

Sen. Williams seeks fair trial in Senate

by Anita Gallagher

Senator Harrison Williams (D-N.J.) went before a special session of the Senate Ethics Committee Nov. 16 to demand a full trial before the U.S. Senate, including powers to subpoena and cross-examine non-Senate witnesses, before the Senate votes on his expulsion on Abscam charges. Williams's attorney said that he will go to U.S. District Court to block the Senate vote unless he is given a complete trial.

Williams told the Ethics Committee Nov. 17 that he would call for cross-examination: former U.S. Attorney General Benjamin Civiletti; Civiletti's top aides Philip Heymann and Irvin Nathan; FBI Director William Webster; chief Abscam prosecutor Thomas Puccio; Newark Crime Strike Force Director Robert Stewart; FBI agents John Good and Anthony Amoroso; and Esther Newberg, the go-between in the much-publicized \$40,000 commission on an Abscam book arranged between Puccio and *Village Voice* writer Jack Newfield.

Williams also said he would call juror Salvatore Ottovino, Jr., who signed a sworn statement that he would never have voted to convict Williams, and believed that other jurors would not have either, had they been allowed to see exculpatory FBI-DOJ documents withheld from Williams' trial last April. The Senator said he would also call a linguist, a psychologist, and others.

Senator Williams's bold moves for a full trial in the Senate are historic. Not since 1807, in an expulsion proceeding brought against Sen. John Smith of Ohio, has the Senate allowed a full trial with non-Senate witnesses. Smith was acquitted.

Williams's new Ethics Committee counsel, Robert J. Flynn, Jr., is the attorney who filed a \$6 million civil suit against Civiletti and other DOJ-FBI parties whom Williams now seeks to cross-examine before the full Senate. Flynn said that a letter would be immediately delivered to the Senate leadership demanding a hearing, and "If the leadership rules us out, we will go in to the U.S. District Court to enjoin the expulsion proceedings."

By Nov. 19, the Senate leadership Howard Baker and Robert Byrd had rejected Williams's request to introduce new evidence of government misconduct to the full Senate. At the same time, they informed the Abscam victim

that he could not have an attorney speak in his defense during the full Senate proceedings. Their position, as enunciated in a letter to Williams, is that the Ethics Committee, and not the full Senate, "is the proper forum in which all such [new] evidence should be received." As of Nov. 20, Williams was seeking a compromise in which the new evidence would be heard in some form, if not in the full Senate. Baker (R-Tenn.) and Byrd (D-W.Va.) have presently scheduled the opening of the expulsion debate for Dec. 3, but a move to open it could occur sooner.

Baker and Byrd had written the members of the Ethics Committee a letter on Nov. 13 asking that they convene Nov. 17 to examine Williams's claim that he had new evidence and new witnesses. Flynn told the Ethics Committee Nov. 17 that the principal new evidence he had to show was government misconduct. "This is a matter of new information, not new witnesses," Flynn told the Committee, in arguing down claims by Ethics Committee members that Williams's evidence could or should have been dealt with in the Ethics Committee's hearings in July and August.

The Ethics Committee members contended that it was up to the full Senate to determine what kind of proceeding to allow.

New evidence against Thomas Puccio, the prosecutor responsible for Williams's indictment and conviction on Abscam charges, also surfaced this week in Washington. On Nov. 16, just a half hour before the Ethics Committee met, National Democratic Policy Committee spokesman Richard Cohen held a press conference in Ethics Committee Chairman Senator Malcolm Wallop's (R-Wyo.) office to release a dossier on misconduct by Abscam prosecutor Puccio.

Cohen told the Senator's stunned staff and members of the national press corps that "We are here today to give new information to the Ethics Committee and its Chairman on several points . . . most important, the background of Abscam prosecutor Thomas Puccio."

Cohen told the press, when questioned about the "relevance" of Puccio's background, that "the general public does not agree with the standards of the Ethics Committee's investigation, and its refusal to deal with the Justice Department's use of entrapment. . . . This is an attack on the Senate of the United States. If the Senate does not wise up and stand up, a number of other Senators will be targeted, and the targeting will quickly spread to the executive branch itself."

Besides the Puccio dossier, NDPC is showing a videotape interview with Williams across the country, which concludes with a statement by NDPC Advisory Board Chairman Lyndon LaRouche in support of Williams. An NDPC spokesman described the effect of the tapes on union and political audiences as "devastating to the flimsy Abscam frameup."