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## NDPC Dossier

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# Abscam prosecutor Puccio should be investigated for corruption and misconduct

*The following dossier was released Nov. 16 by the National Democratic Policy Committee.*

The National Democratic Policy Committee has called for an immediate investigation of the unconstitutional and improper methods used by U.S. Attorney for the Eastern District of New York Thomas Puccio. The 37-year-old Puccio led the Justice Department Abscam campaign to frame up and then prosecute in court a 23-year veteran of the United States Senate, Democrat Harrison Williams of New Jersey. As the following dossier on Puccio's career demonstrates, Puccio's case against Senator Williams is not the first time that the U.S. Attorney has used irregular methods against targeted political victims.

**Name:** Thomas Philip Puccio.

**Born:** Sept. 12, 1944.

**Education:** Brooklyn Preparatory School; Fordham University, B.A., 1966; Fordham Law School, J.D., 1969—New York's Jesuit training track.

**Outlook:** During the radical ferment of the 1960s, Puccio "developed an interest in civil rights and poverty law. . . . His special interest was official corruption and white-collar crime. The model for his efforts was Robert Kennedy when he was Attorney General," according to Gregory Wallace, former reporter for the *Village Voice* and *New York Times*, who is now an Assistant U.S. Attorney in Brooklyn.

**Early career:** After

Puccio spent the summer of 1969 working for the Brooklyn Neighborhood Services program, whose Legal Services offices were a control center of the Ford Foundation's effort at the time to provoke racial upheavals and dismantle New York City's educational system through "community control" of school districts, using Socialist International-directed radicals as part of the Foundation's overall program of "planned shrinkage" and elimination of the teachers' union.

**Associates:** Married Carol L. Ziegler on May 23, 1976. Ziegler was a member of the Williamsburg (Brooklyn) Neighborhood Legal Services staff, at the time they met. Friends include Wayne Barrett, Joe Conason, and Jack Newfield of the *Village Voice*, a counterculture,

pro-drug weekly associated with the reform Democratic Party faction that opposed the old-line party leadership in Brooklyn and elsewhere. Puccio shared a house on Martha's Vineyard with Newfield in 1979-81.

**Federal tenure:** Joined the U.S. Attorney's Office for the Eastern District of New York (Brooklyn, Queens, and Long Island) in October 1969 under the sponsorship of Edward Neaher, a Long Island Republican who himself had just been appointed U.S. Attorney. Neaher said later that he was told by the Justice Department to fill the district's 50 percent vacancies with "young, highly motivated lawyers just out of law school," a criterion which in 1969 was likely to weight the Attorney's office with radical, manipulable, and/or pro-drug prosecutors.

In 1972, Puccio was appointed to head the district's narcotics unit. In 1973-76 he was promoted to chief of the Criminal Division for the District. In 1976-77, he was Executive Assistant U.S. Attorney. In 1976 he became Attorney-in-Charge of the Organized Crime Strike Force.

**Point of investigation: The Peter Schlam drug-overdose coverup.** In 1974, Puccio was living in Brooklyn with one of his subordinates, Assistant U.S. Attorney Peter R. Schlam, who was prosecuting a "political corruption case" involving Congressman Angelo Rancallo from Long Island. On May 10, 1974, Schlam was admitted to the intensive-care unit of Good Samaritan Hospital in West Islip, Long Island, for treatment of a barbiturate overdose. Puccio informed the presiding judge in Schlam's case on the record that Schlam never voluntarily took drugs, and foul play should be suspected. According to a June 4, 1974 report in *Newsday*, a Long Island daily, the hospital was asked to rescind the police report containing routine notice of a drug-overdose case, and revise its records. "Later that night, apparently on orders from the FBI, the hospital refused even to concede that Schlam had been admitted."

A source familiar with the incident said that it was Puccio who had demanded that the hospital change its records. A subsequent investigation by the FBI and Justice Department found no evidence of any "foul play," and Schlam was given an official reprimand by the DOJ, but Puccio's role in protecting the image and

standing of "anti-corruption" prosecutors was never investigated.

The followup: Puccio himself continued the prosecution of the Rancallo case. Rancallo was acquitted by a jury on May 14, 1974, and told reporters that on Feb. 14, Schlam had threatened that he would be indicted by a grand jury unless he came up with information incriminating the District Attorney for Nassau County, Republican William Cahn, and the county Republican leader, Joseph Margiotta. Schlam added that even if he were absolved, the indictment would be enough to ruin him. Rancallo said he had refused, and therefore the indictment came down.

**Point of investigation: The DeFeo Report.** In 1975, a confidential Justice Department report dated June 18 was submitted to Attorney General Edward Levi, which among other things concerned an investigation of Puccio and his relationship to a major Turkish heroin dealer, Hovsep C. Caramian, an informant for Puccio under protective custody at Fort Holibird, Maryland. The memo, named for the present head of the Kansas City Organized Crime Strike Force, Michael DeFeo, was not directed at internal Justice Department corruption. It was part of a political war waged by the DOJ against the Drug Enforcement Administration (DEA). But it raises further serious questions about Puccio's conduct.

The report states: "During the 1960s Hovsep C. Caramian was a significant international trafficker in heroin, and is believed to have been responsible for smuggling thousands of kilograms of heroin into the United States. Caramian is now in federal custody and has been cooperating with the government, particularly the United States Attorney's office, Eastern District of New York. . . .

"In December 1974, DEA agents received information that Caramian was in possession of government documents, and there was some concern that Caramian may have been leaking information. A search of Caramian's room at Fort Holibird, Maryland, was conducted and two foot-lockers containing various documents were seized. An inventory of the seized documents included among other things, the following items:

"1) Numerous grand jury transcripts of testimony of Hovsep C. Caramian. 2) Grand Jury transcript of testimony of Special Agent Lawrence Katz. 3) Numerous U.S. Customs reports of investigations. 4) Informant debriefing memoranda. 5) Statements taken in connection with narcotics investigations. 6) Franked postage-paid envelopes from United States Attorney, Eastern District of New York. 7) Franked air-mail envelopes, U.S. Department of Justice. . . .

"There was some concern . . . that Caramian may have been dealing in narcotics while in Federal custody. . . .

"On Feb. 19, 1975, Caramian was interviewed by

DEA inspectors and stated that Assistant United States Attorney Thomas Puccio, Eastern District of New York, furnished him with various documents including grand jury transcripts so that he would be more effective in identifying narcotics traffickers and authorized him to make numerous telephone calls from various 'safe houses.' . . .

it appears that this matter is the subject of ongoing investigation by the DEA Office of Inspection and the FBI."

On March 26, 1976, Mark L. Wolf, Special Assistant to the Attorney General, sent a memorandum to Peter Bensinger, DEA Administrator, which read in part: "As we discussed at yesterday's meeting of the Attorney General, the Deputy Attorney General, Assistant Attorney-General Thornburgh, Togo West and myself, it was decided that we should continue to resist disclosing to Congress any portion of the DeFeo report being reviewed for possible criminal or administrative action."

In a column appearing in the *Washington Post* on Sept. 23, 1981, Jack Anderson concluded of this case: "The Caramian-Puccio investigation was turned over to the Justice Department, where it was quietly interred. In response to an inquiry from my office, Puccio claimed he had no memory of being under investigation during the 1975-1976 period."

**Point of Investigation: The Frank King Case.** In 1975, Puccio took part in the final stage of the Knapp Commission "corruption" investigations under New York State Special Prosecutor Maurice Nadjari, whose show trials succeeded in dismantling the New York Police Department's narcotics unit, and wrecking the department's effectiveness, although none of those prosecutions and convictions withstood judicial scrutiny.

A top narcotics detective in the Special Investigations Unit, Francis King, had been targeted by Nadjari, who in 1973 stated his intention to indict policemen for the disappearance of heroin seized in the famous "French Connection" drug bust. No such indictments materialized. But in 1974-75, Nadjari secured indictments against Frank King which were never brought to trial—one, it was later revealed, was for giving a prisoner an order of fried shrimp from Vincent's Clam House.

King was indicted by Puccio in December 1975 for allegedly violating narcotics dealers' civil rights. In May 1976, the federal jury found King and two co-defendants not guilty. Puccio broke into tears. He next brought charges against King for failing to pay his federal income taxes for 1973, although the IRS itself had accepted his explanation and absolved him of any penalty for late payment. When the IRS officials testified to that effect, Puccio ruled their testimony irrelevant to a criminal indictment! After the jury came back with a "guilty" verdict, Puccio declared, "That solves the French Connection case." He asked for and won the maximum five-



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Thomas Puccio

year sentence for Frank King.

**Point of Investigation: The Sam Wright Case.** In 1977, Puccio convened a grand jury and secured the indictment of Brooklyn Democratic leader Sam Wright for “extortion.” The indictment was preceded by leaks to the *New York Times* and *Daily News*. Wright immediately went to then-Attorney General Griffin Bell to demand an investigation into the Eastern District office, and specifically Puccio, for flagrant “conflict of interest,” along with the implication of malicious prosecution.

From September 1973 through 1977, when she joined the Williamsburg office of the Neighborhood Legal Services program, Puccio’s wife, Carol Ziegler, had attempted to have Wright indicted, and had personally directed political insurgents against the Brooklyn Democratic machine, embodied in their eyes by Mr. Wright, on the Socialist International-contrived issue of “community control of the schools,” and specifically of School Board #23. At her instigation, and under Puccio’s auspices, Sam Wright was subjected to two federal grand jury investigations, one in 1974 and one in 1975. An Assistant U.S. Attorney told the FBI in 1976 that the case lacked “prosecutive merit,” and it was handed over to the IRS in 1976, which in turn gave Wright a clean bill

of health.

Griffin Bell referred the conflict of interest charges against Puccio to the DOJ’s Office of Professional Responsibility under Michael Shaheen, who simply asked if the allegations were true. Puccio denied them. The matter was dropped. Wright was convicted.

After serving a 90-day sentence, and losing his right to practice law, Wright obtained documents through the Freedom of Information Act (FOIA) from the DOJ, the FBI, and the IRS confirming both conflict of interest and showing that Puccio and the DOJ had lied and committed perjury in order to cover it up.

FBI memoranda dated March 27 and April 10 showed Puccio’s wife proposing to the FBI that she “contact any potential witnesses or aid the FBI in any manner” on the question on Wright versus the school-board dissidents.

On July 24, 1975, Ziegler submitted a 50-page report to the DOJ retailing slanders against Wright by his political enemies—for whom she was legal counsel—alleging that there was vote fraud in the May 6 School Board #23 elections. Two days earlier, an internal DOJ memo shows, Puccio had “advised us that his office may possibly initiate an investigation of the alleged election fraud.” No case fit for a courtroom was ever put together.

## Puccio and Abscam

Puccio, as Strike Force chief, stage-managed the scripts in all the Civiletti Justice Department’s congressional Abscam investigations. Puccio’s *prosecutorial misconduct* calls into question whether Abscam was at all an investigation by current juridical standards or rather a targeted political witch-hunt.

It is in this context that the following questions of misconduct by Puccio must be investigated: 1) fabrication of probable cause; 2) the lack of the defendants’ right to a disinterested prosecutor; 3) the absence of sufficient prosecutorial supervision of Mel Weinberg, the con-man hired as the government informant for Abscam; and 4) possible collusion with Senate Ethics Committee staff.

The Abscam case of Sen. Harrison Williams encapsulates all the above violations.

**Probable cause:** An FBI internal memorandum released *after* Senator Williams was convicted on May 1, 1981 demonstrates that Puccio resorted to fabricating the *probable cause* by which an investigation could be launched. In an FBI document dated Jan. 8, 1980 Robert C. Stewart, New Jersey head of the strike force, explains: “In his conversation with me on March 27, 1979, Mr. Puccio indicated that Suspect ‘W’ [Williams] of New Jersey had a hidden interest in the particular business venture. It was the hidden nature of this

interest which was malum prohibitum [fraud] and it was that fact which justified further investigation.”

Five days later Puccio had a different story. Stewart writes: “However, during the meeting of April 4, 1979 in Brooklyn . . . Puccio related that the investigative predicates [the probable cause] as to Suspect ‘W’ were 1) the assertions of Intermediary ‘E’ [Camden Mayor Angelo Errichetti] that ‘W’ was corrupt and that ‘W’ ’s friend, ‘F,’ was ‘W’ ’s bagman, and 2) the assertions of the Informant [Melvin Weinberg] that ‘F’ was ‘W’ ’s bagman. Mr. Puccio observed that ‘W’ was a ‘big question.’ ”

Puccio, in short, depended only on the word of a corrupt informant (Weinberg) and a corrupted one (Errichetti) for his allegations against Williams.

Subsequent to the end of the major Abscam trials, including those of Senator Williams and Rep. John Murphy, exculpatory documents were obtained by the defendants, documents which Puccio withheld from the defense in violation of the Brady requirements, as he had in the Sam Wright case.

The now famous “Exhibit 39A” proves conclusively that the government had no proof of “predisposition” of defendants Williams and Murphy, yet Puccio proceeded with his scheme to taint the defendants with criminality, a “taint” which proved disastrous for them in the post-Watergate, media-dominated “official corruption” environment.

The document was an “FBI Internal Memorandum” dated Nov. 27, 1979, from FBI Section Chief W. D. Gow to Assistant Director in Charge Francis M. Mullen, Jr., and it read in part:

Relative to the matter concerning U.S. Senator Harrison Williams of New Jersey, the following was decided:

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

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

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

Relative to the matter concerning U.S. Con-



Sen. Harrison Williams

gressman John Murphy, Staten Island, New York, it was felt that he should be recontacted and an attempt should be made to elicit from him that through his position he can guarantee political asylum for the Arab principal of Abscam.

One of the jurors in the Williams trial, Salvatore Ottavino, was shown the document after it had been made public. Ottavino swore out an affidavit to the effect that if he had seen the document during the course of the trial he would never have voted for the conviction of Senator Williams on any of the counts.

**The right to a disinterested prosecutor:** As Dean Erwin Griswold, former Solicitor General of the United States, points out in a legal brief written on Williams’s behalf: “The defendant in a criminal case is entitled to have a disinterested prosecutor, in the sense that the prosecutor’s own conduct is not in question.” Griswold cites a Supreme Court ruling, *Berger v. United States*, 259 U.S. 78, 88 (1935):

“The United States Attorney as the representative not of an ordinary party to the controversy, but of a sovereignty whose obligation is to govern impartially, is as compelling as its obligation to govern at all; and whose interest therefore, in a criminal prosecution is not that it shall win a case, but that justice will be done.”

Puccio's violation of this principle was best illustrated in the final dramatic scene in late January 1980 in his *recontact* of Williams to have the bogus Arab sheikh offer Williams a bribe. When the offer was made and Williams replied, "No, no, no," Puccio who was standing on the other side of the video recorder interrupted the taping with a phone call into the "sheikh" as a way of preventing Williams from completing his description of American law to the foreigner and explaining why acceptance of money was out of the question. This explanation would have ruined Puccio's case.

Secondly, Puccio was caught in a venal conflict of interest. This, as well as Puccio's involvement with the left radical networks associated with the *Village Voice* and certain elements of the Kennedy machine first came to light during the due process hearing before Judge Pratt this February in Brooklyn.

Congressman Murphy's attorney, Sam Buffone, asked Puccio if he was aware that Newfield had signed a contract for a book based on the prosecution of the Abscam cases. "Yes, I am," responded Puccio. Puccio described Newfield (who was one of the founders of Students for a Democratic Society) as a "close personal friend." Buffone persisted in his questioning.

**Buffone:** When did Mr. Newfield enter into that contract?

**Puccio:** I have no idea.

**Buffone:** Have you had any discussions with Mr. Newfield about your possible or actual collaboration in that project?

**Puccio:** No.

With that answer, Puccio perjured himself. Puccio then said to Judge Pratt, "Judge, if I may, in reference to that last question Mr. Buffone asked me, just reflecting on it, although I haven't had any discussion relative to getting involved in a present project of Mr. Newfield's, I have been offered the opportunity, if I wished to, to get involved in a book project. I just thought I would make that clear."

It turned out that Puccio and Newfield had been sharing a summer home on Martha's Vineyard since at least 1979. But Puccio swore under oath that there had been no improper discussion of Abscam with Newfield!

In the fall of 1979, Jack Newfield had written a slanderous article against Rep. John Murphy in the *Village Voice*. Murphy was another of Puccio's targets.

Puccio also admitted that he had "one or two discussions with Mr. Newfield" and Esther Newberg, his literary agent, concerning the book contract. The contract called for a \$40,000 advance fee for Newfield and an equal amount for an unnamed co-author. Puccio admitted that Newfield and Newberg had discussed Puccio's co-author candidacy with the Publisher, G. P.

Putnam and Sons.

Buffone asked, "Was their discussion with . . . your approval?" Puccio responded, "Yes."

Buffone persisted with this line of questioning: "At the time you reviewed the collaboration clause, had ongoing discussions with Mr. Newfield, you were aware that the opportunity was and is available to you?" Puccio responded, "Yes."

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Newfield was Bobby Kennedy's speech-writer and biographer. Newberg went to work for Bobby Kennedy on his Senate staff in 1967, gained notoriety in 1969 as one of the girls who survived Teddy Kennedy's Chapquiddick party.

**Lack of prosecutorial supervision:** The third serious misconduct charge to be investigated is Puccio's acquiescence to the convicted crook Mel Weinberg. In a conventional "sting" operation, government investigators uncover ongoing criminal activity. In the Williams Abscam case, Stewart characterizes Weinberg's actions in the following way: "The Informant persists in formulating the criminal scheme rather than simply allowing the suspects to do this."

Despite the concern raised by Puccio's colleagues, he refused to put any significant controls on Weinberg's activity. In the Griswold brief it was pointed out that the crook Weinberg was allowed to use his own "discretion" as to which conversations to record and which he could dismiss or throw away.

One other blatant action by Weinberg was the infamous "coaching session" preparatory to Williams's meeting with the sheikh. The informant was caught "putting words into the mouth" of his victims. Puccio called the New Jersey strike force team's disapproval of this a "petty jurisdictional dispute."

The fourth instance of misconduct is that of Puccio's **consistent contact with the Senate Select Committee on Ethics**. In a Sept. 11, 1981 column, Jack Anderson notes: ". . . Justice Department officials were allowed to guide the Committee from backstage. . . . Long before Williams was found guilty, courtroom observers spotted a frequent visitor huddling with Abscam prosecutor Puccio, during the trial. The mysterious stranger was identified by witnesses as the Ethics Committee counsel, Donald Sanders. . . ." In FOIA travel records of the Ethics Committee recently made available, it can be seen that Mr. Sanders traveled to Brooklyn quite frequently throughout the entire investigation.

The totality of these issues of prosecutorial misconduct warrants investigation into the actions of Thomas Puccio.