Williams in attempt to obtain an overt action on his part regarding his sponsoring of some type of legislation; i.e., tax cover for titanium mine; environmental standards for titanium mine and/or import quotas for titanium mine.*

2. It was also suggested that attempts should be made to elicit from U.S. Senator Williams whether or not he wanted his shares hidden, through discussions concerning reporting of personal taxes and official acts that he promised to provide.

If the above information is obtained, prosecutors at the meeting felt that they could prove that Senator Williams was in violation of Title 18, Section 201 USC and Conspiracy to Defraud the Government [emphasis added].

The paragraph following the above also concludes that, in regard to then U.S. Rep. John Murphy of Staten Island, New York, he too "should be recontacted"—i.e., no crime has yet been committed.

These disclosures confirm that the FBI had *nothing* on Williams to justify prosecution and was blatantly seeking entrapment of the senator.

That conclusion in fact led the Justice Department's New Jersey division of the strike force, headed by Robert C. Stewart, to conduct a thorough review to ascertain "whether an adequate factual predicate exists for future investigative action" on the Williams case.

Stewart, along with New Jersey prosecutors Edward J. Plaza and Robert A. Weir, Jr., after extensive research, disclosed in two subsequent memos the following: 1) that Mel Weinberg, a convicted felon on the payroll of the FBI, rather than the prosecutor, was directing Abscam; 2) that *no* probable cause existed to investigate Senator Williams for a crime, let alone to conduct a "sting" against this elected official; and 3) Puccio simply took the words of two informants to fabricate the existence of probable cause for further investigation of Williams where no crimes had been committed. Chief Stewart writes:

The factual recitation as to Suspect "W" [Williams] in the Memorandum of Messrs. Plaza and Braniff . . . formalizes the issue about possible governmental overreaching. . . . Mr. Plaza and Mr. Weir brought this concern directly to the attention of the Brooklyn strike force in July and, at the first opportunity, to the Undercover Operatives as early as Aug. 9, 1979. . . . Subsequent events reflect that the Brooklyn prosecutors, the case agent, and the Informant resented this "intrusion" by the Newark prosecutors. In fact, Mr. Plaza was told that his advice "jeopardized" the investigation.

'Formulating the scheme'

After citing Puccio's disregard for legal questions raised by the New Jersey strike force, Stewart commented that convicted crook Weinberg was actually running the operation.

Notwithstanding those events, the Informant persists in formulating the criminal scheme rather than simply allowing the suspects to do this. . . . Given this proclivity on the part of the Informant, prudence dictates that the genesis of each proposed meeting be scrutinized . . . in advance to ensure that there is a sound legal basis for further investigative action.

Finally, Stewart reflected on the theory of illegal entrapment operations:

It appears to me that the substantive problem with respect to this investigation is that it is being conducted in the manner of a conventional "sting" operation—that is, the predominant mo-

dality is to videotape anyone willing to meet with the Undercover Operatives in order to determine what, if anything, they have to say which might be incriminating. The problem with this approach is the fundamental difference between the subject matter of a conventional "sting" operation and that of the present operation.

He then describes the conventional operation as one in which, for instance, contraband is placed in the possession of a known thief. Discussion of it by the thief is ipso facto incriminating and constitutes an adequate basis for further investigation. However, he pointed out:

In the present investigation, the circumstances are fundamentally different *because there is nothing inherently illegal about either the nature of the meeting place or the general topic of conversation.* Indeed, absent specific facts to the contrary, there is an initial presumption of legality because of the positions which the suspects occupy and because of the ostensibly legitimate nature of the things under discussion—whether those things be the operation of a business, economic development in a[n] . . . area, or the protection of the human rights and indeed the very life of a foreign national who is touted as nothing more than a legitimate entrepreneur [emphasis added].

Stewart concludes that criteria which govern a normal "sting" cannot be used in this case, but rather criteria for Abscam "must depend instead upon the demonstrable existence of special facts which infect the particular transaction with illegality." Without meeting these criteria a "line is to be drawn between trapping the unwary innocent, and trapping the unwary guilty, into the commission of a crime," as Judge John P. Fullam of the Federal District Court of Eastern District of Pennsylvania stated in his November 1980 ruling that overturned Abscam convictions of Philadelphia City Council President George X. Schwartz and Councilman Harry P. Jannotti.

The last section of the above document demonstrates the desperation of Puccio to frame up Williams even to the extent that he lies about the reasons an investigation and prosecution should be conducted. Stewart explains: "In his conversation with me on March 27, 1979, Mr. Puccio indicated that Suspect 'W' of New Jersey had a hidden interest in the particular business venture. It was the hidden nature of this interest which was *malum prohibitum* [fraud], and it was that fact which justified further investigation."

Then, five days later, Puccio had a different story. Stewart writes:

"However, during the meeting of April 4, 1979 in

Brooklyn . . . Puccio related that the investigative predicates [the probable cause] as to Suspect 'W' were 1) the assertions of Intermediary 'E' [Camden, New Jersey Mayor Angelo Errichetti] that 'W' was corrupt and that 'W' 's friend, 'F' was 'W' 's bagman, and 2) the assertions of the Informant [Weinberg] that 'F' was 'W' 's bagman. Mr. Puccio observed that 'W' was a 'big question.'"

Here, Stewart is stating that Puccio depended only on the word of two crook informants in all of the allegations against Williams.

The final straw was when Plaza and Weir turned up the fact that the Brooklyn strike force had lost 302's (FBI status reports), that some tapes were missing, and that many conversations were not even recorded! One can't help but ask, "Who's covering up what, here?"

The second document concludes, "All this is a far cry from having a 'hidden interest.' To be sure, there were the assertions of Intermediary 'E' that 'W' was corrupt, but the basis of these conclusory assertions was never elicited."

How did Puccio get a jury to convict a U.S. senator who was shown on the FBI's own videotapes saying, "No, no, no, no" to an offered bribe? He took advantage of, as Jack Anderson put it, "the FBI's press agency." Using the media-created cliché that "all politicians are corrupt," Puccio insinuated that Williams had tried to "make a deal" with the Casino Control Commission Chairman Joseph Lordi on behalf of a particular company due to a presumed relationship between it and the senator's wife.

The third document, dated April 25, 1980, by the New Jersey strike force, shows that Puccio was lying about this as well:

"The telephone toll analysis conducted during the centralized grand jury phase of Abscam has not established a telephone call from Williams to Lordi. Interviews of Lordi resulted in his denial of contact with Williams." The New Jersey strike force also interviewed other commissioners who also denied any such contact. While the casino issue was not part of the indictment, during the trial Puccio continually referred to it with no objection by Judge Pratt, who knew there was no evidence on these charges. Puccio used these insinuations *solely* to prejudice the jurors.

Solicitation of business for a state or a district *is* the business of an elected official. This, is *all* that Senator Williams is documented to have attempted in the Abscam contacts. The third released document also recognizes this fact: "To date, the investigation has determined that it is common for a political office-holder to make inquiries on status of requests for expeditious action to the Casino Control Commission. In this instance, however, there is no evidence that Williams made such inquiry or recommendation to Lordi."