

“Larceny In My Heart”: The Abscam Political Scandal, 1978-1983

by

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A thesis submitted to the Graduate Faculty of
Auburn University
In partial fulfillment of the
Requirements of the Degree of
Master of Arts

Auburn, Alabama
December 8, 2012

Keywords: Abscam, scandal, FBI, Congress, Weinberg, entrapment

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Abstract

After the Watergate scandal, the FBI underwent major internal changes. As a result of some of those changes, the organization shifted its focus towards white-collar crime. As Operation Abscam progressed, it seemed as though it would be the perfect example of the FBI's new direction. Initially begun to recover stolen art, Operation Abscam transformed into a sting operation to catch lesser public officials who accepted bribes, mostly in Atlantic City. In the last year of the investigation, Operation Abscam targeted members of the United States Congress. On February 2, 1980, the FBI arrested all Abscam targets, including seven Congressmen. The same day, the media broke the story and the operation became a nationwide scandal. Initially, the public supported the actions of the FBI, but, as details emerged about the conduct of the FBI during the sting, it became clear that the sting did not restore public faith in the FBI.

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Major Players

Melvin Weinberg: Conman turned FBI informant. He ran Operation Abscam in conjunction with the FBI. He became the star witness for the prosecution during every Abscam trial.

Special Agent John Good: Supervising agent during Operation Abscam from beginning to end. He worked his way up the FBI ranks during this investigation, eventually reporting directly to FBI Assistant Director Welch and FBI Director Webster.

Agent Jack McCarthy: One of the FBI agents who supervised Weinberg on a daily basis. His tumultuous relationship with Weinberg nearly torpedoed Operation Abscam and necessitated Good to assign Amoroso.

Thomas Puccio: Director of the Eastern Strike Force of New York. He led the Department of Justice team during the Abscam trials. Although aware of the investigation from the beginning, he did not personally participate until the Congressional phase. He led the prosecution during the trials.

John Jacobs: The attorney assigned by Director Puccio to over see the day to day actions of the FBI during Operation Abscam. He personally supervised countless meetings between the Weinberg and the targets and aided Puccio during the trials.

Agent Anthony Amoroso: Probably the most well known FBI agent involved in Operation Abscam. Good assigned him part way through the investigation and he posed as an aide to the fictitious sheikh during some meetings and as the sheikh, Yassir Habib, during others.

Mayor Angelo Errichetti: The mayor of Camden, New Jersey. He was the first political target of the Operation Abscam. He went on to become one of the FBI's primary middlemen. He did not know he was involved in an FBI sting operation until his arrest on February 2, 1980.

Howard Criden: He was a Philadelphia attorney brought in by Errichetti. He also served as one of the primary middlemen for Operation Abscam. Like Errichetti, Criden was unaware of the FBI's undercover operation until his arrest.

Senator Harrison P. Williams: The first major political target of Operation Abscam. His involvement brought the sting operation to the attention of FBI headquarters in DC. He served as in the United States Senate as the senior senator from New Jersey. Errichetti brought him to meet with Weinberg and the “sheikh.”

Representative Michael “Ozzie” Myers: Representative to the United States House of Representatives from Pennsylvania’s 1st congressional district. Errichetti brought him to meet with Weinberg and the “sheikh.”

Representative Raymond Lederer: Representative to the United States House of Representatives from Pennsylvania’s 3rd congressional district. Errichetti brought him to meet with Weinberg and the “sheikh.”

Representative Frank Thompson: Representative to the United States House of Representatives from New Jersey’s 4th congressional district. Criden brought him to meet with Weinberg and the “sheikh.”

Representative John Murphy: Representative to the United States House of Representatives from New York’s 17th congressional district. Representative Thompson brought him to meet with Weinberg and the “sheikh.”

Representative John Jenrette: Representative to the United States House of Representatives from South Carolina’s 6th congressional district. John Stowe brought him to meet with Weinberg and the “sheikh.”

Representative Richard Kelly: Representative to the United States House of Representatives from Florida’s 5th congressional district. William Rosenberg brought him to meet with Weinberg and the “sheikh.”

Introduction

In 1972, Bob Woodward and Carl Bernstein, two reporters from *The Washington Post*, reported that the President of the United States ordered staffers to cover-up a break-in at the Watergate building in downtown DC. Only a few short years after Woodward and Bernstein rocked the United States back on its heels with news that corruption reached to the country's highest office, the national media dropped another bombshell on the population. The FBI arrested six members of the United States House of Representatives, one member of the United States Senate and numerous local officials for accepting bribes from an undercover FBI agent during an undercover sting operation known as Operation Abscam.

The FBI began Operation Abscam in 1978. Operation Abscam was a new kind of undercover operation for the FBI: long-term and very complicated. When the operation began, no one foresaw its outcome. Former conman Melvin Weinberg served as the principle aide to a fictitious Arab sheikh, played by undercover FBI agent Anthony Amoroso. The sting operation originally targeted corrupt businessmen and swindlers. Only during the last year of the operation did Congressmen become targets of Operation Abscam. Yet Operation Abscam is most well known for the high-profile arrests of seven United States Congressmen. It seemed as though the FBI found a way to regain the trust of the American people, which it lost during the Watergate scandal. Unfortunately, as details unfolded, it became obvious that the public found the actions of both sides of the

Abscam scandal reprehensible. This suspicion was bad news for the FBI, because it was a sign that the FBI would not regain the public's trust either with this investigation or the trials of the seven United States Congressmen.

Attorney General Charles J. Bonaparte chartered the Bureau of Investigations, an offshoot of the Department of Justice that became the FBI, on July 26, 1908.

Coincidentally, suspicion of congressional corruption acted as the catalyst for the creation of an independent investigative service. The Department of Justice investigated several members of the United States House of Representatives for fraudulent land transactions.

At the time, the Secret Service loaned investigators to the Department of Justice. As a result of the 1905 investigation into Senator John H. Mitchell and Representative John H.

Williamson, Congress passed a law forbidding the treasury department to loan the Department of Justice secret service investigators. It was then Attorney General

Bonaparte made the decision that the Department of Justice needed its own investigators.¹ J. Edgar Hoover went to work for the Justice Department in 1917, at the

age of twenty-two. In 1919 Bureau Director Stanley Finch appointed twenty-four year old Hoover head of the Bureau's Radical Division. It was during his tenure as chief of

the Radical Division that he began to compile his now infamous secret files.² Two years later, the director promoted him to the number-two position within the Bureau.³

President Calvin Coolidge appointed Hoover as Bureau director in 1924 and Hoover remained Director after the Bureau of Investigation became the Federal Bureau of

¹ Weiner, Tim, *Enemies: A History of the FBI*, (New York City: Random House, 2012), 11.

² Weiner, 13.

³ Weiner, 47.

Investigation in 1935.⁴ During the tenure of J. Edgar Hoover, perhaps the FBI's most infamous director, the FBI enjoyed unprecedented respect and power over its own operations. Hoover ruled the FBI with draconian fervor and regarded the reputation of the FBI as his top priority. Hoover's FBI investigated members of Congress and other important political figures, but instead of releasing that information, Hoover locked it securely away to ensure personal loyalty and independence for his department.⁵

The FBI changed a great deal during the decade of the 1970s. After Hoover's death in 1972, and the destruction of his infamous files, the FBI no longer had influence over political figures. Furthermore, only a few short months after Hoover's death, Woodward and Bernstein broke the story of the Watergate scandal. The FBI led the investigation into the break-in at the Democratic National Committee headquarters at the Watergate office complex in Washington, DC. During the investigation, it became clear that someone in the White House was involved in the break-in, possibly several people. As a result, the acting director of the FBI, L. Patrick Gray, who took over after Hoover's death, worked closely with White House Counsel John Dean to investigate the White House's connection to the break-in.⁶ Gray later admitted to destroying files given to him by White House Counsel, John Dean, several days after the Watergate break-in.⁷ As more details began to emerge about the Watergate scandal, it appeared that the FBI was knee-deep in a cover-up. L. Patrick Gray managed to successfully defend himself against five

⁴ Weiner, 70.

⁵ Wilson, James Q., "The Changing FBI: The Road to Abscam," 1.

⁶ Gray, Ed and L. Patrick Gray, III, *In Nixon's Web: A Year in the Crosshairs of Watergate*, (New York City: Times Books, Henry Holt and Company, 2008), 63.

⁷ Schudson, Michael, *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past*, (New York: Basic Books, 1993), pg. 38.

grand juries and four separate congressional committees, but he still resigned in disgrace. He was not the only FBI official to do so.⁸

After Gray resigned, President Ford appointed Clarence Kelly to succeed him as director of the FBI. The public lost faith in the FBI and it seemed as though nothing could restore it. Therefore, Director Kelly made it his mission to restore public faith in the FBI. Although he tried for six years, Director Kelly himself believed he was ultimately unsuccessful. Towards the end of his career, Director Kelly was quoted as saying, “[T]he superhuman image of the FBI, and the power and glory that accompanied it, has greatly diminished.” Despite this perceived failure, Director Kelly made significant changes to FBI policies.⁹ During the tenures of Hoover and Gray, the FBI generally investigated two broad categories of cases, routine and domestic intelligence. The FBI’s domestic intelligence cases often involved a series of covert, and often illegal, projects like infiltrating and discrediting “dangerous” political organizations like the American Civil Liberties Union. In addition to the counter intelligence program, the FBI often investigated smaller crimes, like car theft. These cases generated the impressive statistics the FBI relied on to enhance its reputation. Even before Watergate, members of the public and political sects believed the FBI abused its power during their domestic security cases. As for the routine cases, the public believed that those types of cases could be handled by local law enforcement and that the FBI should not waste its federal resources on small time crooks.¹⁰

⁸ Gray, 243.

⁹ Weiner, 343.

¹⁰ Wilson, 5.

After the Watergate scandal, Director Kelly began to overhaul the FBI. He closed down almost all domestic security investigations and reassigned thousands of agents. He also implemented new guidelines from the Attorney General that clarified and restricted the circumstances under which a new case could be opened. In a few short months FBI Headquarters in DC had made it perfectly clear to the field offices that priority cases fell into three categories: white-collar crime, organized crime, and foreign counterintelligence.¹¹ However, implementing these changes actually took years. They began in the Philadelphia field office, under Special Agent Neil Welch, and eventually spread to more and more field offices. Not all the pressure for change came from inside the FBI. The House Subcommittee on Civil and Constitutional Rights toured various FBI field offices in 1977 and subsequently wrote a report that sharply criticized the FBI for being too soft on white-collar and organized crime. The report accused the FBI of reluctance to investigate white-collar crime because they considered it too complex. It is worth noting that the report also criticized the FBI for not mounting more undercover investigations.¹²

Director Hoover forbade undercover operations unless absolutely necessary, Hoover believed they threatened the reputation of the FBI. Hoover's FBI had strict guidelines about how agents were to comport themselves, but those guidelines could not apply during undercover assignments. During his tenure, the FBI relied heavily on informants instead of undercover agents.¹³ Reliance on informants came with its own drawbacks and the FBI's shift toward sting operations greatly reduced the number of

¹¹ Wilson, 6.

¹² Wilson, 9.

¹³ Wilson, 10.

informants on the payroll. The earliest sting operations conducted were largely successful and uncontroversial. They were aimed mostly at illegal financial schemes, like the schemes Weinberg ran during his days as a conman.¹⁴

It was this shift in focus to white-collar crime and a need for undercover investigations that put Melvin Weinberg on the FBI's radar. A lifetime crook, Weinberg finally ran a scheme that got him caught in 1977. The FBI, specifically an agent named John Good, offered Weinberg a deal. In exchange for a suspended sentence and probation, Weinberg went to work for the FBI. Weinberg appeared to be just what the FBI needed, as he had connections in the criminal underground and needed no disguise or cover persona during undercover operations. Special Agent John Good supervised Weinberg, and eventually Operation Abscam, but he assigned Agents Myron Fuller and Jack McCarthy to handle Weinberg on a day-to-day basis. After a quarrel between McCarthy and Weinberg almost torpedoed Operation Abscam, Good assigned Agent Anthony Amoroso to join the team.

Weinberg devised the specifics of Operation Abscam in conjunction with Agents Fuller and McCarthy. Together they created a fictitious Arab sheikh and a phony shell company for him. With this cover, they met with corrupt businessmen, swindlers, and low-level politicians, until the last year of the operation when the targets became ranking politicians. During these meetings the fictitious sheikh, played by an undercover FBI agent, and Weinberg, offered the targets money in exchange for political favors. During the congressional phase of Operation Abscam, it was a dragnet investigation. The FBI did not have specific targets in mind, nor did they have any knowledge of prior crimes

¹⁴ Wilson, 11.

committed by the congressmen they wanted to meet with. The lack of supporting evidence prior to the meetings enraged the public after news of the scandal broke. The FBI arrested all of their targets on February 2, 1980.

The media printed every salacious detail of the scandal after the FBI arrested Senator Harrison “Pete” Williams, Representatives Michael “Ozzie” Myers, Raymond Lederer, Frank Thompson, John Murphy, John Jenrette, and Richard Kelly along with their associates and various middlemen. The charges against them included conspiracy, bribery, and interstate commerce for illegal activity. Before grand juries handed down indictments, Congress, the public, the press, and other members of the legal and political communities began to debate all the legal technicalities involved in the Abscam trials. Four legal issues became apparent. People questioned whether or not the actions of the FBI constituted entrapment, and whether or not their actions violated the separation of powers, due process, and/or the speech or debate clauses from the United States Constitution. Along with the general public, the court seemed bothered by the actions of the FBI. Although all but two of the Abscam judges upheld the guilty verdicts handed down by the seven juries, the judges did not wholly support the actions of the FBI. Traditionally, the court allowed law enforcement a great deal of trust and credibility during judicial proceedings. But in the case of the Abscam trials, each judge chastised the FBI for their investigative tactics in this investigation. They did not necessarily believe those actions constituted entrapment or a violation of the constitution, but they did believe that they came close and definitely crossed the line.

The term “Abscam” now typically refers only to the scandal that sent six members of the United States House of Representatives and one member of the United

States Senate to jail. In actuality, the undercover operation lasted two years and the FBI indicted countless individuals for their participation. Operation Abscam began as a routine FBI investigation. The case did not even garner top priority status within the New York field office until 1979. Special Agent John Good supervised the investigation from a distance; it was only after Senator Williams became involved that the case began to rise in importance. It first rose to top priority within the New York field office, then the case moved to headquarters in DC, where Special Agent Neil Welch, the man brought in by Director Kelly to overhaul the FBI, supervised Special Agent John Good and his team.

Operation Abscam appeared to be the perfect case to help restore public faith in the FBI. From the FBI's point of view, they caught corrupt businessmen and politicians to help protect the public from white-collar crime. At first it seemed like the general public agreed with them, but as more details emerged, their ideas changed. From the point of view of those outside the FBI and the Department of Justice, the FBI enticed congressmen to accept bribes, despite the fact that they had no reason to believe that congressmen might accept bribes. It was clear that the public was disgusted by the actions of both sides before the Abscam defendants even went to trial. It did not take long before the outrage of the legal and political communities became apparent as well.

In order to demonstrate the backlash against the FBI, this paper focuses on the seven congressmen indicted by the FBI. The background of Operation Abscam and those involved is important because it led to the arrests of those seven men, but the corrupt businessmen and swindlers targeted during the early months of Abscam are not covered. The seven congressmen, and the individuals tried with them, are the reason Abscam

received so much attention, both from the media and the general population. This paper outlines the entire sting operation because the train of events that led to the congressional phase is necessary to understanding the scandal and the reaction of the public, the media, and the legal and political communities.

Facts and Players

When the FBI began to focus on white-collar crime, they needed outside help with their undercover operations. As a result, the FBI directed their agents to keep an eye out for informants who might prove useful. For this reason, when conman, and casual FBI tipster, Melvin Weinberg crossed the desk of Special Agent John Good, Weinberg's crimes intrigued him. After striking a deal with the FBI to keep himself and his mistress out of jail, Weinberg ran Operation Abscam for the FBI. The sting operation began as a low-level job to catch corrupt businessmen and swindlers. By 1979, the team developed a series of middlemen who brought a number of politicians to meet with Weinberg and a fictitious, corrupt Arab sheikh. Weinberg offered the politicians money in exchange for political favors. On February 2, 1980, the FBI arrested all those who met with the fictitious Arab sheikh. Those arrested included seven United States Congressmen. When the cases went to trial, Weinberg became the star witness for the prosecution, despite his numerous personal vices.

By his own admission, Melvin Weinberg was a conman from day one. During an interview with his biographer, Robert Greene, Weinberg boasted that his first scam occurred in 1931 when he was just six years old.¹⁵ For an entire school year Weinberg stole gold stars from his teacher's desk each day and delivered them to his mother. At the end of the school year, his mother met with his teacher to discover why he was left back;

¹⁵ Greene, Robert W., *The Sting Man: Inside Abscam*, (New York: Ballantine Books, 1981), 19.

she was stunned to hear about his terrible grades and behavior. According to Weinberg, this incident taught him two lessons: “always have a good excuse and split the scene when two marks get together.”¹⁶ Throughout the rest of his childhood and teenage years, Weinberg exercised a casual relationship with the truth, lying and stealing whenever it suited his needs. This attitude continued into his adult life. After the attack on Pearl Harbor, Weinberg spent four years in the navy. During this time, he put his skills to good use procuring things for both himself and the navy. After he got out in 1946, Weinberg went to work for his father’s glass installation company. It was during this period that Weinberg became acquainted with the New York City criminal underground.¹⁷

From 1946 through the 1960s, Weinberg ran small cons, ranging from using a fake police shield to get discount hotel rooms and selling footless socks, to swindling the same insurance company whose windows he shattered at night with other men from the glaziers’ union.¹⁸ It was also during this time period that some of Weinberg’s costliest vices developed. By copying the habits of New York’s mobsters, Weinberg developed a taste for expensive clothes and liquors; he also developed an expensive gambling habit. These expensive tastes drove Weinberg’s cons because he seemed to bleed money and he was always in debt to someone. Weinberg grew up during the Great Depression and came from a poor Jewish family. As a result, he was drawn to any job that might help him get rich as quickly as possible.¹⁹

Another vice that drained money from Weinberg’s pockets was his taste for women. By his own admission, Weinberg believed, “[e]very man needs two women.

¹⁶ Greene, 20.

¹⁷ Greene, 26.

¹⁸ Greene, 26-38.

¹⁹ Greene, 37.

One for a loving home and another for a happy love life.”²⁰ Weinberg’s first wife was Mary O’Connor, with whom he had three children. A few years later, Mary was living with the children on Long Island while Weinberg had an affair with his secretary, Marie, in the city. After Mary discovered Marie, she divorced Weinberg. Weinberg then married Marie but within a few years, he began to “keep” Evelyn Knight in the city; he always referred Knight to as Lady Diane. It is unclear whether or not Marie knew about Knight during this time. She definitely knew after Abscam became public knowledge in 1980. In 1982, Marie committed suicide. The media openly speculated whether it was knowledge of Weinberg’s infidelity or pressure from the trials that lead to her depression.²¹ During the Abscam trials, a variety of defense attorneys tried unsuccessfully to use Weinberg’s vices to turn juries against him and the FBI.

In 1970, Weinberg began his first big con. He began an investment firm called Swiss Bank Associates, which was Weinberg’s version of a con called a “front-end scheme.” In a typical front-end scheme, swindlers, in this case Weinberg, found people who were desperate for money, money they needed quickly that they could not borrow from a legitimate bank. The swindler offered to process the loan application for a fee, and then the swindler stalled the mark as long as possible. When the mark could not be stalled any longer, he or she received an official looking letter informing the mark that their loan was rejected for one of a dozen reasons. Weinberg adapted the front-end scheme and added his own flair to escape detection by law enforcement. Since the 1980s, this type of con is now under the jurisdiction of white-collar crime, but at the time

²⁰ Greene, 41.

²¹ Gallagher, Anita, “The Weinberg death could boomerang,” *EIR*, Vol. 9, No. 7, (February 23, 1982).

there was virtually no way to prosecute it under the law. If marks complained about fraud, the prosecution typically turned the case over to civil court. Weinberg carefully avoided violating federal law through the mail. His scam relied on countless letters to marks and sending fraudulent letters through the mail was a federal offense. To dodge this violation of state and federal laws, Weinberg always sent his letters by commercial airline, using the need for a speedy delivery as an excuse. This sort of attention to detail made Weinberg invaluable to the FBI during Operation Abscam.²² Weinberg's familiarity with stall tactics also proved useful during Operation Abscam, he was able to successfully stall several of the early targets for almost two years.²³ By 1976, Weinberg morphed Swiss Bank Associates into London Investors. A much bigger version of the same scam, London Investors had permanent offices in New York City and a full time staff.²⁴ It was during this period that Weinberg attempted his now infamous scheme to fleece singer Wayne Newton for over \$200,000.²⁵

By 1977, the law finally began to catch up with Melvin Weinberg. Beginning in the 1970s, the FBI shifted its focus towards white-collar and organized crime. The report produced by the Subcommittee on Civil and Constitutional Rights held that FBI agents might be reluctant to investigate more complex crimes, such as those in the white-collar or organized crime divisions, because of the time and manpower necessary to catch these criminals.²⁶ The main drawback to a shift toward white-collar and organized crime was

²² Greene, 46-53.

²³ Greene, 136.

²⁴ Greene, 64.

²⁵ "Nation: The FBI's Show of Shows" Time Magazine [New York City] September 1, 1980, 1st Edition

²⁶ Wilson, James Q., "The Changing FBI: The Road to Abscam," in *National Affairs*, No. 59 (Spring, 1980), 9.

the necessity of undercover operations. Under Hoover, the FBI shied away from undercover operations because they required agents to participate in illegal activities. During this time, any undercover operation conducted by the FBI was very short lived, always had well-defined, accomplishable objectives and did not require the undercover agent to participate in any illegal activities.²⁷ As a result of the pressure from inside and outside of the FBI, the FBI began to change its methods and focus. In 1977 Weinberg became both a casualty and an archetype of that shift. The FBI did not have decades of experience in undercover work and Weinberg's expertise made up for their lack of experience. But before the FBI could use him, they had to catch him.

In early 1975, Weinberg began his standard front-end scheme with a target named Lee Schlag. Schlag wanted to borrow \$1.9 million from a bank to buy a Pennsylvania dairy firm. Schlag contacted Weinberg and the con progressed normally; but unlike previous times, Weinberg's stall tactics did not work and Schlag turned all the paperwork over to his legal team. In early 1976, Schlag's lawyers turned the paperwork over to the Pittsburgh field office of the FBI. As a result of this paperwork, the FBI began an investigation into London Investors and Weinberg began to make mistakes. For instance, Weinberg broke his rule against sending letters through the regular mail and violated federal law.²⁸ A grand jury indicted Weinberg in February 1977 on conspiracy, mail fraud, and wire fraud. The FBI also issued an arrest warrant for his mistress, Evelyn Knight. Both Weinberg and Knight claimed she had no knowledge of Weinberg's crimes although she played a major role in his dealings. Knight always traveled with Weinberg and accompanied him to countless parties and business affairs. According to Weinberg,

²⁷ Wilson, 10.

²⁸ Greene, 80.

Knight added the necessary touch of class to Weinberg's blue-collar demeanor and background. For several months Weinberg hid Knight in Florida while he evaded the FBI around the country. Eventually, the FBI began to close in on Knight's location and Weinberg ran out of money to keep her hidden. Around this same time, a memo about Weinberg crossed the desk of New York field agent John Good. Good realized how valuable Weinberg might be in other operations and the Pittsburgh agents told Good how desperate Weinberg was to deal. Weinberg privately accepted a plea bargain and in exchange the FBI dropped all charges against Knight. On October 7, 1977, Weinberg pled guilty and the judge sentenced him to three years in federal prison.²⁹ In exchange for his cooperation with the FBI, the judge agreed to suspend his sentence and place him on probation.³⁰

Raised in New York, John Good came from a family tradition of public service. Both his father and uncle served the FBI throughout their lifetimes, and, along with four of his five siblings, Good followed in their footsteps.³¹ Reared in a strict Irish Catholic family, Good fell under a new breed of FBI agent. He and many of his contemporaries defied the WASP standard held by the FBI under J. Edgar Hoover. By the time Weinberg crossed his radar, Good had sixteen years of experience with the FBI. Since the FBI's shift in focus, Good concentrated on finding white-collar criminals who could help the FBI make bigger cases. After reading a memo on Weinberg, from the Pittsburgh

²⁹ Greene, 81.

³⁰ "Nation: The FBI's Show of Shows."

³¹ Investigative Staff. 2011-2012. LMGI LTD Corporate & Private Security Investigations. 5 August, 2012. < http://lmgiltd.com/Investigative_Staff.html >.

office, and looking into Weinberg's past as a causal tipster for the FBI, Good decided to set up a meeting.³²

John Good supervised Weinberg, but assigned Myron Fuller and Jack McCarthy to deal with him on a daily basis. Both Fuller and McCarthy had long careers in the FBI, before and after Abscam. Both men fell into the same category of the new FBI agent, but they held more straight-laced, by the book, attitudes. As a result, both had difficult relationships with Weinberg.³³ The quarrels between Weinberg and McCarthy forced Good to eventually assign another agent to the team. Anthony Amoroso is probably the most well known FBI agent on the case, but Good did not assign him to the team until several months into the operation. In contrast to Fuller and McCarthy, Amoroso grew up in the Bronx, had a blue-collar upbringing and did not act as strait-laced as the other team members. Weinberg preferred to deal directly with him whenever possible.³⁴ Weinberg did not believe targets would see Fuller or McCarthy as corrupt, possibly compromising the operation, but Good insisted they remain on the team, usually in background roles. As the case progressed, the U.S. Attorney wanted the case monitored to ensure convictions. The Eastern Strike Force Director, Thomas Puccio, assigned John Jacobs to monitor the investigation. During the first few months of Operation Abscam, Jacobs was fairly hands off, but after the targets became political figures he became more involved and began to be present at all the meetings.³⁵

After Good assembled the team, during the summer of 1977, he assigned them a general task. Originally, Good told the team to focus on any sort of white-collar crime,

³² Greene, 85.

³³ Greene, 86.

³⁴ Greene, 161.

³⁵ Greene, 123.

from stolen art to forgeries. Basically, all things Weinberg was familiar with. Fuller, McCarthy, and Weinberg settled on several ideas together. The team agreed to record every conversation concerning the case and save them for later use. Tapes are very influential in a courtroom setting because the evidence is more difficult for the defense to refute. They can also be helpful to supervisors who want to ensure their agents did not act unprofessionally. By the late 1970s, tape technology was still fairly new. The standard equipment used by law enforcement was reel-to-reel, subminiature tape recorders.³⁶ After the first meeting, the FBI backed up these recorders because the first tape recorder malfunctioned and almost ruined the first meeting. When the targets became political figures, Jacobs told the FBI to back up the audio recorders with video recorders. Fuller, McCarthy and Weinberg also agreed on the Arab aspect because of context. During the 1970s, OPEC dominated headlines around the world. Weinberg interpreted these headlines to mean that most Americans believed all Arabs were wealthy because of their oil. As a result of this prevailing public opinion, Weinberg used vague references to Arab investors during his early work with the FBI. Eventually, the team needed a more permanent cover and so they created Abdul Enterprises.³⁷

The earliest phase of Weinberg's relationship with the FBI dealt with small time crooks, by comparison to later targets. These smaller stings occurred before Operation Abscam even had a name, let alone a larger purpose. Weinberg went undercover and discovered details about everything from counterfeiting money to hiring hit men. In order to keep the government from naming Weinberg as a witness, the FBI and U.S.

³⁶ Marx, Gary T., *Undercover: Police Surveillance in America*, (Berkeley: University of California Press, 1988), 55.

³⁷ Greene, 93.

Attorney Tom Puccio agreed to gather the evidence but hold off on some indictments until Operation Abscam completed; no one knew how long that was going to be.³⁸ If a defendant could be convicted without using Weinberg as a witness, the government quietly made an arrest.³⁹ The largest arrest made during this pre-phase happened in February 1978. The FBI investigated an art thief named Dominic Caserele. The FBI needed to Weinberg to approach Caserele as a fellow crook in order to convince him to sell the stolen paintings. Weinberg approached Caserele and arranged to buy the paintings at an airport in upstate New York. When Caserle brought the paintings and the money out into the open, the FBI arrested him and his friends. This arrest was sort of a trial period for Weinberg. It was only after it occurred that the judge officially suspended his sentence. Throughout Operation Abscam, Weinberg worked as diligently and as creatively as he ever had before. He knew that once it was over, and he was forced to testify in the resulting cases, his days as a swindler were over; he would be too well known to continue. By his own admission, he considered this his last hurrah and acted accordingly.⁴⁰

The team created Abdul Enterprises after the airport arrests. Good wanted the team to go after more ambitious targets. The team resolved to create a fictitious sheikh and a company to go with him. They agreed on this to flesh out the vague connections Weinberg used previously. They named him Kambir Abdul Rahman and called his company Abdul Enterprises, Ltd.⁴¹ Originally, the team wanted Rahman to remain

³⁸ Ibid.

³⁹ Greene, 94.

⁴⁰ Greene, 99.

⁴¹ Brand, David and Jeanne McDowell, "Strife and Death in the Family", Time Magazine [New York City] January 18, 1988 1st Edition.

invisible. Fuller served as the company's financial director, McCarthy served as its chairman of the board, and Weinberg served as its president and also the sheikh's principle aide. As the team grew, they gave fictitious titles to numerous undercover FBI agents; Weinberg was the only team member who played himself. The FBI chose to headquarter Abdul Enterprises in a small office in Holbrook, NY. On Long Island, the FBI chose the location because of its proximity not only to Weinberg's home but the FBI office in Hauppauge.⁴² As a stall tactic, Weinberg first told targets that the sheikh's money could not be removed from his country for legal reasons; in exchange, the sheikh used phony certificates of deposit. Weinberg told some targets that the sheikh wanted to invest his money in the United States because he feared he would soon have to leave his country for legal or political reasons. Weinberg told others that the sheikh, or emir (after Weinberg "promoted" him) was a philanthropist interested in financing everything from the arts to adult films.⁴³ In later meetings, he told them the sheikh had over \$400 million in the Chase Manhattan National Bank. The FBI brought the bank on board for this part and the bank told anyone who inquired about Abdul Enterprises or Kambir Abdul Rahman that they did indeed have large sums of money in the bank.⁴⁴

With the team and the scheme in place, the FBI decided to hold a dress rehearsal of sorts. New York businessman, Ron Sabloski was the first target. Weinberg wanted to rent a suite at New York's Plaza Hotel, put an FBI agent undercover as Abdul and reel in Sabloski on camera. According to Weinberg, that day was almost a disaster. For starters,

⁴² "*United States v. Harrison A. Williams, Jr., et al.*, Crim No. 80 CR-00575 (1981)" Trial proceedings transcripts prepared for the use of the Select Committee on Ethics, United States Senate, 97th Congress, 1st session. Pg. 45.

⁴³ Greene, 106.

⁴⁴ Pollitt, Daniel H., "The Dark Side of Abscam" *Christianity and Crisis*, 2.

the FBI did not want allocate a lot of money to the operation, so the suite became a room and Weinberg ran out to a nearby deli to buy trays of kosher foods because the team did not have money for fancy hors d'oeuvres or room service. When Sabloski pointed out that Weinberg got food from a Jewish deli, Weinberg covered by saying that the emir was a fan of Jews and loved the food. Also, the team had to rent cheap robes from a theatrical agency and they did not fit Agent Denehy. Instead of having Denehy wear the ill fitting, wrinkled robes he simply wore the headdress with his suit.⁴⁵ According to Weinberg's biography, there were so many small mishaps that it was a miracle they managed to pull it off at all. In addition to the budgetary problems, the tape recorder began to make noise halfway through the meeting and, with quick thinking, one of the agents kicked the recorder further under the couch before Sabloski noticed the noise. Also, every agent wanted to be involved so not only was the small room very crowded, they found it difficult to keep from laughing and one by one they shuttled to the bathroom and back. Further, Agent Denehy did not speak Arabic and Weinberg told Sabloski the emir did not speak English well, as if to support this, Agent Denehy simply grunted a lot.⁴⁶ After the meeting with Sabloski, Weinberg explained away the problems and said that the emir and his staff tended to go a little crazy when in the United States because they could not do so in his home country.⁴⁷ The team retired Emir Abdul after the Sabloski meeting. They did not want a repeat of the near fiasco at the Plaza and as a result he never appeared in public again; the team simply referred to him as the emir or the sheikh. When the team needed another sheikh later, Weinberg simply created a new one. The second sheikh is

⁴⁵ Greene, 110.

⁴⁶ Greene, 111.

⁴⁷ Greene, 113.

the more well known of the two. Agent Anthony Amoroso played Sheikh Yassir Habib during some meetings and his primary aide during others. Also, they added back-up recording devices and reduced the number of agents allowed in future meetings with targets.⁴⁸ After the dress rehearsal, Operation Abscam flourished, the FBI shuttled Weinberg and his team from New York to Florida and back in order to hook more and bigger fish.⁴⁹

In addition to the multiple near misses during the “dress rehearsal”, outside actions almost exposed Abscam as an FBI sting operation. For instance, once, *Newsday* published a photograph of FBI agent Margo Denedy; in the photo she was one of a group of agents who arrested a female skyjacker at Kennedy airport. Mayor Angelo Errichetti, of Camden, New Jersey, one of the FBI’s primary middlemen for Operation Abscam, recognized her photo and called Weinberg in a panic. Only quick thinking on Weinberg’s part convinced Errichetti that the person in the photograph could not possibly be the emir’s personal secretary.⁵⁰ Later, Errichetti’s greed outweighed his common sense for a second time. A Florida swindler met with a mutual friend of Errichetti named Tony Torcasio. The swindler told Torcasio that he (the swindler) worked as an informant for the Miami FBI field office and snuck on board during a large boat party. The swindler told Torcasio that Weinberg was at the party. The boat party mentioned was part of Operation Abscam, set up by the team in order to lure in businessmen during the first part of the operation. When Errichetti confronted Weinberg, Weinberg told him to disregard the swindler as a conman. Despite a direct warning that he was participating in

⁴⁸ Greene, 114.

⁴⁹ Greene, 120.

⁵⁰ Greene, 157.

an FBI sting operation, Errichetti continued as an unwitting participant for another eight months.⁵¹

While the FBI conducted Operation Abscam on the east coast, a swindler named Joseph Meltzer used Abdul Enterprises letterhead in a front-end scheme in California. The Miami office used Meltzer as an informant in the Florida sting operation, he knew Abdul Enterprises was an FBI creation and so moved west to use it for personal profit. He swindled several businessmen out of \$150,000. The businessmen complained and made the FBI aware of his scheme. However, the U.S. Attorney could not indict Meltzer at the time because the larger operation was still going on. The team could only hope he did not blow their sting.⁵² Team dynamics caused their own set of problems. In addition to his frustration with McCarthy, Weinberg took a major pay cut as an FBI informant. He could no longer afford the lifestyle to which he was accustomed and it came to a head after Errichetti became involved. Weinberg felt he was under appreciated, under paid, over worked, and he was tired of following McCarthy's instructions. When Weinberg threatened to quit, Good raised his salary to \$3,000 a month and assigned Agent Amoroso to join the team. Weinberg did not only get a raise because he threatened to quit, he also got it because the case rose in priority and the FBI deemed him worth it.⁵³ As an added bonus, the FBI told Weinberg he did not have to pay taxes on the money he received from the FBI.⁵⁴ After Operation Abscam finished it nearly outed another FBI operation. The FBI used the same seized yacht both in Operation Abscam and during an undercover

⁵¹ Greene, 194.

⁵² Maitland, Leslie "Informer For F.B.I Suspected of Using Abscam in Swindles" *The New York Times* [New York City] February 18, 1980, 1st Edition: 1+

⁵³ Greene, 144.

⁵⁴ *United States v. Harrison A. Williams, Jr., et al.*, pg. 82.

Mafia sting. After news of Abscam broke, a newspaper published a picture of the yacht. Mafia chief Benjamin Ruggiero immediately recognized the yacht and the photograph nearly outed Joseph Pistone as an undercover FBI agent.⁵⁵

In late 1978, Operation Abscam changed targets. Instead of targeting corrupt businessmen and swindlers, they began to target politicians, thanks to a meeting with William (Bill) Rosenberg. The meeting with Rosenberg began like all the others; Weinberg met with him in order to discuss possible investments by Abdul Enterprises. A conman in his own right, Rosenberg believed he was swindling Abdul Enterprises with a mixture of real and fake investment opportunities. Several of the investments proposed by Rosenberg involved the Mayor of Camden, New Jersey, Angelo Errichetti. Rosenberg told Weinberg that the Mayor was interested in developing the Port of Camden and that he “was on the take.”⁵⁶ Weinberg agreed to use the sheikh’s money to help finance construction loans in Atlantic City. However, Weinberg told Rosenberg, he needed to meet with Errichetti in order to guarantee the casinos could get gambling licenses. After some stalling, Rosenberg arranged the meeting for December 1, 1978.⁵⁷ Born in Camden, Errichetti spent his entire life in New Jersey. Errichetti entered politics in 1961 after he got out of the United States Coast Guard. When he was the purchasing director for the city of Camden, he barely beat an indictment for fraud and perjury. The people of Camden first elected him mayor in 1973 and then to the state senate in 1976; in 1977, he won re-elections to both seats.⁵⁸ Before he agreed to allow Weinberg to pursue Errichetti, Good contacted the New Jersey field office and consulted his FBI file. Since

⁵⁵ Brand and McDowell.

⁵⁶ Greene, 134.

⁵⁷ Greene, 137.

⁵⁸ Greene, 138.

the file showed his previous indictments Good determined Errichetti fit the profile of someone who might accept a bribe. This was the first of many ‘probability profiles’ the FBI ran during Operation Abscam. The FBI ran one on every name mentioned during meetings. According to Weinberg, the FBI ran probability profiles on potential targets before they decided whether or not to pursue them. However, during the Abscam trials, several judges chastised the FBI for not providing any evidence about how the FBI chose targets. The media and the public also criticized the FBI for not having enough evidence to support their selection of targets.

Errichetti was a dream target for the FBI. As an elected official and not merely a businessman or swindler, his involvement moved Operation Abscam up the priority ranks within the FBI. When the sting operation only targeted businessmen and swindlers, the field office only awarded it mid-level status, but when Errichetti took the bait, it rose to the highest priority within the field office. During his first meeting with Weinberg, Errichetti accepted a \$25,000 down payment in exchange for his help fast tracking the casino gambling license.⁵⁹ Due to the intricacies of entrapment, Weinberg had to hand the money directly to the target and only after the target specifically agreed to the deal. For this reason, Weinberg and the team wanted to cut Rosenberg out and deal with Errichetti directly; the team called it “stripping insulation.”⁶⁰ Over the next year and a half, Errichetti acted as one of Operation Abscam’s primary middlemen, bringing the FBI countless political targets. He did not know he was participating in an FBI sting operation until February 2nd, 1980.

⁵⁹ Scott, Cathy, *The Rough Guide to True Crime*, (London: Penguin Books, 2009), 36.

⁶⁰ Greene, 147.

In addition to being a prized target himself, Errichetti surprised the team with nationally prominent targets. It was Errichetti who presented the team with the opportunity to hook Senator Harrison Arlington, Jr. or “Pete.” Born in Plainfield, New Jersey, Senator Williams graduated from Oberlin College in 1941. He served in the navy during World War II and attended Columbia Law School after receiving his honorable discharge in 1945. He practiced law in New Jersey after being admitted to the bar in 1948. After serving one term in the United States House of Representatives, Williams was elected to the United States Senate in 1958. By 1979, Senator Williams had twenty-three years of service to his constituents, he was the senior senator from the state of New Jersey, and he was the fifth-ranking Democrat in the United States Senate. A prominent liberal, he also served as the chairman of the Committee on Labor and Human Resources and of the Subcommittee on Securities, Housing and Urban Affairs.⁶¹ By any standard, Senator Williams was the most important target to Operation Abscam.

Errichetti approached Senator Williams through a contact named Alexander Feinberg, an attorney. Weinberg and McCarthy met with Errichetti, Feinberg, and Henry Williams III (no relation) to discuss a possible investment in a mining company. On paper, Henry Williams and George Katz, a New Jersey garbage contractor, held the principle interest, but Alexander Feinberg and Senator Williams shared in their interest, albeit secretly.⁶² The four men proposed Abdul Enterprises loan them \$100 million to fund a titanium venture in Virginia. They claimed this deal would give them a virtual monopoly on titanium within the United States. The deal looked profitable because the

⁶¹ Noonan, John Thomas, Jr., *Bribes: The Intellectual History of a Moral Idea*, (Berkeley: University of California Press, 1984), 608.

⁶² Greene, 176.

United States government needed titanium to build submarines, navy ships, and other defense projects. In this case, Weinberg offered Senator Williams more than money. In addition to a cash payment, Senator Williams would secretly hold an eighteen percent share. In exchange, the Senator would use his influence within the Senate to get the company defense contracts from the United States government.⁶³

Senator Williams fit the FBI's probability profile but getting him to openly agree to use his influence proved difficult. At first, Senator Williams wanted to remain a silent partner. It took several phone calls from Weinberg to Errichetti and Feinberg in order to even get the first meeting with him. During the first few meetings with him, the senator said little and often deferred questions to Feinberg.⁶⁴ Eventually, Weinberg told Errichetti there could be no deal unless Senator Williams personally promised Yassir that he would use his influence in the Senate. The FBI brought in another agent, Agent Farhardt from Ohio, to play Yassir. He did not speak during the meeting and Amoroso told the targets that he understood English but did not speak it well. They set the meeting for June 28, 1979 in Virginia. During the meeting Amoroso managed to draw the right answers out of Senator Williams, who cited his contacts within several branches of the federal government. The FBI had him.⁶⁵ But like they did with the evidence on the earliest targets, they shelved it until an arrest could be made.

Errichetti also brought Philadelphia lawyer Howard Criden on board. After September of 1979 Errichetti faded into the background and Criden became the primary middleman in Operation Abscam. With the help of his law partner, Louis Johanson,

⁶³ Noonan, 609.

⁶⁴ Greene, 184.

⁶⁵ Greene, 188-191.

Criden was responsible for the congressional targets approached during the last few months of the investigation. Before entering private practice, Criden was a Philadelphia prosecutor and Johanson was a member of the Philadelphia City Council.⁶⁶ At first, Criden and Johanson brought targets to Errichetti who then presented them to Weinberg. Weinberg then ran the names up the chain at the FBI and, once the FBI reviewed their files, they told Amoroso, McCarthy and Weinberg who to pursue. After September of 1979 Criden began to bring targets directly to Weinberg and Errichetti took a step back. The involvement of Criden and the targeting of Senator Williams began the congressional, and final, phase of Operation Abscam.⁶⁷ In the years following the sting operation, when someone mentioned Abscam, they thought only of the congressional phase. When this phase began, Agent Good directed the operation out of FBI Headquarters in DC, Strike Force Director Tom Puccio assigned two more attorneys and met with Good on a regular basis to ensure the FBI stayed within the parameters of undercover regulations. The FBI produced more bribe money and new recording equipment complete with a specialist to operate it.⁶⁸

After he proposed setting up a meeting with Senator Williams, Errichetti told Weinberg he could also set up a meeting with Representatives Michael “Ozzie” Myers and Raymond Lederer, both members of the Democratic Party, each representing parts of Pennsylvania.⁶⁹ Born in Philadelphia in 1943, Myers graduated from Philadelphia public schools in 1961. He did not attend college and worked as a longshoreman until his election to the Pennsylvania legislature in 1970. He stayed in the state legislature until

⁶⁶ Greene, 204.

⁶⁷ Greene, 205.

⁶⁸ Greene, 201-202, 208.

⁶⁹ Noonan, 608.

his election to the United States House of Representatives in 1976.⁷⁰ Less than three years after his arrival in Washington, DC, Myers pled no-contest to a charge of disorderly conduct following a bar fight in a hotel in Arlington. According to witnesses, Myers and his friends were celebrating his swearing in to another term in Congress. After being told to calm down Myers allegedly said he did not have to follow the rules because he was a congressman. The police charged him with assault and battery after he allegedly punched and kicked a cashier and a male security guard. The prosecution agreed to a lesser charge if he agreed to plead guilty. This charge was likely a major factor in the FBI's decision to set up a meeting with him after they conducted his "probability profile."⁷¹

Also born in Philadelphia, in 1938, Lederer attended the Catholic schools of Philadelphia. Representative Lederer attended St. Joseph's College of Philadelphia from 1960-1965, Community College of Philadelphia from 1967-1969 and Pennsylvania State University in 1972. He worked as a probation officer and later directed the Philadelphia Probation Department from 1967-1974. Representative Lederer served in the Pennsylvania House of Representatives from 1974-1976 and was elected to the United States House of Representatives in 1976.⁷²

Errichetti agreed to produce Representative Myers on August 22, 1979 at a hotel near Kennedy Airport. Myers agreed to use his influence and back a future residency bill for Abdul Rahman and Yassir Habib in exchange for \$50,000 cash. During his meeting a

⁷⁰ "Myers, Michael Joseph (Ozzie), (1943-)", Biographical Directory of the United States Congress, 1774-Present. 5 August 2012

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001132> >.

⁷¹ Boodman, Sandra G., "VA Judge Agrees to Accept Plea by Rep. Myers," *The Washington Post*, April 11, 1979, p.A3.

⁷² "Lederer, Raymond Francis, (1938-2008)", Biographical Directory of the United States Congress, 1774-Present. 5 August 2012

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000187> >.

few days later, Representative Lederer agreed to the same deal. When told what was expected of him in exchange for the money, Representative Lederer said, “I’m no boy scout.”⁷³ During his meeting, Representative Myers implied that Chairman of the House Judiciary Committee, Representative Peter Rodino from New Jersey might be helpful. Representative Myers also told Weinberg, Amoroso and Errichetti that Representative Rodino was a friend of his. Several days later, Representative Lederer said the same thing.⁷⁴ None of the FBI’s middlemen ever actually produced Representative Rodino, although several implied that they could. This type of name-dropping was common during Operation Abscam. Middlemen always tried to convince Weinberg they could produce the biggest names. Since the FBI recorded all conversations, they checked the FBI file of every name mentioned in order to run their “probability profile.” The FBI then informed Weinberg which targets he should press for a meeting with. However, his middlemen could not always produce those targets. It is worth noting that there is no mention of the FBI’s “probability profiles” in court records. In fact, several judges chastised the FBI for not providing any evidence to support how they selected congressional targets. Later in 1980, after the FBI officially concluded Operation Abscam, the FBI sent the House and Senate Ethics Committees letters clearing numerous Congressmen of any wrongdoing. Among those cleared by the FBI were Congressmen Peter Rodino, Tip O’Neil, Wyche Fowler, Elliot Levitas, Herman Talmadge, Frank Guarini, Larry Pressler, and Raphael Musto.⁷⁵

⁷³ Noonan, 608.

⁷⁴ Greene, 212.

⁷⁵ Charles B. Renfrew, Acting Attorney General, to the Honorable Wyche Fowler, Jr., U.S. House of Representatives, Washington, D.C., August 12, 1980; [Civiletti, Benjamin R.] ABSCAM Leak Investigation; Subject Files of the Attorney General, *compiled 1975-*

Initially, Errichetti always referred to Criden solely as “his man” who helped arrange meetings with congressmen. After a few months, Weinberg became aware that Errichetti was not actually as connected as he seemed and he began to look for a way to connect with Criden directly. Around this time, Errichetti offered to arrange a meeting with Representatives Wyche Fowler and Elliott Levitas and Senator Herman Talmadge, all from Georgia. Errichetti and Criden also wanted to bring United States Deputy Immigration Commissioner Mario Noto. They set the meeting for September 19, 1979 but the morning of the meeting Errichetti told Weinberg and Amoroso that the congressmen pulled out. They agreed to go ahead and meet with Commissioner Noto. As it turned out, Errichetti and Criden concocted a scheme to swindle Abdul Enterprises out of \$50,000. The man introduced as Commissioner Noto was actually a junior member of Criden’s law firm named Robert Cook.⁷⁶ When Cook messed up his own name, saying “Nopo” instead of “Noto” Weinberg figured out the situation and asked to speak with Errichetti privately. Weinberg told Errichetti that Noto was a fake. He basically told Errichetti that he knew it was a scam without implying that Errichetti was behind it. After this incident, Errichetti faded into the background and Weinberg and Amoroso dealt directly with Criden from then on.⁷⁷ It is unclear whether or not Errichetti ever arranged a meeting with Senator Talmadge, Representative Fowler, and/or Representative Levitas. After the story broke, all three congressmen denied having any knowledge about Abdul Enterprises and the US Attorney never charged them with any

1993; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

The letters to the other Congressmen are in the same file and are identical in every except to whom they were sent.

⁷⁶ Greene, 16.

⁷⁷ Greene, 220.

crime. Further, the US Attorney also told the House and Senate Ethics Committees, in writing, that the three congressmen were not guilty of any misconduct.

During the ensuing months, Criden continued to produce congressmen and the team developed a routine. Criden, or one of several secondary middlemen, approached the congressmen and gave the names of the bribable ones to Weinberg. Weinberg ran them up the chain and pursued the ones the lead investigators told him to pursue. Criden arranged a meeting between the congressman, himself, Weinberg, Amoroso and possibly an aide to the congressman or a superfluous FBI agent who posed as yet another aide for the sheik. In the fall of 1979, these meetings always took place in a DC townhouse confiscated by the FBI.⁷⁸ The pre-arranged location allowed for better recording because the team could place audio and visual recorders in permanent locations. During the meetings, Weinberg or Amoroso offered the targeted congressman money in exchange for political favors.

Criden arranged a meeting with Representative Frank Thompson, Jr. for October 9, 1979. The oldest of the Abscam defendants, Thompson was born in New Jersey in 1918. He attended Wake Forest University and Law School, served in the United States Navy during World War II and served in the New Jersey General Assembly from 1950-1954. First elected to the United States House of Representatives in 1954, by the time of Operation Abscam, Representative Thompson was the Chairman of the House Committee on Administration and the Subcommittee on Labor-Management Relations. He was also a trustee of the Kennedy Center and a regent of the Smithsonian.⁷⁹ Although willing to risk meeting outside his office, Representative Thompson proved to be difficult

⁷⁸ Greene, 217.

⁷⁹ Noonan, 608.

to reel in. His skepticism required several meetings before Weinberg and Amoroso managed to get him “in the bag,” so to speak. Even when they did, Thompson never directly accepted money in their presence. Thompson witnessed Amoroso hand the money to Criden and then Criden presented it to Thompson at another location after the meeting. This was almost a problem during his trial because Criden refused to testify for the FBI, but the judge allowed an exception to the hearsay rule and allowed Weinberg to testify that Criden told him (Weinberg) that he (Criden) gave Thompson the money.⁸⁰

Several days later, Representative Thompson arranged a meeting between Weinberg, Amoroso and a friend of his from New York, Representative John Murphy. Born on Staten Island in 1926, Representative Murphy spent his entire youth in New York. He graduated from West Point Military Academy and distinguished himself during the Korean War. The people of New York first elected him to the United States House of Representatives in 1963, and by the time of Operation Abscam, he was the Chairman of the House Committee on Merchant Marine and Fisheries.⁸¹ The deal with Representative Murphy did not follow the usual routine. Instead of accepting a bribe in exchange for asylum, Murphy proposed a different deal that dealt with shipping in New York. He brought in a shipping executive and promised to use his influence to get them a government contract in exchange for some “walking around” money (\$10,000 cash) and a \$100 million investment in the deal by Abdul Enterprises.⁸²

⁸⁰Fried, Joseph P., “Abscam Defense Focuses Its Fire on Key Witness: Tries to Discredit Evidence Against Representatives,” New York Times [New York City] November 19, 1980, 1st Edition: B1.

⁸¹ “Murphy, John Michael (1926-),” Biographical Directory of the United States Congress, 1774-Present. 5 August 2012

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001098> >.

⁸² Greene, 255. (Corroborate this one and possibly change the citation)

In the fall of 1979, it was not Criden who delivered South Carolina Representative John Jenrette; it was a Virginia businessman named John Stowe. Born in Horry County in 1936, Jenrette graduated from Wofford College in 1958 and obtained his law degree from the University of South Carolina in 1962. After he served as a North Myrtle Beach city judge, city attorney, and a representative to the South Carolina House of Representatives, he was elected to the United States House of Representatives in 1972.⁸³ Considered a rising star within the House, he became president of the congressional freshman class after his election in 1972.⁸⁴ Representative Jenrette's hard drinking was an open secret but some of his more infamous escapades did not come to light until after his arrest. His then-wife, Rita, admitted in an interview with *Playboy* magazine that the two of them had sex on the steps of the Capitol Building during a break during a late night session of Congress. Jenrette did not want to deal directly with Amoroso or Weinberg, he preferred instead to deal with them through John Stowe. Although he did meet with Weinberg and Amoroso he did not handle any money on camera and the FBI did not have a case against him until he admitted, on the telephone, that he accepted the bribe from Stowe at a later time. During his meeting with Weinberg and Amoroso, Representative Jenrette said the most oft quoted line from Operation Abscam, he told Weinberg and Amoroso, "I've got larceny in my heart."⁸⁵ According to Representative Jenrette, this oft quoted line is always taken out of context. He admits to accepting the money later and wanting to help but just after that quote he admitted that he did not know

⁸³ "Jenrette, John Wilson, Jr., (1936-)", Biographical Directory of the United States Congress, 1774-Present. 10 April 2012
< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000099> >.

⁸⁴ Personal Interview conducted with Representative John Jenrette, Conducted by Jessica Hills on February 15, 2012.

⁸⁵ Greene, 258, and Interview with Representative Jenrette

how much he help he could offer them, which is why he did not accept the money during the meeting.⁸⁶ According to Representative Jenrette, several FBI agents resigned in protest after he turned down the money but Weinberg and Amoroso decided to offer it to him again. Unfortunately, there is no corroborating evidence to support this.

Representatives Thompson and Murphy delivered Representative John Murtha in the fall of 1979. Born in 1932, Representative Murtha served in the Marine Corps during the Vietnam War. He attended the University of Pittsburgh on the G.I. Bill. He was first elected to the United States House of Representatives in 1974, after he served in the Pennsylvania State House of Representatives for four years.⁸⁷ Murtha met with Weinberg and Amoroso at the townhouse in DC and he agreed to help the Arabs, but he did not agree to accept any money. He only hinted that he might accept money at a later date. Since he never accepted money from Weinberg or Amoroso, or at least not on camera, the FBI chose not to pursue charges against him. Representative Murtha also acted as an FBI witness during several of the Abscam trials.⁸⁸

The final FBI middleman to enter Operation Abscam was Joe Silvestri. Also from New Jersey, Errichetti brought Silvestri to Weinberg during the final months of the operation. Only two of his contacts ever warranted a meeting and neither of those accepted a bribe. However, in 1981, the federal government charged Silvestri, along with Criden, Johanson and Errichetti, with conspiracy and fraud.⁸⁹ In November of 1979, Silvestri arranged a meeting between Weinberg, Amoroso and Senator Larry Pressler. A

⁸⁶ Ibid.

⁸⁷ “Murtha, John Patrick, Jr., (1932-2010)”, Biographical Directory of the United States Congress, 1774-Present. 10 July 2012

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001120> >.

⁸⁸ Greene, 260.

⁸⁹ Ibid.

South Dakota Republican, Pressler needed contributions to his presidential campaign. Amoroso offered Senator Pressler \$50,000 as a campaign contribution in exchange for help with the residency bill. Senator Pressler told them he could not guarantee anything because he was only one man in the Senate and that any bill required a majority.⁹⁰ He later told *The Washington Post* that while he had visited the townhouse and met with the “Arabs”, he had flatly refused any money and stormed out of the meeting after telling them that what they offered him was illegal.⁹¹

Representative Richard Kelly was the final congressman brought to Weinberg and Amoroso. The only Republican of the bunch, Representative Kelly was born in Atlanta, Georgia in 1924. He received his law degree from Vanderbilt College of Law in 1949 and served in the United States Marine Corps during, and just after, World War II. Admitted to the Florida bar in 1952, he served as the senior assistant United States Attorney for the southern district of Florida for three years, as a sixth circuit judge of Florida for fourteen years, until he was elected to the United States House of Representatives in 1974.⁹² Rosenberg delivered Representative Kelly in January 1980. The meeting with Representative Kelly followed the same pattern as the other meetings, until the end. Representative Kelly left Rosenberg, and his associate Florida mobster Gino Ciuzio, in the hall during the meeting. Instead of carrying the money out in a

⁹⁰ Greene, 262.

⁹¹ Schram, Martin, “Sen. Pressler: He Spurned the ‘Arabs’,” *The Washington Post* [Washington, D.C.] February 4, 1980, 1st Edition: 1+

⁹² “Kelly, Richard, (1924-2005)”, Biographical Directory of the United States Congress, 1774-Present. 10 July 2012

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=K000077> >.

briefcase, he stuffed the bills into his pockets; his intent to cut Rosenberg and Ciuzio out of the deal.⁹³

By January 1980, the FBI decided the case had lasted long enough. After two years and numerous targets the FBI decided to put an end to Operation Abscam. Weinberg could not stall targets forever and the U.S. Attorney wanted to put the cases in front of grand juries. The FBI dropped all negotiations with remaining targets and decided to arrest all the participants en masse on Saturday, February 2nd, 1980. That morning hundreds of FBI agents knocked on the doors of the Abscam participants from New York to Florida. The same day, the media became aware of the story. The NBC Nightly News filmed FBI agents at Senator Williams' house and that night Jane Pauley opened the news with a minute and a half on the scandal.⁹⁴ The next day, the cover of every major newspaper led with news of the scandal. The cases remained in the press until the last appeal ended in 1986. While the media released every detail concerning the scandal, both sides geared up to fight the legal battle of the decade. The government fought to indict everyone they caught on tape and defense attorneys prepared to tear apart the FBI's sting operation, and in particular star witness Melvin Weinberg. The press, the public, and members of the legal and political communities debated every legal technicality of the case.

⁹³ Greene, 265.

⁹⁴ Bribery Scandal/Abscam. By Jane Pauley and Brian Ross. NBC Nightly News, February 2, 1980.

Laws and Issues

When the FBI arrested all Abscam targets, the Department of Justice believed their case against the defendants was concrete. They had them on tape, audio and video, accepting bribes from a fictitious Arab sheikh. In addition, the U.S. Attorney had testimony from their star witness, the mastermind behind Operation Abscam, Melvin Weinberg. After someone leaked details regarding the undercover operation and the cases to the press, it appeared that the public did not agree with the Department of Justice's assessment. Many Americans questioned the legal issues of the cases, the tapes, and especially the credibility of the prosecution's star witness. In the minds of many, Operation Abscam raised four major legal issues: entrapment, due process, separation of powers, and the speech or debate clause. Despite press leaks and public outrage, the FBI continued with the judicial process. Before 1981, federal grand juries indicted one United States senator, six members of the United States House of Representatives, and several local officials from Pennsylvania, New York, and New Jersey.

In addition to fighting battles on the legal and public relations fronts, the FBI had to quickly placate members of Congress who felt both personally and professionally violated by the FBI's sting operation. Not long after someone leaked the details of Operation Abscam, the FBI sent a formal letter to both House and Senate Ethics Committees informing each that the FBI had concluded Operation Abscam; therefore, the

FBI would approach no more members of Congress.⁹⁵ In the spring of 1980, the FBI also sent a number of letters formally clearing those members of Congress who were approached by middlemen during Operation Abscam. The FBI sent these letters to the House and Senate Ethics Committees informing committee members that Representatives Wyche Fowler, Frank Guarani, Elliott Levitas, Raphael Musto, Tip O'Neill, and Peter Rodino and Senators Larry Pressler and Herman Talmadge did not commit any wrongdoing and should not be charged with any crime.⁹⁶ It was necessary for the FBI to send these formal letters because Operation Abscam was a dragnet investigation. When Operation Abscam began, there were no specific suspects, and every member of Congress was subject to approach by the FBI's middlemen.

The most important pieces of physical evidence against each of the defendants were the audio and video recordings captured by the FBI during their two-year undercover investigation. Audio and video recordings are an integral part of all undercover investigations because they eliminate problems of hearsay. The first legal decision regarding the use of electronic surveillance came about in 1928. The FBI suspected Roy Olmstead was a bootlegger. Federal agents installed wiretaps in the basement of his office building and in the streets near his home. The court subsequently convicted Olmstead and his codefendants based on evidence obtained from those

⁹⁵ Charles B. Renfrew, Acting Attorney General, to the Honorable Robert Foster Bennett, Chairman of the Senate Committee on Standards of Official Conduct, July 2, 1980; [Civiletti, Benjamin R.] ABSCAM Leak Investigation; Subject Files of the Attorney General, *compiled 1975-1993*; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

⁹⁶ Charles B. Renfrew, Acting Attorney General, to the Honorable Wyche Fowler, U.S. House of Representatives, Washington, D.C., August 12, 1980; [Civiletti, Benjamin R.] ABSCAM Leak Investigation; Subject Files of the Attorney General, *compiled 1975-1993*; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

wiretaps.⁹⁷ The defense attorneys appealed the ruling of the lower courts, citing a violation of their defendants' Fourth and Fifth Amendment rights, as written in the United States Constitution. The Fourth Amendment protects a citizen from unreasonable searches and seizures by the government, and the federal agents investigating Olmstead and his codefendants failed to obtain a warrant for their wiretaps. The Fifth Amendment protects a citizen from self-incrimination.⁹⁸

In a 5-4 decision, the United States Supreme Court ruled that the FBI's investigation did not violate the defendant's Fifth Amendment rights because the defendants voluntarily participated in the recorded conversations without any coercion by the FBI. The majority also concluded the investigation did not violate the defendants' Fourth Amendment rights because wiretapping does not constitute an illegal search and seizure. According to Chief Justice William Howard Taft, who wrote the majority opinion, "the amendment does not forbid what was done here [in the case]. There was no searching. There was no seizure. The evidence was secured by the use of the sense of hearing and that only. There was no entry of the houses or offices of the defendants."⁹⁹ Associate Justice Louis Brandeis wrote a dissenting opinion that gained significance in the years following *Olmstead*. In the majority opinion, the Justices implied that expanding the Fourth Amendment to include phone conversations would be inappropriate because telephones allowed people to converse over great distances and the connecting wires were not part of private homes or offices, and therefore they could not be subject to the same protections. In the dissenting opinion, Justice Brandeis attacks this position

⁹⁷ *Olmstead et al. v. United States*, 277 U.S. 438 (1928)

⁹⁸ US Constitution, Amend. IV and V.

⁹⁹ *Olmstead v. United*, Majority Opinion written by Chief Justice William Howard Taft.

because it lacks historical context. He argued that when the United States Constitution was adopted, “force and violence” were the only means the government possessed to compel self-incrimination. As a result, the protections offered by the Fourth and Fifth Amendments were limited to imaginable forms of such “force and violence.” The Framers could not imagine these circumstances. He argued that the protection of the law needed to keep up with technological advancements.¹⁰⁰

In 1967, the United States Supreme Court overturned *Olmstead* and issued an opinion that is still the leading opinion regarding electronic surveillance. Charles Katz used a public payphone to transmit illegal gambling wagers from Los Angeles to Miami and Boston. Federal agents attached an eavesdropping device to the outside of the payphone. The subsequent recordings led to Katz’s conviction on eight counts of illegal betting. His attorneys appealed the decision, citing a violation of his Fourth Amendment rights. The Ninth Circuit Court of Appeals sided with the FBI because the eavesdropping device was attached to the outside of the phone booth. The United States Supreme Court granted *certiorari*. In a 7-1 decision, the Supreme Court overruled the Ninth Circuit, overturned *Olmstead* and extended the protection of the Fourth Amendment to locations where citizens might expect a “reasonable expectation of privacy.”¹⁰¹ Associate Justice Black did not participate in the vote. In the majority opinion, written by Associate Justice Potter Stewart, the justices argued that the Framers wrote the Fourth Amendment “to protect people, not places,” and certain actions, such as closing the door of the phone booth, allow private conversations in public places. But it was Associate Justice John

¹⁰⁰ *Olmstead v. United States*, Dissenting opinion written by Associate Justice Louis Brandeis.

¹⁰¹ *Katz v. United States*, 389 U.S. 347 (1967).

Marshall Harlan's concurring opinion that set the standard for future cases. According to Justice Harlan,

“(a) n enclosed telephone booth is an area where, like a home, and unlike a field, a person has a constitutionally protected reasonable expectation of privacy; (b) that electronic as well as physical intrusion into a place that is in this sense private may constitute a violation of the Fourth Amendment; and (c) that an invasion of a constitutionally protected area by federal authorities is, as the Court has long held, presumptively unreasonable in the absence of a search warrant.”¹⁰²

Katz v. United States established the precedent that requires law enforcement agencies to obtain warrants for electronic surveillance. This means law enforcement agencies are required to obtain warrants in situations where the subject has a reasonable expectation to privacy. A closed phone booth allows for private conversations, but a hotel room is not considered a place where one might have a reasonable expectation to privacy, especially if the target of the law enforcement's investigation did not reserve the hotel room. In the case of Operation Abscam the FBI or, more accurately, their shell company, Abdul Enterprises always booked the hotel room. With later targets, the meetings took place in a townhouse owned by the FBI. The FBI always met in buildings controlled by the FBI during Operation Abscam because of the *Katz* ruling. If the meetings took place anywhere else, the law required the FBI to obtain warrants. Warrants have to be obtained from judges and the more people who knew about Operation Abscam, the more likely information would be leaked before the investigation was completed. Also, in order for a judge to grant law enforcement a warrant, law enforcement is required to present evidence of suspected guilt to the judge. During Operation Abscam, the FBI did not have evidence of suspected guilt on their targets and

¹⁰² White, Welsh S., and James J. Tomkovicz. *Criminal Procedure: Constitutional Constraints upon Investigation and Proof*. 6th ed. (Newark, NJ: LexisNexis), p6.

it is unlikely that a judge would have granted them a warrant. Several congressmen refused to meet outside of their offices and, as a result, the FBI decided not to pursue them as targets of Operation Abscam.

Countless witnesses appeared for the prosecution during each Abscam trial, but these witnesses merely served as tools to explain the audio and video recordings collected by the FBI. According to Gary Marx, a professor of Sociology at M.I.T, “without tapes, the situation [the Abscam trials] would have involved the word of a respected Congressman against an informant with an easily impugned reputation.”¹⁰³ In other words, without the audio and visual evidence, the Abscam defendants could not have been convicted. As the star witness, the word of Weinberg was not good enough. Aside from the physical evidence: the videotapes and sound recordings, the star witness for the prosecution was Melvin Weinberg. At their trials, Criden, Errichetti, Myers, Lederer, and Johanson readily admitted that they accepted money, but they claimed to be puppets at the hand of Weinberg. They claimed he coached them on what to say and how to respond to the “sheikh.” They were videotaped pressing the undercover agents for more money.¹⁰⁴ Every defense attorney attacked Weinberg’s record and credibility. There was no physical evidence against several of the defendants, most notably Frank Thompson and John Murphy. The tapes showed both turning down the offer down vehemently. However, Johanson testified that Criden told him he passed money on to them at an off-camera location. The court granted the FBI an exception to the hearsay rule for

¹⁰³ Marx, Gary T., *Undercover: Police Surveillance in America*, (Berkeley: University of California Press, 1988), 58.

¹⁰⁴ “Nation: The FBI’s Show of Shows” *Time Magazine* [New York City] September 1, 1980, 1st Edition.

Johanson's testimony after Criden refused to cooperate with the FBI.¹⁰⁵ Though the two were not videotaped accepting money, money was found in their possession, thus leading to their eventual convictions. Congressman Jenrette was also taped turning the offer down in the room, but he later accepted the money from John Stowe and admitted to that act during a recorded telephone conversation with Melvin Weinberg.¹⁰⁶ Combined with the appeals process, the trials of the Abscam defendants lasted well into the 1980s, long after the general public lost interest in every detail of the scandal.

Within the legal community, Operation Abscam raised four major legal questions: entrapment; the due process clause from the Fifth Amendment of the United States Constitution; the separation of powers clause from Article 1, Section 1; and the speech or debate clause from Article 1, Section 6. For the general public, the biggest legal issue raised by the Abscam trials was whether or not the actions of the FBI constituted entrapment. According to Andrew Altman and Steven Lee, who are both professors of legal and political philosophy, there are five theses to allow an entrapment defense. The first and second reasons involve the detection and control of confrontationless crimes. Confrontationless crimes cover two types of criminal activity: one is often referred to as victimless crimes, because all participants are knowingly and voluntarily participating in an illegal activity, while the other type is the sort where the victims of the crime are not involved in the criminal act. For instance, the fencing of stolen goods is a confrontationless crime because the victims are those from whom goods are stolen and they are not involved in the fencing of the stolen goods. The detection of these crimes often involves the participation of law enforcement in the crimes, because those involved

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

are usually willing participants or unaware victims. The third argument for the entrapment defense is the possible abuse of power arising out of the need for law enforcement officers to participate in unlawful activities. The fourth thesis involves “a case to disallow government involvement in the commission of crimes.”¹⁰⁷ The final argument to allow an entrapment defense is:

“It is appropriate, in order to balance the concerns expressed by (3) and (4), to allow that in some cases of government involvement in the commission of a crime the defendant charged with that crime may use the fact of government involvement as a defense against the charge.”¹⁰⁸

In other words, there needs to be a check on the system to ensure that law enforcement does not act in a such a way that is considered an abuse of their power or unethical. The entrapment argument provides that check on the system.

Entrapment is a tricky legal issue because much of it relies on the mindset of the judge or jury. There are two legal theories regarding entrapment: the subjective theory and the objective theory. The U.S. Supreme Court favors the subjective theory that states, “the characteristic feature of this theory is that it has the court focus on the defendant’s mental state.”¹⁰⁹ At the most basic level, an entrapment defense is only allowed under the subjective theory if the actions of the police insert the desire to commit a crime in the mind of the defendant. If the court believes the defendant was predisposed to commit a crime, regardless of the actions of law enforcement, then it is not entrapment. A minority of lower courts favors the objective theory. Under the objective theory, the predisposition of the defendant to commit a crime is irrelevant. If the actions of the

¹⁰⁷ Altman, Andrew and Stephen Lee, “Legal Entrapment” in Vol. 12, No. 1, (Winter, 1983), 52, < <http://www.jstor.org/stable/2265028> >.

¹⁰⁸ Altman, 53.

¹⁰⁹ Altman, 53.

police instigate a criminal action, it is entrapment.¹¹⁰ The subjective theory deals with the mind of the defendant, while the objective theory deals with the mind of law enforcement.

Entrapment is also a difficult defense because it requires the defendant to admit to committing the crime in order for the jury to acquit them on the charge. This is called an affirmative defense. If the defendant admits to the crime and the judge or jury does not then believe entrapment occurred the defendant cannot deny committing the crime and a guilty verdict is inevitable. This leads many to search for a defense other than entrapment wherever possible.¹¹¹ In the case of Operation Abscam, many questioned the conduct of the FBI. Undercover sting operations are typically used in order to catch criminals who have already committed a crime, or an ongoing series of crimes. Operation Abscam induced public officials to commit a crime; before they accepted the sheikh's offer none of them committed a crime, and before the meetings, the FBI did not even suspect them of committing previous crimes. In 1982, Congress established two select committees to investigate allegations of entrapment but, officially, did not find any wrongdoing in the actions of the FBI.¹¹² Each of the Abscam defendants argued the actions of the FBI constituted entrapment, but not all of the defendants asked the judge to put the issue before the jury. They hoped to convince the jury to acquit them for other reasons.

¹¹⁰ Ibid.

¹¹¹ Interview with Stanley Brand, Conducted March 12, 2012 By Jessica Hills. Stanley Brand is a former General Counsel for the United States House of Representatives. He is currently a practicing attorney in Washington, D.C. and an associate Professor at the Dickinson School of Law at Pennsylvania State University.

¹¹² Grossman, Mark, *Political Corruption in America: An Encyclopedia of Scandals, Power and Greed*, (ABC-Clio: 2003), p. 3.

Due process of law refers to the legal requirement that the state respect the rights of its citizens. The theory was first written into the thirty-ninth chapter of the Magna Carta, and history has seen countless versions of the law since 1354.¹¹³ After the colonies declared independence, the Framers wrote due process of law into the Fifth Amendment of the Constitution. It reads that no person shall be “deprived of life, liberty, or property without due process of law.”¹¹⁴ Years later, due process was again written into the Constitution. This time into the Equal Protection Clause of the Fourteenth Amendment, which reads, “[N]or shall any State deprive any person of life, liberty, or property without due process of law.”¹¹⁵ Written into the Constitution, these words protect citizens from unlawful interference by the government. Today, due process is often interpreted as either procedural due process or substantive due process, depending on the context. Procedural due process is required during civil and criminal proceedings. At its most basic level, procedural due process requires that judges, law enforcement officials, officers of the court, and others involved in judicial proceedings, adhere to the law during civil or criminal proceedings.¹¹⁶ Substantive due process comes from an assumption that certain rights are “vested” or fundamental and therefore should be respected under the due process clauses. After the 1930’s, a new framework emerged, and the prevailing interpretation of substantive due process by the United States Supreme Court more narrowly defines those fundamental rights.¹¹⁷

¹¹³ Williams, Ryan C., “The One and Only Substantive Due Process Clause,” (2010) 120 *YALE L.J.* 408 *The Yale Law Journal*, pg 428.

¹¹⁴ US Constitution, Amend. V.

¹¹⁵ US Constitution, Amend. XIV, Sec. I.

¹¹⁶ Williams, 420.

¹¹⁷ Williams, 427.

In the case of the Abscam trials, a possible violation of due process outweighed the question of entrapment because a violation of due process raises the issue to the constitutional level. Entrapment only became written law during the nineteenth century.¹¹⁸ Legislators and other political insiders particularly pressed the issue of due process on behalf of Abscam defendants. A former solicitor general of the United States, Erwin N. Griswold, said Abscam was “typical of the sort of governmental abuses which the due process clause was designed to prevent. It is indeed, the sort of thing which King John abjured at Runnymede in 1215.”¹¹⁹ In all of the Abscam cases, the defendants argued the government violated their right to due process through the outrageous conduct of the FBI and Weinberg. The FBI targeted Congressmen without evidence that they committed previous crimes and no hard evidence to convince them that these congressmen might accept a bribe. The defense then argued that they then offered those Congressmen inducements so large as to persuade any reasonable person to accept it.

Separation of powers is part of the system of checks and balances written into the United States Constitution in order to prevent abuses of power. In the United States, the separation of powers dates back to the colonies. Before 1700, the colonies of Massachusetts, Connecticut and Rhode Island each adopted a bicameral legislature.¹²⁰ Between 1776 and 1784, nine of the original states adopted constitutions that provided

¹¹⁸ Noonan, 612.

¹¹⁹ Erwin N. Griswold et al., “Post-Hearing Memorandum in Support of Defendant Harrison A. Williams’ Motion to Dismiss the Indictment on Due Process and Related Grounds” in *U.S. v. Williams* (E.D.N.Y. 1981), reproduced in Select Committee on Ethics, *Response of Senator Williams to Report of the Select Committee on Ethics, on S. Res. 204*.

¹²⁰ Wright, Benjamin F. Jr., “The Origins of the Separation of Powers in America,” in *Economica*, No. 40 (May 1933), p. 173.

for a bicameral legislature.¹²¹ The Articles of Confederation only provided for a unicameral legislature. This government received nothing but criticism.¹²² As a result, at the Federal Convention in 1787, the delegates learned from previous mistakes. After much debate, there was compromise and the delegates adopted portions of both the Virginia and New Jersey plans. Under that document, the United States federal government is divided into three governing branches: the executive branch, the legislative branch, and the judicial branch. The executive branch includes the office of the Presidency and the federal bureaucracies that serve under that office, for instance, the Federal Bureau of Investigation. The legislative branch contains the two bodies of Congress: the House of Representatives and the Senate. The judicial branch is comprised of the federal court system, from the lowest federal district courts up to the United States Supreme Court. In the Constitution, each branch is granted specific powers: the legislative branch writes the laws, the executive branch enforces the laws and the judicial branch determines the constitutionality of the laws. The Framers constructed this system to ensure that the rights of the minority would always be protected in the event that any one branch of government from gaining too much power over the others.

When details began to emerge about Operation Abscam, the actions of the FBI outraged members of the legal and political communities for numerous reasons. The separation of powers was one of those reasons. The FBI is a federal law enforcement agency created in 1908 and designed to help the executive branch fulfill its constitutional duty to enforce the law. For this reason, it falls under the executive branch of government. Under the spirit of the separation of powers, one branch of government

¹²¹ Wright, 178.

¹²² Wright, 180.

does not have the authority to investigate another. But during Operation Abscam, the FBI specifically targeted members of Congress and offered them bribes. In short, the investigation was designed to investigate the legislative branch. No one chose to challenge this during the Abscam scandal because the judicial system handed down decision after decision against the defendants. Further, Congress did not have the public support to challenge the FBI and the Department of Justice at a constitutional level and, 1980 being an election year, congressional incumbents wanted to keep whatever public support they could.

Article I, section VI of the United States Constitution is often called the Speech or Debate Clause. It reads, “they shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.”¹²³ This clause guarantees Congressional immunity for any act committed that relates to their duties as congressmen. The speech or debate clause dates back to English parliamentary law and was written into the Constitution by the Framers. The speech or debate clause was first implemented under English parliamentary law. It was particularly necessary under the Stuarts, who frequently intimidated members of the House of Commons in order to advance their own agendas. For instance, in January 1642, Charles I invaded the floor of Parliament to arrest five members of the House of Commons for acting in a manner he disagreed with. Other members warned them in advance and they fled before he arrived,

¹²³ US Constitution, Art. I, Sec. VI.

but monarchs beheaded several Speakers of the Commons for defiance of the King.¹²⁴ In the Articles of Confederation, the Framers wrote the speech or debate clause to guarantee the independence of the Legislature. It was later inserted into the Constitution without any debate or dissent. To all legislators, the clause is essential in effective governing. The speech or debate clause not only guarantees a legislator cannot be convicted of certain activities, but it also guarantees legislators cannot even be questioned, or tried, for them.¹²⁵ There is no immunity from criminal acts, “but evidence cannot be drawn from speeches, votes or other acts done in the course of the legislative process.”¹²⁶ To many in the legal and political communities, the congressmen were simply doing their jobs taking meetings with the fictitious sheikh of Abdul Enterprises. It is the duty of congressmen to take meetings with constituents in order to help them. The congressmen committed no crime until money changed hands. As a result, legal minds debated the legality of Abscam under the speech or debate clause, but in the end it was not legally relevant.

A Brooklyn grand jury handed down the first indictments on May 28, 1980. That grand jury indicted Representatives Myers and Lederer, Philadelphia Councilman Johanson, Harry P. Jannotti, and George X. Schwartz, Mayor Angelo Errichetti and Howard Criden on bribery charges.¹²⁷ Indictments of Errichetti and Criden followed later that week. Despite their roles as FBI middlemen, they were charged with aiding and abetting bribery because they were unaware they were participating in an FBI undercover operation. After they were indicted, the two men refused to cooperate with the

¹²⁴ Ducat, Craig R., *Constitutional Interpretation*, 10 ed. (Wadsworth Cengage Learning: Boston, 2009), p. 171.

¹²⁵ Grossman, 307.

¹²⁶ Ducat, 171.

¹²⁷ Franklin, Ben A., “Philadelphians Mixed on Reaction to Abscam Indictments,” *The New York Times* [New York City] June 8, 1980, 1st Edition: 24.

investigation unless they were given full immunity, which they were not.¹²⁸ Indictments of the others involved followed throughout the summer. By the end of summer 1981, their respective juries had convicted each of the men. The Department of Justice chose to try the most prominent public figure involved, Senator Williams, and his personal attorney, Alexander Feinberg, last.¹²⁹ The grand jury indicted Senator Williams and Mr. Feinberg on October 30, 1980.¹³⁰

The grand jury handed down a four-count indictment against Representatives Myers and Lederer, Philadelphia Councilman Johanson, Mayor Errichetti, and Criden. The prosecution charged the five men with conspiracy, bribery, acceptance of criminal gratuity, and interstate commerce for illegal activity. The Court severed the charges against Representative Lederer and the Court tried him alone. The trial against Representative Lederer began on January 4, 1981. After a five-day trial, the jury found Representative Lederer guilty on all four counts.¹³¹ The trial began against the remaining four defendants on August 16, 1980. After a fourteen-day trial, the jury found all four men guilty on all four counts.¹³² The Court tried Representatives Murphy and Thompson together. The grand jury indicted them with Howard Criden and Joseph Silvestri; the

¹²⁸ “Arraignments Are Set in Abscam Indictments,” *The New York Times* [New York City] May 30, 1980, 1st Edition: D15.

¹²⁹ “A Wolf in Sheik’s Clothing.”

¹³⁰ “Investigation of Senator Harrison A. Williams, Jr.: opinion of Judge George C. Pratt denying Senator Williams’ motions to dismiss his indictment, for judgment of acquittal, and for a new trial.” Prepared for the use of the Select Committee on Ethics, United States Senate, 97th Congress, 1st session, pg. 38.

¹³¹ U.S. House. Committee on Ethics. *In the Matter of Representative Raymond F. Lederer Report together with Dissenting Views of the Committee on Standards of Official Conduct.* (97 H. Rpt. 110). Text from: *Committee Reports*; Accessed June 3, 2012.

¹³² U.S. House. Committee on Ethics, *In the Matter of Representative Michael O. Myers Report of Committee on Standards of Official Conduct.* (96 H. Rpt. 1387 Vol. 1). Text from: *Committee Reports*; Accessed June 3, 2012.

Court deferred Criden's trial until after his conviction in the Myers trial and the Court severed Silvestri's trial. The government charged the four men with conspiracy, bribery, acceptance of criminal gratuity, and interstate commerce for illegal activity. Their trial occurred in November 1980; the jury found them guilty on all counts. Judge Pratt presided at all three trials.¹³³

At their individual trials, the attorneys for the defense made nearly twenty claims in three broad categories. First, their attorneys argued against the general nature of Operation Abscam. According to the defense, the general nature of Operation Abscam constituted entrapment. The defense attorneys argued that during this investigation the FBI did not uncover criminal activity they created it. They also argued that the conduct of the government was "so outrageous that due process principles would absolutely bar the government from invoking judicial process."¹³⁴ The government selected its congressional "targets" in an unprincipled manner. The defense argued that there was no probable cause because the prosecution did not submit any evidence before the court that any of the congressmen had committed similar wrongdoings prior to the sting operation. The conduct of the government was also outrageous, they further argued, because of the size of the inducements. Weinberg and Amoroso offered so much money that anyone would be tempted to accept it. The defense also argued the general nature of Operation

¹³³ *United States of America v. Michael O. Myers, Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden, Defendants. United States of America v. Raymond F. Lederer, Angelo J. Errichetti, Louis C. Johanson and Howard L. Criden, Defendants. United States of America v. Frank Thompson, Jr., John M. Murphy, Howard L. Criden and Joseph Silvestri, Defendants*, Crim. Nos. 80-00249, 80-00253, 80-00291, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK 527 F. Supp. 1206; 1981 U.S. Dist. LEXIS 9957, July 24, 1981.

¹³⁴ *Ibid.*

Abscam was outrageous because the FBI could not claim an undercover operation as necessary to prove the corruption of elected officials.

Second, the defense argued against the more specific failures that occurred during Operation Abscam. For example, they argued that the FBI did not properly supervise Weinberg and that the FBI edited the audio and videotapes, thus taking their remarks out of context. The defense also argued that after the first statement from a target indicating that he wished to act within the law, the government should be required to close the investigation. The use of middlemen also came into question because, due to FBI regulations, Weinberg could not “coach” the Congressmen about what to say to the “sheikh,” but the middlemen could, and did. Finally, they argued Weinberg’s criminal background and his personal finances made him, and his contributions to Operation Abscam, unreliable.¹³⁵ Judge Pratt presided over the combined post-trial due process hearing as well. During the same hearing, Judge Pratt also heard post-trial motions from Representatives Thompson and Murphy, et al. Judge Pratt ruled that a violation of due process did not occur during any of their original trials and the jury verdicts for each defendant remained.¹³⁶

The grand jury indicted Representative Jenrette and John Stowe on June 13, 1980 on two counts of bribery and one count of conspiracy each.¹³⁷ Their trial began on September 15, 1980. Judge John Garrett Penn presided over their trial and first appeal.

¹³⁵ Ibid.

¹³⁶ “Transcript of Due Process Hearing in the United States District Court for the Eastern District of New York Submission on Behalf of Representative Raymond F. Lederer,” prepared for the use of the Committee on Standards of Official Conduct: House of Representatives, 97th Congress, 1st session, pg. 1.

¹³⁷ U.S. House. Committee on Ethics. *In the Matter of Representative John W. Jenrette, Jr. Report together with Supplemental Views of the Committee on Standards of Official Conduct.* (96 H. Rep. 1537) Text From: *Committee Reports*; Accessed May 29, 2012.

On October 7, 1980, the jury found them both guilty on all three counts. During their trial, the defense criticized the FBI for several reasons. First, the prosecution did not provide any evidence detailing how the FBI chose Representative Jenrette as a target. The defense also argued that the FBI failed to properly supervise both Weinberg specifically and Operation Abscam in general. Apparently, there was a dearth of written reports that are usually required during undercover operations, especially one of this scale. Like the attorneys for the other Abscam defendants, Kenneth Robinson, attorney for both Representative Jenrette and Mr. Stowe, argued that the government's actions constituted entrapment and a violation of due process because of their outrageousness. During Representative Jenrette's first appeal, Judge Penn differs from other Abscam judges. While he does not overturn the jury verdict, he finds more faults with the conduct of the FBI than either Judge Newman or Judge Pratt. Like the defense, he questioned why the FBI chose Representative Jenrette; he also agreed that the government did not properly supervise Weinberg and should have produced the required reports. However, he felt none of these reasons allowed him to overturn the jury verdict and acquit either Representative Jenrette or Mr. Stowe.¹³⁸

The Court tried Representative Kelly together with Eugene Ciuzio and Stanley Weisz. Their first trial began in late December 1980 and continued until January 26, 1981.¹³⁹ The jury convicted all three men of conspiracy, bribery, and violating the Travel Act. In addition to those three charges, the jury also convicted Mr. Ciuzio and Mr. Weisz

¹³⁸ *United States of America v. John W. Jenrette, John R. Stowe* Crim. No. 80-289 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 594 F. Supp. 769; 1983 U.S. Dist. Lexis 14886, August 4, 1983

¹³⁹ Wright, Michael and Carolyn Rand Herron, "The Nation in Summary; Another Judge Knocks Abscam," New York Times [New York City] May 16, 1982, Late City Final Edition: Section 4, Page 4.

of aiding and abetting. On May 13, 1982, Judge William B. Bryant, the same judge who presided over their trial, heard their first appeal. Judge Bryant agreed that law enforcement needed to occasionally resort to covert operations to catch some criminals. However, Judge Bryant believed that Operation Abscam “was not the type of carefully devised and supervised covert operation generally accepted by the courts.”¹⁴⁰ Judge Bryant ruled that there was no evidence of wrongdoing to support the FBI’s actions to lure targets to the “honey pot.” Judge Bryant also stated that the agent should have stopped offering the money as soon as Representative Kelly refused the first time. He wrote, “[I]t is highly unlikely that anyone other than a government agent immune from prosecution for violating this statute would make repeated flagrant attempts at corrupting a Congressman, for fear that the Congressman would notify the FBI.”¹⁴¹ Judge Bryant dismissed the case against Representative Kelly and granted Mr. Cuizio and Mr. Weisz new trials. The Court of Appeals for the District of Columbia overturned Judge Bryant’s decision in 1983. The circuit judge, now Supreme Court Justice, Ruth Bader Ginsberg wrote the opinion for the majority.¹⁴²

The Department of Justice tried Senator Williams, and his personal attorney Alexander Feinberg, in the United States District Court for the Eastern District of New York in April of 1981; Judge Pratt presided over the trial.¹⁴³ George Koelzer and Harry

¹⁴⁰ *United States of America v. Richard Kelly, Eugene Robert Ciuzio, a/k/a Gino Ciuzio, and Stanley Weisz*, No. Cr. 80-00340, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 539 F. Supp. 363; 1982 U.S. Dist. LEXIS 12297, May 13, 1982.

¹⁴¹ *Ibid.*

¹⁴² Noonan, 614.

¹⁴³ “*United States v. Harrison A. Williams, Jr., et al.*, Crim No. 80 CR-00575 (1981)” Trial proceedings transcripts prepared for the use of the Select Committee on Ethics, United States Senate, 97th Congress, 1st session.

Batchelder represented Senator Williams and Mr. Feinberg, respectively. Eastern Strike Force Director Thomas Puccio represented the government against Senator Williams and Mr. Feinberg. Attorneys Edward McDonald, Lawrence Sharf, and Greg Wallace also served on his legal team during this trial.¹⁴⁴ Officially, the government charged Senator Williams and Mr. Feinberg with conspiracy to commit crimes of bribery and conflict of interest, bribery, acceptance of criminal gratuity, conflict of interest, and interstate travel for criminal purposes. The prosecution broke the charges down into nine separate counts.

The legal team developed several overarching defenses, and each of the four broadest arguments fell under a different federal statute. Basically, the prosecution again gave the jury several different ways to interpret the same evidence. This type of variety is common in criminal trials; choices offer juries several ways to convict defendants in case one or more of the prosecution's arguments are not convincing.¹⁴⁵ Like the other Abscam attorneys before them, Koelzer and Batchelder argued that Weinberg and Amoroso entrapped Senator Williams and Mr. Feinberg. In this case, the government did not deny that they induced the defendants to accept the bribe and commit the crime. The question became whether or not a predisposition towards criminal activity existed within the minds of Senator Williams and Mr. Feinberg before Weinberg and Errichetti offered them the opportunity. The defense's argument did not work, and the jury ultimately found Senator Williams and Mr. Feinberg guilty on all nine counts.¹⁴⁶ After they failed to convince a jury of their innocence, Senator Williams and Mr. Feinberg's attorneys appealed to Judge Pratt to set aside the jury verdict and dismiss the indictment, on the

¹⁴⁴ Ibid, 41.

¹⁴⁵ Ibid, 12-14.

¹⁴⁶ Ibid, 5054.

grounds of a violation of due process. Judge Pratt denied all three requests; he said the prosecution provided sufficient evidence for the jury to convict and acted in both a professional and ethical manner.¹⁴⁷

With the exception of grand juries, which decide indictments, every jury in the United States has twelve jurors. However, a judge presides over every courtroom and every jury. The reason the Supreme Court refers to the nine justices as “jurists” is due to the fact that every judge sits as another legal mind evaluating the evidence and arguments presented to them, a kind of thirteenth juror if you will. In the courtroom the jury serves as the judge of the facts and the judge serves as the judge of the law. The parameters to allow a judge to overturn a jury verdict are relatively narrow. The judge must believe that the verdict reached by the jury does not match the law as it was presented to them during the trial.

With two notable exceptions, each of the judges upheld the original jury verdicts for each defendant: guilty. Judge Bryant’s decision to overturn the verdict in the Kelly case was the first exception, and District Judge John P. Fullam was the second. Judge Fullam presided over the first appeal of Philadelphia Councilmen Schwartz and Jannotti. Judge Fullam overturned the guilty verdicts and dismissed the charges against the two men. His opinion railed against the actions of the FBI. He cites several specific examples of the undercover agents going too far in their negotiations with public officials; the examples did not specifically involve Schwartz or Jannotti, but the judge felt they were relevant. He specifically addressed taped conversations as evidence that,

¹⁴⁷ “Investigation of Senator Harrison A. Williams, Jr.: opinion of Judge George C. Pratt denying Senator Williams’ motions to dismiss his indictment, for judgment of acquittal, and for a new trial.” Prepared for the use of the Select Committee on Ethics, United States Senate, 97th Congress, 1st session, pg. 59.

although money changed hands, there was not sufficient evidence of bribery to convict either gentleman. He was also bothered by the government's use of the money to justify a predisposition to commit a crime. Judge Fullam gave three reasons why the money was not enough to prove a predisposition. First, it was too generous; he cites the court opinion *Scriber v. U.S.*, "a substantial temptation to a first offense." Second, the defendants were not asked to do anything inconsistent with their positions as councilmen. Third, the FBI led the defendants to believe that if they did not accept the money, the business venture would not come to Philadelphia, and "in the context of the fiscal crises which beset all large cities these days, and in the context of the problems of urban blight and decay, the governmental inducement in this case was indeed calculated to overwhelm."¹⁴⁸ In short, he argued that the prosecution did not prove that the city officials were previously corrupt but rather, only that, given the right inducement, they could be rendered corrupt. Entrapment requires a predisposition, and Judge Fullam was of the opinion that that predisposition was not proven. In the end, however, the Third Circuit Court of Appeals overturned his decision and reinstated the jury verdict of guilty. It is worth noting, the decision of the Third Circuit judges was not unanimous. Sitting *en banc*, the judges ruled 7-2 to overturn Judge Fullam's decision. Judge Ruggero Aldisert wrote the dissent. He likened the actions of the FBI to those of the secret police in Eastern Europe during the previous decades.¹⁴⁹

Bowing to public pressure, Representatives Kelly, Murphy, and Thompson resigned from office before the end of their respective terms. Representative Jenrette ran for re-election in 1980 and lost his campaign by fewer than 3,000 votes and resigned in

¹⁴⁸ *United States v. Jannotti, Schwartz*, 729 F.2d 213.

¹⁴⁹ Noonan, 613.

December of that year, only days before the end of his term.¹⁵⁰ After the House voted to expel him in October 2, 1980, Representative Myers became the first member of the House of Representatives to be expelled since 1861.¹⁵¹ Representative Lederer won his campaign for re-election, but resigned in April of 1981, the day after the House Ethics Committee voted to expel him.¹⁵² Senator Williams remained in his seat in the Senate throughout his criminal trial for his role in Operation Abscam. The Senate Select Committee on Ethics began to investigate his actions after he was initially suspected in Operation Abscam, but he remained in his seat until after he was sentenced on February 17, 1982. On August 24, 1981, the Senate Ethics Committee recommended his expulsion and the full Senate began to debate the matter on March 3, 1982. Several Democrats made a move to censure Senator Williams, but it failed.¹⁵³ Senator Williams tearfully resigned his Senate seat on March 11, 1982, after the Senate voted to expel him, but the day before they planned to expel him.¹⁵⁴

The same day the FBI made their arrests, someone leaked information regarding Operation Abscam to the national media. In reaction to the leak, the FBI opened an investigation to determine the source of the leaks. In particular, the leaks outraged

¹⁵⁰ Interview with Former Congressman John Jenrette, February 25, 2012, By Jessica Hills.

¹⁵¹ “Myers, Michael Joseph (Ozzie), (1943-),” Biographical Directory of the United States Congress, 1774-Present. 5 May 2011

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001132> >.

“Members of Congress Expelled from House.” FOX News. 2002-07-25. Retrieved 2012-04-12 < <http://www.foxnews.com/story/0,2933,58683,00.html> >.

¹⁵² “Raymond Lederer, Abscam Figure, Is Dead at 70,” *The New York Times* [New York City] December 3, 2008, 1st Edition.

The House of Representatives did not technically expel Representative Lederer because, while the vote took place, he resigned before his actual expulsion.

¹⁵³ Grossman, 371.

¹⁵⁴ U.S. Senate Historical Office, *United States Senate Election, Expulsion and Censure Cases: 1793-1990* (Washington: Government Printing Office, 1995), pp. 434-437.

Congress because the leaks could only have come from the FBI or the Department of Justice.¹⁵⁵ The only people who knew that Adbul Enterprises was a fictitious company established by the FBI were a select number of people within the FBI and the Department of Justice; even the middlemen did not know they were participating in an FBI sting operation. The American Civil Liberties Union Chairman and Executive Director also sent a long letter to the FBI describing his outrage about the actions of the FBI. This letter prompted a formal response from the Director Webster about the FBI's actions and the steps taken to find those responsible for the leaks. The then-Attorney General Benjamin Civiletti asked his counsel, Victor Kramer, for suggestions about how to speed up the investigation into the Abscam leaks and how to prevent similar leaks in the future. Kramer suggested that the Attorney General appoint a special counsel from outside the Department of Justice to supervise the leak investigation. In addition to outside counsel, Kramer suggested that the Attorney General appoint someone totally removed from the Abscam investigation, but still inside the Department of Justice, to also advise the Office of Professional Responsibility. As for the prevention of future leaks, Kramer suggested that the FBI borrow the "need to know" concept common in the intelligence community. He also suggested that the Department hire an outside advisor, most likely someone from the intelligence community, to review all existing procedures and produce a report on how to tighten up information exchange channels.¹⁵⁶

¹⁵⁵ U.S. House Ethics Committee, to the Honorable Benjamin R. Civiletti, Attorney General, March 13, 1980; [Civiletti, Benjamin R.] ABSCAM Leak Investigation; Subject Files of the Attorney General, *compiled 1975-1993*; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

¹⁵⁶ Victor Kramer, to the Honorable Benjamin R. Civiletti, Attorney General, February 8, 1980; [Civiletti, Benjamin R.] ABSCAM; Subject Files of the Attorney General,

In response to pressure from the general public, the legal community, and Congress, the FBI launched the Blumenthal Investigation, an internal investigation to discover who leaked confidential information regarding Operation Abscam to the media.¹⁵⁷ The FBI launched the Blumenthal investigation to investigate leaks not only related to Operation Abscam, but also to two other FBI investigations, Operations PENDORF and BRILAB. After the conclusion of the Blumenthal investigation, the FBI and the Department of Justice punished three separate officials for leaking information regarding Operation Abscam to the *New York Times*. The Department of Justice wrote letters of censure against Peter F. Vaira, U. S. Attorney in Philadelphia, and John F. Penrose, first assistant U.S. Attorney in Philadelphia. The Blumenthal investigation discovered contact between Peter F. Vaira and Leslie Maitland that began on February 2, 1980, after Abscam became public knowledge. The Blumenthal investigation also discovered links between Penrose and several local reporters in Philadelphia; again, the contact began after the story broke.¹⁵⁸ The FBI only had circumstantial evidence against their agent and, as a result, they punished him internally. In a memo written to Attorney General Benjamin Civiletti on January 12, 1981, William Webster, Director of the FBI during Operation Abscam, informed Attorney General Civiletti that the FBI suspended “a non-supervisory Agent” from the New York Office without pay for thirty days. The FBI

compiled 1975-1993; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

¹⁵⁷ William H. Webster, Director of the Federal Bureau of Investigation, to the Honorable Benjamin R. Civiletti, Attorney General, January 12, 1981; [Civiletti, Benjamin R.] ABSCAM; Subject Files of the Attorney General, *compiled 1975-1993*; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

¹⁵⁸ “Justice Department Disciplines Seven Officials on Abscam Leaks,” Herald-Journal [Spartanburg, SC] January, 15, 1981, 1st Edition: C8.

also suspended said agent and removed all of “his press relations responsibilities.” The FBI did not take further action against him because they had only the following circumstantial evidence against him. On January 30, 1980, two days before the FBI arrests, a reporter from the *New York Times* contacted said agent and, instead of referring the call to the FBI Headquarters’ Press Office, the agent “urged” the Strike Force Attorney to meet with said reporter. Several days later, the same reporter published a story about the FBI convincing several Abscam defendants to cooperate in their investigation. The memo admitted that a meeting took place during which several Abscam participants agreed to cooperate with the FBI, but the participants changed their minds after the suspected leaker left the meeting.¹⁵⁹ Neither the memo nor newspaper articles release the name of the *New York Times* reporter, but Leslie Maitland published numerous articles about Operation Abscam for the *New York Times*, including one article published on February 4, 1980 about Howard Criden and Mayor Angelo Errichetti choosing to cooperate with the FBI.¹⁶⁰

In addition to outside pressure, the FBI and the office of the Attorney General feared the Abscam defendants might take legal action regarding the leaks, or, more specifically, the FBI’s failure to prosecute those responsible for the leaking information to the press. The Attorney General requested a memo outlining any possible legal strategies the Abscam defendants might use against the FBI and the Federal Government. He requested this memo before the conclusion of the Blumenthal investigation, i.e. before

¹⁵⁹ Ibid.

¹⁶⁰ Maitland, Leslie, “FBI Bribe Inquiry Grows as Subjects Begin Cooperating; New Accusations Examined: Philadelphia Lawyer Named as One of Those Giving Information on Members of Congress,” *The New York Times* [New York City] February 4, 1980, 1st Edition: A1.

the FBI discovered the identity of the leaker. None of the Abscam defendants ever took legal action directly against the FBI or the Department of Justice, but several tried to use it to get their jury verdicts overturned and their respective cases dismissed. Additionally, the FBI only found circumstantial evidence against a possible leaker. As a result, the FBI did not press criminal charges against the leaker and the memo was never employed, but possible retaliation remained a fear of the Attorney General's office nonetheless.

In addition to the courts, the media and the public debated the arrests and trials of the Abscam defendants. Any attorney could argue that the FBI's failure to criminally prosecute those responsible for the leaks violated any number of legal issues of the Abscam defendants. To begin with, the leaks violated the Privacy Act, which includes criminal sanctions regarding "willful disclosures" of information. The criminal sanction is typically a misdemeanor and a \$5,000 fine, but section 5 USC 552a(i)(1) adds criminal penalties to agency employees who commit a willful disclosure of private information. The Privacy Act extended liability for the leak to the FBI because files from which the information was leaked came from the FBI Headquarters.¹⁶¹ In addition to the Privacy Act, the removal of government records is a crime, so long as the records are original. Section 18 USC 2071 carries a criminal penalty of up to three years in prison and a \$2,000 fine. Similar to the removal of government records, the Abscam leaks could be seen as a theft of government property, especially because they involved information known only by the FBI, such as the possibility that one or more Abscam participants

¹⁶¹ Merrick Garland, Office of Legal Counsel for the Attorney General, to the Honorable Benjamin R. Civiletti, Attorney General, February 11, 1980, pg. 1; [Civiletti, Benjamin R.] ABSCAM; Subject Files of the Attorney General, *compiled 1975-1993*; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

might accept a plea deal in exchange for their cooperation. Section 18 USC 641 carries a criminal penalty of up to ten years in prison and \$10,000 fine.¹⁶²

Finally, the Office of Legal Council discovered three different ways that the Abscam leaks might constitute a violation of Civil Rights Statutes. First, the public disclosure of information helped create a prejudicial environment that may have violated the targets' rights to fair trials. Second, members of Congress have "a constitutional protection against tortious interference" by members of the executive branch and defamation, also known as slander, could fall under tortious interference. Third, the Fifth Amendment guarantees that no one shall be deprived of liberty or property without due process of law. According to the OLC, this route is more circuitous than the others because it requires proving that the Privacy Act "creates a 'property' interest in protection against prejudicial leaks."¹⁶³ The OLC recommended against using any of these arguments against the Abscam leaker. The first argument required the government to prove that the leaks prejudiced the public against the Abscam defendants, and proving this prejudice would deny the Attorney General the chance to prosecute the Abscam defendants. The second argument required the Attorney General to prove defamation. If successful, this argument undermined the validity of Abscam. The OLC felt the third argument to be too complicated, plus it required the Attorney General prove the Privacy Act before implementing this argument. Demonstrating a Privacy Act violation carried a criminal penalty on its own, so there was no need to use the Privacy Act to prove another argument.¹⁶⁴ Although each of the Abscam defendants used the leak in their respective

¹⁶² Ibid, 4.

¹⁶³ Ibid, 4.

¹⁶⁴ Ibid, 5.

defense strategies, none of them sued the FBI for failure to prosecute the suspected leakers. Nonetheless, the Attorney General wanted to be sure of his options upon the discovery of the identity of the leaker to ensure the availability of a strong defense should any of the Abscam defendants choose to hold the FBI or the Department of Justice liable for the leak of confidential information.

After their respective convictions, the Abscam defendants faced up to twenty-five years in prison each. The court handed down the harshest sentence to Mayor Errichetti because of his extensive involvement: one six-year term, two five-year terms, to be served concurrently, and \$40,000 in fines. Senator Williams received the second harshest sentence. The Court ordered Senator Williams to pay \$50,000 in fines and sentenced him to three years in prison. The Court sentenced Representatives Raymond Lederer, Michael “Ozzie” Myers, and John Murphy each to three years in prison and ordered them to pay fines ranging from \$20,000 to \$40,000 each. The Court sentenced Representative John Jenrette to two years in prison and several thousand dollars in fines. The Court sentenced Representative Richard Kelly to a maximum of eighteen months and did not order him to pay any fines.¹⁶⁵ Representative Frank Thompson escaped jail time because of a pre-existing heart condition and his advanced age, but the Court still ordered him to pay several thousand dollars in fines.¹⁶⁶ Each congressman served his sentence in a minimum-security facility and none served his full sentence. Their respective state parole boards granted each congressman parole. Long before that parole became an issue, both sides dealt with a public relations nightmare.

¹⁶⁵ Noonan, 615.

¹⁶⁶ “Abscam’s Toll,” Time Magazine [New York City] August 4, 1981, 1st Edition

Reaction and Response

Before the FBI could present its evidence to grand juries, someone leaked information regarding Operation Abscam to the press. On February 2, 1980, two years after the investigation began, the NBC Nightly News opened with ninety seconds on the scandal. They only presented the broadest details of the operation: that the FBI engaged in an undercover operation to root out corruption within the federal government and caught several government officials on tape accepting bribes from an undercover FBI agent posing as an Arab sheikh.¹⁶⁷ The next day, the story was a banner headline in the *New York Times*, the *Washington Post*, and every other major publication in the country. Although initial details were vague, it did not take long for more details to emerge. It soon became clear that the actions of both sides disgusted the public.

The FBI and the Department of Justice intended to keep the Abscam story quiet until grand juries handed down indictments. They believed, in cases of this magnitude, that press coverage might sway the potential jury pool one-way or the other. While the prosecution was confident they could prove the guilt of the Abscam defendants, they also knew Congress would be irate at the targeting of their members and the prosecution feared Congress might try to turn the public against the FBI and the Department of Justice. In addition to Congress and members of the legal and political communities, or “politicos” as they will now be referred to, the FBI and the Department of Justice also

¹⁶⁷ Bribery Scandal/Abscam. By Jane Pauley and Brian Ross. NBC Nightly News, February 2, 1980.

had to contend with the reactions and viewpoints of the news media and the general public. Reactions varied widely and changed dramatically as more and more details about Operation Abscam emerged, initially released through the media and later through the judicial system.

Members of the United States House of Representatives and the United States Senate expressed their outrage first. The initial details were sketchy, but the FBI and the national media definitely accused their colleagues of accepting bribes; which seemed to be an outrageous accusation at the time. Since no target of Operation Abscam knew that the FBI investigated them and the story broke the same day that the FBI arrested them, no member of Congress had time to retain an attorney before the public hailstorm began. A number of politicians also stood behind Congress and began to openly question the motives of the FBI and the Department of Justice, especially after it became evident that the FBI went into this operation without specific targets in mind. The lack of specific targets implied that the FBI had no evidence about which members of Congress might accept bribes.

For the most part, politicians immediately viewed the actions of the FBI and the Department of Justice with suspicion. The first quotes released by members of Congress expressed their shock and disappointment in their colleagues. Speaker of the House Thomas P. O'Neill Jr. was quoted as saying, "The institution has been hurt. As leader of the institution, the elected Speaker, I naturally feel hurt."¹⁶⁸ Other ranking members vowed to do everything in their power to restore the faith of Americans in Congress. However, despite their personal shock and outrage, there was no immediate move to

¹⁶⁸ "Congress Feels the Sting," 21.

expel those implicated, even after they were indicted. A number of Congressmen even expressed a desire to run their own investigations, both into Operation Abscam in particular and the FBI in general. Former Chairman of the Senate Ethics Committee, Senator Adlai Stevenson called for an investigation into the actions of the FBI, “declaring that it seemed to be ‘at random, by alphabet, playing games with U.S. senators, trying to entrap them, and that is improper.’”¹⁶⁹ Questioning whether the motives of the FBI might be directed to attack Congress, members of the House and Senate Judiciary Committees requested copies of the FBI’s evidence so they could conduct their own investigation and discipline their colleagues themselves. These men likened the proceedings to impeachment proceedings and claimed jurisdiction over their colleagues. The Department of Justice denied their requests, adamant that the evidence first be seen by grand juries.¹⁷⁰

Outside of Congress, prominent legal minds, and other members of the political community, immediately questioned the legality of the FBI’s undercover tactics. Less than one week after the initial leak, Burke Marshall, a professor at Yale Law School published an article in the *New York Times* entitled “2 Scandals, Not 1.” In his article, Marshall openly questioned the antics of the FBI. He expressed his shock and outrage that the FBI was openly using the press to damage the reputation of public officials who had not yet been charged with a crime. Harvard Law Professor Alan Dershowitz was quoted expressing his distress over the actions of the FBI, as was Former Watergate

¹⁶⁹ Ibid.

¹⁷⁰ Tolchin, Martin, “Congress to Pursue Bribery Assertions Despite Opposition,” *The New York Times* [New York City] February 7, 1980, 1st Edition: A1 +.

Prosecutor Archibald Cox.¹⁷¹ When discussing the scandal, many politicians were concerned that the FBI used the press to increase its own credibility with regards to the undercover operation. Many believed the press had access to too many minute details of the investigation for a member of the team not to have been involved in the leak. Politicians also questioned the ethics of the press in releasing the names of politicians who had not been formally accused of a crime. The press leaked the names of the congressmen before the Department of Justice convened grand juries. This forced a number of media outlets to defend their actions, citing the public's right to know.¹⁷²

On the other side of the political aisle, members of the Republican Party had to decide whether or not to use the scandal to their advantage on Election Day. At the time news of Operation Abscam broke, the Democrats controlled both the House of Representatives and the Senate. Of the seven federal officials indicted, six of them were Democrats; the only exception was Representative Kelly (R-FL). It seemed as though Abscam would be to the Democrats in the 1980 election what Watergate was to the Republicans in the 1976 and 1978 elections. To their credit, they did not blatantly attack their colleagues for accepting bribes; to do so could have caused a backlash against them and none of them wanted to take that chance. Additionally, they did not want to attack their fellow Republican, Richard Kelly. Like the Democrats, Republicans also had to focus on rebuilding public support for Congress. In 1978, 48% of Americans generally approved of the job Congress was doing.¹⁷³ Understandably, that number dropped in

¹⁷¹ "The Troubling Ethics of Abscam."

¹⁷² Carmody, Deirdre, "Press's Role in the Corruption Inquiry," *The New York Times* [New York City] February 9, 1980, 1st Edition: 10.

¹⁷³ Dennis, Jack, "Public Support For Congress," in *Political Behavior*, Vol. 3, No. 4 (1981), pp. 337 < <http://www.jstor.org/stable/586106> >.

response to the Abscam scandal. Despite their efforts, the Democrats managed to retain control of the House of Representatives in the 1980 election. The margin going into the election was 267-to-159 Democrats; it dropped to 243-to-192 Democrats, but the House remained in Democratic hands.¹⁷⁴ The Republican Party won a majority in the United States Senate, but only by seven votes, and that could be attributed to the fact that Senator Williams' actions seemed considerably more corrupt than those of his fellow congressmen and his participation in Abscam much more involved than the participation of others. Although the public elected Republican Ronald Reagan to the presidency, Democratic candidates received more votes than their Republican counterparts, nationwide.¹⁷⁵ The general public did not seem to care about the party affiliations of the Abscam defendants.

In addition to a public condemning of the actions of the FBI, Congress also had to endure a loss of trust by the general public. Regardless of whether the actions of the FBI were legal, several different juries convicted their colleagues of accepting bribes. The House and Senate had to respond in some way. Resignations made the situation a little easier because four of the indicted resigned before, or soon after, Election Day. The people of Pennsylvania's 3rd congressional district re-elected Representative Lederer despite his criminal trial and it was not a re-election year for Senator Williams. Representative Myers refused to resign, and he became the first member of the House of

¹⁷⁴ Hunter, Marjorie, "Democrats Keep Control of the House; 4 Major Committee Chairmen Defeated," *The New York Times* [New York City] November 6, 1980, 1st Edition: A29.

¹⁷⁵ Henshaw, Edmund L., Clerk of the House of Representatives, "Statistics of the Presidential and Congressional Election of November 4, 1980: Showing the Highest Vote for Presidential Electors, and the Vote Cast For Each Nominee for United States Senator, Representative, Resident Commissioner, and Delegates to the Ninety-seventh Congress, Together with A Recapitulation Thereof, Including the Electoral Vote," (April 15, 1981).

Representatives to be expelled since 1861.¹⁷⁶ Since Representative Lederer won his re-election, the House voted to expel him in April 1981; he resigned the day after and the House never enforced their vote.¹⁷⁷ The Senate faced an especially difficult decision because Senator Williams still retained his seat in the Senate; the same seat he had held for over two decades. When faced with the decision of whether or not to expel Senator Williams from his senate seat, many senators felt conflicted. Williams had been a senator for twenty-three years at the time of his trial. He was a ranking member of the United States Senate; to achieve such a position, Williams earned the respect of his colleagues. Senator Williams' attorney, George Koelzer, felt that a Senate expulsion hearing might prejudice the jury pool, should the Senate vote to expel him; Mr. Koelzer requested that the Senate postpone their decision. In the end, the Senate agreed to wait until after the Senator's criminal trial before making their decision regarding his expulsion. The Senate committee on Ethics followed his jury trial and subsequent appeals very closely. They requested full copies of every court transcript pertaining to his trial and copies of every piece of evidence in preparation for their own hearings.¹⁷⁸ Despite the FBI's evidence and Judge Pratt's unwavering stance regarding Senator Williams' guilt, some Senators pleaded with the Ethics Committee to stand by him through the trial. Before 1980, no senator had ever been expelled from the United States Senate for charges of corruption. It is understandable that the Senators would have such a difficult time making the decision without a confession of guilt from the accused. However, in the end, they had to

¹⁷⁶ "Myers, Michael Joseph (Ozzie), (1943-)."

¹⁷⁷ "Raymond Lederer, Abscam Figure, Is Dead at 70."

¹⁷⁸ "*United States v. Harrison A. Williams, Jr., et al.*, Crim No. 80 CR-00575 (1981)" Trial proceedings transcripts prepared for the use of the Select Committee on Ethics, United States Senate, 97th Congress, 1st session.

decide. On recommendation from the Ethics Committee, the Senate voted to expel Senator Williams on March 11, 1982. After the decision of the Senate and after the Court sentenced Williams to serve time in prison, he resigned, but only the day before the Senate enforced their vote.¹⁷⁹

After expressing their shock and disappointment in their colleagues, members of Congress and the political community switched from damage control into offense. Throughout the legal process, politicians openly questioned the legality of the FBI's sting operation. The legal intricacies of an entrapment defense became front and center. Undercover operations typically occur in order to catch criminals in an ongoing or recurring crime. Abscam enticed Congressmen, and other public officials, to commit a crime they might not have committed otherwise. The predisposition of the defendants was a central question in each of their criminal trials. Everyone began to question whether or not the Abscam defendants were predisposed to commit a crime before the FBI enticed them to do so. Politicians debated it amongst themselves and in the press. To some, it felt like a personal attack on the legislative branch by the executive branch. Professors of Law at a number of prominent law schools, some of the best legal minds in the country, wrote extensively on their views about the FBI's actions. At the same time, other brilliant legal minds, the federal judges appointed to the bench by the President of the United States and the Governors of New Jersey, New York, Pennsylvania, and South Carolina, also expressed their opinions on the actions of the FBI, in the form of judicial opinions. In the end only their interpretation of entrapment mattered to the lives and careers of those involved.

¹⁷⁹ Thompson, Dennis F., *Ethics in Congress: From Individual to Institutional Corruption*, (Washington, D.C.: Brookings Institution Press, 1995), 104-105.

The appellate judges echoed the sentiment that many in the legal and political communities felt. They felt the FBI overstepped their authority and went too far. The various juries unanimously found every one of the Abscam defendants guilty, but the decisions by their respective first appellate judges empowered the anti-FBI factions. Judge Fullam was the first judge to overturn a guilty jury verdict; he dismissed the charges against Schwartz and Jannotti. Judge Fullam felt that the FBI overstepped the authority given them by the federal government and that the bribe offered by Weinberg was large enough to entice anyone to accept it. Judge Fullam also felt that accepting the bribe was not enough to prove a predisposition, and thus the actions of the FBI constituted entrapment.¹⁸⁰ Judge Fullam was the only judge who presided over an Abscam trial to believe that the actions of the FBI constituted entrapment. However, a number of politicians publically agreed with Judge Fullam's assessment that the actions of the FBI constituted entrapment. Judge Bryant also overturned a guilty jury verdict. Judge Bryant dismissed the charges against Representative Kelly and granted Mr. Cuizio and Mr. Weisz a new trial. Judge Bryant also felt that the FBI went too far in their investigation. He felt they did not properly supervise Weinberg and did not have enough evidence to support their choice of targets.¹⁸¹ The Courts of Appeals in the District of Columbia and the Eastern District of New York overturned Judge Bryant and Judge

¹⁸⁰ *United States v. Jannotti*, Crim. No. 80-166, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 501 F. Supp. 1182; 1980 U.S. Dist. LEXIS 9531, November 26, 1980

¹⁸¹ *United States of America v. Richard Kelly, Eugene Robert Cuizio, a/k/a Gino Cuizio, and Stanley Weisz*, No. Cr. 80-00340, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 539 F. Supp. 363; 1982 U.S. Dist. LEXIS 12297, May 13, 1982.

Fullam's respective decisions, but legal opinions are public record and, between the politicians and the media, the general public definitely knew about them.

While only Judges Bryant and Fullam found the legal authority to overturn the jury verdicts, one other judge included a rebuke against the FBI in his decisions. Judge Pratt had a seemingly unwavering stance in support of the FBI during the Abscam trials that he presided over, but he was the only Abscam judge to be in full support of the FBI. Judge Penn presided over the trial of Representative Jenrette. Judge Penn upheld the jury verdict but sharply criticized the FBI. He felt Agents Good, McCarthy and Amoroso did not supervise Weinberg closely enough, the missing FBI paperwork appalled him, and the failure to produce evidence about why Representative Jenrette became an Abscam target disgusted him.¹⁸² According to Representative Jenrette, Judge Penn was also reluctant to enforce Representative Jenrette's sentence. Representative Jenrette did not file as many appeals as the other Abscam defendants but it was not until 1985 that Judge Penn ordered him to the minimum-security prison in Atlanta, Georgia.¹⁸³ Representative Kelly was the only Abscam defendant to enter jail after Representative Jenrette, and Representative Kelly filed more appeals and motions than any other Abscam defendant. Although only two judges overturned jury verdicts, the multiple legal opinions empowered the anti-FBI factions. These legal opinions from federal judges proved to be perfect examples of how numerous politicians, and members of the general public, felt about the actions of the FBI.

¹⁸² *United States of America v. John W. Jenrette, John R. Stowe* Crim. No. 80-289 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 594 F. Supp. 769; 1983 U.S. Dist. Lexis 14886, August 4, 1983

¹⁸³ Personal Interview conducted with Representative John Jenrette. Conducted by Jessica Hills on February 15, 2012.

Like Congress and other politicians, members of the general public began to express their feelings about Operation Abscam immediately following the breaking of the story on February 2, 1980. In their cases, this largely occurred through editorials and personal letters to the FBI. During the months, and years, following the breaking of the story, the FBI received thousands of letters from citizens who wanted to express their feelings regarding the sting operation. The earliest of these letters were congratulatory; many citizens were overjoyed that the FBI was working to root out corruption in the federal government. In general, the citizens seemed pleased to see the justice system at work. Many of the early letters convey disappointment in public officials and they commend the FBI for fighting corruption. One citizen wrote, “Disgustedly, more than two-thirds of our elected officials are cohorts in crime.”¹⁸⁴ Several letters imply that this operation will help to restore the credibility of the FBI. One letter reads, “I think that recent actions will go a long way towards restoring the credibility, impartiality and honor that the FBI has long been lacking.”¹⁸⁵ A number of the early letters wish the FBI luck in convicting those involved and express their distress that the leak of the scandal might prevent indictments from happening. One citizen hope the courts would “be very harsh to these suppose[d] to have been servants of the taxpayers.”¹⁸⁶ Throughout the month of February, letters sent to the FBI in response to Abscam congratulate the FBI and implore them to continue the noble work they began with Abscam.

¹⁸⁴ Letter, Citizen, New York, to Director Webster, FBI, ABSCAM Part 1 of 10, 15. The FBI redacted all personal information on these letters. It is impossible to discern the gender, name, or more specific location of the writers.

¹⁸⁵ Letter, Citizen, New York, to Director Webster, FBI, February 5, 1980, ABSCAM Part 1 of 10, 18.

¹⁸⁶ Letter, Citizen, Virginia, to Director Webster, FBI, February 1980, ABSCAM Part 1 of 10, 4.

Another way the public expressed their feelings regarding the scandal was to write editorials to a variety of media outlets. Several letters to the editors of *Time Magazine* express their disappointment with the actions of the Congressmen, but not shock. One woman from Massachusetts wrote, “It is far more disturbing that I no longer feel a sense of shock at their clownish, unethical antics.”¹⁸⁷ Several letters to the editor of the *Washington Post* expressed concern at the Post’s supposed support of Congress. A gentlemen from Maryland wrote, “The Post’s statement that “no citizen-member of Congress or not-should be required to prove his integrity by resisting temptation” sets an extremely inadequate moral standard for congressmen and reflects a serious problem in our political system- that of dishonesty and corruption.”¹⁸⁸ In a letter to the *New York Times*, one gentlemen expressed his belief that, had the FBI not halted Operation Abscam when it did, “half the Congress would face indictment.”¹⁸⁹ From these expressions of support, it appears that the majority of citizens overwhelmingly supported the FBI, and was disgusted by the actions of those in Congress, when news of the scandal initially broke in February 1980.

However, the actions of the FBI outraged one group of citizens from the very beginning. Arab-Americans believed the actions of the FBI promoted anti-Arab sentiment and supported the stereotype of the “ugly Arab.” News of the scandal broke on February 2, and by February 5, national media outlets had been informed that the National Association of Arab-Americans formally protested the actions of the FBI.¹⁹⁰

¹⁸⁷ Emery, Helen M., Letter, *Time Magazine*, 18 February, 1980.

¹⁸⁸ Karafiath, Gabor, Letter, *The Washington Post* 10 February, 1980: D6.

¹⁸⁹ Diggins, Matthew, Letter, *The New York Times* 5 February, 1980: A26.

¹⁹⁰ “Arab-Americans Protest Abscam,” *The Washington Post* [Washington, D.C.] February 5, 1980, 1st Edition: A4.

The agents who posed as the fictitious Arab sheikhs were not of Arab descent and made use of make-up and traditional Arab garb to maintain their cover. They also tried not to speak; instead emitting guttural sounds and letting either Errichetti or Weinberg speak for them.¹⁹¹ Weinberg chose the cover for the fictitious FBI characters and he chose the Arab aspect because of the context of the time.¹⁹² This context, and the misconceptions it led to, is precisely what the National Association of Arab-Americans fought against. An undercover FBI agent posing as a corrupt sheikh did nothing to help their cause. Despite the outrage from the Arab-American community, and the international Arab community, it was not until February 13 that the U.S. formally apologized for the term “Abscam” and the negative connotations it evoked.¹⁹³

Although the initial reaction of the public was intense and varied, there was not simply a short-term and a long-term reaction from any of the groups concerned. The issue was much more complex and many people did not have the same reaction in the early weeks following the scandal that they had several months after news of the scandal broke. After several weeks passed and the initial shock wore off, the reactions of the general public, the media, and the political community started to change. As indictments were handed down, and trials began, members of the general public, the media, and the political community began to turn their attention to other questions. Legal and ethical questions were raised as public officials were indicted and their trials progressed.

¹⁹¹ “Nation: The FBI Stings Congress,” *Time Magazine* [New York City] February 18, 1980, 1st Edition: 10.

¹⁹² Greene, 93.

¹⁹³ “U.S. Apologizes for ‘Abscam’ Term,” *The Washington Post* [Washington, D.C.] February 13, 1980, 1st Edition: A2.

Although initially supportive of the FBI, some members of the general public began to suspect wrong doing by both parties after more details emerged. Some of the letters sent to the FBI continued to be supportive. A number of the letters agree that those convicted were guilty, but express their distress that over the actions of the FBI. One letter, written in December 1980, reads, “The FBI has the honorable mission of investigating crime, but never of inducing anyone to commit a crime. I hope that this sort of thing will be stopped and never done again.”¹⁹⁴ Another one read, “I am surprised at the FBI! I would think that you had enough to do catching murderers, kidnappers, terrorists and other dangerous people what’s the big idea of picking on an exploited minority like the Senate?”¹⁹⁵ While some citizens were more diplomatic in their criticisms, others did not hold back. A letter from December 1980 read, “Your approach to law and order is unbelievable, if you can’t find a crime, you create one.”¹⁹⁶ In the later letters, the guilt of the Abscam defendants is not questioned, but the actions of the FBI are. Many Americans were became bothered by the ethics surrounding Operation Abscam after they became aware of more details.

The letters written to the FBI began to dwindle after the initial criminal trials. Few of the letters written are from 1981. Letter writing began to pick up for a brief period of time early in 1982, when the Senate was debating the possible expulsion of Senator Williams. Some people wrote letters directly to their representatives in Congress. One citizen from California wrote a letter to Senator Alan Cranston, also from California, imploring him to change his stance during the expulsion trial of Senator

¹⁹⁴ Letter, Citizen, Missouri, to Director Webster, FBI, ABSCAM Part 5 of 10, 11.

¹⁹⁵ Letter, Citizen, Virginia, to Director Webster, FBI, ABSCAM Part 6 of 10, 23.

¹⁹⁶ Letter, Citizen, Texas, to Director Webster, FBI, ABSCAM Part 5 of 10, 14.

Williams. The citizen was horrified that Senator Cranston could not support the expulsion of Senator Williams despite his conviction.¹⁹⁷ Another citizen suggested that the FBI keep a list of Senators not voting to expel Senator Williams, “as they are possible candidates for future investigations.”¹⁹⁸ Public opinion was not as united by the end of 1982 as it was in February of 1980 when news of the scandal broke. Some people supported the FBI while others were fed up with all parties involved.

Acting on behalf of the general public, the American Civil Liberties Union, ACLU, published “The Lessons of Abscam,” which was their report on Abscam and its effects on civil liberties in October 1982. According to the ACLU, the FBI’s sting operation threatened the rights of innocent people. The FBI’s fictitious sheikh held meetings with twenty different officials, but only twelve were indicted and convicted. Eight other officials were caught on tape being offered bribes. The ACLU argued that, despite the men presumably turning down the money, their civil liberties were threatened by the actions of the FBI. The ACLU report said that parts of the Abscam sting operation violated the FBI’s own guidelines, and they called for new restrictions to be placed on the FBI’s power to prevent similar investigations from happening in the future.¹⁹⁹

In addition to the legal and ethical questions raised, one subject seemed to recur: the money. The FBI gave out more than \$400,000 in bribe money to those implicated in the scandal. In addition to the bribe money, the FBI spent several hundred thousand dollars on their cover: hotel suites that cost \$350 a day, yachts, private jets, etc. To look

¹⁹⁷ Letter, Citizen, California, to Senator Alan Cranston, cc Director Webster, FBI, ABSCAM Part 8 of 10, 4.

¹⁹⁸ Letter, Citizen, New Jersey, to Senator William Bradley, cc Director Webster, FBI, ABSCAM Part 6 of 10, 24.

¹⁹⁹ “FBI’s Methods in Abscam threaten rights, ACLU says,” Philadelphia Inquirer [Philadelphia] October 10, 1982, 1st Edition: 6-A.

as though they had millions of dollars in the Chase Manhattan Bank and make their cover credible, the FBI had to spend money, a lot of money. The public seemed to be as outraged by the amount of money spent by the FBI as they were by the Congressmen for taking it. The money that was spent on their cover could not be recovered. But the bribe money could not be recovered immediately. To recover the \$400,000 in bribe money, the Government had to sue the men they had bribed. Furthermore, “under federal bribery law, the Government can only sue people who have been convicted of taking bribes.”²⁰⁰ If juries did not convict the various Abscam defendants, the Government would never have recovered the money.

The initial reaction of neither the politicians nor the general public shocked the FBI or the Department of Justice. They expected suspicion from politicians and support from the general public. It seemed only natural that Congress rallied behind their colleagues and that other politicians might question the larger motives of the FBI. As for the general public, Operation Abscam appeared to be the perfect case to demonstrate the new direction of the FBI in the post-Watergate era. The case relied on undercover techniques, relatively new to the FBI, and new recording technology that seemed to guarantee a conviction because, unlike eyewitness testimony, it did not lie. Unfortunately, the FBI and the Department of Justice did not expect a large portion of the population to turn against them after details emerged; especially after the public discovered that someone at either the FBI or the Department of Justice leaked information about Operation Abscam to the press. The FBI also did not expect the public to be so skeptical about their star witness and Operation Abscam point man, Melvin Weinberg. His con man/white collar

²⁰⁰ “Nation: Refund, Please,” Time Magazine [New York City] December 01, 1980 1st Edition.

criminal background did not impress the public, and his personal views and multiple wives and mistresses insulted many traditional sensibilities. The FBI and leaders at the Department of Justice were not prepared to handle the fallout. For this reason, Attorney General Civiletti asked his personal counsel, Victor Kramer, for advice about how to best win back public trust after the leaks. Victor Kramer made several suggestions about how to prevent leaks in the future, but for the current leak, he told Attorney General Civiletti to stay his current course and to continue to apologize for the leaks.²⁰¹

The public gets their information from the media and, initially, the media tried to remain unbiased regarding the scandal. Newspaper articles gave a rundown of events as more details were released. Early details were sparse. When Jane Pauley and Brian Ross broke the story on the evening news, their report barely lasted a minute and a half, and they were unable to name anyone involved. The initial stories did not go beyond telling the public that the FBI was involved in a sting operation to root out corruption in the federal government and that several public officials were suspected to be involved. It was several days before the media was able to confirm any names of the FBI's suspects. Officially, the FBI did not cooperate with initial inquiries from the media because the investigation was ongoing, but a great deal of information was leaked in a short period of time; information that would have only been known to those heavily involved in the case. When asked in early February, the FBI told *The Washington Post* that they expected to

²⁰¹ Victor Kramer, to the Honorable Benjamin R. Civiletti, Attorney General, February 8, 1980; [Civiletti, Benjamin R.] ABSCAM; Subject Files of the Attorney General, compiled 1975-1993; General Records of the Department of Justice, 1790-2002, Record Group 60; National Archives at College Park, MD.

present their evidence to federal Grand Juries and have indictments within three or four months from the date of the initial leak.²⁰²

As details of the sting operation were discovered, the media began to question the motives and actions of the FBI. Some writers used subtle methods to demonstrate their dissatisfaction with the FBI. For instance, some of the language used in articles began to seem accusatory. In an article in *U.S. News and World Report* on February 18th the staff writer referred to Operation Abscam as a “scheme,” and instead of referring to the FBI agents involved as “undercover” the staff writer wrote, in two different places in the article, that the agents were “pretending to be” and “masquerading as” Arab sheikhs; neither word gives the impression of a serious endeavor but rather children playing dress up.²⁰³ When the role of the Chase Manhattan Bank in New York City came to light, Leslie Maitland, staff writer for *The New York Times*, spent several inches of her article discussing Michael Elzay, Vice President of Chase Manhattan, and his unwillingness to cooperate with her story. She references her repeated attempts to contact him and the evasion she received from his staff as a result, as though questioning whether or not the bank had something to hide or to be ashamed of.²⁰⁴

Other journalists were not so subtle in expressing their opinions about Abscam. A writer for *Time Magazine* began to question the ethics behind the actions of the FBI not long after the story broke. The writer put forth the question of whether or not the actions

²⁰² Lardner, George Jr. and Richard L. Lyons, “U.S. Expects to Have ‘Sting’ Indictments Within 90-120 Days,” *The Washington Post* [Washington, D.C.] February 7, 1980, 1st Edition: A1.

²⁰³ “Congress Feels the Sting.”

²⁰⁴ Maitland, Leslie, “Role By Chase Bank in Inquiry Reported; Account Using Name of Fictitious Arab Sheik Said to Have Been Established to Aid F.B.I. Report of \$1 Million Deposit Not Prohibited or Condoned,” *The New York Times* [New York City] February 10, 1980, 1st Edition: 37.

of the FBI constituted entrapment. He wrote, “[T]he targets of its [the sting operation] probe were sometimes submitted to a pretty hard sell.”²⁰⁵ He also questioned the inability of the FBI to contain the leaks, specifically, whether they actually wanted to contain the leaks. He quoted Harvard Law Professor, Alan Dershowitz, “this is not a press leak but a press hemorrhage.”²⁰⁶ Henry Fairlie of *The Washington Post* wrote an article entitled, “Why Fuss About a Little Bribery?” In his Columnists Editorial, Fairlie questioned the outrage of the public. He argues that bribery has been part of politics since the beginning of government, and to think a government could exist free of bribery is preposterous.²⁰⁷ Numerous other media outlets began to question the methods of the FBI in the early days of the scandal.

Similar to the situation faced by the FBI, it took only a few weeks before the media had to defend their actions regarding Abscam to the public. In March 1980, *Time* magazine published an article questioning why the news had to be leaked when it was. Apparently, the FBI agents were convinced that information about Abscam had been leaked and were hurriedly finishing their final interviews the same day that NBC broke the story. To maintain their reputations, the president of NBC News and the editors of the *Times* and *Newsday* were defensive of their decision to release the information before indictments were handed down. Each claimed the story was too important and far-reaching to be kept quiet.²⁰⁸ And yet, despite the claim that the news outlets were careful

²⁰⁵ “The Troubling Ethics of Abscam” *Time Magazine* [New York City] February 18, 1980, 1st Edition: 21.

²⁰⁶ *Ibid.*

²⁰⁷ Fairlie, Henry, “Why Fuss About a Little Bribery?” *The Washington Post* [Washington, D.C.] February 17, 1980, 1st Edition: C1.

²⁰⁸ Griffith, Thomas, “NEWSWATCH Protecting the Accuser,” *Time Magazine* March 10, 1980, 1st Edition.

to stress that these were allegations, others began to question whether the reputations of those involved might be permanently damaged if they were found innocent.

While defending their actions, the media continued to report on the progress of the investigation. Media coverage of the Abscam scandal remained strong throughout 1980. A variety of media outlets covered the trials and appeals of all involved. The media printed every detail they could confirm. They ran snippets of court transcripts and court decisions. Newspapers gave dramatic descriptions of events that occurred inside the courtroom. For instance, *Time* magazine ran an article detailing the testimony of Melvin Weinberg, the confidence man turned FBI consultant. The article describes how Weinberg regaled the jury with tales of his pre-FBI exploits, swindles that earned him the nickname “the McDonald’s of con men.”²⁰⁹ To the media, a public scandal like Abscam could be incredibly beneficial for profits. No detail was off limits, the more scandalous the detail the better for business.

Aside from publishing every available detail about Abscam, and all those involved in the investigation, several news outlets went one step further. Four major news companies joined together and sued the Department of Justice and the FBI for advanced access to the Abscam tapes recorded by the FBI during Operation Abscam. National Broadcasting Company, Inc., American Broadcasting Companies, Inc., CBS, Inc., and Westinghouse Broadcasting Company, Inc. led the legal battle against the federal government in order to gain access to the tapes. The public better knows these companies as NBC, ABC, CBS, and virtually every local radio station in all major cities around the country. Westinghouse also owned several local channels in nine major cities

²⁰⁹ “Nation: The FBI’s Show of Shows.”

around the country. At the time, these four companies owned the majority of airwaves within the United States, and they wanted to air the tapes before the trials ended and public interest waned. People did not want to watch men whom juries already convicted or acquitted, the public wanted to see the tapes in order to decide the defendants' guilt or innocence for themselves.

During the two years of Operation Abscam, the FBI recorded thousands of hours of conversation, both audiotapes and videotapes; there are thousands of tapes pertaining to Abscam. During the trial of each Abscam defendant, the prosecution used approximately twenty-five or thirty to demonstrate the guilt of each defendant. Every defense attorney used more than three times that number to demonstrate the outrageous actions of the FBI, and the media wanted to copy them so that they could reproduce them on television. In other words, the media wanted not only the tapes that neither the Department of Justice nor the combined defenses used; they also wanted to air the tapes being used as evidence.²¹⁰ Evidence used in a criminal trial is public, but as a rule, the court seals all evidence until after the conclusion of a trial, so that the media cannot influence the jury.

Speaking for the District Court of Eastern New York, Judge Pratt presided over the first case brought by the broadcasting companies. Judge Pratt granted the application of the broadcasting companies under several conditions. The Court allowed the broadcasting companies to make copies of the tapes only so long as the process did no

²¹⁰ *In Re Application of National Broadcasting Company, Inc., et al., Applicants-Appellees, United States of America v. Michael O. Myers, et al., Defendants-Appellants*, No. 1667, Docket 80-1345 UNITED STATES COURT OF APPEALS, SECOND CIRCUIT, 635 F.2d 945; 1980 U.S. App. LEXIS 13510; 6 Media L. Rep. 1961, August 21, 1980.

damage to or modified the original evidence, also, so long as the process only took place during recesses. Judge Pratt briefly stayed his decision until the defendants appealed. The broadcasting companies argued that evidence in a criminal investigation is public record and that the first amendment their right to have access to the tapes and present them to the public. The access of the broadcasting companies to the tapes also helped keep the public informed about the Abscam trials.²¹¹ The case for the tapes continued even after the jury convicted Myers and his co-defendants because the media needed a precedent set in the Myers case in order to gain access to the tapes being used in the other Abscam cases. The Abscam defendants appealed Judge Pratt's decision to the Second Circuit Court of Appeals. The Second Circuit Court of Appeals held,

“that the common law right of the public to inspect and copy judicial records permits copying and televising the tapes in evidence notwithstanding the concerns of the appellants and the amicus that their right to a fair trial in the Myers case and the subsequent Abscam trials will be impaired.”²¹²

The Second Circuit held that the broadcasting companies were not different than other members of the public, and the common law right extended to them.

The District Court for the Eastern District of Pennsylvania initially came to a different conclusion than the District Court for the Eastern District of New York. Judge Fullam initially denied the request of the broadcasting companies. Less than two weeks after the Second Circuit handed down their ruling, Judge Fullam reviewed the evidence presented to him and affirmed his earlier ruling. Judge Fullam held that allowing the press to attend court and publish what transpired there fulfilled the First Amendment rights of the press. He also held that the public did not need the press to present them

²¹¹ Ibid.

²¹² Ibid.

with the tapes to keep them informed. Trials are open to the public and anyone who wished to do so could attend for himself or herself. Judge Fullam further held that videotape evidence is not the same as other types of evidence and the “dissemination of powerfully convincing evidence beyond the confines of the trial area can, in some circumstances, cause serious and irreparable harm, both to persons whose interests are entitled to protection, and to the judicial process itself.”²¹³ Aside from the defendants themselves, Judge Fullam considered the family and friends of the defendants innocent and the release of damning evidence before a conviction might impede their rights.²¹⁴ As a result of this decision, the broadcasting companies did not gain access to the tapes submitted in several of the Abscam cases until after the jury trials and appeals concluded. The media only gained access to the tapes of the Abscam cases tried in New York or the District of Columbia. The media never gained access to some tapes recorded during Operation Abscam, and others the media did not gain access to until years after the investigation and trials finished. The media felt this denial of access to tapes impeded their right to report about the Abscam trials.

When the Abscam defendants went to jail, it seems as though many people forgot about the shocking scandal. The story of the scandal did not become a bestselling book, it was not made into a feature film starring Robert Redford and Dustin Hoffman, and it is not even mentioned in high school history classes.²¹⁵ Since it occurred at the end of the

²¹³ *United States of America, v. Howard L. Criden, Harry P. Jannotti, Louis C. Johanson, George X. Schwartz*, Crim. No. 80-166, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 501 F. Supp. 854; U.S. Dist. LEXIS 14355; 6 Media L. Rep. 2129, October 22, 1980.

²¹⁴ *Ibid.*

²¹⁵ Bernstein, Carl and Bob Woodward, *All the President's Men*, (New York: Simon and Schuster, 1974).

1970s and into the early 1980s, there is a plethora of primary source material for one to study, but the historiography of Abscam consists of a small number of articles and brief mentions in FBI or Congressional history books. When Abscam does warrant a brief mention in these histories it is typically one page, maybe two, and it is defensive of whichever institution the book happens to cover. In 2006, the FBI released a tape the public had never seen. The tape showed Representative John Murtha being offered a \$50,000 bribe. He turned down the bribe money on the tape, saying, “you know, we do business for a while, maybe I’ll be interested, maybe I won’t, you know.”²¹⁶ But unlike the headlines Abscam garnered in 1980, the new evidence barely made the news. It did not make the cover of *the New York Times* or *the Washington Post*, the video can be found everywhere on the internet, but few people seem to care. The only people who comment on it are members of the political community. Abscam is referred to as one of the largest Congressional scandals of the twentieth century. Yet there are few people who can tell you what it was about or who was involved. The initial outrage felt by many seems to have subsided into a general mistrust in Congress and the FBI; it certainly did not achieve the FBI’s objective to restore public faith in their institution. Abscam captivated the country but history forgot it.

All the President’s Men. Dir. Alan J. Pakula. 1976. Warner Bros.

²¹⁶ Murtha and the FBI: The Director’s Cut. David Holman. *The American Spectator*, September 29, 2006. < <http://spectator.org/archives/2006/09/29/murtha-and-the-fbi-the-directo> >.

Conclusion

After their respective convictions, the Abscam defendants faced up to twenty-five years in prison. The court gave the harshest sentence to Errichetti because of his extensive involvement: one six-year term, two five-year terms, to be served concurrently, and \$40,000 in fines. Frank Thompson escaped jail time because of a pre-existing heart condition and his advanced age.²¹⁷ On average, the court sentenced each man to several two or three one-year prison terms, most to be served concurrently, and fines between \$20,000 and \$50,000. After serving twenty-one months in prison, former Senator Williams retired to his home in Bedminster, New Jersey, where he stayed until his death in November 2001, only weeks shy of his eighty-second birthday.²¹⁸ After serving ten months in prison, former Representative Lederer worked as a roofer. He died from lung cancer at his home in Philadelphia, Pennsylvania in December 2008.²¹⁹ Former Representative Thompson became a consultant for labor unions and an insurance company until his death in July 1989.²²⁰ After serving thirteen months in prison, former Representative Jenrette began a public relations firm. He currently resides in Myrtle

²¹⁷ “Abscam’s Toll,” *Time Magazine* [New York City] August 4, 1981, 1st Edition

²¹⁸ “Williams, Harrison Arlington Jr. (1919-2001)”, Biographical Directory of the United States Congress, 1774-Present. 5 May 2011

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=w000502> >.

²¹⁹ “Raymond Lederer, Abscam Figure, is Dead at 70.”

²²⁰ Fried, Joseph P., “Frank Thompson Jr., 70; Career In Congress Ended with Abscam,” *The New York Times* [New York City] July 24, 1989. 1st Edition: D11.

Beach, South Carolina.²²¹ Former Representative Murphy currently resides in Staten Island, New York. He works as an investor and developer of biotechnology and high technology companies.²²² Former Representative Myers currently lives and works in Philadelphia, Pennsylvania.²²³ Former Representative Kelly was the last of the Abscam defendants to be sentenced. His numerous appeals lasted well into 1986. Judge Bryant finally enforced his sentence in 1985. Representative Kelly spent thirteen months in prison and retired to Stevensville, Montana, where he died in August 2005.²²⁴ Although many Americans forgot about the Abscam scandal, those closest to it did not. The scandal altered the lives of the men who went to jail, their families and friends, and many other Americans who were appalled by the actions of the FBI agents involved in Operation Abscam.

After Hoover's long tenure as director and the Watergate scandal, the FBI cleaned house. Director Kelly, and later Director Webster, enacted new regulations, allowed congressional input and refocused the FBI in order to restore public faith in the institution.²²⁵ Operation Abscam appeared to be a perfect example of that change. It was an undercover investigation focused on white-collar crime instead of a routine investigation into small-time auto theft or infiltrating a "dangerous" political organization

²²¹ "Jenrette, John Wilson Jr. (1936-)" Biographical Directory of the United States Congress, 1774-Present. 5 May 2011

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000099> >.

²²² "Murphy, John Michael (1926-)," Biographical Directory of the United States Congress, 1774-Present. 5 May 2011

< <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001098> >.

²²³ "Myers, Michael Joseph (Ozzie), (1943-)."

²²⁴ "Kelly, Richard, (1924-2005)," Biographical Directory of the United States Congress, 1774-Present. 5 May 2011 <

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=K000077> >.

²²⁵ Wilson, 12.

like the ACLU. Unfortunately for the FBI, the public did not see it that way. In the post-Watergate era, it was almost as though the American people expected nothing less than corruption from their elected officials. So, while the conduct of the elected officials shocked and hurt their constituents and colleagues, it was the conduct of the FBI that truly outraged the public.

The media loves a scandal, of any kind, and in the modern age, the media reign supreme because perception is reality. National media featured the story for years, releasing all the details about the defendants, their trials, and their numerous appeals. Indeed, the media fed on the story until a new scandal replaced it. The general public initially supported the actions of the FBI, until all the details emerged. Then the public began to question the actions of the FBI: why those congressmen, why congress at all, what evidence did they have that congressmen might accept bribes, etc. The story broke, and the investigation ended, in 1980, an election year. The public's outrage at congress was not even enough for a major shift in Congress. Every one of the Abscam defendants was a ranking member of the Democratic Party, with the exception of Representative Richard Kelly. The public elected President Ronald Reagan, but the Democratic Party retained the majority in the United States House of Representatives by nearly one hundred seats. The Republican Party won a majority in the United States Senate, but only by seven seats.²²⁶ Representatives Kelly and Myers actually won their respective re-

²²⁶Henshaw, Edmund L., Clerk of the House of Representatives, "Statistics of the Presidential and Congressional Election of November 4, 1980: Showing the Highest Vote for Presidential Electors, and the Vote Cast For Each Nominee for United States Senator, Representative, Resident Commissioner, and Delegates to the Ninety-seventh Congress, Together with A Recapitulation Thereof, Including the Electoral Vote," (April 15, 1981).

election campaigns, and Representative Jenrette lost his by less than 3,000 votes.²²⁷

Further, members of the general public expressed their outrage towards the FBI through letters; countless letters addressed to Director Webster from private citizens expressing their feelings that the FBI went too far and had too much faith in Melvin Weinberg.

The actions of the FBI outraged politicians from the beginning. The actions of their colleagues horrified members of Congress but that did not stop them from being outraged that the FBI actively targeted members of Congress during their undercover investigation. Even members of the judiciary who presided over the trials rebuked the FBI. Although the majority of judges upheld the jury verdicts and did not recognize the actions of the FBI as entrapment, the judges said that the actions of the FBI came dangerously close and that in the future, the FBI should supervise its undercover investigations more closely. The courts did not grant law enforcement a great deal of credibility in these cases. They chastised the FBI for a lack of oversight and even evidence. Several of the judges also strongly suggested that the FBI be able to provide better evidence to support their choice of targets should they decide to conduct similar investigations in the future. In the case of the Abscam trials, the FBI did not produce any evidence to support their theory that these congressmen might accept bribes. This of course bothered the court, the media, many members of the general public and politicians.

Although Abscam is often overshadowed by other scandals and events from the time, it was significant for several reasons. For one, it greatly changed the lives of all those connected to it. For another, it represents one of the only times in history that one branch of government actively investigated another without either suspicion or concrete

²²⁷ Ibid.

proof of wrongdoing. Eventually, many forgot their outrage against Congress and the FBI. Congress did not want to remember Operation Abscam because seven of their colleagues went to jail for accepting bribes. The FBI did not want to remember it because the media, the people, and the courts chastised their actions in this investigation. If Abscam is mentioned to almost anyone, all the asker will receive in return is a blank stare or a quizzical look. It would seem as though the only memory to stick from this terrible time in our history is the loathing and instinctual mistrust of public officials and law enforcement.

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