1 IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
2 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
)
4 Plaintiff,) Judge Wells
) Cleveland, Ohio
5 vs.)
) Criminal Action
6 JAMES A. TRAFICANT, JR.,) Number 4:01CR207
)
7 Defendant.)

8 - - - - -

TRANSCRIPT OF PROCEEDINGS HAD BEFORE

9 THE HONORABLE LESLEY WELLS

10 JUDGE OF SAID COURT,

11 ON TUESDAY, FEBRUARY 26, 2002

12 **Jury Trial**

13 **Volume 9**

14 - - - - -

15

16 APPEARANCES:

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25 Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

1 Tuesday Session, February 26, 2002, at 8:30 A.M.
2 (Proceedings in the absence of the jury:)
3 THE COURT: Well, before you bring anyone up,
4 we have some things that we need to discuss. Congressman,
5 I understand you have a question about subpoenas.
6 MR. TRAFICANT: Yes we had yesterday served
7 on ODOT a subpoena and yet I've had nothing faxed to me
8 relative to Tom Williams and David Dreger, and I am
9 scheduled to leave tomorrow morning, and I believe I'm
10 getting the run around. Now and I have gone through all
11 the process. At first, said they were going to voluntarily
12 give it to me and called back and said subpoena it, then
13 their attorney called back and said they had a problem with
14 that.
15 I did then go ahead and subpoena. It was served
16 yesterday. It could have been faxed. I have not yet
17 received it. I want to let the Court note that, and I'm
18 asking the Court to compel them to comply with the subpoena
19 on Tom Williams and David Dreger.
20 THE COURT: Okay. We need to have something
21 from you that indicates what -- who you're talking to,
22 something. Is that a card you have in your hand?
23 MR. TRAFICANT: This is the company that
24 served the subpoena. This is the Kady Reporting Services,
25 Inc., down in Cleveland, Ohio.

1 THE COURT: Mr. Morford?
2 MR. MORFORD: Your Honor, I would note a
3 couple things, your Honor. Congressman Traficant has known
4 since we filed the original notice of deposition that this
5 was coming. I don't know when he got in touch with ODOT.
6 The second thing is, I know in the federal system under the
7 Henthorn case that federal agents will not give up
8 personnel files until a party requesting those files shows
9 some basis to obtain them. So I don't know what their
10 position is.
11 THE COURT: I don't either, but perhaps you
12 can get them to state what their position is in some way so
13 we can deal with it. Make a motion.
14 MR. TRAFICANT: Can I respond to that? While
15 I'm going through all these hoops and jumping through all
16 these hoops, the bottom line is they're not giving me this
17 information, and pursuant to the relevance and accordance
18 of this case, I brought it to the attention of the court as
19 soon as that problem began to exist.
20 THE COURT: Right.
21 MR. TRAFICANT: Now, they were the ones that
22 said they weren't bringing in Williams to court. He had a
23 bag, and I hope to God he does well and doesn't need a bag
24 in the future, but when they did, I start process of --
25 THE COURT: I don't understand what it was

1 you were just saying, but the point is that --
2 MR. TRAFICANT: The point is that I brought
3 it to the attention of the court.
4 THE COURT: Sir, sir, we've been on notice
5 for quite awhile. In fact, we've -- we responded to
6 motions, and he responded to them to do a special inquiry
7 of this gentleman in Florida. So if you -- I don't know
8 when you began your subpoena process. Just write it all
9 out, and submit it to us so I know what I'm dealing with.
10 MR. TRAFICANT: Well, rather than do all
11 that, that's why I just --
12 THE COURT: You may rather do it, but I don't
13 know who the Court would contact if we decided we should
14 contact somebody.
15 MR. TRAFICANT: I believe you contact the
16 Ohio Department of Transportation.
17 THE COURT: You need to write it down and
18 present it. Thank you.
19 MR. TRAFICANT: Thank you.
20 THE COURT: Yesterday, there were two pieces
21 of paper that were handed or handled as if they were
22 exhibits, and they didn't end up getting numbers on the
23 record. And so we need to deal with those. These are the
24 302's, the documents themselves. You have the same things
25 I have, and there's no Exhibit Number attached to these.

1 So the record won't show a reviewing court what it
2 was that that was being discussed. So we need to get
3 numbers on these, and I will hand them down to the -- I
4 don't know if these were Joint or defendant's exhibits.
5 MR. MORFORD: They are not joint, your Honor.
6 There's something at the top that appears to be Defendant
7 Exhibit S-27 on one of them. I don't believe there's
8 anything on the other one. So if you'd give them numbers,
9 Congressman.
10 MR. TRAFICANT: I have a question, your
11 Honor, do I have to submit them immediately after I
12 interview a witness, or can I do this at a later time?
13 THE COURT: No. You don't have to submit
14 them if you don't want to, but because you referred to
15 them --
16 MR. TRAFICANT: No. I mean, if I wanted to
17 do it like next week or had another reason, maybe to submit
18 them later, would I be compelled to submit them today?
19 THE COURT: You're not compelled to submit
20 anything.
21 MR. TRAFICANT: I do, and I ask they be
22 placed into evidence.
23 MR. MORFORD: I object on the grounds of
24 hearsay. There's no foundation to put them in under any
25 hearsay rule as we talked about yesterday.

1 THE COURT: Right. If you want to address
2 how you would lay that foundation and so forth, we can do
3 at another break. We have some more things to handle this
4 morning. Now, they have numbers and Defendant's Exhibit
5 S-28 and Defendant's Exhibit 1-27.
6 Okay.
7 Now, we have an issue which was raised at the end of
8 our hearing yesterday by the Government. The Government
9 witness you intend to call?
10 MR. MORFORD: Yes, your Honor, our next
11 witness is Tony Bucci. He's here in the court. It's my
12 understanding he intends to assert Fifth Amendment right
13 against self-incrimination.
14 THE COURT: Okay. Is he going to come up?
15 MR. MORFORD: Yes.
16 THE COURT: Good morning.
17 THE WITNESS: Good morning, Judge.
18 THE COURT: Would you raise your right hand,
19 sir.
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21
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25

1 ANTHONY BUCCI,
2 of lawful age, a witness called by the GOVERNMENT,
3 being first duly sworn, was examined
4 and testified as follows:
5 DIRECT EXAMINATION OF ANTHONY BUCCI
6 THE COURT: Sir, do you have counsel?
7 THE WITNESS: Yes.
8 THE COURT: And are they present in court.
9 THE WITNESS: No.
10 THE COURT: Who is your lawyer?
11 THE WITNESS: Robert Rotatori.
12 MR. TRAFICANT: I didn't hear that.
13 THE WITNESS: Robert Rotatori.
14 BY MR. MORFORD:
15 Q. Mr. Bucci, it's my understanding from conversations
16 with you and your counsel, Mr. Rotatori, that it's your
17 intention to assert your Fifth Amendment privilege against
18 self-incrimination to any questions you'd be asked here
19 today; is that correct?
20 A. Yes.
21 Q. I'm going to ask you a question, and if that's your
22 intention, if you would go ahead and invoke your privilege,
23 do you know the Defendant, James Traficant?
24 A. I invoke my Fifth Amendment right.
25 Q. And is it your intention to do so as to any other

1 questions you're asked here today?
2 A. Yes.
3 MR. MORFORD: Your Honor, at this time, I
4 would ask that the Court enter the compulsion order under
5 18 U.S.C. 6000(1).
6 THE COURT: There was filed with me yesterday
7 a motion for immunity in this case. I want to hand you a
8 copy of this.
9 THE WITNESS: Thank you.
10 THE COURT: There is a statute that's
11 referred to here. Have you had an opportunity to discuss
12 this situation with your lawyer?
13 THE WITNESS: Yes, ma'am.
14 THE COURT: And have you had the advantage of
15 his counsel?
16 THE WITNESS: Yes.
17 THE COURT: All right. You've been called to
18 testify in this case, and there is a statute that goes into
19 effect if somebody, in fact, intends to invoke that
20 privilege consistently in response to individual questions.
21 And so I really need to know a little bit more from you
22 where you need to pose a couple questions to him, so I'll
23 know it's more than a generalized statement
24 BY MR. MORFORD:
25 Q. Mr. Bucci, were there ever times where you provided

1 things of value to Congressman Traficant because of
2 official acts that he was promising to provide for you?
3 A. This is my Fifth Amendment in place now, or is it
4 not?
5 Q. No. If it's your intention to assert your Fifth
6 Amendment, you need to do so at this time.
7 A. I assert my Fifth Amendment.
8 Q. Were there a whole series of official acts over a
9 period of time that Congressman Traficant promised to
10 perform for you and your brother and your companies?
11 A. Yes. I assert my Fifth Amendment right.
12 Q. Were there a whole series of things of value that you
13 and your brother did in your -- and your companies did for
14 Congressman Traficant over a period of time, including the
15 period 1990 to 1996?
16 A. I invoke my Fifth Amendment.
17 Q. And would you invoke your Fifth Amendment privilege
18 as to any specific questions about any of those things that
19 either Congressman Traficant did for you or things of value
20 that you, your brother, or your companies did for him?
21 A. Yes.
22 THE COURT: Okay. Then, we will, under this
23 statute, which is 18 6000(2) in the face of invocation of
24 your privilege on the specific as well as the general
25 questions, go forward, and what this statute actually does

1 is to provide immunity to you, and I want to state from the
2 statute itself what that law says the immunity covers. It
3 says that you will not refuse -- you will -- you may not
4 refuse to comply with an order to answer questions on the
5 basis of your privilege against self-incrimination.
6 No testimony or other information compelled under the
7 order or any information directly or indirectly derived
8 from such testimony or other information could then be used
9 against you in any criminal case except for a Prosecution
10 for perjury. You understand what perjury is?
11 THE WITNESS: Yes, your Honor.
12 THE COURT: Giving a false statement. That's
13 something that protects you. It does not protect you
14 against -- or otherwise fail to comply with an order, and
15 there is an order, which I'll provide to you that's based
16 on the statute. I'm going to put the language of this
17 statute into that order so that you're clear about what the
18 scope of the immunity is that you're given and what it
19 doesn't cover. So let me read it once more.
20 "No testimony or other information compelled after
21 the order or any information directly or indirectly derived
22 from such testimony or other information may be used
23 against you in any criminal case except a Prosecution for
24 perjury, giving a false statement, or otherwise failing to
25 comply with the order." Do you understand that?

1 THE WITNESS: Yes, your Honor.
2 THE COURT: All right.
3 MR. TRAFICANT: Your Honor, question?
4 THE COURT: Excuse me. Is that consistent
5 with what you have received counsel of from your lawyer?
6 THE WITNESS: Yes, your Honor.
7 THE COURT: All right.
8 MR. TRAFICANT: Would you again repeat the
9 statute number that you just quoted from?
10 THE COURT: 18 United States Code -- there
11 are actually two parts to it, I was reading from the
12 immunity statute section, which is 6000(2). There is first
13 a section of that statute, 6000(1), both are really
14 implicated in this process that we're going through.
15 MR. TRAFICANT: Thank you.
16 THE COURT: Okay. All right?
17 MR. MORFORD: Yes, your Honor.
18 THE COURT: All right. You may call the jury
19 in. Anything further?
20 (Proceedings resumed in the presence of the jury:)
21 THE COURT: Sir, you're still under oath
22 BY MR. MORFORD:
23 Q. Good morning.
24 A. Good morning.
25 Q. Could you please state your full name, and spell your

1 last name for the Court Reporter?
2 A. Anthony R. Bucci, B-U-C-C-I.
3 Q. Can you tell us where you're presently residing?
4 A. In Florida.
5 Q. And where did you reside during the period --
6 MR. TRAFICANT: I didn't hear that response,
7 where does he reside.
8 THE WITNESS: Florida.
9 THE COURT: That's good. Speak up a little
10 so everyone can hear you.
11 BY MR. MORFORD:
12 Q. And, Mr. Bucci, you can pull that microphone a little
13 closer and try to raise your voice so we can all hear you.
14 Where was it you resided during the period from the
15 mid 1980's through the late 1990's?
16 A. Liberty Township.
17 Q. And where is Liberty Township in relation to
18 Youngstown?
19 A. It's a suburb about three miles outside of
20 Youngstown.
21 THE COURT: Can people hear in the back? No.
22 MR. TRAFICANT: I'm having a hard time
23 hearing the witness.
24 THE COURT: Okay. You can pick that
25 microphone up if it'll help you. Like a singer, take it

1 right out of the -- hold it.
2 BY MR. MORFORD:
3 Q. Again if you would, try to project your voice, that
4 will help.
5 Can you tell us where you worked during that period
6 of time that you lived in Liberty from at least during the
7 time of the 1980's through the late 1990's?
8 A. I worked for Asphalt Specialist Prime Contracting.
9 Q. Okay. And who were the owners of Asphalt Specialists
10 and Prime Contracting.
11 A. On paper, it was my brother, Dan, and my brother and
12 my wife Cheryl for prime contracting.
13 MR. TRAFICANT: I didn't -- your Honor, I'm
14 not hearing this witness' testimony.
15 THE COURT: Okay. Let's see.
16 THE COURT: Put it up so it's under your
17 chin.
18 MR. TRAFICANT: Will you please repeat the
19 question?
20 (Thereupon, the record was read back by the Court
21 Reporter.)
22 BY MR. MORFORD:
23 Q. And who were the actual owners of Prime Contracting?
24 A. Myself and my brothers.
25 Q. And how about Asphalt Specialists?

1 A. Myself and my brothers.
2 Q. And what was the relationship between Asphalt
3 Specialists and Prime Contracting, how did that work?
4 A. Asphalt Specialists was superseded by Prime
5 Contracting.
6 Q. And explain what you mean by superseding. What
7 happened?
8 A. Asphalt Specialists went out of business, and Prime
9 Contracting took over.
10 Q. So Prime Contracting was basically just the successor
11 company?
12 A. Yes.
13 Q. Same business?
14 A. Yes.
15 Q. Are you familiar with a company called Black Rock?
16 A. Yes.
17 Q. And what was Black Rock?
18 A. Black Rock was the manufacturer of the company.
19 Q. And what did it manufacture?
20 A. Asphalt.
21 Q. How about a company called Blue Dot and Sun Leasing,
22 are you familiar with those companies?
23 A. Blue Dot leasing was a leasing company attributed to
24 Asphalt Specialists. Sun was the leasing company
25 attributed to Prime Contracting.

1 Q. And were these all companies that you and your
2 brothers owned?
3 A. Yes.
4 Q. What type of work did your companies do, what was
5 your specialty?
6 A. Highway construction -- highway construction.
7 Q. Okay.
8 Would this be the paving business?
9 A. Yes.
10 Q. And what type of paving did you do?
11 A. Primarily, we did construction of highways, county
12 highways, very little driveways and parking lots.
13 Q. In what states did your companies do business?
14 A. Ohio, Pennsylvania.
15 Q. Did your companies work and perform duties on
16 federally funded state projects?
17 A. Yes.
18 Q. And were there any particular requirements that
19 applied to a job when your companies worked federally
20 funded highway projects?
21 A. Yes.
22 Q. What types of special requirements were there on
23 those federally funded jobs?
24 A. You had to pay minimum wage rate. You had to have
25 minority participation, and you had meet specifications.

1 Q. Okay.
2 Let me start with the first thing you said.
3 Prevailing wage rate, what does that mean?
4 A. Prevailing wage rate is wage set out for each
5 classification where there's a laborer, truck driver an
6 operating engineering and mandates in the contract that you
7 get from the state, which you have to pay the individuals.
8 Q. Now, are you familiar with something called the
9 Operating Engineers Union?
10 A. Yes.
11 Q. And what was the relationship between the Operating
12 Engineers Union and your companies during the mid 1980's?
13 A. Not good.
14 Q. Was there a time in the mid 1980's when your
15 companies were having some disputes and problems with that
16 union?
17 A. Yes.
18 Q. And to whom did you turn for help in trying to
19 resolve your troubles with the Operating Engineers Union?
20 A. Congressman Traficant.
21 Q. I believe you have some exhibits up on the witness
22 stand. Do you see those?
23 A. Yes.
24 Q. I'd like you to start with what we've marked as
25 Government's Exhibit 2-1. Do you see that in front of you?

1 A. Yes.
2 Q. Do you recognize this document?
3 A. Yes.
4 Q. Can you tell us what this document is, starting with
5 the date, who it was sent from and to and whether or not
6 you ever came in possession of it?
7 A. This is letter to James Traficant, Congressman James
8 Traficant on December 5, 1986, regarding the meeting we
9 were having with the union.
10 Q. And who was the letter to Congressman Traficant sent
11 from?
12 A. Dan T. Bucci.
13 Q. And who was he?
14 A. My brother.
15 Q. And is this document -- was this created as part of
16 the business, ongoing business of Asphalt Specialists at
17 that time in December of 1986?
18 A. Yes.
19 Q. And was a copy of this document maintained in the
20 files of Asphalt Specialists in the ordinary course of
21 business?
22 A. Yes.
23 MR. MORFORD: Your Honor, at this time, I'd
24 like to ask if I can put this up on the projector.
25 THE COURT: Yes.

1 Q. I'd like to ask you if you would, if you could read
2 the three short paragraphs of this letter?
3 A. "Regarding our meeting with the union, enclosed is a
4 copy of a letter dated September 22nd, 1986, detailing the
5 information needed to form an agreement between the union
6 and Asphalt Specialist, Inc.
7 "Please arrange for another meeting with the
8 Operating Engineers so we can discuss these items with you.
9 "Looking forward to hearing from you. Respectfully,
10 Asphalt Specialist, Dan D. Bucci."
11 Q. How well did you know Congressman Traficant at the
12 time that you sent him this letter?
13 A. Other than his being a congressman, not well.
14 Q. What led you then to go to the Congressman for help
15 with his problem that you were having with the Operating
16 Engineers Union?
17 A. His prior success with helping companies with union
18 problems in our Valley.
19 Q. So you went to him as your Congressman?
20 A. Yes.
21 Q. Next -- well, before we go there, you referenced in
22 here a September 22nd, 1986, letter that you were sending
23 to him; is that correct?
24 MR. TRAFICANT: Your Honor.
25 THE COURT: Yes?

1 MR. TRAFICANT: I don't know if it's
2 appropriate, I'd like to make this a joint exhibit.
3 THE COURT: Not right in the middle of it.
4 Let's let him --
5 BY MR. MORFORD:
6 Q. I'd like to turn and ask you if you'd look at what's
7 marked Government's Exhibit 2-63(1)?
8 A. Yes.
9 Q. Do you see that? And can you tell us what that is?
10 Let's start with the date. What's the date of that letter?
11 A. September 22nd, 1986.
12 Q. And who was the letter addressed to?
13 A. James Boggs.
14 Q. And if you can pull it out of a little cellophane
15 pouch it's in and take a look at the last page. Who was it
16 sent from?
17 A. Dan T. Bucci.
18 Q. And what exactly is this letter, just in general
19 terms?
20 A. It's an outline of things we wanted to accomplish at
21 the meeting with the union.
22 Q. And is this September 22nd, 1986, letter, the
23 September 22nd, 1986, letter that you referred to in the
24 cover letter?
25 A. Yes.

1 MR. MORFORD: Your Honor, at this time, I'd
2 like to ask to display Exhibit 2-63(1).
3 THE COURT: All right.
4 BY MR. MORFORD:
5 Q. Now, you said the letter was sent by your brother,
6 Dan Bucci. Is he deceased?
7 A. Yes.
8 Q. Starting with the first page of this letter, there's
9 some handwritten notes along here. Do you recognize that
10 handwriting?
11 A. Yes.
12 Q. And whose handwriting is that?
13 A. It's mine.
14 Q. And what was the purpose of this letter. What were
15 you trying to accomplish in this letter?
16 A. These were the issues that we wanted to achieve in
17 order to sign a union agreement, a collective bargaining
18 agreement with the Operators.
19 Q. And were there particular items in here that were
20 particularly important to your company?
21 A. Basically, all ten of the issues are important.
22 Q. Of those items, what was the most important, or what
23 were the couple most important items as you recall?
24 A. Can I look at it a minute?
25 Q. Sure.

1 MR. TRAFICANT: Can we see the entire letter,
2 your Honor?
3 MR. MORFORD: Your Honor, he has a copy of
4 that in the exhibits we gave him.
5 THE WITNESS: From an economic point of view,
6 I would say Number 7.
7 Q. And that's on Page 2; is that correct?
8 A. Yes.
9 Q. And could you go ahead and read that item and explain
10 to us the significance of that item?
11 A. "Consideration will be given concerning work done on
12 private and nonprevailing wage parking lots as to wages."
13 Q. Why was that important?
14 A. The fact that we would be under the union, we'd have
15 to comply with paying prevailing wage rates on any project.
16 By having this language put in this little agreement, it
17 meant that I could be, in effect, a double breasted company
18 where I could pay my employees in private work, whatever I
19 wanted, and stay very competitive in the market.
20 Q. I'd like you to take a look at what's been marked
21 Government's Exhibit 2-63(2). Do you see that?
22 A. Yes.
23 Q. Can you tell us what that is?
24 A. This is a memorandum of understanding between Asphalt
25 Specialist and the Operating Engineers.

1 Q. Is this basically an agreement between your company
2 and the Operating Engineers Union?
3 A. Yes.
4 MR. MORFORD: Your Honor, may I put this on
5 the board?
6 THE COURT: Yes.
7 BY MR. MORFORD:
8 Q. Turning your attention to item Number 5, can you go
9 ahead and read that for us?
10 A. "Individual consideration will be given on smaller
11 projects between the local representatives and the company
12 and will be further reviewed one year from the contract
13 date."
14 Q. How about Number 6, can you read that for us, and
15 tell us the significance of that provision?
16 A. "The Union will reinstate Anthony Bucci as lead
17 engineer, master mechanic. This reinstatement is separate
18 and exclusive of the ten new members agreed on."
19 Q. What was the significance of that provision?
20 A. Well, the ten new members meant I could control the
21 union through my own people who were loyal to me. And the
22 fact that I can be reinstated as a lead engineer if I was
23 working on the project that connects the four or five
24 engineers that require a lead engineer, I could be out
25 there and save that money and actually not perform the

1 duties of a lead engineer.
2 Q. How about item Number 4, can you read that, and tell
3 us the significance of that?
4 A. "It is understood that the contract to be so signed
5 holds that the Operating Engineers Local 6611 is no
6 authority over the Girard or Bessemer facilities owned and
7 operated by Asphalt Specialist."
8 Q. And explain the significance of that.
9 A. That meant that my operators and my clients would not
10 have to be signator to the union, and I could pay a
11 nonprevailing rate and be very competitive in the market.
12 Q. How favorable did you view this agreement to your
13 personal interest and your company's interests?
14 A. It was huge.
15 Q. And who did you believe was responsible for helping
16 you to get this favorable agreement from the union?
17 A. Congressman Traficant.
18 Q. And what was the date of this agreement?
19 A. January 26, 1987.
20 Q. During the period of time from the first exhibit I
21 showed you, Government's Exhibit 2-1, a letter dated
22 December 5, 1986, and the date of this agreement, January
23 26, 1987, can you tell us what, if anything, that you were
24 asked to do for Congressman Traficant?
25 A. I was asked to perform some work at his farm.

1 Q. And tell us how that topic came up.
2 A. Jim indicated to me he had something to do at the
3 farm, and if I could come out and meet him and look at
4 the -- at what he needed done. I told him yes.
5 Q. Now, in addition to discussions with Congressman
6 Traficant, did you have any discussions with anyone on his
7 staff about performing work at the farm?
8 A. Yes.
9 Q. And who did you have those discussions with?
10 A. Well, Charles O'Nesti, and Jackie Bobby, Grace -- I
11 don't remember her last name.
12 Q. Did your company actually end up performing work at
13 the farm?
14 A. Yes.
15 Q. And can you tell us when your company performed the
16 original and initial work at the farm, what was your
17 understanding as to whether or not you were going to be
18 paid for work you were doing at the farm?
19 A. I totally expected to get paid.
20 Q. Did you expect to be paid your full, normal hourly
21 rate that you would charge a normal customer?
22 A. Somewhat, yes.
23 Q. After you completed the work at the farm, did you
24 send a bill to Congressman Traficant?
25 A. Yes.

1 Q. Turning your attention to Government's Exhibit 2-3(1)
2 do you see that document?
3 A. Yes.
4 Q. Can you tell me what that is?
5 A. That's an invoice from Asphalt Specialist to
6 Congressman James Traficant.
7 Q. What's the date of that invoice?
8 A. 1-13-87.
9 Q. And what is the -- well, before I get there, is this
10 a document that was made and maintained in the ordinary
11 course of business by Asphalt Specialists, Incorporated?
12 A. Yes.
13 Q. And is this a document from your business files that
14 you provided to the FBI?
15 A. Yes.
16 MR. MORFORD: Your Honor, at this time, I'd
17 like to ask to put this on the overhead.
18 THE COURT: That's fine.
19 BY MR. MORFORD:
20 Q. Now, there's a series of specified things down the
21 left-hand column and a series of hours. There's a listing
22 of prices and then some total figures that are totalled at
23 the bottom. Can you walk us through this invoice?
24 A. Under description, it was an air compressor that we
25 utilized for 72 hours at a price of $25 an hour, total

1 amount of $1800. The dump truck was utilized for 40 hours
2 at $35 an hour, total $1400, a back hoe that was utilized
3 for 56 hours at a unit price of $42 an hour, total $2352;
4 labor, total 144 hours, at $25 an hour, total $3600, and a
5 low boy, four hours at $75 an hour, for $300.
6 Q. And what was the total invoice price that you billed
7 Congressman Traficant on January 13, 1987, for the work you
8 had done at the farm?
9 A. $9,452.
10 Q. Now, can you describe just in general terms some of
11 the type of work that you did at the farm that resulted in
12 this bill for $9452?
13 A. Well, basically, this was a labor material bid. When
14 I looked at the project at the Congressman's farm, there
15 was an old building, an old farmhouse, and some of the
16 things that he wanted to do was not in agreement with my
17 construction knowledge. So I agreed to do this on a labor,
18 material basis.
19 And he wanted to lower some levels and repair some
20 walls in there, and as he was doing it, I indicated to him
21 that the integrity of the wall would suffer, and there
22 could be problems. And we did everything that he really
23 requested us to do, whether it made sense to me as a
24 contractor or not.
25 Q. I'd like to have you take a look at Exhibit 2-3(3),

which is another invoice. Do you see that?

A. Yes.

Q. Okay. And if you could keep that in front of you at the same time, keep Government's Exhibit 2-3(1) that we just looked at, do you see both of those documents?

A. Yes.

Q. Going back to 2-3(1), there's some handwriting there that says "replaced by invoice Number 751, DTD, 5-19-87." Do you see that?

A. Yes.

Q. Okay. Turning your attention then to Government's Exhibit 2-3(3), what's the date of this invoice?

A. 5-19-87.

Q. And what is the invoice number over on the right-hand side? Do you see that?

A. 751.

MR. MORFORD: Okay, your Honor, may I put invoice 751, which is Government's Exhibit 2-3(3) up on the board?

THE COURT: Yes.

BY MR. MORFORD:

Q. And do you recognize this invoice?

A. Yes.

Q. And is this a document that was created as part of the business affairs of Asphalt Specialist and made and

1 maintained in your files as part that have business?
2 A. Yes.
3 Q. Now, there's a subtotal $9452. Do you see that?
4 A. Yes.
5 Q. And then underneath it, there are two items that say
6 slag, 22 and a half T, slag, 40 T slag, do you see that?
7 A. Yes.
8 Q. What is slag?
9 A. Slag is a product we use to create a sub base, to
10 build roads, parking lots, things of that nature.
11 Q. When you say it's product you used, what it is it
12 exactly?
13 A. An aggregate.
14 Q. What is that exactly?
15 A. The aggregate is made out of gravel, made out of
16 limestone. It could be crushed in different ways to show
17 different variations.
18 Q. Some type of stone?
19 A. Stone.
20 Q. When it says 22 and a half T and 4 T of slag, what
21 does the T stand for?
22 A. Tons.
23 Q. Okay. And why are you listing then those two slag
24 items there on the invoice?
25 A. That was additional slag that was brought up to the

1 farm.
2 Q. And what did that -- the addition of the slag that
3 was brought out to the farm, what did that raise the total
4 to on this bill?
5 A. $10,233.25.
6 Q. Turning your attention to Exhibit 2-2, do you see
7 that?
8 A. Yes.
9 Q. And can you tell us, do you recognize this document?
10 A. Yes.
11 Q. And is this a document that was made and maintained
12 in the ordinary course of the business affairs of Asphalt
13 Specialist?
14 A. Yes.
15 MR. MORFORD: Your Honor, may I put this on
16 the overhead?
17 THE COURT: Yes.
18 BY MR. MORFORD:
19 Q. Can you tell us what this is?
20 A. This is a letter to James Traficant from my
21 attorneys.
22 Q. And what is the date of this letter?
23 A. July 24th, 1987.
24 Q. There's the name down there John R. Spain, attorney
25 at law. Who is John R. Spain?

1 A. He was our company attorney.
2 Q. And can you go ahead and read the body of this
3 letter, please?
4 A. "Please be advised this office represents Asphalt
5 Specialist, Incorporated, and its owners, Robert and
6 Anthony Bucci, who have stated that over the past six
7 months they provided labor and material on your farm on
8 State Route 165, and that you have not paid for. The
9 amount claimed is $10,233.25, and I would appreciate
10 hearing from you as to what arrangements you would like to
11 make with me for payment of said monies."
12 Q. Is John Spain still alive?
13 A. No.
14 Q. Why did you have your lawyer, Mr. Spain, send this
15 letter to Congressman Traficant back on July 24th, 1987?
16 A. I wanted my money.
17 Q. Turning your attention to what has been marked
18 Government's Exhibit 2-5, do you see that?
19 A. Yes.
20 Q. And you notice the date up in the upper left-hand
21 corner of this document?
22 A. It's 8-4-87.
23 Q. Down at the bottom, there's some initials, do you see
24 that?
25 A. Yes.

1 Q. What are those initials?
2 A. They were the -- that was the individual lady that
3 was our controller at the time.
4 Q. And what was her name?
5 A. I don't recall.
6 Q. Okay. Do you recognize the handwriting on this
7 document?
8 A. Yes.
9 Q. And is this a document that was made and maintained
10 in the ordinary course of the business affairs of Asphalt
11 Specialist?
12 A. Yes.
13 Q. And is this a document that you provided to the FBI
14 from the business files of Asphalt Specialist?
15 A. Yes.
16 MR. MORFORD: Your Honor, may I display this?
17 THE COURT: Okay.
18 BY MR. MORFORD:
19 Q. I'd like to ask you, if you will, go ahead and read
20 the body of this document, beginning with the Dear
21 Mr. Traficant?
22 A. "Attached are copies of the past invoices. As you
23 can see, your account is more than past due. We did this
24 work more than two years ago. When we did our work, we did
25 it in good faith, but now two years later we still have not

1 received the payment. As a congressman, we, the public,
2 expect a certain quality of integrity. Obviously, two
3 years past due on an invoice does not fit that quality.
4 We, too, are expected to pay our bills and in a timely
5 fashion, but how are we to do this if our one customers,
6 specially someone of your stature does not pay us? Please
7 mail a check or contact us within ten days. We appreciate
8 your timely response in this matter."
9 Q. Now, turning your attention to Government's Exhibit
10 2-4, do you recognize this document?
11 A. Yes.
12 Q. And can you tell us, is this a document that was made
13 and maintained in the ordinary course of business of
14 Asphalt Specialist?
15 A. Yes.
16 Q. And is this a document that you provided to the FBI
17 from the files of Asphalt Specialist?
18 A. Yes.
19 MR. MORFORD: Your Honor, may I display this?
20 THE COURT: Yes.
21 BY MR. MORFORD:
22 Q. And can you tell us what this document is?
23 A. It's another attempt to contact the Congressman to
24 get our bill paid.
25 Q. And what's the date of this?

1 A. January 29, 1988.
2 Q. And if you could, go ahead and read the body of this
3 letter for us.
4 A. "On July 24th, 1987, I advised you that I represented
5 Robert and Anthony Bucci, the owners of Asphalt Specialist,
6 Inc., who stated that you owe them $10,233.25.
7 "I have not heard from you since the mailing of my
8 July letter, and I have been instructed by my clients that
9 unless satisfactory arrangements are made to pay this claim
10 within five days, I am to file a lawsuit. Please advise."
11 Q. How much money towards the bill that you had sent the
12 Congressman Traficant originally on January 13, 1987, had
13 he paid by this time, January 29, 1988?
14 A. Nothing.
15 Q. Turning your attention to Exhibit 2-6, do you
16 recognize that exhibit?
17 A. Yes.
18 Q. Can you tell us, is this also a document that was
19 made and maintained in the ordinary course of business of
20 Asphalt Specialist?
21 A. Yes.
22 Q. And is this a document that you provided the FBI from
23 the business records of Asphalt Specialist?
24 A. Yes.
25 Q. Now, tell us what this document is.

1 A. This is a bill that we sent to Jim Traficant
2 regarding work done on the farm per Jim Traficant's
3 instructions and accumulation of interest over the period
4 of time where the bill hasn't been paid.
5 Q. And as of September 19th, 1988, with late charge
6 interest accruing, how much had the bill grown to at that
7 point?
8 A. $12,985.85.
9 Q. Each of the pieces of correspondence that you looked
10 at, the bills, the invoices, the letters from the
11 attorneys, were they being sent to Congressman Traficant?
12 A. Yes.
13 Q. I notice an address up there that says Jim Traficant,
14 11 Overhill Road?
15 A. Yes.
16 Q. What was your understanding of that address?
17 A. That was the Congressman's office in Boardman.
18 Q. As you sent these invoices and these letters from the
19 attorney to Congressman Traficant, what, if any, response
20 were you receiving from Congressman Traficant regarding his
21 unpaid bills?
22 A. Nothing.
23 Q. Turning your attention to Exhibit 2-7, do you
24 recognize that?
25 A. Yes.

1 Q. And is this a document that was made and maintained
2 in the ordinary course of business of Asphalt Specialist?
3 A. Yes.
4 Q. Is this a document you provided to the FBI from the
5 business files of Asphalt Specialist?
6 A. Yes.
7 MR. MORFORD: Your Honor, may I display this?
8 THE COURT: Yes.
9 BY MR. MORFORD:
10 Q. What is the date of this letter?
11 A. October 14, 1988.
12 Q. And who is it addressed to, and who is it from?
13 A. It's from Asphalt Specialist addressed to our
14 attorney, John Spain.
15 Q. And if you could read that short paragraph for us,
16 please.
17 A. "Please file a lawsuit against Jim Traficant for
18 monies due. Please find enclosed a copy of our invoice to
19 him, and send me a copy of the lawsuit for our files."
20 Q. Had Congressman Traficant made any attempt to pay you
21 as of August 14, 1988, for work you had done December of
22 1986 and January 19th, '87?
23 A. No.
24 Q. What was his position as you understood it at this
25 point as to why he wasn't making payment?

1 MR. TRAFICANT: Objection.

2 THE COURT: Did you have some understanding,

3 mor do you have some personal information?

4 THE WITNESS: Just didn't pay the bill.

5 BY MR. MORFORD:

6 Q. Were you getting any information from the Congressman

7 whatsoever?

8 A. No.

9 Q. What, if any, reluctance did you have in filing a

10 collection lawsuit against Congressman Traficant?

11 A. It was definitely not the smartest business thing to

12 do, and I was really afraid of repercussions, you know,

13 with any federal projects I might have in the future.

14 Q. That being the case, why were you now instructing

15 your attorney to file such a lawsuit?

16 A. I couldn't afford to lose $12,000 of labor and

17 material.

18 Q. Turning to Exhibit 2-8, do you recognize that

19 document?

20 A. Yes.

21 Q. And is this another document that was made and

22 maintained in the ordinary course of Asphalt Specialist's

23 work, business affairs?

24 A. Yes.

25 Q. And is this a copy of a document that you provided to

1 the FBI from the business records of Asphalt Specialist?
2 A. Yes.
3 MR. MORFORD: Your Honor, may I display it?
4 THE COURT: Yes.
5 BY MR. MORFORD:
6 Q. And what is the date of this letter?
7 A. October 27, 1988.
8 Q. And who was the letter addressed to, and who was it
9 from?
10 A. It was addressed to our attorney, John Spain, from
11 myself.
12 Q. And if you could, I'd like to ask if you would go
13 ahead and read this document, the letter.
14 A. "Enclosed again are copies of all the invoices for
15 Congressman Jim Traficant. We have given him all fair
16 warning possible. I want to call his office, speak with
17 his aide, Charles O'Nesti, and tell him if we do not have
18 the money in three days, we are going to file a lawsuit to
19 protect our interest. If in three days, you do not have
20 the money, I do not want to set up any meetings to discuss
21 the problem at any length with these people at all. If the
22 money is not paid within three days, please commence a
23 lawsuit against Congressman Traficant on behalf of Asphalt
24 Specialist.
25 "Call Linda in our office to let us know what the

1 filing fees are, as we have this and a couple other
2 lawsuits that we have filing fees due.
3 "In addition, we would like to know the status of the
4 Delta Management case" --
5 Q. That's okay. The rest of it does not appear to deal
6 with Congressman Traficant; is that correct?
7 A. No.
8 Q. Now, let me ask you this: There's a portion in the
9 third sentence that says speak with his aide, Chuck
10 O'Nesti, and tell him if we do not have the money in three
11 days -- why were you instructing your lawyer to call and
12 talk to Chuck O'Nesti?
13 A. We had no response from the Congressman, and I knew
14 Chuck from prior times and new Chuck was in charge of the
15 Congressman's office.
16 Q. Now, there's also a provision near the end of the
17 paragraph that says, I do not want to set up any meetings
18 to discuss the problems at any length with these people at
19 all.
20 Why did you say that?
21 A. I waited long enough for my money, I wanted my money.
22 Q. Turning your attention to Exhibit 2-9, do you
23 recognize this document?
24 A. Yes.
25 Q. And can you tell us, is this a document that was made

1 and maintained in the ordinary course of business affairs
2 of Asphalt Specialist?
3 A. Yes.
4 Q. And is this the document that was provided by you
5 from your business records of Asphalt Specialist to the
6 FBI?
7 A. Yes.
8 MR. MORFORD: Your Honor, for the jurors, may
9 I put this on the board?
10 THE COURT: Um-hum.
11 BY MR. MORFORD:
12 Q. And who was this a letter to, and who was this a
13 letter from?
14 A. It's a letter to James Traficant from our attorneys.
15 Q. Okay. And what's the date of this letter?
16 A. November 14, 1988.
17 Q. Would you go ahead and read the body of this letter,
18 please.
19 A. "I previously advised you that I represented Robert
20 and Anthony Bucci, the owners of Asphalt Specialist, Inc.,
21 relative to the account still open on their books for the
22 work the corporation performed on your farm on State Route
23 165 for which you have not personally responded to.
24 "The account at this time is $12,985.85. I have been
25 instructed to file a lawsuit against you on their behalf.

1 I want to avoid this, and I'm sure you do, too. Therefore,
2 please contact me so that the proper arrangements can be
3 made to pay this debt. Otherwise, I have been instructed
4 to file."
5 Q. Now, can you tell us, was this dispute over these
6 unpaid invoices finally resolved?
7 A. Yes.
8 Q. And can you explain to the jury how you finally
9 resolved this dispute with Congressman Traficant?
10 A. We met with Charles O'Nesti.
11 MR. TRAFICANT: Objection.
12 THE COURT: Overruled.
13 Q. Go ahead.
14 A. And we articulated to Chuck, you know, the whole
15 background of all the problems we've had and the inability
16 to collect our money. And Chuck indicated to me that if I
17 forgive this debt, that the Congressman could do things for
18 me in the future.
19 Q. Now, after that conversation with Chuck O'Nesti, did
20 you meet with Congressman Traficant directly?
21 A. Yes.
22 Q. Can you tell us about that meeting?
23 A. At the meeting, I told Chuck and Jim both that that
24 was a lot of money, and that if I forgive the debt, I would
25 expect to have favors.

1 Q. And what did Congressman Traficant respond when you
2 told him that bill was a lot of money, and if you forgave
3 the bill, you would expect to have favors?
4 A. The response was he understood, he agreed, and his
5 comment to me was that I can do a lot more for you in
6 return.
7 Q. What understanding did you and Congressman Traficant
8 reach as a result of that discussion in that meeting?
9 A. Well, first of all, the debt that was owed to us
10 would go away. Second of all, that Jim wanted us to do
11 continuous work out at the farm from here to there, and if
12 he needed something, I'd help him. If I needed something,
13 he'd help me.
14 Q. Mr. Bucci, are you a person that parts with money
15 easily, lightly?
16 A. Not at all.
17 Q. Why did you agree then to go ahead and forgive this
18 $12,900 debt?
19 A. After we discussed it, my brother and myself, we
20 realized we were basically under the Congressman for
21 $13,000 we were going to own him.
22 Q. Now, let me --
23 MR. TRAFICANT: I didn't hear that.
24 THE WITNESS: We were going to own him.
25 MR. TRAFICANT: Own who?

1 THE WITNESS: The Congressman.
2 Q. Given the nature of your business, what were some of
3 the advantages as you entered into this arrangement that
4 you saw that you could obtain by entering this arrangement
5 with Congressman Traficant?
6 A. Unlimited.
7 Q. Explain some of those to us, what are some of the
8 unique things about your business that you felt the
9 Congressman from Youngstown could help your business?
10 A. In labor issues, any issues with the contracts we
11 might have, any interest that we -- any problems we had in
12 not getting contracts, just anything that came up, that we
13 needed.
14 Q. In the years following this meeting, were there
15 things that Congressman Traficant did in his position as a
16 congressman to help your company?
17 A. Yes.
18 Q. And I'd like to ask you some questions about some of
19 the specific matters for which you sought and received
20 Congressman Traficant's help after reaching this agreement
21 that you just testified to. Okay?
22 A. Yes.
23 Q. I'd like to turn your attention, if I could, to
24 Exhibits 2-19(1) and 2-19(2). Do you see those in front of
25 you?

1 A. Yes.
2 Q. And can you tell us just in general what are these
3 two exhibits, and what are -- what do they relate to?
4 A. It was a criminal case I had regarding Veterans'
5 Administration. The other one was a contract basically I
6 had of not paying prevailing wage rates.
7 Q. Both judgments from criminal cases?
8 A. Yes.
9 Q. And can you tell us the dates of the judgments?
10 Let's start with Exhibit 2-19(1). Do you recall the year
11 in which you were convicted in that case?
12 A. Yes.
13 Q. And what year was that?
14 A. 1992.
15 Q. And turning to the second criminal case, referenced
16 in Government's Exhibit 2-19(2), can you tell us what
17 your -- the conviction occurred in that case?
18 A. 1992.
19 Q. Okay. Let's start with the first case. You said it
20 was a case involving the Veterans' Administration. What
21 was the basis or gist that you were charged with in that
22 case?
23 A. Defrauding the Government, hiring Veterans and
24 receiving money to train them, and not paying them the
25 right amount of their reimbursement for the training.

1 Q. Was this a special training that was set up with
2 special funding for you to train Veterans on highway
3 construction?
4 A. Yes.
5 Q. And under the program, did you have specifications
6 that you had to meet in terms of providing certain
7 training?
8 A. Yes.
9 Q. Did you provide that training?
10 A. No.
11 Q. And were you convicted of that offense?
12 A. Yes.
13 Q. Now, the second criminal case in 1992, what did that
14 involve?
15 A. That basically was a payroll for not paying
16 prevailing rates.
17 Q. Were you required under federal funded highway
18 projects to pay prevailing wage rates?
19 A. Yes.
20 Q. And were you making statements to the Government to
21 the effect that you were, in fact, making prevailing wage
22 payments?
23 A. I sent certified payroll reports in, yes.
24 Q. Were they false certified payroll reports?
25 A. Yes.

1 Q. Were you convicted of defrauding the Government in
2 that case?
3 A. Yes.
4 Q. Now, as a result of those two cases, how were those
5 cases resolved?
6 A. First of all, I went to trial and was found guilty.
7 After the trial, I entered -- I entered negotiations where
8 I had a six-month sentence for both cases.
9 Q. Okay. And after you received your six-month sentence
10 in those two cases, what was your understanding as to how
11 much of that sentence you actually had to serve in a
12 federal prison as opposed to home detention or a halfway
13 house or any other kind of confinement?
14 A. Everyday.
15 Q. The entire six months?
16 A. Yes.
17 Q. As you understood it, were you eligible to spend any
18 portion that have six-month sentence in a halfway house
19 under the policies of the federal Bureau of Prisons as they
20 applied to sentence of six months or less at that time?
21 A. I was not eligible at all.
22 Q. To what extent did you talk to Congressman Traficant
23 about your six-month prison sentence before the time you
24 actually went to begin serving that sentence?
25 A. I had discussions with Jim about, first of all,

1 getting me out early and taking care of it for me.
2 Q. And what did he tell you he could do in his position
3 as a U.S. Congressman to try to help you with that
4 sentence?
5 A. He promised me that I'd be out before Christmas.
6 Q. And when were you supposed to report to prison?
7 A. I believe it was sometime in November.
8 Q. Now, when you're discussing this matter with
9 Congressman Traficant before reporting to prison, did you
10 discuss with him your criminal record so he'd be prepared
11 to speak with the officials from the Federal Bureau of
12 Prisons?
13 A. He was well aware of my criminal record.
14 Q. Well, let me ask you some questions about that
15 record. In addition to the two federal cases in which you
16 were convicted in 1992, had you been convicted in 1981 for
17 filing false income tax returns?
18 A. Yes.
19 Q. Did you also commit other crimes for which you had
20 never been charged in the operation of your businesses over
21 the years?
22 A. Yes.
23 Q. Did you regularly attempt to hide money from the IRS?
24 A. Yes.
25 Q. Did you file a false tax returns?

1 A. Yes.
2 Q. Did you file false wage and employee benefit
3 statements with federal, state, and local agencies?
4 A. Yes.
5 Q. Were there times that you fixed paving contracts?
6 A. Yes.
7 Q. Were there times that you submitted false change
8 orders on contracts?
9 A. Yes.
10 Q. Were there times that you failed to comply with the
11 specifications of such contracts?
12 A. Yes.
13 Q. Were there times that you used less paving material
14 than what was called for in contracts?
15 A. Yes.
16 Q. Were there times that you stole paving materials that
17 were supposed to go on one job and diverted them to another
18 job?
19 A. Yes.
20 Q. Were there times that you used lesser grade materials
21 than that which was called for under the contracts you were
22 working?
23 A. Yes.
24 Q. Were there times that you paid bribes to inspectors
25 and other officials so they wouldn't enforce the many rules

1 that you were breaking?
2 A. Yes.
3 Q. Were there times that you filed false insurance
4 claims?
5 A. Yes.
6 Q. Based on these types of conduct, what was your
7 reputation within the Youngstown community?
8 A. Not good.
9 Q. Was Congressman Traficant aware of that reputation?
10 A. Yes.
11 Q. Turning your attention to Government's Exhibit 2-21,
12 do you see that?
13 A. Yes.
14 Q. Can you tell us what -- just in general what this is?
15 A. It was a letter to the warden of the federal prison
16 camp in Seymour Johnson, Goldsboro, North Carolina, and
17 came from Mr. Traficant. He asked that I be transferred to
18 a facility closer to my home.
19 Q. Now, did you actually obtain a copy of this letter?
20 A. Yes.
21 Q. And did you maintain it in the business files of
22 Asphalt Specialist?
23 A. Yes.
24 Q. And is this a copy of the letter that you received?
25 A. Yes.

1 Q. Do you recognize any of the handwriting on this
2 document? There's a hello written on the top.
3 A. Yes.
4 MR. MORFORD: Your Honor, at this time, may I
5 put this on the overhead?
6 THE COURT: Yes.
7 BY MR. MORFORD:
8 Q. Whose handwriting -- do you recognize this writing,
9 "hello" over where it says Dear Warden Woods?
10 A. Jim's.
11 Q. Congressman Jim Congressman Traficant?
12 A. Excuse me, yes.
13 Q. Down at the bottom here, it says I would appreciate
14 your help. Do you see that?
15 A. Yes.
16 Q. Do you recognize that handwriting?
17 A. It's Congressman Traficant's.
18 Q. Would you go ahead and read the body of this letter,
19 please.
20 A. "The family of the above-named are constituents in my
21 District and have contacted my office for assistance. Due
22 to the distance, a tremendous hardship has been placed on
23 the family and caused a disruption of the family continuity
24 because of the inability for visitation. I am, therefore,
25 requesting that Mr. Bucci be transferred to a facility near

1 or within a reasonable proximity to his family so that the
2 family contacts can be made on a regular basis. It is my
3 understanding Mr. Bucci has not -- has no other problems
4 with the federal government judicial system. This was an
5 unusual case.
6 "I have personally spoken with your executive
7 assistant, Randy Meeks. Mr. Meeks is a fine man, and I
8 appreciate the courtesy shown to me by his receiving my
9 call personally.
10 "Mr. Charles O'Nesti of my staff will be in contact
11 with your facility -- facility regarding this matter. I am
12 requesting that a transfer be made and expedited preferably
13 to Bradford McKean facility in Bradford, Pennsylvania.
14 Bradford McKean is within a reasonable distance for family
15 visitations.
16 "I would appreciate a response to my request at your
17 earliest convenience. Mr. O'Nesti may be reached at
18 216-788-2414. Thank you."
19 Q. It says at the bottom I remain?
20 A. "I remain respectfully, James Traficant, member of
21 Congress."
22 Q. On which letterhead did he send this?
23 MR. TRAFICANT: I'd like to make that a joint
24 exhibit.
25 THE COURT: We can deal with that.

1 BY MR. MORFORD:
2 Q. Can you tell us what the letterhead was on this?
3 A. "Congressman of the United States House of
4 Representatives Washington, D.C."
5 Q. Approximately how long after you arrived at the
6 federal prison at Seymour Johnson was it before this
7 letter arrived asking them to move you closer to home?
8 A. A day or two.
9 Q. And at whose request did Congressman Traficant write
10 this letter?
11 A. My request.
12 Q. During the time you're at the prison, was anyone
13 talking to Congressman Traficant on your behalf?
14 A. Yes.
15 Q. And who was that?
16 A. My brother, Robert, my brother Dan.
17 Q. And was your brother Robert and your brother Dan
18 keeping you apprised of those conversations with
19 Congressman Traficant?
20 A. Yes.
21 Q. After this letter was sent asking you to -- asking
22 the prison to move you closer to home, what was your
23 understanding of the Bureau of Prisons' position on moving
24 prisoners on a stay as short as six months?
25 A. The Bureau of Prisons' posture was for anyone

1 sentenced to a six-month sentence, which is so short that
2 they never transfer anybody prior to six months.
3 Q. After this letter was sent on November 4, 1992, were
4 there continued efforts made to try to get you moved?
5 A. Yes.
6 Q. Turning to Exhibit -- Government's Exhibit 2-22, do
7 you recognize that document?
8 A. Yes.
9 Q. And do you recognize the signature on this document?
10 A. Yes.
11 Q. And whose signature was on the document?
12 A. Mine.
13 MR. MORFORD: Your Honor, may I put this on
14 the overhead?
15 THE COURT: Yes.
16 BY MR. MORFORD:
17 Q. Can you tell us what this document is?
18 A. It's a consent to release information necessary to
19 respond to Congressman Traficant's request for a transfer.
20 Q. Okay. And who was signing this consent to have
21 information released to Congressman Traficant?
22 A. I was.
23 Q. And what was the purpose of releasing Federal Bureau
24 of Prisons information to Congressman Traficant?
25 A. For the purpose of getting reassigned or released.

1 Q. After the request was made to move you closer to
2 home, what was the initial response that you received back
3 from the Federal Bureau of Prisons?
4 A. I don't think they would do it.
5 Q. After they initially informed you that they would not
6 do that on a six-month sentence, did they later change
7 their position?
8 A. Would you repeat that, please?
9 Q. After you were initially told that they would not
10 transfer you closer to home, did they later change their
11 position?
12 A. No.
13 Q. Did there come a time where you were transferred to a
14 halfway house in Youngstown?
15 A. Yes.
16 Q. Had you been told originally that that was something
17 the Bureau of Prisons would not do?
18 A. Yes.
19 Q. How long were you actually in Federal Bureau of
20 Prisons custody prior to being released to the Youngstown
21 halfway house, approximately?
22 A. 70 days.
23 Q. And what was your understanding of how it was that
24 after 70 days you were released to a halfway house facility
25 in Youngstown?

1 A. Because of the Congressman.
2 Q. During the 70 days that you were actually in prison,
3 where did you start out serving your sentence?
4 A. Seymour Johnson, Air Force base.
5 Q. And did there come a time where you were transferred
6 from Seymour Johnson to another facility?
7 A. Yes.
8 Q. And where were you transferred to?
9 A. A facility in New Orleans.
10 Q. What kind of facility?
11 A. Medical facility.
12 Q. And how was it that you got yourself from a prison in
13 North Carolina to a medical facility, prison medical
14 facility?
15 A. I wouldn't do any work at the facility at Seymour
16 Johnson, and it was a warden facility, and if you didn't do
17 any work -- I told them I was sick, and without me knowing
18 it, they moved me down to New Orleans.
19 Q. Were you really sick?
20 A. No.
21 Q. You were just refusing to go do work?
22 A. Yes.
23 Q. Were you claiming you were too sick to do work?
24 A. Yes.
25 Q. When you go to a halfway house, is there any

1 requirement on an inmate having the ability to do work?
2 A. Yes.
3 Q. When the Bureau of Prisons transferred you from the
4 medical facility in Louisiana to the halfway house in
5 Youngstown, how did they address the fact that you were
6 claiming to be too sick to do work?
7 A. I just got the transfer and went to the halfway
8 house.
9 Q. Tell us how a halfway house works compared to when
10 you were in prison. What's the difference in restrictions
11 between being in a Federal Bureau of Prisons correctional
12 facility and a halfway house such as the one you were in in
13 Youngstown?
14 A. The federal prison in New Orleans was a level 4 or 5
15 facility. It had extreme control of movement. You were
16 controlled with every movement, every place you went within
17 the prison. At a halfway house, after the initial
18 orientation, they not only expect you but encourage you to
19 find a job. Then you have the ability to go to work and
20 leave the halfway house and to return in the evening, and
21 after you return in the evening and you perform that for a
22 period of time, you're doing good, they start out with
23 little passes that eventually where you can take the entire
24 weekend off and spend it with your family. So it's night
25 and day difference.

1 Q. During the time that you're allowed to leave the
2 halfway house facility, either to work or spend time with
3 your family, are there rules and restrictions that apply?
4 A. Yes.
5 Q. What were some of those rules and restrictions? What
6 did you have to do in order to keep those privileges?
7 A. When you were out at the halfway house, it was
8 mandatory that you call in at periodic times during the
9 time that you were out. That was one of the major rules
10 there.
11 Q. Did you abide by those rules at all times?
12 A. No.
13 Q. Did there come a time where you got into trouble for
14 failing to obey those rules?
15 A. Yes.
16 Q. I'd like to turn your attention to Government's
17 Exhibit 2-30. Do you see that?
18 A. Yes.
19 Q. It's actually a two-page document, but they're put in
20 the cellophane so you can see both documents, one on the
21 front and one in the back. Do you see that?
22 A. Yes.
23 Q. Do you recognize -- let's start with the first front
24 page. Do you recognize that document?
25 A. Yes.

1 Q. And is this a document that was made and maintained
2 in the ordinary course of your business affairs?
3 A. Yes.
4 Q. Were these documents that you kept in your business
5 files?
6 A. Yes.
7 Q. The first page of the document says fax cover sheet,
8 do you see that?
9 A. Yes.
10 Q. Who does it indicate it was faxed to, and who does it
11 indicate it was faxed from?
12 A. It was faxed to Robert for Anthony from Congressman
13 Traficant's office, from Jackie.
14 Q. And who did you understand Jackie to be?
15 A. One of the Congressman's staff members.
16 MR. MORFORD: Your Honor, may I put this on
17 the overhead?
18 THE COURT: Yes.
19 BY MR. MORFORD:
20 Q. Turning to the second page, would you go ahead and
21 read the body of this, please?
22 A. "Dear Rick: Pursuant to our conversation today,
23 thank you for the information and willingness to mitigate
24 the problem. Be advised that the enclosed pass request and
25 approval does not require a specific time for a resident to

1 telephone the center. This is an unusual case, and I
2 appreciate your willingness to resolve all the problems
3 that occurred. Respectfully, James Traficant, member of
4 Congress."
5 Q. Okay. It says Dear Rick, and up at the top it says
6 Dr. Richard Billak, Ph.D., Community Corrections
7 Association. You know who Dr. Billak is?
8 A. Yes.
9 Q. Who's Dr. Billak?
10 A. He was in charge of the halfway house.
11 Q. And what was the problem that Congressman Traficant
12 was addressing in this letter that he sent signing it
13 member of Congress to Dr. Richard Billak?
14 A. I was out on leave on weekend, and I did not call in
15 when I was supposed to.
16 Q. And were they going to take your privileges away?
17 A. All of them.
18 Q. Would that include your working privileges?
19 A. Yes.
20 Q. And how would that affect your company and your
21 business?
22 A. Quite a bit.
23 Q. What did you request Congressman Traficant to do when
24 you got into trouble, and were they talking about taking
25 away your privileges?

1 A. Resolve the problem.
2 Q. It says here pursuant to our conversation today, did
3 Congressman Traficant tell you whether or not he ever spoke
4 with Richard Billak?
5 A. Yes.
6 Q. And what did -- what, if anything, did he tell you
7 about that conversation?
8 A. That he took care of it.
9 Q. And how was the situation ultimately resolved?
10 A. Like I never didn't call in. I just didn't have no
11 punishment. I just kept doing what I was doing.
12 Q. Do you recall approximately when you were released
13 from the halfway house?
14 A. I believe it was in May of '93.
15 Q. So about two months after this matter in March 22,
16 1993, approximately?
17 A. Yes.
18 Q. Turning your attention to what is marked Government's
19 Exhibit 2-32, do you see that?
20 A. Yes.
21 Q. And do you recognize this document?
22 A. Yes.
23 Q. And do you see a CC down at the bottom of this
24 document?
25 A. Yes.

1 Q. And who's listed as on the CC?
2 A. Anthony Bucci, Robert Bucci, Prime Contractors,
3 Incorporated.
4 Q. Now, is this a document which you obtained and
5 maintained in the files of your businesses during the
6 ordinary course of your business?
7 A. Yes.
8 Q. Was this a document that you provided to the FBI from
9 your personal business records of your businesses?
10 A. Yes.
11 MR. MORFORD: Your Honor, may I put this on
12 the overhead?
13 THE COURT: Yes.
14 BY MR. MORFORD:
15 Q. Can you tell us what this exhibit is?
16 A. It's a letter from the Congressman's office, Jim
17 Traficant to Wilbert Baccus, the Office of the Chief
18 Counsel of the FHWA.
19 Q. What is the FHWA as YOU understand it?
20 A. Federal Highway Administration.
21 Q. And what department is that part of, do you know?
22 A. Department of Transportation.
23 Q. And would that be the Ohio Department of
24 Transportation or the United States Department of
25 Transportation in Washington?

1 A. United States.
2 Q. Now, how long after the letter that Congressman
3 Traficant had sent to the halfway house on your behalf on
4 March 22, 1993, transpired before he sent this letter to
5 the U.S. Department of Transportation?
6 A. Short.
7 Q. Could you go ahead and read the body of this letter
8 for us, please?
9 A. "Dear Attorney Baccus: I want to thank you for your
10 courtesy extended to me on April 8, 1993, during our
11 telephone conversation regarding Anthony Bucci. I also
12 appreciate your thoughtfulness by having Attorney Pete
13 Snyder and Ron Moses on a conference call with us.
14 "Complying with your notice to Anthony Bucci dated
15 March 18, 1993, Paragraph 2, Page 5, Anthony Bucci voices
16 his opposition through me as his representative to the
17 proposed debarment and reserves his right to be represented
18 by counsel.
19 "I am asking that you consider the arguments
20 discussed in our telephone conversation and that you will
21 preclude Prime Contractors and Robert Bucci from any legal
22 action. Should you have any further questions, do not
23 hesitate to contact me or Chuck Charles O'Nesti on my
24 staff."
25 MR. TRAFICANT: I ask it be a joint exhibit.

1 THE COURT: We can deal with all of that at
2 the break. It's all right.
3 Q. What was the nature of the dispute between you and
4 the Department of Transportation that Congressman Traficant
5 was addressing in his words as your representative in this
6 letter to the U.S. Department of Transportation?
7 A. Debarment from state contracts.
8 Q. And who was the United States Department of
9 Transportation seeking to debar from participating in
10 future federally funded contracts?
11 A. Myself, my brother, Asphalt Specialist, and possibly
12 Prime Contracting.
13 Q. When you say your brother, which brother?
14 A. Robert.
15 Q. And had he been convicted as well?
16 A. Yes.
17 Q. Now, you had testified very early on about the
18 relationship between Asphalt Specialist and Prime
19 Contractors. Do you recall that?
20 A. Yes.
21 Q. At what time period and for what reason did you cease
22 to operate Asphalt Specialist and begin to operate Prime
23 Contractors?
24 A. I think it was Prime was around 1989.
25 Q. What was the purpose of forming Prime Contractors?

1 A. There was so much baggage with Asphalt Specialist and
2 so many problems for Prime Contracting for -- and we knew
3 that Asphalt Specialist was going to be debarred.
4 Q. Now, when you use the word "debarred," explain to the
5 jury what you mean by debarred. How does that work?
6 A. When you're debarred from a Government agency, that
7 stops you from doing any work for a period of time.
8 Q. What effect would it have on the business affairs, no
9 matter what corporation you call it, of the Bucci brothers
10 if, in fact, you, your brother, Asphalt Specialist and
11 Prime Contracting were barred from bidding on federally
12 funded contracts for a period of three years?
13 A. The effect on Asphalt Specialist and myself and my
14 brother regarding Asphalt Specialist, it really didn't
15 matter because we had Prime Contracting ready to go into
16 effect. Prime Contracting, if it was debarred, meant that
17 we were totally out of business. If both brothers were
18 disbarred, it would have been huge to us, for we couldn't
19 operate the business, but if one brother was disbarred and
20 the other one wasn't, we still maintained -- could maintain
21 the business.
22 Q. And what were you asking Congressman Traficant to do
23 on your behalf with the United States Department of
24 Transportation as it related to debarment?
25 A. Most important thing was the Prime Contracting wasn't

1 debarred. Since I spent six months and my brother was
2 convicted of a misdemeanor, we felt that we should have, me
3 as the scapegoat, and that Robert would get a debarment,
4 maybe of a lesser than three years, and absolutely nothing
5 happened to Prime Contracting, which was a new company that
6 we had in force at the time.
7 Q. If the bar is lifted as to Prime Contractors but it's
8 not lifted as to you, would you be allowed, under federal
9 law, to participate on Bucci brother projects that involved
10 federal funding?
11 A. Would you repeat that again?
12 Q. If you had succeeded and Prime Contractors was not
13 debarred but you were, would that preclude you personally
14 from participating on federally funded projects by one of
15 your companies?
16 A. Absolutely.
17 Q. But is that something that you could still do work as
18 long as you weren't caught?
19 A. Yes.
20 Q. Turning your attention to Exhibit 2-34, do you
21 recognize that document?
22 A. Yes.
23 Q. And can you tell us, is this a document you've seen
24 before?
25 A. Yes.

1 Q. Did you ever receive a copy of this document from the
2 Congressman?
3 A. Yes.
4 MR. MORFORD: Your Honor, may I put this on
5 the overhead?
6 THE COURT: Yes.
7 BY MR. MORFORD:
8 Q. And can you tell us what is the date of this letter?
9 Who was the letter addressed to, and who was it from?
10 A. The letter was from the Congress of the United
11 States, from Jim Traficant. It was May 20, 1993, to the
12 Honorable Frederico Pena, Secretary of Transportation.
13 Q. Okay. Would you go ahead and read the body of this
14 letter, please?
15 A. "It was surely a pleasure to have both you and
16 Mr. Dhillon and I want to wish you the best with your new
17 appointment. I spoke with Neil regarding Prime
18 Contractors, a company in my district. Cheryl Bucci is the
19 president of Prime Contracting, and Anthony Bucci is her
20 husband. Recently, Anthony and his company Asphalt
21 Specialist were convicted of a felony and is pending
22 disbarment from participation in federal financial
23 assistance programs and from direct federal contracting and
24 federally approved subcontracting.
25 "Robert Bucci, brother of Anthony Bucci, was

1 convicted of a misdemeanor and is in danger of being
2 disbarred. Both Anthony and Robert are affiliated with
3 Asphalt Specialist, and the only relationship between the
4 two men and Prime Contracting is that of a marital status.
5 It is my understanding that an investigation of Prime
6 Contracting is being initiated. This company has been
7 operated solely by Cheryl Bucci for the past four years.
8 She has remarkable experience and expertise in this
9 profession, and has approximately 150 employees. Our
10 Valley has been devastated with unemployment during the
11 past ten years, and their disbarment will add to the
12 unemployment status in our area.
13 I would recommend that Robert Bucci not be disbarred,
14 and I would like an opportunity to meet with you to discuss
15 the situation with Prime Contracting, also. Will you
16 please review their situation and contact me about a
17 possible meeting? I thank you for your consideration.
18 Respectfully, James Traficant, member of Congress."
19 Q. Let me ask you a couple questions. One, you notice
20 up in the left-hand corner on this stationery, there's a
21 listing of committees for Congressman Traficant. What is
22 the first committee that's listed?
23 A. Committee of Public Works and Transportation.
24 Q. How valuable was it to you to have a member of the
25 U.S. Congress who sits on the Committee on Public Works and

1 Transportation send a letter like this on your behalf to
2 the newly appointed Secretary of Transportation?
3 A. I couldn't describe the value.
4 Q. Now, there's some statements in here I want to ask
5 about.
6 One is down at the bottom where it says your company
7 has approximately 150 employees. Do you see that?
8 A. Yes.
9 Q. Did your company ever have 150 employees?
10 A. No.
11 Q. Did you ever tell Congressman Traficant that your
12 company had 150 employees?
13 A. No.
14 Q. What's the most, greatest number of employees you
15 ever recall your companies having at any one time on any
16 given job?
17 A. 30 to 50.
18 Q. There was also a statement that both Anthony and
19 Robert are affiliated with Asphalt Specialist but not with
20 Prime Contractors. Was that true?
21 A. No.
22 Q. And was Congressman Traficant aware you and your
23 brother were actually affiliated with Prime Contractors?
24 A. Yes.
25 Q. Who was it that was asking Congressman Traficant to

1 keep the United States Department of Transportation from
2 debarring Prime Contractors?
3 A. I was.
4 Q. Were you telling him why it was important and
5 significant for that to happen?
6 A. Yes.
7 Q. And what were you telling him?
8 A. That we didn't care about Asphalt Specialist. Prime
9 Contracting, if it went and got disbarred, we would be
10 totally out of business.
11 MR. MORFORD: Your Honor, at this point, I'm
12 going to go into a new area, and I don't know if you want
13 me to start up a new area or what you want to --
14 THE COURT: We'll take a break because it's
15 10:30. We'll take a break. We'll take half an hour break.
16 See you at 11:00.
17 (Proceedings in the absence of the jury:)
18 THE COURT: We had three exhibits.
19 MR. TRAFICANT: Your Honor, I ask all the
20 exhibits placed on the board be made joint exhibits.
21 THE COURT: Okay. I'll let you two talk
22 about that together.
23 MR. MORFORD: Just one thing your Honor:
24 Congressman Traficant got these exhibits over a month ago.
25 Every night I've been giving him a list of exhibits we'll

1 use the next day. I would ask that he list out -- he has
2 all the exhibits, which ones he wants as joint exhibits,
3 and we don't have to do it in front of the jury.
4 MR. TRAFICANT: Your Honor, insofar as I want
5 to hear what witnesses are saying --
6 THE COURT: Right.
7 MR. TRAFICANT: -- so I know what myself,
8 representing myself has occurred, I'll make the decision at
9 the time what I want to be a joint exhibit.
10 THE COURT: Okay. And then at the next break
11 we will deal with it because we really don't have to keep
12 interrupting testimony for that. We'll do it.
13 MR. TRAFICANT: Okay. Fine. But I now want
14 all that he had put on the board here on the screen be made
15 a joint exhibit.
16 MR. MORFORD: Just for purposes of the
17 record, I want to note that these are documents that he
18 refused to stipulate to initially, but I don't have a
19 problem calling them joint exhibits if that's what he
20 wants.
21 THE COURT: We'll call them joint exhibits
22 and go over the numbers -- you got the numbers of all of
23 them on the board.
24 THE CLERK: Yes.
25 THE COURT: We'll make all of those joint

1 exhibits. Thank you. Everybody relax for awhile. We'll
2 see you back at 11:00.
3 (Thereupon, a recess was taken.)
4 THE COURT: Sir, you're still under oath.
5 BY MR. MORFORD:
6 Q. Mr. Bucci, if you could turn your attention to what's
7 been marked Government's Exhibit 2-36, you see that in
8 front of you?
9 A. Yes.
10 Q. And I'm going ask you if you would actually take it
11 out of the wrapper so to speak.
12 Do you recognize this document?
13 A. Yes.
14 Q. And is this a document that you would have received
15 in the ordinary course of business of Prime Contractors?
16 A. Yes.
17 MR. MORFORD: Your Honor, may I put this on
18 the overhead?
19 THE COURT: Yes.
20 BY MR. MORFORD:
21 Q. Can you explain to the jury, Mr. Bucci, what this
22 notice from the U.S. Department of Transportation, Federal
23 Highway Administration, dated August 4, 1993, is, what it
24 generally deals with?
25 A. It's basically a debarment action taken by the United

1 States Department of Transportation.
2 Q. And go ahead and read for the jury under the words
3 "Action taken" beginning in sub paragraph A down to the
4 bottom of the page, please.
5 A. "The individuals and company cited below have been
6 debarred from participating in any future federal
7 government contracting and Government approved
8 subcontracting, beginning March 18, 1993, and ending on the
9 expiration dates listed below. They have also been
10 debarred from participating in any programs or projects
11 receiving federal financial assistance from any agency of
12 the executive branch of the federal government, including
13 contracts beginning March 18, 1993, and ending on the
14 expiration dates listed below.
15 Asphalt Specialist, Incorporated, 1506-1510 South
16 State Street, Girard, Ohio, expiration date March 17,
17 1996."
18 Q. Let me stop you right there. Did you care at all
19 that Asphalt Specialist was receiving the full three-year
20 debarment?
21 A. No.
22 Q. Why?
23 A. It was going out of business.
24 Q. Now, next is listed Anthony Bucci. What was your
25 original three-year debarment reduced to?

1 A. 18 months.
2 Q. And then turning next to your brother, Robert, what
3 was his original three-year debarment reduced to?
4 A. I think six months.
5 Q. And when was his debarment to expire under this
6 nemas?
7 A. September 17, 1993.
8 Q. And this memo, this notice was dated August 4, 1993,
9 correct?
10 A. Yes.
11 Q. How important was it to you and your brother, the
12 fact you were able to get your three-year debarment reduced
13 to 18 months and that your brother Robert was able to get
14 his three-year debarment reduced to six months?
15 A. Well, in regard to my brother, Robert, who basically
16 did all the estimating, accounting, the six months was very
17 important .
18 Q. Explain to the jury why it was so important that
19 Robert come off his debarment September 17, 1993, instead
20 of serving the full-time through March 1996?
21 A. He could deal in the open with suppliers and
22 formulate business for the contract in the old fashion.
23 Q. When would the negotiation and bidding for contracts
24 that would take place in the spring and summer, fall of
25 1994 generally take place?

1 A. ODOT bid work all along. They had two biddings per
2 month so every two months.
3 Q. How about non-ODOT work?
4 A. Well, that was basically more seasonal.
5 Q. Okay. And if you could, could you turn to Page 2.
6 I'd like to ask you if you would read Paragraphs D and E?
7 A. On February 12, 1991, Anthony R. Bucci, Asphalt
8 Specialist were convicted in the U.S. District Court for
9 the Northern District of Ohio, Eastern Division for
10 violation of 18 U.S.C., 287, 1340, and 1341. On April 22,
11 1992, Robert T. Bucci was convicted in the same forum for a
12 violation of 18 U.S.C. Section 1003. On July 10th, 1992,
13 Anthony Bucci and Asphalt Specialist were convicted in the
14 same forum of conspiracy in violation of 18 U.S.C. Section
15 371 and false statements in violation of 18 U.S.C. Section
16 1020(2) in connection with a nonpayment of Davis-Bacon
17 wages on federal aid highway projects."
18 Q. Now, when you said Robert on that, did you misspeak?
19 A. Yes, I did.
20 Q. Go ahead, if you could continue with Paragraph E?
21 A. "Federal Highway Administration officials, including
22 the debarring official, met with representatives of the
23 individuals and the company. Mitigating information has
24 been presented to the FHWA and considered in these actions.
25 The proposed debarment period of three years for the

1 individuals has been reduced to six months for Robert and
2 18 months for Anthony. Mitigation of the proposed
3 debarment period of three years for the company was not
4 considered because no mitigating information was presented
5 on its behalf."
6 Q. When it says the company, what company are they
7 talking about?
8 A. Asphalt Specialist.
9 Q. And what happened with respect to Prime Contractors,
10 was there any debarment whatsoever of Prime Contractors?
11 A. No.
12 Q. What was your understanding as to why the United
13 States Department of Transportation reduced the bar against
14 you and your brother from three years to 18 months for you
15 and six months for your brother?
16 A. It was the help of the Congressman plus under the
17 mitigating circumstances.
18 Q. What was your understanding as to why the United
19 States Department of Transportation decided not to bar
20 Prime Contractors whatsoever?
21 A. Because of Congressman Traficant.
22 Q. If you could turn your attention to what's been
23 marked Government's Exhibit 2-37, do you see that document?
24 A. Yes.
25 Q. After you had resolved the situation with the United

1 States Department of Transportation, did you receive
2 notice, any notice from the United States Department of
3 Labor?
4 A. Yes.
5 Q. And what was the situation that you had with the
6 United States Department of Labor?
7 A. They were considering debarring us, too.
8 Q. And that would be a separate debarment from that
9 which you had just overcome with the United States
10 Department of Transportation, correct?
11 A. Yes.
12 Q. This document, 2-37, do you recognize this document?
13 A. Yes.
14 Q. And what's the date of this document?
15 A. April 15, 1994.
16 Q. Did you receive a copy of this document from the
17 United States Department of Labor Employment Standards,
18 Administration Wage and Hour Division?
19 A. Yes.
20 MR. MORFORD: Your Honor, may I put this on
21 the overhead?
22 THE COURT: Yes.
23 BY MR. MORFORD:
24 Q. At the top of this particular document, there's a fax
25 header dated March 13, 1996. Do you see that?

1 A. Yes.
2 Q. Do you recall sending a copy of this document to
3 anyone?
4 A. I don't remember.
5 Q. Did you ever provide a copy of this document to
6 Congressman Traficant?
7 A. Yes.
8 Q. What was your purpose of providing this document to
9 Congressman Traficant?
10 A. To make him aware of the situation with the
11 Department of Labor.
12 Q. If you could, turning your attention to the second
13 full paragraph and the last paragraph on the front page of
14 this document, could you read those two paragraphs, please?
15 A. "Pursuant to Section 5.12 (a) under regulation of CFR
16 Part 5, this matter was referred to the controller general
17 of the United States with the request that your individual
18 and company names be placed on the ineligible bidders list
19 for having committed willful and aggravated violations of
20 the labor standards provisions of the contract work hours
21 and Safety Standards Act."
22 Q. Let me stop you there and ask you what was it that
23 you had done wrong in this instance. What were you doing
24 wrong that led to this debarment with the Department of
25 Labor?

1 A. Not paying the prevailing wage rate.
2 THE COURT: Couldn't understand it?
3 MR. TRAFICANT: I can't hear some of the
4 testimony, your Honor.
5 THE COURT: Okay. We'll get him to speak up.
6 THE WITNESS: Not paying the prevailing wage
7 rate.
8 Q. And when you failed to pay the prevailing wage rate,
9 who were you harming?
10 A. The employees.
11 Q. The individual workers who worked for your company?
12 A. Yes.
13 Q. Under federal regulations, you were supposed to pay
14 them a given wage rate, correct?
15 A. Yes.
16 Q. And you were supposed to provide those workers with a
17 specific amount of benefits, correct?
18 A. Yes.
19 Q. And you had been convicted for having not done that,
20 correct?
21 A. Yes.
22 Q. And then filing false claims with the Government
23 claiming you were paying them the required amount, correct?
24 A. Yes.
25 Q. And at the time Congressman Traficant went to bat for

1 you with the U.S. Department of Labor, based on your
2 conversations with him, did he understand that that's what
3 you had done wrong?
4 A. Yes.
5 Q. Read this last paragraph here?
6 A. "Inclusion of the names on the list bars the firm and
7 yourself individually and any firm, corporation,
8 partnership, or association in which you have a substantial
9 interest from doing business with the Government as a
10 contractor, subcontractor, under any of the acts listed in
11 Section 5.1 of the regulations, Part 5, for a period not to
12 exceed three years."
13 Q. As you understood it, based on this April 15, 1994,
14 notice, when -- how long a period was this debarment
15 supposed to apply and keep you and your brother and your
16 companies from bidding on federally funded projects?
17 A. Three years.
18 Q. Which would have taken you into when?
19 A. '97.
20 Q. To your knowledge, did Congressman Traficant go to
21 bat on your behalf, your brother's behalf, and your
22 company's behalf with the U.S. Department of Labor?
23 A. Yes.
24 Q. And what was it he was seeking to have the U.S.
25 Department of Labor do on your behalf?

1 A. To -- there was a period of time that we were
2 awaiting period that we wanted to eliminate and plus try to
3 get this thing reduced or eliminated.
4 Q. And what was he promising you to do for you in that
5 regard?
6 A. Just to do what I just said.
7 Q. In addition to intervening on your behalf before the
8 Federal Bureau of Prisons, the Youngstown Community
9 Corrections Association Halfway House, the United States
10 Department of Transportation, and the United States
11 Department of Labor, what, if any, state and local agencies
12 did Congressman Traficant contact on your behalf? Do you
13 remember some of those?
14 A. Yes.
15 Q. Did Congressman Traficant ever contact the Ohio
16 Department of Transportation on behalf of you, your
17 brother, and your company?
18 A. On numerous occasions.
19 Q. What was the relationship between you and your
20 company and the Ohio Department of Transportation?
21 A. Not good.
22 Q. To what extent and why did you have to deal with the
23 Ohio Department of Transportation?
24 A. Between ODOT and the federal government, it
25 represented probably 97 percent of our business.

1 Q. Now, you said your relationship with the Ohio
2 Department of Transportation was not good. Why was it not
3 good?
4 A. I was uncooperative. I didn't abide by the
5 specifications, things like that.
6 Q. Were you cheating on ODOT supervised jobs?
7 A. Yes.
8 Q. And did ODOT have inspectors that were supposed to
9 monitor and keep companies like yours from cheating on
10 those jobs?
11 A. Yes.
12 Q. Was there any particular inspector that you had more
13 problems with than others?
14 A. Yes.
15 Q. And what was that inspector's name?
16 A. Tom Williams.
17 Q. And what was Tom Williams' job as it related to
18 projects that the Bucci brothers and their companies were
19 doing on Ohio Department of Transportation jobs?
20 A. Tom Williams was the District 4, head of construction
21 engineers. He was in charge of all construction projects
22 in that district.
23 Q. What is District 4?
24 A. It includes Columbiana, Mahoning, and Trumbull
25 County.

1 Q. What were his duties as it related to the jobs that
2 the Bucci brothers would do on Ohio Department of
3 Transportation funded projects?
4 A. Make sure the specifications were here, negotiate and
5 approve change orders, approve time extensions on projects,
6 and oversee compliance.
7 Q. And describe the relationship between you and Tom
8 Williams.
9 A. Personally, I hated him.
10 Q. And why did you hate Tom Williams?
11 A. Well, my experience with working with many officials
12 and inspectors, he probably was the most knowledgeable
13 engineer I ever came across.
14 Q. Was that the only reason you hated him, because he
15 was knowledgeable?
16 A. No, because he made me follow the specifications.
17 Q. Did there ever come a time when you went to
18 Congressman Traficant and complained about Tom Williams?
19 A. Yes.
20 Q. Was it one time or more than one time?
21 A. Quite a few times.
22 Q. And what was it that you were complaining to
23 Congressman Traficant about Tom Williams?
24 A. He was breathing down my neck. He wasn't approving
25 my change order. I couldn't make no money the way he was

1 on me.
2 Q. Let's take each of those things one piece at a time.
3 When you say he was breathing down your neck, what do you
4 mean by that?
5 A. If a contract had to start on a certain date, he
6 would make sure you were in compliance. If it had to be
7 finished a certain date, if you were busy and had more than
8 one, two, three, four contracts going, you needed
9 extensions so you wouldn't be in liquidated damage. He
10 basically knew the specifications inside and out, and
11 whenever I applied for something, he would deny that, which
12 caused me more liquidation damages. If there was a change
13 plan condition on the project, basically was handled two
14 ways: One, you have an agreed unit price to do the extra,
15 or you go on what they call force account, where they pay
16 you late labor material for equipment plus, I believe, it's
17 a 15 percent overhead.
18 With Tom Williams, he knew that I couldn't pad the
19 number of pieces of machinery time because he knew the
20 specifications too well. And when I'd give him a unit
21 price, he knew it wouldn't be conforming with the standard
22 in the State of Ohio what would be acceptable throughout
23 the state. So every time I tried to do something, it was
24 him that was there stopping me from getting a break.
25 Q. When you say every time, I tried to do something, do

1 something, legally or do something illegally?
2 A. Both.
3 Q. Describe for the jury, if you will, any particular
4 times you remember going to Congressman Traficant to
5 complain about Tom Williams.
6 A. You mean the actual complaint of it?
7 Q. Yeah. You remember any specific instances where you
8 went and talked to Congressman Traficant?
9 A. One specific instance, I remember driving on out to
10 the farm and talking to Jim.
11 Q. When would this have been, approximately, a year?
12 A. Could have been '85, '86. I'm not sure.
13 Q. Tell us what you recall on that occasion when you
14 drove out to the farm.
15 A. Well, I met Jim out there, and I told him that Tom
16 Williams and the things we tried to do to correct the
17 situation with him was not working, and basically, I'm in a
18 position where I'm not making no money. And I needed him
19 to get this guy straightened out right away.
20 Q. You said '85 or '86. Would that have been prior to
21 the time that you dealt with the union situation and did
22 the work out at the farm?
23 A. No. I said '95 and '96.
24 Q. I'm sorry, I misheard you.
25 Do you recall any times when you were present and

1 Congressman Traficant contacted Mr. Williams?
2 A. Yes.
3 Q. And can you describe that to the jury?
4 A. Exactly what the words --
5 Q. No, just in general what you recall?
6 A. Well, we got a hold of Tom Williams on the phone. He
7 was screaming at him. He told him if he didn't back off,
8 he was going to get him fired, start an investigation.
9 Q. He didn't back off of what?
10 A. Letting me work the way I wanted to work.
11 Q. And how did you want to work?
12 A. Basically wanted to do what I could to make money
13 with the state.
14 Q. Would that include cheating?
15 A. Yes.
16 Q. Who was in the right with these disputes you were
17 having with Tom Williams? Was he in the right, or were you
18 in the right?
19 A. There were a few occasions that I was in the right.
20 Predominantly, I was in the wrong.
21 Q. Was there ever -- strike that.
22 Do you know a man named Dave Dreger?
23 A. Yes. He's the deputy director of District 4. He's
24 the boss out there.
25 Q. Okay. ODOT has different districts throughout the

1 state; is that correct?
2 A. Yes.
3 Q. And he's the head of the district you said that
4 covers Mahoning, Trumbull, Columbiana County?
5 A. Yes.
6 Q. What was his relationship in terms of order within
7 ODOT with Tom Williams?
8 A. He was Tom Williams' boss.
9 Q. Did there ever come a time when you asked Congressman
10 Traficant to contact Dave Dreger on your behalf?
11 A. Yes.
12 Q. Why did you ask Congressman Traficant to contact Dave
13 Dreger?
14 A. It was regarding Tom Williams.
15 Q. Do you know of a man by the name of Jerry Wray?
16 A. Yes.
17 Q. And who was Jerry Wray?
18 A. He was the head of the Department of Transportation
19 in the State of Ohio.
20 Q. He was the big boss, if you will?
21 A. He was the boss.
22 Q. Were there ever times when you asked Congressman
23 Traficant to contact Jerry Wray on your behalf?
24 A. There were a few occasions, yes.
25 Q. I'd like to ask you some questions about a particular

1 project in Mosquito Lake Park. Mosquito Lake Park, are you
2 familiar with that project?
3 A. Yes.
4 Q. Can you explain to the jury a little background on
5 that project, what the project was and who the bidding
6 company was that was going to work on that project as best
7 you recall?
8 A. Mosquito Lake Park was -- it was a typical park in
9 the State of Ohio, where we were doing some road
10 resurfacing, some -- maybe some parking lot extensions and
11 a little bit of grading. And that was the project that
12 worked on it.
13 Q. Now, were there any specific requirements on that
14 project because it dealt with the state park?
15 A. Yes, you had to maintain traffic. It was the same
16 specifications as you had with ODOT. It was adhered to
17 with the state park. You had weather limitations, time
18 limitations, spec limitations, asphalt specifications, the
19 same specifications that ODOT applied to the park.
20 Q. What time of the year was -- was there anything
21 special about the time of the year that you were working
22 the resurfacing project at Mosquito Lake Park?
23 A. I think it was over a holiday. It might have been
24 the 4th of July, one of the holidays.
25 Q. What effect did the fact that you were doing the work

1 on a holiday at a state park have on traffic?
2 A. It would have -- actually created a lot of chaos for
3 the people who wanted to enjoy the park over the holidays.
4 Q. And what way was it creating chaos? Can you explain?
5 A. Well, first of all, it would limit access to the road
6 because we had one-way traffic. And two, you're paid --
7 you're tying up the roads. You're tying up the traffic.
8 It was just very congested to do something like that during
9 the holiday.
10 Q. And what effect did that have on people who were
11 planning to go to that park at that time for a vacation on
12 that holiday period?
13 A. It would disrupt their plans.
14 Q. Was there anything your company did that made the
15 situation worse than it should have been?
16 A. Yes. We continued full operations during the
17 holidays with our construction.
18 Q. Were you supposed to do that under the contract?
19 A. No.
20 Q. Was there anything with respect to traffic control
21 and the specifications on what you were supposed to provide
22 in terms of traffic control that you did or didn't do?
23 A. Basically, I -- you know, traffic control required
24 you to put a flag on each end, and that roughly cost you $5
25 to $700 a day minimum depending on the overtime. We didn't

1 put traffic control out there.
2 Q. And what effect did that have on the holiday traffic
3 at the park?
4 A. What we wanted to try to do was block the roads and
5 close the roads, which actually shut the arteries down
6 where people could go and do things; had a huge effect on
7 it.
8 Q. What happened to the people that were trying to get
9 into the park while you're shutting down the road. Where
10 are they?
11 A. They're trying to get in. We'd let a few in, kept
12 the rest out.
13 Q. For how many hours are we talking did these people
14 sit there trying to get into the park and couldn't?
15 A. Some quite a bit, some never even got in the park.
16 Q. What was Tom Williams' reaction when he found out
17 what you were doing?
18 A. He went crazy.
19 Q. And what did he do with respect to the job you were
20 trying to perform at that time?
21 A. Shut it down.
22 Q. And who was in the right, Tom Williams or the Buccis?
23 A. Tom Williams.
24 Q. And what did you do when Tom Williams tried to shut
25 your job down that day?

1 A. Got a hold of the Congressman.
2 Q. How did you get a hold of him?
3 A. I believe I called him.
4 Q. On what?
5 A. Could have been on a cell phone.
6 Q. Did you call him right from the job site?
7 A. I believe I did.
8 Q. What did you tell the Congressman?
9 A. Exactly, I don't remember what, but the gist was you
10 have to stop this guy and get him off my back because I
11 can't make the money if I can't pave.
12 Q. Which guy?
13 A. Tom Williams.
14 Q. During that time, where was Tom Williams when you
15 were talking with the Congressman?
16 A. I believe that he was at his office in District 4.
17 Q. To your knowledge, did Congressman Traficant contact
18 Tom Williams?
19 A. I know he did.
20 Q. How do you know that?
21 A. I was standing there when he was talking to him on
22 the phone.
23 Q. And what do you recall of the conversation that
24 Congressman Traficant had with Tom Williams about the fact
25 that Tom Williams had shut down your project at Mosquito

1 Lake Park?
2 A. Jim was at a point where he just went crazy with Tom
3 Williams and just told him that, you know, that was it,
4 he's going to get him fired, and he's going to start an
5 investigation, and if he didn't stop.
6 Q. What kind of investigation?
7 A. Federal investigation.
8 Q. I'd like to ask you some questions about an ODOT
9 project numbered 466-96. Does that project ring a bell?
10 A. Yes.
11 Q. Turning your attention to Government's Exhibit 2-15,
12 do you see that?
13 A. Yes.
14 Q. Do you recognize this document?
15 A. Yes.
16 Q. And was this a document that you received and
17 maintained in the ordinary course of business of Prime
18 Contractors, Incorporated?
19 A. Yes.
20 Q. And is it a document you provided to the FBI out of
21 the business records of Prime Contractors?
22 A. Yes.
23 MR. MORFORD: Your Honor, may I display this?
24 THE COURT: Yes.
25 BY MR. MORFORD:

1 Q. And can you tell us what is this document?
2 A. This is the bid tab sheet that was sent to me from
3 Northeast Ohio, which is our insurance and bonding company
4 showing results of a particular project.
5 Q. What project did this bid relate to?
6 A. 466-96.
7 Q. And what was the project 466-96?
8 A. It was a paving contract in Ohio.
9 Q. And do you recall where that project was going to
10 take place?
11 A. I think it was possibly Route 87 and 88, in that
12 area.
13 Q. Okay. What's the date of this bid, acceptance?
14 A. 6-12-96.
15 Q. And who was the low bidder on this job?
16 A. Prime Contracting.
17 Q. Approximately how much did you underbid Northern Ohio
18 paving?
19 A. $15, $1600.
20 Q. Were there ever any factors that allowed you to bid
21 lower than what you thought would be a reasonable bid of
22 all if the job was done correctly?
23 A. Yes.
24 Q. Explain that to the jury how that worked.
25 A. Basically when you look at a contract, you first look

1 for what it's going to cost you to do the contract. And
2 then ODOT usually had planner reports, and with the planner
3 reports, you were able to capitalize on extras or change
4 orders when you bid a project.
5 Q. Were there ever times you purposefully underbid a
6 project on the assumption that you could make up the
7 difference by cheating on the contract?
8 A. Yes.
9 Q. Were there times that you did underbid a project, got
10 it, cheated and then made money that way?
11 A. Yes.
12 Q. Turning your attention to Government's Exhibit 2-16,
13 do you see that?
14 A. Yes.
15 Q. And is this a document that you received and
16 maintained in the ordinary course of the business of Prime
17 Contractors?
18 A. Yes.
19 MR. MORFORD: Your Honor, may I put this on
20 the board?
21 THE COURT: Yes.
22 BY MR. MORFORD:
23 Q. And who was this a letter from and who was it to?
24 A. The letter is from Mark Kelsey, and it was to Prime
25 Contracting.

1 Q. And what is the -- if you can read just the -- very
2 first sentence there, what does that say?
3 A. "This letter is to inform your company that the
4 director has reviewed the bids opened on June 12, 1996, for
5 the above project and awarded the contract to Prime
6 Contractors, Incorporated.
7 Q. And who was Mr. Kelsey?
8 A. He was the administrator of all the contracts that
9 were let in the State of Ohio.
10 Q. So what was the purpose of this letter to inform you
11 of what?
12 A. That you were, in fact, going to award the contract
13 -- Number 9 -- the contract number for (1) $1,1884,858.08.
14 Q. And this was for that project 96-466?
15 A. Exactly.
16 Q. Did there come a time where the Ohio Department of
17 Transportation attempted to take this contract away from
18 you?
19 A. Yes.
20 Q. Explain to the jury what happened.
21 A. The Department of Transportation gave this particular
22 job to the second bidder, was North Ohio Paving, and the
23 justification for that was there was an issue on a bridge
24 deck, how we were going to demolish the bridge. The
25 traditional pattern of doing that was jack hammering that,

1 but they insisted upon there was a memo sent that it had to
2 be hydro demolition, which was using water as opposed to
3 jack hammers, and in our bid, we indicated that we were
4 going to use jack hammers as opposed to the hydro
5 demolition because we knew that was quite a bit more
6 expensive to use.
7 Q. Which was, the hydro?
8 A. Yes.
9 Q. You said that was the justification, what was your
10 understanding or your belief as to why they were really
11 giving the bid to Northern Ohio Paving as opposed to Prime
12 Contractors?
13 A. Well, my honest belief was that really Northern Ohio
14 was the lowest and best bid because they were going to use
15 hydro demolition as opposed to the jack hammer method.
16 Q. Did they actually take the bid away from you for a
17 time?
18 A. They awarded it to Northern Ohio Paving.
19 Q. After they award it to Northern Ohio Paving, what did
20 you do in response?
21 A. I contacted the Congressman again.
22 Q. And what with did you ask the Congressman to do on
23 your behalf?
24 A. To get him to reverse the award and give us the
25 contract.

1 Q. How many years had you been in the paving industry at
2 this point?
3 A. 25, 30 years.
4 Q. And for how many of those years had you been dealing
5 on state projects with the Ohio Department of
6 Transportation?
7 A. About 15.
8 Q. Based on that experience, how rare was it, in your
9 experience, for the state to initially award a contract to
10 a company like Prime Contractors and then take it away and
11 give it to Northern Ohio Paving?
12 A. I think they never awarded the contract to Prime.
13 They awarded it directly to Northern Ohio Paving, and then
14 they reversed themselves and awarded it to us.
15 Q. How rare was it for the State to reverse itself after
16 it awarded a contract?
17 A. I never heard of it.
18 Q. What was your understanding as to why ODOT reversed
19 itself and took the bid back away from Northern Ohio and
20 gave it to your company, Prime Contractors?
21 A. It was involvement of the Congressman talking to
22 people at ODOT for us.
23 Q. And are you aware of who Congressman Traficant talked
24 to on your behalf with respect to the reversal of that bid
25 that had been taken away from you and given to Northern

1 Ohio Paving?
2 A. Yes.
3 Q. And what was that understanding?
4 A. He talked to the director of transportation, who was
5 Jerry Wray.
6 Q. I'd like to ask you some questions about a particular
7 contract, the 1996 Mahoning County paving contract. Are
8 you familiar with that contract?
9 A. Yes.
10 Q. And where is Mahoning County. What city is the major
11 city of Mahoning County?
12 A. Youngstown.
13 Q. And what was the Mahoning County 1996 paving project?
14 Could you explain to the jury how Mahoning County paving
15 projects work?
16 A. Once you're at the County, they let a contract to
17 pave all the streets, and Mahoning County had all the
18 various counties that would be represented. They would
19 take these from this County to that County and go into a
20 paving project that was once a year performed and bid.
21 Q. And who was the Mahoning County engineer at that
22 time?
23 A. William Fergus.
24 Q. And had you had prior relationship and dealings with
25 William Fergus in any way?

1 A. Yes.
2 Q. Were there ever any times that you had done anything
3 illegal with William Fergus when he was county engineer?
4 A. Yes.
5 Q. Turning your attention to 2-60, can you tell us what
6 that document is?
7 A. It's a letter to Bill Fergus from us.
8 Q. And what does the letter deal with where it says up
9 at the top reference?
10 A. The 1996 resurfacing program.
11 Q. And what's the date of this letter?
12 A. October 2, 1996.
13 Q. By the fall of 1996, was Mr. Fergus in a -- strike
14 that.
15 What was Mr. Fergus' status as Mahoning County
16 engineer by the fall of 1996?
17 A. He was the Mahoning County engineer.
18 Q. Had there been a primary earlier that year in March
19 of 1996?
20 A. Yes.
21 Q. And who had won that primary election?
22 A. Marsico.
23 Q. Had Mr. Fergus been defeated in that primary?
24 A. Yes.
25 Q. Was he what we called a lame duck at the time the

1996 resurfacing project was being done?
A. Yes.
Q. Who actually got the 1996 resurfacing project. Who was awarded that bid?
A. I was.
Q. And approximately -- approximately ball park figure, how big a contract are we talking?
A. Just under a million.
Q. Was there any other contract -- or who was also interested in obtaining that 1996 resurfacing contract?
A. Yes.
Q. And what was that contractor's name?
A. Hard Drive Paving.
Q. Who was the principal or owner of Hard Drive Paving?
A. James Sabatine.
Q. After the bid was awarded to you and your company, Prime Contracting, what, if anything, did James Sabatine, and Hard Drive Paving do to try to take that contract away from you?
A. I believe they wrote a letter to the engineer as well as the commissioners that were in in 1996.
Q. What were they trying to do with respect to this contract? What was their goal?
A. To have the contract awarded to them as opposed to me.

1 Q. Was there anything about the fact of William Fergus'
2 lame duck status as Mahoning County engineer that made this
3 a particularly important contract?
4 A. Well, for us?
5 Q. Yes.
6 A. Well, it was his last year in office and his last
7 contract that we'd have with him working.
8 Q. And what was the significance of that, that this
9 would be the last year with Mr. Fergus? Did you see any
10 advantage to your company in that?
11 A. Yes.
12 Q. Explain to the jury the advantage you saw in being
13 able to work one last contract with Mr. Fergus.
14 A. Mr. Fergus was very, very corrupt, and if he was
15 paid, you were able to do just about anything you wanted to
16 in that project.
17 Q. Did you view this as a contract that you could make a
18 lot of money on?
19 A. Yes.
20 Q. When you learned Mr. Sabatine and Hard Drive was
21 attempting to get this contract away from your company, did
22 you go to anyone for help?
23 A. Yes.
24 Q. Who did you go to?
25 A. Congressman Traficant.

1 Q. Were you able to keep this contract?
2 A. Yes.
3 Q. Did you cheat on this contract?
4 A. Yes.
5 Q. Did there ever become an issue involving tickets on
6 this contract?
7 A. Yes.
8 Q. Could you explain to the jury what tickets are and
9 what the nature of that problem and dispute was?
10 A. Tickets were the delivery tickets that accompanied
11 the truck to determine the weight of the material that was
12 in the truck, and my dispute back then was to able to
13 memorialize that they were actually giving you the tickets
14 that were actually brought on a project because at that
15 time, I felt that Fergus was more in cahoots with Sabatine
16 than myself, and I didn't trust him. But I also knew in
17 order to not do the specifications right, I had to have
18 certain parameters established in order to do what I wanted
19 to do.
20 Q. And what were you trying to get in terms of favorable
21 parameters for Mr. Fergus, that you could do what you
22 wanted to do?
23 A. The biggest thing was the acknowledgment of scratch
24 course material that was laying on a project and the amount
25 of tickets that totalled everyday that was acknowledged.

1 Q. Explain what that means to the jury in practical --
2 in practical English. What were you trying to do and how
3 would you be able to do it?
4 A. If a contract called for an inch and a quarter
5 specification of thickness and they would go out and pour
6 the streets and not find an inch and a quarter, it would be
7 pretty easy to ascertain that you didn't give them the
8 material they wanted. However, the big issue was a scratch
9 course, which was a preleveling course, and in itself, a
10 preleveling course, you cannot determine because of the
11 voids in the road with any certainty, if you pour the
12 street, what the thickness was. The only way to determine
13 that was to actually acknowledge the material on the
14 tickets at the time of placement. So knowing that, we
15 wanted to make sure that this would be done.
16 Q. Again, turning to this letter 2-60, this is a letter
17 from someone named Bobby Kathuris; is that right?
18 A. Yes.
19 Q. Who is Bobby Kathuris?
20 A. He was my engineer.
21 Q. And who did you send this -- who did your company,
22 Prime Contractors, send this letter to?
23 A. Bill Fergus.
24 Q. Now, there's two CC's down at the bottom. You see
25 that?

1 A. One was Charles O'Nesti, and the other is Pulchinsky.
2 Q. Pulchinsky ; is that correct?
3 A. Yeah, son-in-law.
4 Q. And who did Mr. O'Nesti's son-in-law work for?
5 A. Mahoning County engineers.
6 Q. For Mr. Fergus?
7 A. Correct.
8 Q. Now, was this letter a document that was made and
9 maintained in the ordinary course of business of Prime
10 Contractors?
11 A. Yes.
12 Q. And is this a letter that you provided to the FBI
13 from the business records of Prime Contractors?
14 A. Yes.
15 MR. MORFORD: Your Honor, may I put this on
16 the overhead?
17 THE COURT: Yes.
18 BY MR. MORFORD:
19 Q. Okay. If you could start by reading through this
20 letter, please, for the jury?
21 A. "Dear Mr. Fergus: This is to memorialize our
22 conversation held in the meeting today. In response to our
23 project requirement of siting every asphalt ticket by the
24 county inspector that are placed in a particular day, it
25 was accepted that: 1. Due to the inability of

1 Mr. Pulchinsky to sign every ticket at the time of delivery
2 to the paver, Mr. Pulchinsky will accept the total tons
3 delivered and used on a particular day by signing the last
4 ticket with cumulative tons written on it.
5 Q. What's the point of that, and how does that benefit
6 your company?
7 A. That they acknowledge it at that particular day a
8 thousand tons of asphalt could have been laying, and he
9 acknowledged that he accepted it.
10 Q. But they're not going to look at each individual
11 delivery?
12 A. Or wouldn't be there.
13 Q. And why was this important to you to get Fergus'
14 office to agree to that? What was it going to allow you to
15 do?
16 A. Cheat.
17 Q. Who was it that helped you secure this agreement from
18 Mr. Fergus?
19 A. A couple people.
20 Q. Who were they?
21 A. Congressman Traficant and Charles O'Nesti.
22 Q. Paragraph 2, could you read that and explain that to
23 you us?
24 A. "Also, in cases where scratch course is directed for
25 particular roads in a day, Mr. Pulchinsky will accept and

1 acknowledge the tons of asphalt used as a scratch by
2 writing on the last ticket with his signature."
3 Q. Again, how did that benefit your company? What was
4 that going to allow you to do?
5 A. Cheat.
6 Q. Down here on the bottom, why was Chuck O'Nesti and
7 Mr. Pulchinsky CC'd on this letter, if you know?
8 A. Because Chuck O'Nesti was the one who was working
9 with us, and the inspector that was assigned to this
10 project was his nephew, Mr. Pulchinsky.
11 Q. I would like to ask questions about the Trumbull Hill
12 job. You remember that job?
13 A. Yes.
14 Q. And can you tell us where was that project to take
15 place, the Trumbull Hill job?
16 A. It was probably a quarter or a quarter or an eighth
17 of a mile from the asphalt plant in Girard.
18 Q. Did you bid on that project?
19 A. Yes.
20 Q. Did there ever come a time where you had project --
21 or problems regarding that project?
22 A. I think there was numerous projects, Trumbull Hill
23 phases, but the one I have in mind that I can recall I
24 don't think they awarded the contract to us.
25 Q. Were you told by the officials from the City of

1 Girard why they were not awarding that contract to you?
2 A. Yes.
3 Q. And what were you told?
4 A. That our taxes weren't paid, and they can't certify
5 or give the project to us.
6 Q. Did you go to anyone for help when you were told they
7 couldn't award the contract to you because your taxes
8 weren't being paid to the City of Girard?
9 A. Yes.
10 Q. Who did you go to?
11 A. The Congressman.
12 Q. And to your knowledge, did he attempt to intervene
13 with any officials in Girard in your behalf?
14 A. Yes.
15 Q. I'd like to ask you some questions about a dispute
16 involving Weathersfield Township. Do you recall having a
17 dispute with the Township of Weathersfield?
18 A. Yes.
19 Q. And in a nutshell, could you describe for the jury
20 the nature of that dispute?
21 A. They weren't paying me my money.
22 Q. Who wasn't?
23 A. Weathersfield.
24 Q. Was there anybody in particular within the
25 Weathersfield Township government that you understood was

1 holding up the payment of the money to you?
2 A. Yes.
3 Q. And who was that person?
4 A. Buccella.
5 Q. Would that be George Buccella?
6 A. Yes.
7 Q. What was his position in the Weathersfield Township
8 as you understood it?
9 A. He was a trustee.
10 Q. And why were they holding up the payment of money to
11 your company?
12 A. I think there was a few reasons why they weren't.
13 Q. What were those reasons as they were given to you as
14 you understand it?
15 A. Verification of material, quality of work performed,
16 and there might have been a payroll issue.
17 Q. Who did you go to for help when they refused to pay
18 you what they owed you on that job?
19 A. Jim Traficant.
20 Q. And what, if anything, did Congressman Traficant do
21 in your behalf?
22 A. Well, I -- I knew that George was at Jim's farm a
23 lot, and when I called the office, I found out that Jim was
24 at his farm, and they indicated to me that he was there,
25 too.

1 Q. He who?
2 A. Mr. --
3 Q. George Buccella?
4 A. Yes.
5 Q. So what did you do?
6 A. I got in my pickup, my brother and myself, and went
7 right to the farm and confronted him.
8 Q. Confronted whom?
9 A. Well, initially, we talked to Traficant about it, and
10 then we initially talked directly to him about it.
11 Q. Directly to him, who?
12 A. Buccella.
13 Q. Was Congressman Traficant present when you talked to
14 George Buccella about the fact that Weathersfield Township
15 was holding up your check?
16 A. Standing right next to him.
17 Q. What, if anything, did Congressman Traficant say to
18 George Buccella about whether or not he should go ahead and
19 pay you the check?
20 A. Make sure you pay him his money, get him a check.
21 Q. Why wasn't Mr. Buccella paying you the check?
22 A. There were a few reasons.
23 Q. Were they not satisfied with your work?
24 A. Yes.
25 Q. Did you get the check?

1 A. Yes.
2 Q. Now, I'd like to ask you some questions about a
3 company called Capital Ready Mix Contract -- or Concrete --
4 excuse me. Are you familiar with that company?
5 A. Yes.
6 Q. And right next to you on the stand, there's a photo,
7 Exhibit 2-64. Are you familiar with that photograph?
8 A. Yes.
9 Q. Do you recognize the two people in that photograph?
10 A. Yes.
11 Q. And who are they?
12 A. Jim and I.
13 Q. Jim Traficant?
14 A. Yes.
15 Q. And does that photograph accurately depict you and
16 Congressman Traficant the day that photograph was taken?
17 A. Yes.
18 MR. MORFORD: Your Honor, I'd like to ask if
19 the photograph can be admitted into evidence?
20 THE COURT: Let's deal with it at the break.
21 MR. MORFORD: Okay.
22 MR. TRAFICANT: Let's make it a joint exhibit
23 and --
24 THE COURT: Okay. We'll do that at the
25 break.

1 BY MR. MORFORD:
2 Q. In the photograph, there's a picture of a truck; is
3 that correct?
4 A. Yes.
5 Q. And what company did that truck belong to?
6 A. Capital Ready Mix.
7 Q. And can you explain again in a nutshell to the jury
8 what the background was on this company Capital Ready Mix?
9 A. The entire background?
10 Q. Yeah, just walk us through it if you would.
11 A. It was a company that basically I organized, which
12 was 51 percent Greg Tyson, 24 and a half percent me, and 24
13 and a half percent Joe Sattarelle.
14 Q. Let me walk through this. Who was Joe Sattarelle?
15 A. He was an acquaintance of both Greg Tyson and myself.
16 Q. And what was he -- what was his specialty, what was
17 he good at?
18 A. He owned and operated a truck repair company, tire
19 company.
20 Q. And why did you bring Joe Sattarelle into this
21 company you were forming, Capital Ready Mix?
22 A. Basically construction business dealing with concrete
23 plants; that one of the major problems is the concrete
24 trucks breaking down.
25 Q. Where did the assets, the batch plan, and the trucks

1 come from in the first place?
2 A. I purchased them at a sheriff's sale.
3 Q. And how much -- how many trucks are we talking about,
4 how many trucks were there?
5 A. Well, I didn't purchase the trucks at a sheriff's
6 sale. I just purchased the physical plant property itself.
7 Q. How much did you pay for the plant and the property,
8 approximately?
9 A. $60,000.
10 Q. And how much did you pay for the fleet of trucks?
11 A. $90,000.
12 Q. How many trucks were there?
13 A. I can't remember, but I think it was nine, somewhere
14 around there.
15 Q. And what was the role of Greg Tyson to be in this
16 venture, the man that was going to have 51 percent
17 ownership of this company?
18 A. Greg Tyson was black, and he was going to be our
19 minority.
20 Q. You say he was black and going to be your minority.
21 Explain to the jury the significance of having a minority
22 businessman be the 51 percent owner of this company?
23 A. By being 51 percent, he was in control of the
24 corporation. Therefore, he could prequalify ODOT as a
25 minority contractor and be awarded minority contracts.

1 Contracts that we had, we had to fulfill minority
2 requirements, which is probably 7 percent of the total
3 contract, and we could utilize Greg as a paper contractor.
4 Q. Now, these assets, the trucks and the batch plant
5 that you obtained for $150,000, how were you going to
6 transfer title and ownership of those to this company,
7 Capital Ready Mix?
8 A. Well, initially, I -- well, actually what I did was
9 lease the property to Greg Tyson for an extended period of
10 time, to remove options in it, and I wasn't going to
11 transfer anything to him.
12 Q. As the plan evolved, did you end up selling the batch
13 plant and the trucks to Greg Tyson?
14 A. Yes, I did.
15 Q. And approximately how much did you sell them to Greg
16 Tyson for?
17 A. I sold him the batch plant, I believe, for $125,000.
18 I believe I sold him the trucks for somewhere around $90 to
19 $100,000.
20 Q. Where was Greg Tyson under the plans supposed to get
21 the financing to buy these assets from you?
22 A. I was to help him obtain financing.
23 Q. From where?
24 A. From the bank.
25 Q. Now, when you sell him the, quote, batch plant, what

1 exactly are you selling him, and what are you not selling
2 he him?
3 A. I sold him a batch plant and maintained the UCC
4 filing on it. The batch plant was enclosed in the
5 building. He didn't own the building. He just owned the
6 batch plant. He could never remove the batch plant. He
7 could never take it down, so actually, I sold him something
8 he could never utilize, and by leasing the property and not
9 letting him buy the property, he really was paying for
10 nothing.
11 Q. Who ultimately then would end up with control over
12 this company?
13 A. Well, ultimately, Greg ran the company, the 51
14 percent, but initially, it was something that I was
15 supposed to run.
16 Q. But did you maintain control over the batch plant
17 because it was in a building on your property?
18 A. I had absolute control over it.
19 Q. Did there come a time when Greg Tyson had difficulty
20 obtaining a loan to buy these assets?
21 A. Greg couldn't get a loan to buy a newspaper.
22 Q. What, if anything, did you do to help him get a loan
23 so he could make this business work?
24 A. Contacted the Congressman.
25 Q. And what did you explain to the Congressman that you

1 were trying to achieve in this business plan?
2 A. Well, what I wanted to do was sell the plan to Greg
3 for big money, and then what I wanted to do was utilize
4 Greg as a minority in my primary construction business, and
5 that's what I initially used Greg for.
6 Q. Did you explain that to Congressman Traficant?
7 A. Well, yes.
8 Q. And what, if anything, did Congressman Traficant then
9 do to help you help Greg Tyson obtain a loan to do this
10 deal?
11 A. The Congressman said he would take care of it, and
12 last when I was involved with it, he had contacted I
13 believe it was DiBlasio, and he was to get hold of somebody
14 at the bank and work with Greg to get a loan.
15 Q. And at all times that Congressman Traficant was going
16 to contact the bank, did he know that you were the primary
17 person behind this deal?
18 A. Yes.
19 MR. MORFORD: Your Honor, before I show more
20 documents, I wanted to check with you as far as time.
21 THE COURT: Well, good, because I was about
22 to interrupt you no matter what. It's time for a break.
23 We'll resume at 1:30.
24 (Proceedings out of the presence of the jury.)
25 MR. MORFORD: I would like to renew my

1 request to Congressman Traficant. I've given him a list of
2 the exhibits that he put in writing what he wants to be
3 joint so we can follow that.
4 MR. TRAFICANT: Why don't I do that. Whether
5 I do it today or not, I'm not sure, but let me write it
6 down what I have.
7 THE COURT: Okay. Well --
8 MR. TRAFICANT: I may not do it here in the
9 next 15, 20 minutes.
10 THE COURT: Okay. Well, you have more time
11 than that. You have an hour and a half basically.
12 MR. TRAFICANT: When do we have to be back
13 here?
14 THE COURT: 1:25 you have to be back.
15 It's -- you're the one that wanted --
16 MR. TRAFICANT: The one that said I wanted
17 joint exhibits. I want joint exhibits, and I would like to
18 hear the testimony and --
19 THE COURT: Okay. You've heard it. Give him
20 a list.
21 MR. TRAFICANT: Before I do that --
22 THE COURT: Just give him a list.
23 (Thereupon, a luncheon recess was taken.)
24
25

1 Tuesday Session, February 26, 2002, at 1:30 P.M.
2 (Proceedings in the absence of the jury:)
3 THE COURT: I have a motion from the
4 Defendant. Did you give a copy to the Government?
5 MR. MORFORD: He just now this moment, your
6 Honor.
7 THE COURT: All right.
8 MR. TRAFICANT: I just completed it.
9 THE COURT: All right. Very well. So we'll
10 handle this when we have time at the next break.
11 MR. TRAFICANT: Okay. I have another issue.
12 THE COURT: Okay.
13 MR. TRAFICANT: The second issue deals with
14 hearsay testimony that you've allowed in this morning by
15 this Defendant, and I just want to put on the record that
16 it appears to be a double standard on hearsay. You have
17 allowed every Prosecution witness to answer hearsay, and if
18 I even get into an issue, looks like it might appear to be
19 hearsay, you make a speech to the jury. I just want to
20 make that for the record.
21 THE COURT: Well the record.
22 MR. TRAFICANT: No offense.
23 THE COURT: No.
24 MR. TRAFICANT: I have another issue.
25 THE COURT: Wait. The record will speak for

1 itself on that issue.
2 MR. TRAFICANT: Fine.
3 Third one is I intend to seek all access to all notes
4 of any testifying agents. I believe I'm entitled to them
5 under the Jencks Act, and I want to know if the
6 Prosecutor's made available to me pursuant to laws of
7 discovery, Brady versus Maryland, everything eligible to me
8 under the Jencks Act, including the notes of the agents
9 who, in fact, interviewed and interrogated their witnesses.
10 MR. SMITH: Your Honor, we have been, as the
11 Court knows, because we've been giving copies to your law
12 clerk at the same time we give the copies to the
13 Congressman, providing the Jencks material as to particular
14 witnesses. We have provided the Giglio material relating
15 to those witnesses in the packet with the witness' Jencks,
16 so it's clear to whom that material relates.
17 Last year we provided Brady material in an extensive
18 letter, which I'll certainly file with the court at a later
19 date. So I believe that the Congressman has gotten that
20 which he is entitled to.
21 MR. TRAFICANT: Response. And I am not
22 talking about what they gave me, I'm talking about what I
23 believe they need to give me. I want to cite in addition
24 to Brady versus Maryland United States versus Peterson, 116
25 Federal Supplement Second, 366, NDNY, 2000, which clearly

1 stipulates such need for their behavior.
2 I also want to place on the record United States
3 versus Pilullo, 105 Federal 3D, 117, Third Circuit, 1997.
4 The question here is they have brought up significant
5 issues about me using information that they have given to
6 me, but I believe that their notes, relatively taken to
7 what the conclusions that the agents made, are salient
8 points of evidence that could, in fact, be impeachable for
9 the Defense against some of their witnesses.
10 So I believe under the Jencks -- under Brady versus
11 Maryland and the laws that I have cited, I'm not asking for
12 an immediate ruling, but I'm saying that I want it all, or
13 I want to know if they've given me all. If they've given
14 it all to me, I'll have no further question. If they
15 haven't, I want it.
16 THE COURT: Thank you.
17 MR. SMITH: The Government believes, your
18 Honor, that we have provided to the Congressman all
19 materials producible under the Jencks Act as to each
20 witness, under Giglio, impeaching material as to each
21 witness, and under Brady, as to each witness.
22 That -- that material generally includes, if the
23 person testified in a Grand Jury, a copy of the Grand Jury
24 transcript. In addition to that, FBI 302, FD 302 forms for
25 the witnesses, which would reflect prior interviews of

1 those witnesses by the FBI or the IRS, depending on who did
2 the interview, and in some instances, interviews of third
3 parties who provided information that may have been
4 impeaching of that witness, if the Congressman elected to
5 use it.
6 The way that material has been organized is that for
7 each witness we have created a packet or a folder, and that
8 material has been placed in that folder and given to the
9 Congressman and a copy to your law clerk as well. That's
10 what we've been doing. And we'll continue to do throughout
11 the trial.
12 MR. TRAFICANT: Response. That's what I'm
13 opposed to. I now want to cite the United States versus
14 Peterson case. The District Court granted a new trial in
15 the federal Prosecution finding that the Prosecution
16 violated the Jencks Act by inadvertently suppressing
17 investigators' notes, which, if disclosed, would have
18 revealed discrepancies with the Government's trial
19 testimony related to petitioner's statement.
20 These discrepancies created a significant possibility
21 that the jury would have had a reasonable doubt as to the
22 defendant's guilt.
23 Now, just briefly, I want to cite United States
24 versus Polulo, denial of 2255 motion, reversed where
25 Government failed to disclose surveillance tapes and raw

1 notes of FBI and IRS agents. The notes contained
2 information supporting defendant's version of events and
3 impeaching the testimony of the Government agents provided
4 key testimony at the defendant's trial for wire fraud and
5 other charges.
6 Now, what is the trial testimony of a FBI agent? It
7 is a summary conclusion of a 302. They have made 302's an
8 issue here. I want their notes. I want to see if their
9 notes compare to those 302's.
10 THE COURT: The notes are of the testifying
11 agents?
12 MR. TRAFICANT: The notes of the agents who
13 testify, the raw notes that they have taken under Pilullo
14 as I have cited, under the first one I believe was not just
15 Brady versus Maryland, Pilullo and Peterson. They clearly
16 reflect decisions made by the courts that deal with notes.
17 Furthermore, this whole issue of 302's and attempt to
18 suppress the use of these 302's is clearly now going to
19 become an issue in this particular case. But what I am
20 saying, at this point, is I want the raw notes, too. I
21 want to know what was written and then what they concluded
22 because there have been cases now that have been reversed
23 where agents have testified to one thing but their raw
24 notes showed another thing, and the courts have now clearly
25 said those notes are eligible.

1 Now, they can go ahead and tell their agents to
2 destroy their notes, and I understand that, but I'm
3 bringing this to the attention of the court, and I intend
4 to use the only elements of notes that I am available to
5 have at this point under Jencks and Giglio they made
6 available to me, and that's 302's, but I want all their
7 notes, and I want them as soon as possible.
8 MR. SMITH: Your Honor, in a -- all right.
9 Two things.
10 Number one, as I've indicated, we have been giving
11 the Congressman the typed FD 302 forms that the agents
12 prepare when they interview a witness. It is true that we
13 have not given the Congressman the agents' rough notes that
14 they took by hand during an interview. That is correct.
15 THE COURT: I think that's what he's asking
16 for; is that right?
17 MR. TRAFICANT: If we understand English.
18 Can I respond?
19 THE COURT: Well, I think they're still
20 responding.
21 MR. SMITH: May I have a moment, your Honor?
22 MR. TRAFICANT: They need a side bar. May I
23 respond? 907 Federal Second, 600, Sixth Circuit, 1989,
24 quote, "deliberate misrepresentation where Prosecutor
25 withheld Grand Jury testimony of, after defense requested

1 any Jencks Act or Brady material and Prosecutor responded
2 that none existed. Conviction was reversed."
3 Now, look, they want to put me in jail, and I don't
4 want to make any charges here, but I don't think the
5 Court's too happy with me, either. Let me put it to you
6 this way: I'm entitled to these notes. I want these
7 notes, and I want them now.
8 MR. MORFORD: May I address that, your Honor?
9 THE COURT: Yes.
10 MR. MORFORD: First of all, what the
11 Congressman is entitled to under -- you can't just throw
12 around names like a Brady and Giglio without saying what
13 they mean. First of all under Brady, he is entitled to the
14 statement of the witness himself. We have been giving him
15 FBI 302 interview notes of witnesses, even though they are
16 not the statement of the witness and even though they're
17 not Brady material as an aid to him. We're not required to
18 reveal the notes. Those are not statements of the witness
19 unless the witness reads the 302 and agrees that that's his
20 own statement. They're the statement of agents, who wrote
21 up what they understood the witness to say. That's Number
22 one.
23 Number 2, to the extent that there are 302's or agent
24 notes that would indicate something inconsistent with what
25 the witness said at trial, that would be Giglio. However,

1 if there's a 302 that indicates a set of facts A, B, and C
2 and the agent's notes indicate those same facts, A B, and
3 C, giving the 302 to Congressman Traficant and pointing out
4 the inconsistencies is sufficient.
5 Now, as far as agent testimony for whom those notes
6 could be argued to be Brady, there's only been two agents
7 that have testified in this case, Agent Semesky -- not
8 Brady, Jencks, Agent Semesky and Agent Bushner. Agent
9 Semesky never took any notes. Agent Semesky never did
10 302's. We can set that aside, second --
11 MR. TRAFICANT: Objection.
12 THE COURT: Let him finish. Okay?
13 MR. TRAFICANT: He can't speak to what they
14 did.
15 THE COURT: There was testimony --
16 MR. MORFORD: I certainly can because I'm
17 telling the Court what I understand as one of the attorneys
18 who supervised this investigation, and what I'm telling
19 this Court, I know for a fact that Agent Semesky did not do
20 any 302's, and there are no such materials as to Agent
21 Semesky and as to Agent Bushner. I can talk to Agent
22 Bushner and find out if he took notes.
23 I don't know that he did. I don't think that he did.
24 I'll find out, but I would also note to the court that to
25 my understanding, unless Congressman Traficant can show

1 where he's requested these materials before, I don't think
2 he ever requested them, and we have given him 302's as to
3 all these witnesses.
4 MR. TRAFICANT: It's now become an issue I
5 want to respond. What Mr. Morford understands don't mean a
6 bit to me. Your understanding, sir, is not the decision of
7 the court.
8 MR. MORFORD: Sir, please address the Court.
9 MR. TRAFICANT: I am addressing the Court.
10 Here's my statement. I'm not only talking about the agent,
11 I'm talking about any and all witnesses. When they're
12 interrogated by the FBI, I don't just want the 302's.
13 According to the laws I cited, I want the notes that
14 were also taken. In several cases, after cases that I've
15 cited, they have reversed the cases. It was proven that
16 FBI agents on occasion flavor their conclusions and not
17 necessarily reflect the exact quotes or misinterpret an
18 exact quote. Therefore, the notes become important.
19 Now, I'm not out to have every agent go out and start
20 burning envelopes without fingerprints on them, but I will
21 say this: I want the notes of any testifying agent. I've
22 cited the corresponding law. I'm bringing it to you now
23 because I think it's a salient point in defense of this
24 case, and I believe that I'm entitled to it, and the laws
25 that I've cited clearly reflect that.

1 THE COURT: I think we have enough
2 information on this. Apparently, the Government's going to
3 talk to one of the people who has already testified, and
4 we'll have the benefit of that information. And I expect
5 that I'll have something in writing in response to this as
6 well, which would tell me that so that over the period that
7 we recess the jury over the next three days, maybe we can
8 get this resolved.
9 MR. TRAFICANT: Thank you.
10 THE COURT: You're welcome. Anything
11 further?
12 MR. TRAFICANT: Your Honor, just one last
13 thing.
14 The motion was submitted in a timely manner. And I
15 would ask the Court, whether in favor or in opposition, to
16 try to make that decision before I leave here this evening.
17 THE COURT: I don't think that would be
18 possible since we're in trial today.
19 MR. TRAFICANT: I mean, but after -- after
20 trial, if you --
21 THE COURT: After trial. We also have a lot
22 of work to do.
23 MR. TRAFICANT: Okay. Thank you.
24 THE COURT: Thank you. Are we ready to bring
25 the jury in?

1 MR. MORFORD: Yes, your Honor.

2 (Proceedings resumed in the presence of the jury:)

3 THE COURT: Sir, you're still under oath.

4 You can proceed, Mr. Morford.

5 DIRECT EXAMINATION OF ANTHONY BUCCI CONTINUED

6 BY MR. MORFORD:

7 Q. Mr. Bucci, I'm going to ask you again take the

8 microphone. Make sure your voice projects so the jury can

9 clearly hear your testimony.

10 And I'd like to step back to a series of questions

11 that I asked you about earlier in reviewing my notes. I

12 notice one thing I want to go back to.

13 When I was asking you questions about your

14 relationship with Tom Williams, do you recall that?

15 A. Yes.

16 Q. In addition to going to Congressman Traficant for

17 help with Tom Williams, was there a time when you went to

18 the FBI and made some allegations about Tom Williams?

19 A. Yes.

20 Q. Can you tell us what you told the FBI about Tom

21 Williams?

22 A. I thought he was on the take with other contractors.

23 Q. And was that true? Was he on the take?

24 A. No.

25 Q. Why did you tell that to the FBI?

1 A. I believe I was trying to -- I don't recall.
2 Q. You don't recall why you told the FBI that about Tom
3 Williams? What was the nature of your relationship with
4 Tom Williams at that time?
5 A. Not good.
6 Q. Were you trying to discredit Tom Williams?
7 A. Yes.
8 Q. Turning your attention to what has been marked
9 Government's Exhibit 3-2, do you see that in front of you?
10 A. Yes.
11 Q. Have you ever seen this document before?
12 A. Yes.
13 Q. And how did you come to see this document originally?
14 Who was it that showed it to you?
15 A. I believe it was Jim Traficant.
16 Q. Have you reviewed this document before coming here to
17 testify today?
18 A. I don't recall.
19 Q. Well, could you read it through silently real quick,
20 and tell us if you recall?
21 A. Okay.
22 Q. Are you familiar with this document?
23 A. Yes.
24 Q. Can you tell us in your dealings with Congressman
25 Traficant what you recall about this document and the

1 series of transactions that led to the creation of this
2 document? What was going on at that time?
3 A. We were trying to get a loan for Greg Tyson.
4 Q. Who were you trying to get a loan through?
5 A. Bank One.
6 Q. What was the initial response of Bank One as you
7 understood it and as it affected your business to the
8 request that Bank One make this loan to Greg Tyson?
9 A. They weren't interested.
10 Q. Ball park, how big a loan were we talking?
11 A. $6 to $800,000.
12 Q. Who was going to be the primary beneficiary of this
13 loan in terms of who was going to profit the most from this
14 loan?
15 A. Me.
16 Q. After Bank One initially declined to make a loan to
17 Greg Tyson, did you talk to Congressman Traficant?
18 A. Yes.
19 Q. And what, if anything, did he say he would do to
20 help?
21 A. He was going to get involved and see if he can get
22 the loan through.
23 Q. Did he tell you who he was going to get involved?
24 A. I understood through Henry DiBlasio, through somebody
25 at the bank, he might have done -- he'd write a letter, do

1 whatever he needed to do to meet with bank officials to get
2 the loan.
3 Q. Did there come a time when Congressman Traficant told
4 you or informed you whether or not he had actually taken
5 any action on behalf of this loan with Bank One?
6 A. Yes.
7 Q. And what did he indicate to you that he had done?
8 A. That he had contacted members of the staff, that they
9 would contact the bank, and he spoke to, I believe it was,
10 Don Cagigas of Bank One directly regarding the loan.
11 Q. Who spoke to Don Cagigas directly?
12 A. Jim Traficant.
13 Q. And who was Don Cagigas, as you understood it, what
14 was his position with Bank One Youngstown?
15 A. I believe he was the president of the bank.
16 Q. What happened with respect to the loan after
17 Congressman Traficant informed you he had gone to the
18 president of the bank?
19 A. They were able to obtain a loan.
20 Q. Can you tell the jury what the proceeds of the loan
21 were used for?
22 A. The loan documents, I think some of it made pay offs,
23 some of the bills with other companies, and he bought the
24 trucks off me. He put out $25,000 of a down payment on a
25 plant that he paid $125,000 for the plant.

1 Q. As you understood it, who did you believe was
2 responsible for getting Bank One to make this loan to Greg
3 Tyson?
4 A. Congressman Traficant.
5 Q. And at whose request did Congressman Traficant help
6 Greg Tyson obtain this loan from Bank One?
7 A. My request.
8 Q. Once Greg Tyson obtained the batch plant itself, what
9 was the arrangement that you had with him as far as him
10 using the building where the batch plant was located?
11 A. He paid approximately $3 -- $3035 every month that
12 was in rent to me.
13 Q. Over what period?
14 A. For a three-year period.
15 Q. How often would he have to make those payments?
16 A. Every month.
17 Q. What happened ultimately with respect to this loan as
18 you understood it?
19 A. You mean -- you mean how the money was spent?
20 Q. No. Were you a part of this business, Capital Ready
21 Mix concrete?
22 A. I was 24 and a half percent stock owner.
23 Q. And through that position, do you have any knowledge
24 of what, if anything, ended up ultimately happening with
25 the loan?

1 A. I think he defaulted. I know he defaulted on the
2 loan.
3 Q. After Tyson defaulted on the loan, what happened to
4 the batch plant?
5 A. The Bank One had a UCC filing on the plant, and
6 they -- their office and their attorneys sent me a letter
7 stating that they wanted to come and send people to the
8 property with the plant to determine how they could take it
9 down and remove the plant and resell it because of their
10 interest in the loan they had.
11 Q. And what was your response?
12 A. I told them that they didn't have to worry about
13 that. They just had to worry about paying me $1,000 a day
14 rent because it was inside my building, and I wasn't giving
15 them permission to take it down.
16 Q. And what ultimately then happened to the batch plant?
17 A. I had a meeting with Bank One in Akron, and they
18 agreed to, if I forego the fact that I would charge them
19 rent, they'd give me all the interest in the batch plant.
20 Q. So who ended up with the batch plant in the end?
21 A. I did.
22 MR. MORFORD: Your Honor, can I -- I'd like
23 to ask permission to put Government's Exhibit 3-2 up on the
24 overhead.
25 THE COURT: All right.

1 Q. Showing you Government's Exhibit 3-2, you said the
2 first time you ever saw this letter was when who showed it
3 to you?
4 A. I believe it was Jim Traficant.
5 Q. What was the date of this letter?
6 A. This was January 1994.
7 Q. Who was the letter addressed to?
8 A. Mike Besser, president of Bank One.
9 Q. Now, you testified a moment ago that there was also
10 somebody named Don Cagigas; is that correct?
11 A. Yes.
12 Q. You know his exact title at Bank One?
13 A. No. I know he was a top official there.
14 Q. Could you read the paragraphs that follow the
15 original thing at the top says subject Greg Tyson, please?
16 A. "Several weeks ago my administrative assistant, Henry
17 DiBlasio, referred Greg Tyson to you with the understanding
18 he would be able to finance him with of his financial
19 needs. I also mentioned this gentleman to you during a
20 meeting that we had in the Newport Deli a few days before
21 the referral. Mr. Tyson has contacted me and Henry and
22 advised both of us that Bank One has sloughed him off. He
23 was turned over to someone by the name of Perry, with a
24 last name that we cannot spell. Mr. Tyson is definitely an
25 astute businessman. He needs financing for his new cement

1 plant company in Warren. He already has a contract with
2 the City of Warren. If you are going to deny any financing
3 to him, we would appreciate knowing why he is not qualified
4 to obtain the financing he needs.
5 "Bank One must understand we cannot just finance new
6 businesses that come into the 17th Congressional District.
7 Greg Tyson has been in business, and he needs some
8 financial assistance. Why can't we help him? I'm hoping
9 you will look into this matter and advise both Henry and I
10 as to why our referral to Bank One has ended up in vein?
11 "Thank you kindly for your anticipated cooperation.
12 Respectfully, James Traficant, member of Congress."
13 MR. TRAFICANT: I want to make this a joint
14 exhibit.
15 THE COURT: Well, we'll handle this at the
16 break.
17 BY MR. MORFORD:
18 Q. Now, during the time you were dealing with
19 Congressman Traficant regarding this Capital Ready Mix
20 deal, were there ever times when you and Congressman
21 Traficant and Greg Tyson would meet together, the three of
22 you?
23 A. Yes.
24 Q. Were there ever occasions when Congressman Traficant
25 asked Greg Tyson to do any work for him at the farm during

1 any of those meetings?

2 MR. TRAFICANT: Objection, hearsay.

3 THE WITNESS: Yes.

4 MR. MORFORD: Your Honor, this would be a

5 statement of a party opponent, which would be an exception

6 to the hearsay rule.

7 THE COURT: All right. You can go forward.

8 BY MR. MORFORD:

9 Q. What are some of the things that you recall

10 Congressman Traficant asking Mr. Tyson to have his workers

11 at his other companies do for him out at the farm during

12 these meetings?

13 A. They needed some concrete work done, and I knew there

14 was some water appliances that he wanted installed out at

15 the farm.

16 Q. Were there ever times you personally observed

17 Mr. Tyson and/or any of his employees or his company trucks

18 out at the farm?

19 A. Yes.

20 Q. Now, did there come a time you and Greg Tyson had a

21 falling out?

22 A. Yes.

23 Q. Did there ever come a time where you were sued by

24 Mr. Tyson?

25 A. I believe I sued him.

1 Q. Now, do you recall ever having a conversation with
2 Congressman Traficant regarding one of Mr. Tyson's lawyers?
3 A. Yes.
4 Q. Can you tell the jury about that conversation?
5 A. Greg Tyson was being sued by me, and Jim Traficant
6 helped him obtain an attorney by the name of Percy Squire,
7 and I didn't like that.
8 Q. Did you confront Congressman Traficant about that?
9 A. Yes, I did.
10 Q. And what did he tell you as to why he had done that?
11 A. Basically, he had to appease Greg to keep having Greg
12 perform work for him, and it wouldn't matter because he
13 probably couldn't afford to pay him anyways.
14 Q. Now, I'd like to ask you some questions about horses.
15 Okay?
16 A. Okay.
17 Q. Were you ever --
18 MR. TRAFICANT: Will you repeat the last
19 question for me, please? I'm sorry. Could you repeat the
20 last question and answer
21 (Thereupon, the record was read back by the Court
22 Reporter.)
23 BY MR. MORFORD:
24 Q. Now, were you ever personally involved with show
25 horses yourself?

1 A. Yes.
2 Q. And did you ever discuss the topic of show horses
3 with Congressman Traficant?
4 A. Yes.
5 Q. What kind of horses did Congressman Traficant have,
6 if you know?
7 A. They were, I believe, saddle bred horses.
8 Q. And what kind of horses did you have?
9 A. We had Egyptian Arabian horses.
10 Q. In terms of show horses, are those two different
11 things?
12 A. Egyptian Arabian horses, there's only 3,000 of them
13 in the world. They are basically short on hand, which is a
14 halter. We had no performance involvement with them. As
15 opposed to Jim's, they were basically big, well-bred horses
16 that were very animated, very athletic, and very much so
17 performance horses.
18 Q. Did you yourself have any of the same kind of horses
19 that Congressman Traficant had?
20 A. No.
21 Q. Did you have any interest in those kind of horses?
22 A. No.
23 Q. Do you know approximately during the years that you
24 were out at the farm from -- during the 1990's, do you know
25 how many horses Congressman Traficant had out there?

1 A. It would be a guess, but would I say over 30.
2 Q. When you say that would be a guess, based on what you
3 saw, are you just guessing?
4 A. I know he had horses in the show barn, stallion barn
5 and he kept mares behind that barn, but behind that even
6 further, he had additional horses that were out of sight
7 that I never counted.
8 Q. Did Congressman Traficant ever ask you to do anything
9 with respect to any of his horses?
10 A. Yes.
11 Q. And can you explain to the jury what he was asking
12 you to do with respect to his horses?
13 A. That if there was ever an issue about why I did all
14 this work out there, that he might have to propose to say I
15 was buying a horse off of him.
16 Q. Did you have any interest in buying a horse off of
17 him?
18 A. None.
19 Q. What was the purpose, if such a transaction would
20 occur of such transaction, if you had no interest in buying
21 any of his horses?
22 A. To cover up the work that I was doing.
23 Q. Did he explain whether it would help him in any other
24 way besides covering up the free work you were doing?
25 A. No.

1 Q. Did he ever, during these conversations, talk about
2 any problems with the IRS?
3 A. A lot of times.
4 Q. Did he ever talk about his horses when he was talking
5 about problems with the IRS?
6 A. Yes.
7 Q. Can you explain to the jury the nature of those
8 conversations?
9 A. You mean tell us what happened?
10 Q. Yes.
11 A. Jim Traficant and Sandy came to the farm one day.
12 Q. Who is Sandy?
13 A. Sandy was his girlfriend and his farm manager. And
14 they came to our farm, which I -- we had just purchased,
15 and it was an old barn that really wasn't set up for horse
16 stalls, and he wanted to do two things there. One was to
17 hide some horses from the IRS there, and two, have Sandy
18 move into the farmhouse.
19 Q. And what was your response to those requests?
20 A. Well, Sandy then came over to the farm. We talked
21 about the barn. Then we talked about the farmhouse, and
22 Sandy exploded, and then he said something. They just
23 pulled off.
24 Q. Did you ever hold or hide any horses for Congressman
25 Traficant?

1 A. No, I didn't.
2 Q. Did you ever enter any deals where you received or
3 pretended to buy horses from Congressman Traficant?
4 A. No.
5 Q. I'd like to ask you some questions as to what you did
6 for Congressman Traficant. Apart from the work that you
7 already testified to this morning that resulted in the
8 $12,900 some odd dollar invoice that was forgiven, what
9 were some of the other things that you were you recall
10 doing for Congressman Traficant, beginning in the early
11 1990's and continuing until those things stopped? Can you
12 take us through, and tell us what some of those things
13 were?
14 A. I would deliver sawdust to his horse farm.
15 Q. What was the purpose of sawdust? Why was that
16 needed?
17 A. The horses needed it for bedding.
18 Q. And when you say you would deliver it, would you do
19 it yourself, or would you have others do it at your
20 direction?
21 A. Oh, no, I would send people out to do it.
22 Q. And how would it be transported out there, what kind
23 of vehicle?
24 A. Various, we either had a semi-dump or a tractor
25 trailer or a stray truck we'd send out.

1 Q. How much sawdust are we talking, and over what period
2 of time?
3 A. Oh, I probably delivered 30 loads to Jim.
4 Q. Over a period of time?
5 A. Yes.
6 Q. What else besides sawdust do you recall?
7 A. We -- we had a stallion barn that was taking in water
8 so we regraded the drainage to ensure that the water would
9 not go towards the barn and would float and crated an
10 inverted crown. We slagged in his driveway and slagged in
11 the back. We had --
12 Q. Let me stop you there. When you say we slagged it
13 in, describe for the jury what you mean by that. What all
14 did that entail?
15 A. First of all, we changed the sub base and the
16 draining pattern. Then we removed all that earth. We
17 turned around and reslagged it by placing slag, new slag in
18 the driveway and his parking lot area.
19 Q. This would be stone?
20 A. Stone.
21 Q. That you described before?
22 Okay. What else?
23 A. We had frame loaders out there, and we would haul
24 away stumps, and we'd haul away garbage or anything he
25 needed to have hauled away.

1 Q. Did you ever cover roads?
2 A. We regraded and reshaped them as opposed to cutting
3 them.
4 Q. When you said roads, what kind of roads are we
5 talking about, paved roads, unpaved roads?
6 A. Slag roads, going back to his facility.
7 Q. Over how long a period was it that you were sending
8 workers from your companies out to the farm at various
9 times to do work for Congressman Traficant?
10 A. Always.
11 Q. Well, what period of time are we talking about, what
12 years?
13 A. Probably from late 80's to '96, I suppose.
14 Q. Was there ever a situation that arose with some kind
15 after riding lawn mower?
16 A. Yes. One day Jim was over at the farm. He spotted a
17 running lawn mower, and he said he could use it, wanted it.
18 So I had the farm guy drive it to his farm and drop it off.
19 Q. Do you recall the name of your employee who drove the
20 riding tractor to Congressman Traficant's farm to give it
21 to him?
22 A. Yes.
23 Q. What was his name?
24 A. Bruce Pierce.
25 Q. What was the approximate value of that riding

1 tractor?
2 A. $2, $3,000.
3 Q. Did you ever get it back?
4 A. No.
5 Q. Now, you mentioned some work you did to solve the
6 drainage problem around one of the barns, was it a new
7 barn, old barn?
8 A. It was an old barn.
9 Q. What kind of shape was the foundation of the barn in?
10 A. It was -- I mean, I assume that the building was 100
11 years old, and it was on cobblestone, so the foundation was
12 sketchy, at best.
13 Q. Was there ever a time when you were doing work and
14 the foundation slipped at all?
15 A. Probably, yes.
16 Q. Do you recall who it was that was doing that work,
17 which of your employees was working on that job?
18 A. I think it was Paul Wilson.
19 Q. Now, when that happened, was that a difficult thing
20 to repair?
21 A. Not really. It's just foundation giving away a
22 little section. You had to resupport it.
23 Q. And was that done?
24 A. Yes.
25 Q. How many tons of slag would you estimate that your

1 company purchased and hauled out to the farm and dropped
2 over that period of years, do you know?
3 A. Not right offhand. I could guess, but I --
4 Q. Ball park?
5 A. 300 tons.
6 Q. Did there ever come a time where you were asked to
7 lend any vehicles to Congressman Traficant?
8 A. I had a Ford truck, pickup truck that I lent to the
9 Congressman to utilize. I had a horse trailer that I let
10 him utilize but he could not use because his horses were so
11 much taller than mine. They wouldn't fit in. And at one
12 time, I had an Excalibur car that he constantly wanted to
13 use, but I never let him.
14 Q. I'd like to turn your attention, if you will, to what
15 has been marked as Government's Exhibit 2-11. You see that
16 in front of you?
17 A. Yes.
18 Q. Do you recognize this document?
19 A. Yes.
20 Q. Can you tell us -- do you recognize the handwriting
21 on this document?
22 A. It's the Congressman's handwriting.
23 Q. And where did you first get this item?
24 A. It was in a restaurant.
25 Q. Who gave it to you?

1 A. The Congressman.
2 MR. MORFORD: Your Honor, may I display
3 what's been marked Government's Exhibit 2-11, please?
4 THE COURT: Yes
5 MR. TRAFICANT: I want to make that a joint
6 exhibit.
7 BY MR. MORFORD:
8 Q. I'd like to ask you some questions about this.
9 Now, you said you got this from the Congressman at a
10 restaurant. You recall approximately when it was you met
11 with the Congressman, and he gave you this list?
12 A. Mid '90's.
13 Q. And I'd like to take you through these items and ask
14 you questions about them. You see the first item labeled
15 Number 1?
16 A. Yes.
17 Q. Can you tell us what that says, and then explain that
18 item to us?
19 A. That's fill dirt and manufactured slag, sand, rather.
20 Q. What is fill dirt and manufactured sand?
21 A. Manufactured sand is a sand that has a real small
22 aggregate size, and the purpose of that is for farm use and
23 horses. When a horse works, it shouldn't get in his hoofs
24 and causes problems for the horse where he can go lame.
25 And the fill dirt is fill dirt you need to take care of low

1 areas.
2 Q. What was the purpose, as you understood it, of
3 Congressman Traficant giving you this piece of the place
4 mat with this list on it?
5 A. It was things for me to do.
6 Q. And what was your understanding of why you were
7 supposed to do these things for Congressman Traficant?
8 A. He did things for me, and I did things for him.
9 Q. Was this part of that arrangement you testified to
10 this morning?
11 A. Yes.
12 Q. Did you, in fact, provide fill dirt and manufactured
13 sand to Congressman Traficant as requested?
14 A. Yes.
15 Q. What was the manufactured sand to be used for?
16 A. It was -- he had a little corral in front of his
17 horse farm that he had wanted it placed there for the
18 horses and have a workout area.
19 Q. How about item Number 2, will you tell us what that
20 is?
21 A. Haul debris and dump truck and loader.
22 Q. Explain to us what you were supposed to do regarding
23 item Number 2 and what you did do?
24 A. In the farm had a lot of garbage around it, and what
25 we had to do was bring the rubber tire loader there and

1 dump trucks, and we took the garbage and loaded it on there
2 for the Congressman Traficant.
3 Q. How about item Number 3, sawdust?
4 A. That was used for the horses bedding.
5 Q. Did -- and you testified you did, in fact, deliver
6 sawdust over a period of time?
7 A. Yes.
8 Q. How about Number 4, oats?
9 A. That was food for his horses.
10 Q. And did your employees and your equipment, was it
11 used to deliver oats to Congressman Traficant?
12 A. Yes.
13 Q. Would you tell us what item Number 5 says?
14 A. Driveway in barn lanes.
15 Q. Can you explain to us what Congressman Traficant
16 wanted you to do regarding driveway and barn lanes?
17 A. To correct the drainage problem, to add some
18 stability with adding more slag to the driveways and
19 regrade it.
20 Q. Did your employees and your company do that?
21 A. Yes.
22 Q. How about Number 6?
23 A. Can I take this out?
24 Q. Yes, you may?
25 A. It's small words, and I can't read it for sure.

1 Q. How about --
2 A. It's grade rate works.
3 Q. Okay. How about Number 7?
4 A. Hay wagons.
5 Q. What was he asking you with regard to hay wagons?
6 A. He needed -- he utilized hay wagons for my brother's
7 farm, which was right across the street for when he baled
8 hay.
9 Q. How about Number 8, can you tell us what that is?
10 A. That's 429. That's drive and hauling.
11 Q. And whose house or residence is located at 429 as you
12 understood it?
13 A. The Congressman Traficant's.
14 Q. And what were you asked to do with respect to 429?
15 A. We were to pave the street in Poland, and he wanted
16 to take some material from the street and put it around his
17 house somewhere.
18 Q. He wanted to take material from what streets?
19 A. The street resurfacing program that I was working on.
20 Q. And who -- whose material -- who did that belong to?
21 A. Poland.
22 Q. Did you do that?
23 A. I told him that was too risky because I didn't know
24 the inspector, and he kept too close a tab of where the
25 material was going.

1 Q. Now, you testified about a truck at one point that
2 you loaned to Congressman Traficant. Do you recall that?
3 A. Yes.
4 Q. What shape was the truck in when you loaned it to the
5 Congressman?
6 A. It was in fair shape.
7 Q. What shape was it when he returned the truck to you?
8 A. It was wrecked.
9 Q. Now, do you -- I want to ask you some questions about
10 a man named Joe Altiero. You know a man named Joe Altiero?
11 A. Yes.
12 Q. Who was Joe Altiero?
13 A. He was a fellow that I hired at the plant who was
14 hired at the plant as a mechanic, at a blacktop.
15 Q. Did there ever come a time you assigned Joe Altiero
16 to do any duties outside the plant?
17 A. Yes.
18 Q. Can you tell the jury what you assigned Joe Altiero
19 to do?
20 A. To go out to Jim's farm, do whatever he needed, and
21 make him happy.
22 Q. For how long a period of time did you send Joe
23 Altiero out to Congressman Traficant's farm to do whatever
24 would make him happy?
25 A. It was a long time.

1 Q. We're talking months?
2 A. Yes.
3 Q. Who paid Joe Altiero for the work that he did at
4 Congressman Traficant's farm at your direction?
5 A. I paid him.
6 Q. Did Congressman Traficant ever reimburse you for the
7 money you were paying your employee, Joe Altiero, to go out
8 and do work at the farm of Congressman Traficant?
9 A. No.
10 Q. Mr. Bucci, are you the kind of person who generally
11 gives people something for nothing?
12 A. No.
13 Q. Are you the kind of person who backs away from a
14 fight?
15 A. No.
16 Q. Did you ever charge Congressman Traficant for
17 anything that you and your companies did at his farm or for
18 any of the things of value that you gave him that you've
19 testified to here today?
20 MR. TRAFICANT: Repeat that question, I
21 didn't hear it.
22 (Thereupon, the record was read back by the Court
23 Reporter.)
24 THE WITNESS: No.
25 Q. Did he ever pay you for any of the things of value

1 that he gave -- that you gave him?
2 A. No.
3 Q. Were there ever things that Congressman Traficant
4 asked you to do besides paving his driveway at his personal
5 residence that you refused to do?
6 A. Yes.
7 Q. Why were there things that you refused to do? What
8 was the problem?
9 A. Well, I -- I did not want to put any blacktop at 429
10 in his house because I knew that that was one of the first
11 contracts I had, and the inspector was straightlaced, and
12 there was no way I can take anything out.
13 Q. I understand that, but as to other things that he
14 asked you to do, what caused you to start saying no to some
15 of those requests? Strike that.
16 Let me ask you about some of the specific things.
17 Do you recall any specific things that Congressman
18 Traficant asked you to do that you declined to do?
19 A. I can't remember. I doubt it, though.
20 Q. At the time you started out at the farm, did
21 Congressman Traficant have a riding arena at that time?
22 A. Yes, yes.
23 Q. He did or did not?
24 A. He had an outdoor riding arena where I put the
25 manufactured slag.

1 Q. During the time that you were working out there, was
2 an in-door arena ever added?
3 A. No.
4 Q. Were there ever any additions put on any of the barn
5 buildings?
6 A. Yes.
7 Q. Do you know who did that work?
8 A. I believe John Fortunato did the first phase of the
9 deck and Pete Bucheit --
10 Q. I'm not talking about decks; I'm talking about the
11 barns themselves.
12 A. The additions to the barns?
13 Q. Yes.
14 A. I don't believe that I was there when the major
15 addition was done to the farm.
16 Q. Did you ever have any discussions with Congressman
17 Traficant about his desire to add to the barns?
18 A. Oh, yeah. He -- we'd sit in the restaurant, and he
19 would draw pictures of how he wanted to attach the barn and
20 expand it. And he -- that's one thing I wouldn't do. I
21 wouldn't build the barn.
22 Q. Did he ask you to build the barn?
23 A. Oh, yes.
24 Q. Can you explain to the jury and describe for the jury
25 what you recall of those conversations?

1 A. First of all, he'd go off and draw these little
2 pictures and say how he wants the barn. He can get the
3 telephone poles from the electric company and wanted us to
4 actually build this barn, and at that point in time, I was
5 going to go $100,000 to build a barn, but I kept going
6 yeah, yeah, yeah, listened to him, but I never did it.
7 Q. Did you ever have any discussions with Congressman
8 Traficant about a boat?
9 A. One or two times. He asked us if we were interested
10 in buying his boat.
11 Q. Did you have any interest in buying the Congressman
12 Traficant's boat?
13 A. No.
14 Q. Why is that?
15 A. First of all, it was a wooden boat. I'd never buy a
16 wooden boat for any reason.
17 Q. Why is that?
18 A. It's -- I mean, boats are costly to begin with, but a
19 wooden boat would cost you forever to keep maintaining
20 them.
21 Q. Why is that?
22 A. It rots.
23 Q. You mentioned someone a minute ago named Pete
24 Bucheit. Do you know the name Pete Bucheit?
25 A. Yes.

1 Q. During the time that you were having this
2 relationship with Congressman Traficant during the mid
3 1990's, how close did you and Congressman Traficant become
4 together?
5 A. I think very close.
6 Q. How would you describe your relationship?
7 A. Very good.
8 Q. Were there times he would discuss things with you,
9 personal things that other people were doing for him?
10 A. Oh, yes.
11 Q. Did he ever have any discussions with you about Pete
12 Bucheit?
13 A. Yeah, he made a comment about Pete.
14 Q. And what did he tell you about Pete Bucheit?
15 A. Now he's putting a whole deck for me.
16 Q. What ultimately happened regarding this relationship
17 between you and Congressman Traficant?
18 A. I was under intense investigation from the federal
19 government.
20 Q. And when did that come to your attention that you
21 were under investigation, that intense investigation?
22 A. I would say around '96 or so.
23 Q. And what happened after you learned that you were
24 under intense investigation with regard to your
25 relationship with Congressman Traficant?

1 A. He definitely distanced himself from me.
2 Q. What resulted from that intense investigation that
3 you were under in 1996 and 1997?
4 A. I was indicted.
5 Q. And what were you charged with?
6 A. Conspiracy with the IRS and income tax evasion.
7 Q. And was that a federal indictment?
8 A. Yes.
9 Q. Do you recall the name of the Assistant United States
10 Attorney who handled that case?
11 A. Yes.
12 Q. What was his name?
13 A. Steve Sozio.
14 Q. How was the matter of that indictment resolved?
15 A. After a long time, we finally entered a plea.
16 Q. Who did you negotiate that plea agreement with?
17 A. My attorneys and Steve Sozio.
18 Q. What did you plead guilty to?
19 A. I think it was one count of income tax evasion and
20 mail fraud.
21 Q. And what did the mail fraud charge involve, what was
22 the basis?
23 A. It was a sham of me using the mail to submit minority
24 certifications that weren't true.
25 Q. And who was the person who was involved with that,

1 with you in that sham?
2 A. Greg Tyson.
3 Q. What sentence range did you and the Government agree
4 to in that plea agreement that would actually be your
5 sentence in that case?
6 A. 18 to 21 months.
7 Q. And have you been sentenced in that case yet?
8 A. No.
9 Q. Now, what was your understanding of the sentence you
10 would receive under the terms of that agreement that you
11 reached in pleading to those charges. What would the range
12 be as you understood it?
13 A. Maximum 21, minimum 18.
14 Q. And who was going to decide whether you would do the
15 18 months or the 21st months?
16 A. It was going to be an elocution in front of the judge
17 to determine that.
18 Q. Now, with respect to that plea agreement, was there
19 any provision or anticipation in that plea agreement that
20 you would cooperate in any way with the Government in this
21 case?
22 A. No.
23 Q. Was there any cooperation provision of that plea
24 agreement at all?
25 A. No.

1 Q. Was I involved in that plea agreement at all?
2 A. No.
3 Q. Now, in addition to that sentence, were you required
4 under that plea agreement to make any payment of back
5 taxes?
6 A. It was an extensive agreement, but the best I recall
7 that I had to pay the taxes on the sale of the business in
8 '98 and to have an agreement as to the amount of taxes owed
9 in all the other years.
10 Q. So far under that agreement, how much money have you
11 paid to the IRS as part of that agreement?
12 A. $800,000.
13 Q. And approximately how much do you still owe under
14 that agreement?
15 A. I think it's $250,000 or more.
16 Q. Now, during the course of time that you and your
17 attorney negotiated that plea agreement with Assistant U.S.
18 Attorney Steve Sozio, was there any discussion of
19 information you could provide against Congressman Traficant
20 or anyone else?
21 A. No.
22 Q. Do you recall when you entered that plea agreement?
23 A. Either April or May of '99.
24 Q. Turning your attention to August 17, 1999, did you
25 meet with anyone from the Government on that date?

1 A. August 17th? There was meetings in '99 with the
2 Government, yes. I'm not sure if it was August 17th or
3 not.
4 Q. Was that a few months after you entered the plea
5 agreement you just described?
6 A. Yes.
7 Q. After you entered your plea of guilty?
8 A. Yes.
9 Q. Who from the Government do you recall meeting with
10 during that time in August or whenever it was in 1999,
11 several months after your plea?
12 A. You.
13 Q. Who else?
14 A. Chuck Perkins.
15 Q. Who else?
16 A. I don't remember the names, a couple agents.
17 Q. Was your lawyer present?
18 A. Yes.
19 Q. And what is his name?
20 A. Robert Rotatori.
21 Q. What was the purpose of that meeting?
22 A. To see if my cooperation would give me a reduced --
23 reduce my sentence.
24 Q. Who reached out to whom? Who contacted who to set up
25 that meeting?

1 A. We did.
2 Q. "We" meaning?
3 A. My attorney and myself.
4 Q. Had you ever provided any information to the
5 Government of allegations against Congressman Traficant
6 prior to the time that you had your lawyer contact the
7 Government at that time?
8 A. No.
9 Q. Now, on the first occasion you met with officials
10 from the Government, was that meeting conducted under the
11 terms of a proffer letter?
12 A. Yes.
13 Q. And what was your understanding of the terms of that
14 proffer letter and that proffer session?
15 A. Basically, I had to tell the truth.
16 Q. And if you provided that information, what was your
17 understanding of whether your words in that interview could
18 be used against you?
19 A. They would not be used against me.
20 Q. What was your understanding as to whether the
21 Government could investigate leads provided by the
22 information you gave us?
23 A. They couldn't.
24 Q. What basic types of information did you provide to
25 the Government that day?

1 A. Basically went over things with them.
2 Q. And did you provide documents to the Government as
3 part of your cooperation?
4 A. Yes, I did.
5 Q. What were you seeking in return for the information
6 that you were providing to the Government regarding
7 Congressman Traficant and this proffer?
8 A. Consideration for reduced sentence.
9 Q. And what, to your knowledge, did Mr. Sozio, the
10 Prosecutor who was handling your case, tell you and your
11 lawyer that the Government would do in return for the
12 information you were providing?
13 A. They would indicate to the Judge that I cooperated
14 with the Government.
15 Q. Did he make you a promise of a specific sentence?
16 A. No.
17 Q. Did he promise how much, if any, the Government would
18 recommend in terms of a reduction beyond the 18 to 21
19 months that you already agreed to?
20 A. No.
21 Q. What was your understanding of what Mr. Sozio told
22 you regarding what the Government would have to do with the
23 information you provided before it could make any
24 recommendation?
25 A. They had to verify everything that I was telling them

1 to determine if it was true; do an investigation.
2 Q. And have you ever been promised anything more than
3 that?
4 A. No.
5 Q. As you understand it, who will actually decide the
6 amount of sentence that you receive at the time that you're
7 sentenced?
8 A. The judge.
9 Q. Are you testifying here today under an order of use
10 of immunity?
11 A. Whatever it was.
12 Q. What is your understanding of your testimony today
13 and whether or not that testimony is immunized?
14 A. As long as I tell the truth, I'm -- I'm -- I will not
15 be prosecuted for anything I say.
16 MR. MORFORD: May I have a moment, your
17 Honor? I have no further questions.
18 CROSS-EXAMINATION OF ANTHONY BUCCI
19 BY MR. TRAFICANT:
20 Q. How are you doing, Anthony?
21 A. Good, Jim.
22 Q. For all the problems you've had with the Government,
23 you would think you would have called me to get you out.
24 Wouldn't that be a fair question?
25 A. I guess, Jim.

1 Q. In 1996, all this started?
2 A. What do you mean all this started.
3 Q. This recent stuff that led to what you're doing here
4 today with immunity.
5 A. Yes, yes.
6 Q. Have you had three or more plea agreements with the
7 federal government already, Anthony?
8 A. I believe I only have one.
9 Q. You realize you're under oath?
10 A. To the best of my recollection, I think I have one
11 plea agreement, which is the one we talked about.
12 Q. Relative to what case?
13 A. The conviction of 1999 when I pled guilty.
14 Q. And what judge was that in front of?
15 A. Oliver.
16 Q. Have you ever reached a plea agreement in a case in
17 front of Judge Ann Aldrich. Does that now --
18 A. Oh, yeah, that -- that was in the plea agreement,
19 right.
20 Q. Oh. There were no more?
21 A. Yes, I believe there was no more.
22 Q. Okay.
23 Now, you say you live in Florida. Where exactly do
24 you live in Florida? Could you give me your exact address?
25 A. No.

1 Q. Why can't you?
2 A. I don't want to give it to you.
3 Q. Do you live with your brothers?
4 A. No.
5 Q. Dan is deceased, right?
6 A. Yes.
7 Q. And where did Dan live?
8 A. Through what period of time, Jim?
9 Q. All the times you are talking about all this
10 business, did he not live a period of time -- where did he
11 live for a period of time?
12 A. Right across the street from your farm.
13 Q. What did he own?
14 A. He had a farm raising cattle.
15 Q. You know if your brother and I were friends?
16 A. I knew you were friends.
17 Q. Did you know if we were very good friends?
18 A. Yes.
19 Q. Did you know that we met very often?
20 A. Yes.
21 Q. When you weren't there?
22 A. Yes.
23 Q. Didn't we all meet together at times?
24 A. Yes.
25 Q. Now, there's a lot of testimony to go through, but

1 you got immunity just before you sat in that chair; is that
2 correct?
3 A. That's correct.
4 Q. So the Judge is going to make a decision but puts new
5 a pretty good position for another sort of like plea
6 agreement, won't you say?
7 A. I tell you what, Jim, since May of 1999, for three
8 years, I don't know if it's been a better position or worse
9 position to tell you the truth.
10 Q. Here's the question I asked you, and listen very
11 carefully. You maintain that you lied to Tom Williams; is
12 that right?
13 A. That I lied to Tom Williams?
14 Q. Yes.
15 A. Yes, I did.
16 Q. You maintained you lied about your tax weight, about
17 your tax weight slips?
18 A. Yes.
19 Q. You maintained you lied about the amount of pavement
20 you put on the street?
21 A. Yes.
22 Q. You maintained you lied to David Dreger?
23 A. Yes.
24 Q. You maintained you lied to the U.S. Department of
25 Labor?

1 A. Yes.
2 Q. You maintained you lied to anybody whoever contacted
3 you from ODOT?
4 A. I wouldn't say everybody.
5 Q. Anybody that called you about an issue that concerned
6 your company, did you lie to them?
7 A. I don't understand the question.
8 Q. Well, did you tell them you committed violations?
9 A. No.
10 Q. So then what, if anything, would you have done?
11 A. Lied to them.
12 Q. Okay.
13 All the people that the Government mentioned, you
14 said you lied to them; is that correct?
15 A. That's true.
16 Q. And the only guy you ever really told the truth to
17 was Jim Traficant?
18 A. That's not true.
19 Q. Who else did you tell the truth to in your testimony
20 today?
21 A. In my testimony today?
22 Q. Yes.
23 A. You.
24 Q. I'm the only one you told the truth to?
25 A. Yes.

1 Q. Tell me, let's go back. Where exactly did we meet
2 the very first time, you and me?
3 A. Jim, I don't recall exactly when we first met. It
4 was -- I don't know if it was at a fund raiser or what. I
5 couldn't imagine passing there. I don't know exactly when
6 it was.
7 Q. Wasn't it a fact you were doing 165 and saw me
8 standing out on the lawn. Does that refresh your
9 recollection, Mr. Bucci?
10 A. I know that was the time that I talked to you, yes,
11 but I don't know if that's the time I first met you.
12 Q. Now, you maintain to this whole group that you had
13 told me about all your crimes, and regardless of all these
14 crimes, I just went forward. Is that right?
15 A. That's 100 percent true.
16 Q. With the Secretary of Transportation, Mr. Kathuria?
17 A. Yes.
18 Q. With the Department of Labor?
19 A. Yes.
20 Q. And had no regards for my own particular political
21 future or safety. Was that your testimony?
22 A. I don't know about your political regards, but I know
23 about your financial regards.
24 Q. Um-hum. So you say you were owed -- what? --
25 $12,000?

1 A. A little bit more than $12,000 in interest.
2 Q. Did you bill me?
3 A. Yes.
4 Q. Threaten to sue me?
5 A. Yes.
6 Q. Send me a bunch of letters?
7 A. Yes.
8 Q. Did I tell your attorney to shove your lawsuit up
9 your asphalt? Yes or no.
10 A. No.
11 Q. What did I tell your attorney?
12 A. You never talked to my attorney.
13 Q. Are you sure of that?
14 A. To the best of my knowledge, you never talked to my
15 attorney.
16 Q. Did you or did he tell you he never talked to me?
17 A. Yes.
18 Q. Did I ever pay you?
19 A. Not a penny, Jim.
20 Q. Describe the old barn you said that had some little
21 bit of damage to it. What kind of barn was it?
22 A. It was just an old barn that I don't know exactly how
23 old it was. It could have been 50, 100 years old. At the
24 time I went out to look at it, there were people working on
25 the foundation and stuff.

1 Q. Just stick right to the question. Was it a one-story
2 barn or two-story barn?
3 A. Two-story.
4 Q. And what is this two-story old barn known as, if you
5 have any farm sense. You own a farm?
6 A. I really don't know, Jim.
7 Q. Would a bank barn ring a bell?
8 A. Yes.
9 Q. That means you can drive up -- what does that mean
10 when you have a bank barn, Mr. Bucci?
11 A. A bank barn, I think, is where you could -- you have
12 the earth, where it's attached to the garage or the barn,
13 and you could enter the barn through the elevated dirt,
14 which is called the bank.
15 Q. Did I ask you to send some workers out with jack
16 hammers to lower the surface of that barn?
17 A. Yes.
18 Q. Do you know what it -- the barn was originally used
19 for?
20 A. No.
21 Q. Was it high or low ceiling?
22 A. There were -- your barn was, you know, you had -- you
23 know, different elevations throughout; some places high,
24 some places low, Jim.
25 Q. What does a horse require?

1 A. For what?
2 Q. Height. Six feet?
3 A. My horses get along fine with six feet.
4 Q. All right. Egyptian horses smaller than saddle bred?
5 A. I would say an Egyptian Arabian is 14 hands and
6 saddle bred 17, 18 hands.
7 Q. So saddle bred is a very big horse, isn't it?
8 A. Yes.
9 Q. And was it not a fact that I wanted the cement
10 removed so that I could build stalls in that section of the
11 barn? Yes or no.
12 A. Yes.
13 Q. Did I caution you about your workers getting close to
14 that section of the bank barn so it didn't collapse. You
15 recall those conversations?
16 A. I cautioned you.
17 Q. You cautioned me? Do you know what, if anything,
18 happened as a result of your workers at my farm?
19 A. Well, they improved your driveway.
20 Q. No. I'm talking about the barn.
21 A. We did a lot of things in the barn, Jim.
22 Q. I'm talking about the barn wall where you drive into
23 the second floor, Mr. Bucci.
24 A. To be truthful with you, Jim, the second floor where
25 you drive in, we didn't do no work there.

1 Q. No, the basement?
2 A. The basement was all filled up with dirt which is
3 probably seven or eight feet.
4 Q. Isn't it a fact the bank barn collapsed, and the
5 front of the barn collapsed, Mr. Bucci?
6 A. No.
7 Q. Is that your testimony?
8 A. That's my testimony.
9 Q. You're under oath on both sides?
10 A. I'm telling you that -- you're saying to me --
11 Q. You're saying you do not know. Is it your testimony
12 that that bank barn did not collapse?
13 MR. MORFORD: Your Honor, I'm going to object
14 and ask him to let the witness speak.
15 MR. TRAFICANT: No. I want a specific answer
16 to this.
17 THE COURT: Well, what we need, so that you
18 have a good record, among others things, is that you allow
19 him to finish his answer before you start talking. It's
20 the same thing. Okay?
21 MR. TRAFICANT: Well, let's go over that
22 again rather than to pressure the reporters and everybody.
23 BY MR. TRAFICANT:
24 Q. You did not know that the bank barn collapsed as a
25 result of the jack hammers getting too close to the

1 foundation near the bank barn entry. Is that your
2 statement?
3 A. That is my statement.
4 Q. Did you and I ever have conversations about me suing
5 you about that?
6 A. Never, Jim.
7 Q. That's your statement?
8 A. That's my statement for the record.
9 Q. Do you know who repaired that?
10 A. The repair work of something that I don't even know
11 that happened, Jim.
12 Q. Okay.
13 Do you know how much it would cost my father and me
14 to repair that barn?
15 A. From what, Jim?
16 MR. MORFORD: Objection. He's testified he
17 didn't know it was a problem there.
18 THE COURT: Right.
19 BY MR. TRAFICANT:
20 Q. Now, you said you were involved with a number of
21 companies. Can you name them again?
22 A. I was probably involved with probably 20 companies.
23 Q. The Government asked to you name the specific
24 companies you were involved with this morning. What were
25 they again?

1 A. Asphalt Specialist, Prime Contracting, Black Rock,
2 Sun Leasing, and I believe it was -- I can't remember the
3 other one.
4 Q. Capital Ready Mix?
5 A. Oh, yeah, Capital Ready Mix.
6 Q. Was there anyone else in that -- in any other plants
7 that you had an interest in?
8 A. Oh, I had -- I had interest in probably 20 companies,
9 Jim.
10 Q. Yeah.
11 Does Oak Tree --
12 A. Yes.
13 Q. And what was Oak Tree? Explain it.
14 A. Oak Tree was a minority company that was trying to be
15 prequalified through a couple workers that worked for me.
16 There were two black individuals or one black individual.
17 Curtis White, I was trying to have him set up as a minority
18 company so that he would qualify, and we could utilize him
19 on state work, and that was probably back, gee, I think it
20 was in the early 80's.
21 Q. Was it your -- was it your intention to use
22 Mr. Curtis White illegally?
23 A. Yes.
24 Q. You didn't mention that, did you?
25 A. I wasn't asked that, Jim.

1 Q. Oh. So you used a lot of people and did a lot of
2 deceptive things, didn't you, Anthony?
3 A. Yes, I did.
4 Q. And those things you did you basically did to help
5 you and your family?
6 A. Yes.
7 Q. Do you know where your brother Bob is?
8 A. Not definitely for sure, no.
9 Q. You know if your brother is under indictment or a
10 fugitive of law?
11 A. He is a fugitive.
12 Q. And it's your testimony you do not know where your
13 brother Bob is. Is that your testimony?
14 A. Today I do not know. I understood he's been in
15 various places, but I don't know for sure.
16 Q. Is one of your reasons for -- and have you ever
17 discussed your brother Bob with the Government in this
18 matter?
19 A. Yes.
20 Q. And what, if anything, did you ask them to do for
21 your brother?
22 A. I didn't ask them to do nothing for my brother.
23 Q. Okay. What did they ask you?
24 A. They asked me if he would testify in this matter.
25 Q. And what, if anything, did you say?

1 A. That he would not.
2 Q. Well, how would you know he wouldn't testify?
3 A. I called him -- I was in contact with him.
4 Q. How were you in contact with him?
5 A. I got a phone number where I could reach him.
6 Q. So then you do talk to your brother?
7 A. Occasionally, yes.
8 Q. Is he out of the country?
9 A. Yes.
10 Q. Well, when you called that country, did you ever
11 notify the federal government what country he was located
12 in?
13 A. I was talking to him for the federal government,
14 response to ask him if he would testify.
15 Q. Okay. Let me rephrase this and see if I understand
16 this right.
17 The Government has a fugitive warrant for your
18 brother, and he flees America, and you talk with your
19 brother on the phone, and you communicate with the Feds,
20 and the Feds don't ask you where's your brother, Anthony?
21 A. They know where my brother is.
22 Q. They now know?
23 A. I think they do.
24 Q. How do you know they know?
25 A. They mentioned places where he was, and I don't have

1 the knowledge of what they know. We assume that they know.
2 Q. But you never told them where he was, huh?
3 A. We discussed it.
4 Q. Did you tell them where he was?
5 A. I told them I talked to him when he was in Cuba, yes.
6 Q. Do you know if your brother and I had any
7 conversations about him leaving the country at some
8 particular point?
9 A. No.
10 Q. Did you and your brother have any conversations about
11 how he felt and where he planned to go?
12 A. My brother was almost on the verge of a collapse.
13 When he left in December of 24 -- I believe it was 1998 --
14 I haven't seen him in over four years, and when he left, I
15 had absolutely no knowledge that he was leaving.
16 Q. Do you know if I ever repaid anything that I owed
17 relative to any service performed by the Bucci family at
18 all? Do you have any knowledge of it at all?
19 A. You paid --
20 Q. No. I asked you, did you know if I repaid in value,
21 either cash or services, in replacement for what you did?
22 Yes or no.
23 A. What do you mean service, Jim?
24 Q. What do services normally mean? Did you do grading?
25 A. Yes.

1 Q. Is that a service?
2 A. Yes.
3 Q. Would farming be a service?
4 A. Yes.
5 Q. Okay.
6 Do you know, in fact, if I repaid maybe even more
7 than what you claim I owed to the Bucci family?
8 A. You repaid nothing.
9 Q. That's your opinion?
10 A. Yes, it is.
11 Q. Of value of services or cash?
12 A. Of value of services or cash.
13 Q. Now, the Judge is going to make a decision on whether
14 or not you're going to be sent away, right?
15 A. Yes.
16 Q. Now, when you start meeting with the Government in
17 1996, and you had all these problems, why did you wait
18 until 1999 to talk with your attorney about Jim Traficant?
19 A. Well, I retained one of the best attorneys in the
20 country, and up until my plea agreement, which I said after
21 a long battle and hard fight, it wasn't until '99 that I
22 decided to say okay, I had enough, I'm going to plead. So
23 my posture was to fight.
24 Q. Was it a fight or a plea?
25 A. It was a fight, Jim.

1 Q. So you didn't go to court then?
2 A. I've been to court probably different arraignments
3 and hearings, probably ten times in that matter.
4 Q. Now, you maintained and you told me that I knew about
5 all your legal activities, but because I owed you money, I
6 had you do these favors, is that it?
7 A. That's exactly it.
8 Q. Are you now a friend of Greg Tyson?
9 A. Not at all.
10 Q. You know if Greg Tyson and I are friendly?
11 A. I haven't talked to Greg Tyson about what happened to
12 you over the last four years. I have no knowledge.
13 Q. But it's your testimony here today you told me you
14 were going to rip Tyson off, and I was going to help you to
15 do it. Is that your testimony?
16 A. That is -- that is as accurately stated as I can say
17 it, yes.
18 Q. Thank you.
19 Did you know how many business loans were made to
20 black minority companies in the Youngstown area in the last
21 ten years, Mr. Bucci?
22 A. I don't know, Jim.
23 Q. Would you think it would be a lot?
24 MR. MORFORD: Objection. He said he doesn't
25 know.

1 THE COURT: Right.

2 BY MR. TRAFICANT:

3 Q. Do you think it's -- you said it was rare for a black

4 man to get a bank loan, didn't you think?

5 MR. MORFORD: Objection. That's not what he

6 said.

7 BY MR. TRAFICANT:

8 Q. Well, if you can recall what you said, let me see if

9 I can recall.

10 THE COURT: No. Let's see if he can recall.

11 MR. TRAFICANT: Okay.

12 Q. What do you recall about Mr. Tyson's ability to

13 repay?

14 A. Greg Tyson had a history. Credit worthiness was one

15 that no prudent person would even -- I mean he had problems

16 with materials, supplies, I mean, he just was not credit

17 worthy.

18 Q. Was it a fact that you testified that he couldn't

19 even buy a newspaper?

20 A. No. I think in -- and I'm not sure -- I think I

21 wouldn't lend him money to buy a newspaper, not that I

22 couldn't buy it. Greg Tyson at one point in time was a

23 relatively successful minority contractor.

24 Q. But he was a true minority contractor, wasn't he?

25 A. Yes, he was.

1 Q. He owned this company, didn't he?
2 A. The -- that's debateable.
3 Q. We're not here to debate.
4 A. He owned it in paper. He owned it in theory, but
5 basically, I owned everything by the way it was set up.
6 Q. Did Big G have a cement plant in Youngstown, Ohio?
7 A. Big G, Greg Tyson, obtained a loan, I believe. Now,
8 this is what -- from my recollection, he purchased some
9 dilapidated $25,000 plant, and he put it up. It never
10 operated, never even was functioning when I was there. I
11 had been in Florida for probably three years so what
12 happened from that period of time. Whether he had another
13 one or something, I don't know about it. I don't know.
14 Q. Did Greg Tyson at some point make the statement that
15 he wanted to bid in Trumbull County and won the cement
16 plant in Trumbull County? Yes or no.
17 A. Not to me.
18 Q. So you just talked him into buying a new place,
19 right?
20 A. That's it.
21 Q. Did you run Oak Tree Paving?
22 A. Totally.
23 Q. Did you get -- did you do payroll?
24 A. I don't believe I had payroll people actually do the
25 payroll, Jim.

1 Q. On the prevailing wage rate, you said that you got a
2 contract agreement. That was the very first thing I helped
3 you with, is that correct, the union problem?
4 A. A union agreement, yes.
5 Q. And there was two separate rates. Did you say that,
6 Mr. Bucci?
7 A. Well, there was a family wage rate and a rate in pay.
8 Q. And other than the agreement, was there a provision
9 worked out with the local union that you could have two
10 different rates?
11 A. I think so.
12 Q. One meant -- what did the first one mean about
13 prevailing rate? What must you do?
14 A. I don't understand the question.
15 Q. What does the prevailing rate mean?
16 A. The prevailing wage rate, Jim, is the same agreement
17 in the contract that you receive that you have to pay that
18 specific amount, and --
19 Q. What does it -- whether it's state or federal, right?
20 A. Exactly.
21 Q. What were they usually?
22 A. With all the extras back in that period of time back
23 in the '80's, I would say it was probably for labor. I
24 can't remember, but I'd say it's in excess of $20 an hour.
25 Q. Okay.

1 Now, you had a separate agreement of nonunion
2 laborers, Girard and Bessemer; is that correct?
3 A. Separate agreement with whom?
4 Q. With the union. Didn't they say you had to pay
5 prevailing rate on Government contracts, but at the
6 Bessemer plant and the Girard plant, you didn't have to.
7 They could be nonunion?
8 A. I think it was that they weren't part of that
9 agreement where they had the rights to determine what was
10 paid.
11 Q. What did you pay them?
12 A. Various rates for various people. Labor people I
13 paid something, plant laborers I paid something --
14 Q. What did you pay a plant laborer, Mr. Bucci?
15 A. Back in the '80's?
16 Q. Yeah.
17 A. Seven or eight bucks an hour.
18 Q. How much?
19 A. Seven or eight bucks an hour.
20 Q. Uh-huh. They put a screen up here, and you put down
21 a number of hours, and you said that you charged me $25 an
22 hour for labor. Was that right?
23 A. That's correct.
24 Q. So you sent your engineers out on the prevailing
25 rates to do a farm job. Is that what your testimony is?

1 A. Jim, what you asked me is what would I pay plant
2 laborers. You didn't ask me what I paid construction
3 workers. I paid construction laborers a lot more than the
4 seven or eight an hour. Whether they worked on a federal
5 wage job or a private job, it was not the $7.50 I paid a
6 plant laborer.
7 Q. At that time, were you and I friends?
8 A. I think we weren't as close as we were, but we were
9 cordial to each other, yes.
10 Q. When I worked out a union agreement for you, you were
11 tickled pink. Wasn't that your testimony?
12 A. Tickled pink.
13 Q. Was my rate considered a prevailing rate contract
14 job?
15 A. Your job was considered -- placed in the category as
16 private rate job, which I paid my laborers to do that. The
17 construction people that knew what they were doing,
18 probably $14, $15 an hour.
19 Q. Why did you charge me $25? We went from $8 to $15 to
20 $25 an hour, the top rate you paid the federal government
21 if they were to build this courthouse; isn't that correct,
22 Mr. Bucci?
23 A. No, Jim. What I told you was that I paid plant
24 laborers $7.50 an hour, and I told you I paid construction
25 laborers on non-public works probably $14 to $15 an hour,

1 but also the extra anomaly, all the benefits involved,
2 social security, unemployment, all that, so very well could
3 have been close to $21, $22 an hour.
4 Q. Now, we've gone from seven to 14 to 21 -- did you
5 bill me for $25 an hour or not?
6 A. Yes, I did, Jim.
7 Q. Now --
8 THE COURT: It's 3:00. Is this a good time
9 for a break in your inquiry?
10 MR. TRAFICANT: Well, I -- I think it would
11 be good for the jury perhaps.
12 THE COURT: All right. Very well. We'll
13 take a 20-minute break.
14 (Thereupon, a recess was taken.)
15 THE COURT: You're still under oath.
16 BY MR. TRAFICANT:
17 Q. Now, Curtis White, did he have any rank or title with
18 Oak Tree?
19 A. President.
20 Q. Do you know if he was sent out to the Traficant farm?
21 A. I'm not sure, but I think he did.
22 Q. Now, when this first issue come up with the union,
23 who did you first contact relative to getting assistance
24 from Congressman Traficant?
25 A. I think it was you, Jim.

1 Q. Did you ever go to anybody on the staff to get them
2 to arrange a meeting with you and me?
3 A. Yes. I believe Jackie and Grace set up meetings
4 between us.
5 Q. In the beginning, about the union ordeal where you
6 were going to be busted out, whom if anybody did you
7 contact?
8 A. I believe it was you, Jim.
9 Q. And then whom did you go to in the office to see
10 what, if anything, could be done?
11 A. I believe we met at your Boardman office, and we
12 talked there.
13 Q. And you know who you asked to arrange that?
14 A. I think it was a request from you.
15 THE COURT: Is this something you're going
16 mark, Congressman, so we can identify it with an exhibit
17 number, please?
18 MR. TRAFICANT: I'm not so sure yet.
19 THE COURT: Okay.
20 MR. TRAFICANT: We understand it, though,
21 this is what I'm using.
22 THE COURT: Okay. I understand that. You
23 want to use it with this witness?
24 MR. TRAFICANT: Yes, I do.
25 THE COURT: Well, we need to give it a number

1 just so the record will show what it was that you handed
2 the witness.
3 MR. TRAFICANT: Well, I'd like to put it in
4 some sequence, so I don't know how I have it related to --
5 can we make it just G-80?
6 THE COURT: You can give it any number you
7 wish.
8 MR. TRAFICANT: Thank you. I just want to
9 give a number that's maybe -- already has a number, your
10 Honor.
11 THE COURT: Thank you.
12 BY MR. TRAFICANT:
13 Q. Mr. Bucci, did you meet with the FBI?
14 A. Yes.
15 Q. Many times?
16 A. Yes.
17 Q. As part of your plea agreement, did they -- was one
18 of your conditions you wear a body mike?
19 A. No. You mean regarding you?
20 Q. No. Did part of the plea agreement -- was there a
21 condition that if they requested a body mike, would you be
22 required to wear a body mike?
23 A. Which plea, Jim?
24 Q. It's not a plea; it's a question.
25 As a part of the plea agreement, was one of the

1 conditions of the plea agreement, if the Government asked
2 you to wear a body mike to somebody, would you be required
3 to do so?
4 MR. MORFORD: Objection, your Honor. There
5 are several plea agreements he's asked him about.
6 THE COURT: The witness is asking which plea
7 agreement you're talking about.
8 MR. TRAFICANT: Under any plea agreement.
9 THE WITNESS: I know under the agreement that
10 I reached with my plea agreement in May of '99, there was
11 no such thing.
12 Q. Okay. Did you wear a body mike to me?
13 A. No.
14 Q. It was your testimony you owned me. Was that your
15 testimony?
16 A. Yes.
17 Q. And I had never failed to help you because you owned
18 me. Is that your testimony?
19 A. I believe I said you weren't able to accomplish some
20 things, but primarily what I asked you accomplished for me.
21 Q. I helped you a lot, didn't I?
22 A. Yes, you did.
23 Q. Didn't I help your company a lot?
24 A. Yes, you did.
25 Q. At seasonal times of the year, certain big projects,

1 with subcontractors and others, wouldn't there be many more
2 jobs at stake than 50?
3 A. Not with my company.
4 Q. Didn't you express to me that there were a lot more
5 jobs at stake with your company?
6 A. Never.
7 Q. So you didn't lie to me when you said that then, did
8 you?
9 MR. MORFORD: Objection. He said he didn't
10 say it.
11 BY MR. TRAFICANT:
12 Q. I want you to now look at the document in front of
13 you. Can you read what it is and read what it says at the
14 top.
15 A. Federal Bureau of Investigation dated 2-17-2000.
16 Q. I want you to read the paragraph starting with
17 Bucci's early dealings?
18 A. "Bucci's early dealings with Congressman James
19 Traficant sometime in the mid 1980's possibly 1986, the
20 local Operating Engineers union and the Teamsters Union
21 went to complain to Jim Traficant about the Bucci brothers
22 pavement obtaining contracts and not using union workers."
23 THE COURT: Let me just caution you, when
24 people read, they tend to go pretty fast. Faster than when
25 you speak, and it's --

1 THE WITNESS: I'm sorry.

2 THE COURT: We have great reporters. It

3 really gets to be hard.

4 THE WITNESS: You want me to repeat it?

5 THE COURT: No. But I think you should read

6 a little more slowly, thinking about the fact that you're

7 being recorded.

8 MR. TRAFICANT: And speak up, if you will.

9 THE WITNESS: "Buccis early dealings with

10 Congressman James A. Traficant Junior, sometime in the mid

11 1980's, possibly 1986, the locals for the Operating

12 Engineers labor union, the teamsters union went to complain

13 to Congressman James. A. Traficant about the Bucci brothers

14 pavement companies obtaining contracts and not using union

15 workers. Traficant told him he would look into it and

16 wrote a letter to first named unknown Ohio Department of

17 Labor Relations Board. In the letter, Traficant wanted

18 Harris to investigate the Buccis. When the Buccis learned

19 of this, they went to Charles O'Nesti, who was Traficant's

20 administrative aid. They asked O'Nesti why Traficant was

21 causing union problems with their company. O'Nesti told

22 the Buccis he would arrange a meeting for them with

23 Traficant. The Buccis asked O'Nesti why Traficant was

24 creating the union problems, and O'Nesti told him because

25 Traficant needed some work done on his farm."

1 Q. So I had you read something that's very damaging to
2 me, didn't I?
3 MR. MORFORD: Objection. That's not a
4 question; that's argument, your Honor.
5 Q. Did you go to Charles O'Nesti of my staff?
6 A. I did on different occasions, yes.
7 Q. Isn't it a fact you met with Chuck quite a bit?
8 A. Not really, Jim. I usually confided directly to you.
9 At the end, Chuck was maybe involved a little bit, but
10 mainly we dealt with you.
11 Q. I want to you turn to Page 2 of that document.
12 I want you to read the very last paragraph, starting
13 with Anthony Bucci?
14 A. "Anthony Bucci advised that he had first met Charles
15 O'Nesti when he was fire chief of Youngstown while
16 Traficant -- while Traficant was Congressman. O'Nesti had
17 Anthony Bucci pave up O'Nesti's driveway and garage and put
18 in a new one as one of the paybacks. William Fergus, the
19 former Mahoning County engineer, owed O'Nesti a thousand
20 dollars over some deal, and the Buccis had to pay O'Nesti a
21 thousand dollars. Bucci had very little dealings with
22 O'Nesti. Most of the time he dealt directly with
23 Traficant."
24 Q. Why did you feel compelled to pay a thousand dollars
25 for Mr. O'Nesti?

A. Back at that time, Chuck O'Nesti's son-in-law was the inspector for the '96 pavement resurfacing program, and I didn't give the Pulchinsky kid a direct payoff other than a dinner. So in an around about way, I went to Chuck and performed that favor for him because Pulchinsky helped me on the project.

Q. Now, you said that at some point I wanted you to use taxpayer money to purchase asphalt in Poland and do my driveway. Was that your testimony?

A. No. I think I said you wanted me to put some asphalt at 429 in Poland somewhere. I knew it was your house, to do some asphalt work there.

Q. Yeah. But didn't you say that you were doing work there, and I wanted you to use the material from there?

A. Yes.

Q. And you said that looked improper?

A. Not that it looked improper. It was too risky because I -- what was the first dealing with the Poland Township trustees, and I think there was a consultant that was the inspector there, and I had no rapport established with him, and I thought it was too risky.

Q. Was that on or about the time you owned me or not?

A. Yes.

Q. Did you own the asphalt company?

A. Yes.

1 Q. Do you know how big my driveway was?
2 A. Regular driveway.
3 Q. You know if you paved my driveway, Mr. Bucci?
4 A. I did not pave your driveway.
5 Q. Do you know if there were other people that
6 complained about Tom Williams as an inspector?
7 A. I knew Tom Williams had a reputation as a no nonsense
8 by the book type of guy, and any contractor, especially
9 ones from out of the district that came in there and tried
10 to pull the wool over his eyes, they had a problem with Tom
11 Williams. He was that kind of guy.
12 Q. And you told me he was that kind of guy, but you
13 lied -- you told me the truth that he was that kind of guy
14 all the way along, didn't you?
15 A. I told you that, Jim.
16 Q. You did?
17 A. Yes.
18 Q. Is that what you said?
19 A. Yes.
20 Q. And that I went along and took all that action
21 against Tom Williams. Is that what you're saying?
22 A. Yes.
23 Q. And there were no other asphalt dealers that
24 complained about Tom Williams to the best of your
25 knowledge?

1 A. To the best of my knowledge, to some degree, no one
2 in the contracting business really liked Tom Williams.
3 Q. I didn't hear that last answer.
4 A. No one in the contracting business loved Tom Williams
5 because of his no nonsense approach.
6 Q. Were there ever any complaints that he played
7 favoritism to certain companies?
8 A. Not that I recall.
9 Q. Do you know if any of his relatives or close friends
10 were employed by asphalt companies?
11 A. Not that I recall.
12 Q. Do you know if he had a friend, very close friend
13 that was employed by Mr. Chick's company?
14 A. No.
15 Q. Did you complain about out of town asphalt companies
16 getting jobs over local companies?
17 A. Not really.
18 Q. Did you ever bring up Northern Paving, and that they
19 had some inside track?
20 A. Not really.
21 Q. Would you say that this morning you and ODOT were --
22 you were really on the outs, right?
23 A. Yes.
24 Q. I mean they couldn't stand you guys. Would you say
25 that to be a fair statement?

1 A. No.
2 Q. They tried to harm you, and they kept you to the
3 letter of the law, though, and they really sat on you,
4 right?
5 A. I would say Tom Williams, yes.
6 Q. Yes. And did ODOT, in fact, support Tom Williams?
7 A. There -- they never told what the district
8 construction engineer did. Very rarely they overran him.
9 Q. I want you to now turn to Page 5. I want you to read
10 the third paragraph from the bottom, starting with Robert?
11 MR. MORFORD: Your Honor, I'm going to object
12 to this until he sets a foundation since these are not
13 Mr. Bucci's statements.
14 MR. TRAFICANT: Your Honor, this speaks
15 exactly to the testimony of the witness.
16 THE COURT: These are not his statements,
17 though. That's the issue.
18 MR. TRAFICANT: This is what he told the FBI.
19 THE COURT: We'll have to take a break so you
20 all can discuss that. As you know --
21 MR. TRAFICANT: All right.
22 BY MR. TRAFICANT:
23 Q. Then let me ask you this: Do you have any knowledge
24 that anyone from your company was ever selected to serve on
25 a panel to select the director of the Ohio Department of

1 Transportation?
2 A. Yes.
3 Q. Who was that?
4 A. My brother, Robert.
5 Q. And do you know if he -- if one of those candidates
6 was Jerry Wray?
7 A. I think so.
8 Q. Did Jerry Wray become the Director of Transportation
9 of Ohio?
10 A. Yes.
11 Q. So I mean, you didn't really want to put a dagger in
12 your heart. Would you say that would be a correct
13 assessment?
14 A. Well, Jim, basically, the process of selecting people
15 to represent the committee, to select the director came
16 from the organization of Ohio Contractors Association,
17 which my brother was very involved with, and it was
18 basically them that recommended to the committee as opposed
19 to the ODOT people.
20 Q. Did anyone ever make any complaints from ODOT
21 relative to a Bucci being on the selection committee, to
22 the best of your knowledge?
23 A. Not that I know of.
24 Q. Now, you talked about a lawn mower being delivered.
25 You gave the name of the fellow who delivered it. What was

his name?

A. Bruce Pierce.

Q. What was the color of that lawn mower?

A. To be honest, Jim, I don't remember.

Q. What was the model of it?

A. Jim, I own 200 pieces of equipment. I don't really remember.

Q. You know nothing about it?

A. No. It was a riding lawn mower that we had at the farm, but I specifically don't know the color or the make.

Q. You have any records on the lawn mower?

A. I'm sure one of our companies had records of it.

Q. Did the FBI ask you for records?

A. I don't recall.

Q. I want to you turn to Page 6, Paragraph 3.

Do you recall locating some paperwork regarding the lawn mower?

A. I don't recall, but I could have.

Q. Did you tell that to the FBI?

A. Jim, it was -- you know, there was a lot of documents I turned over. I don't really remember specifically.

Q. Mr. Bucci, I want you to look at Page 6.

MR. MORFORD: Your Honor, we may have to take this up at a break because there's an issue here we need to address.

1 THE COURT: Well, there is an issue, but also
2 it's referred to there, and you're using this to refresh
3 his recollection.
4 MR. TRAFICANT: Yes, I am.
5 THE COURT: Fine. You can read that.
6 Q. I want you to read that where it says Bucci gave?
7 A. "Bucci gave the lawn mower to Traficant. Bucci had
8 located paving work regarding a lawn mower and stated the
9 lawn mower was valued at $2885. Copies of this
10 documentation and other documentation provided by Bucci are
11 attached to this report for reference. The lawn mower was
12 purchased on or about May 15, 1990, from Woolworth's, and
13 the mower was delivered by Bucci through Bruce Pierce.
14 Traficant never gave the lawn mower back to the Buccis."
15 Q. So you did then give -- now your memory is refreshed,
16 right?
17 A. Yes.
18 Q. Now, on Page 7, you maintained that I would sell
19 horses for certain prices and buy them back for lesser
20 prices; is that correct?
21 A. I didn't say that, Jim.
22 Q. Would you look to Paragraph -- the second paragraph
23 from the bottom? Do you know at that time if, in fact, I
24 had a problem with the IRS, Mr. Bucci?
25 A. I think -- when you define "problem," I don't know

1 what you mean by problem, but did you have issues with the
2 IRS? I'd say yes.
3 Q. Did you know if my matter had been adjudicated before
4 that incident you referred to the FBI?
5 A. I don't recall, Jim.
6 Q. But isn't it a fact that you maintained that I sold
7 horses and then would buy them back on special -- special
8 deals?
9 A. I don't believe I said that, Jim.
10 Q. Take a look at the fourth paragraph down, which would
11 be the second from the bottom, and look at the last four
12 lines.
13 A. Read the entire paragraph or just --
14 Q. No, starting with Traficant was transferring?
15 A. "Traficant was transferring horses back and forth of
16 the owners of Crystar in Alliance, Ohio, who Bucci thought
17 was Bob Roth. Roth built Traficant horse trailers, too.
18 Traficant would sell Roth a horse for $15,000 and buy it
19 back for $3,000.
20 Q. Now, the FBI got that information, you gave that to
21 them, didn't you?
22 A. Yes.
23 Q. By the way, did they tape your conversation?
24 A. Not to my knowledge. If they did, I didn't know
25 about it.

1 Q. Did you see it recorded?
2 A. Jim. It was a big room, a lot of people.
3 Q. How many people were in there?
4 A. Four or five, six.
5 Q. Now, if the FBI got information that I was selling
6 horses for $15,000 and buying them back for $3,000, in
7 your -- would they not have investigated Mr. Bucci?
8 A. I don't know what the FBI would do.
9 Q. But now, you remember telling them about that, right?
10 A. Jim. There is a lot at stake. Yeah, it refreshes my
11 memory, yes.
12 Q. Look at the front page, Mr. Bucci.
13 A. Okay.
14 Q. What was the date?
15 A. 2-17-2000.
16 Q. And that was what, two years ago?
17 A. Yes.
18 Q. You have a pretty vivid memory in the early 80's,
19 don't you?
20 A. A general good memory, yes, I do.
21 Q. Um-hum. Did you ever give me any cash, Mr. Bucci?
22 A. Never gave you a dime.
23 Q. Did you ever give Mr. O'Nesti any additional money
24 after that?
25 A. Yes, I did.

1 Q. When did you give Mr. O'Nesti money?
2 A. I don't know exactly. I think it was around -- some
3 time around '95 or '96. I'm not sure when I gave it to
4 him.
5 Q. I want you to turn to Page 10. I want you to read
6 the second paragraph?
7 A. "On other occasions, Bucci had a" --
8 MR. MORFORD: Objection until there's a
9 foundation set, your Honor.
10 THE COURT: The same situation, overruled.
11 We can deal with it at the break.
12 BY MR. TRAFICANT:
13 Q. Let me ask you this: Did you admit to the FBI you
14 gave Mr. O'Nesti money a second time?
15 A. I don't recall, Jim.
16 Q. Well, you remember the first time when you paid back
17 Fergus?
18 A. Right.
19 Q. To refresh your memory, I want you to look at Page
20 10, and I want to you read to yourself the second
21 paragraph.
22 A. Yes.
23 Q. Now, do you recall giving Mr. O'Nesti a second $1,000
24 in cash?
25 A. No.

1 MR. TRAFICANT: Your Honor, I ask that he be
2 allowed to read Paragraph 2 of Page 10.
3 MR. MORFORD: No objection, your Honor.
4 THE COURT: Okay.
5 THE WITNESS: "On another occasion, Bucci had
6 a contract to pave Route 62 in Youngstown, Ohio. Problem
7 with the road bogs on the road. The pavement process in
8 that these water bogs were not raised high enough. Bucci
9 knew there was a loophole in the contract, which would
10 allow him to obtain a change order for ODOT for this.
11 Bucci knew that if he -- Bucci knew that it would be a
12 problem for him if ODOT did a forced account over this
13 problem. So Bucci had Traficant and O'Nesti make calls for
14 him. O'Nesti was talking to the Mahoning County Engineer,
15 Richard Marisco, regarding this incident. Bucci knew
16 O'Nesti and Marisco were very close. Bucci was able to
17 obtain a $75,000 change order for this project. And this
18 was a lump sum payment to Bucci. This was another time
19 that Bucci gave O'Nesti a thousand dollars at a coffee shop
20 on Meridian Road. Bucci thought this occurred in '96 but
21 was not certain."
22 MR. MORFORD: Your Honor, I believe that word
23 was "there" and not "this."
24 THE COURT: Right.
25 BY MR. TRAFICANT:

1 Q. Now, with regards to your testimony here today and
2 your immunity, there was no discussion relative to your
3 brother, Robert; is that correct?
4 A. There was a discussion if he wanted to come here and
5 testify, yes.
6 Q. Was there discussion that they'd make him a plea
7 agreement?
8 A. That was never discussed.
9 Q. Was he out of the country?
10 A. Yes.
11 Q. You think he'd come back to get arrested?
12 A. No.
13 Q. Did he come back?
14 A. No.
15 Q. Now, over the past career, how many times have you
16 been indicted and convicted of crimes, Mr. Bucci?
17 A. I believe it was 1980 for tax evasion, 1992 for the
18 Veteran's and the minorities, and 1998 for income tax
19 evasion and mail fraud.
20 Q. And now, this would be your third deal with the
21 Government, right?
22 A. Yes.
23 Q. Now, when you sold out and you divested of your
24 company, isn't it a fact that your brother, Dan's shares,
25 that was taken by both you and Bob?

1 A. That's not true.
2 Q. Were there any conversations relative to you taking
3 money that belonged partially to Dan and his family?
4 A. Conversations with whom?
5 Q. With any family members?
6 A. No.
7 Q. With any of Dan's family members?
8 A. We had a discussion where Dan's children signed an
9 agreement, where we were to pay -- my brother Dan is 20
10 percent owner of the company. He was paid, I think, in the
11 neighborhood we sold the business for 400 something
12 thousand dollars.
13 Q. Do you know to whom Dan Bucci's family turned to for
14 help? Would you know that?
15 A. I know I walked in there one day and seen Charles
16 Perkins and an FBI agent in the kitchen.
17 Q. Why, I didn't ask you that. Do you know if
18 Mr. Dan -- your brother Dan's family turned to anyone to
19 get help in this matter? Would you have knowledge?
20 A. It's a matter of him not getting paid.
21 Q. Yeah, him not getting a fair share, his family not
22 getting a fair share, getting a raw deal?
23 A. No.
24 Q. Do you know who, if anyone, did they tell you they
25 had contact?

1 A. I don't believe they talked to anybody.
2 Q. Okay. Now, when you're first contacted by the FBI,
3 did you contact them, or rather, did they contact you in
4 this last case?
5 A. We contacted them.
6 Q. When you originally were charged with this last fraud
7 case that you now have pending, you called them?
8 A. No.
9 Q. They called you?
10 A. No, Jim.
11 What happened was when I was originally indicted in
12 November, '98, then we entered a plea agreement. I believe
13 it was in May of '99. Subsequent to that, I contacted the
14 FBI through my attorney.
15 Q. Were you ever indicted on any state charges?
16 A. I don't think so.
17 Q. Did you ever testify for any state Prosecutors under
18 grants of immunity?
19 A. No.
20 Q. Have you lied to every Government agency you've ever
21 dealt with?
22 A. Have I lied to every agency?
23 Q. Yeah.
24 A. Yes.
25 Q. Every single one?

1 A. Yes.
2 Q. You ripped off many workers' paychecks?
3 A. Yes.
4 Q. Utilized minority contractors as a front?
5 A. Yes.
6 Q. And you have no knowledge, absolutely, whatsoever,
7 that I made restitution for any work you had done at my
8 farm. Is that your testimony?
9 A. Yes.
10 Q. Now, you said you told your attorney to back off.
11 You thought $12,000 was a good price to buy a politician.
12 Is that your testimony?
13 A. That's not what I said.
14 Q. What did you say?
15 A. After consideration, $13,000 to sue a city,
16 Congressman, being that was involved with the federal
17 government, which we tend today do a lot of work with, was
18 a major consideration. But the other side of the issue was
19 the $13,000. I would be in a position to have favorable
20 actions taken that would benefit myself and my company.
21 Q. So you didn't say that exact words that you had owned
22 the Congressman?
23 A. Jim, those are words that I -- my words, my thoughts,
24 I never -- that's my inner feeling at the time.
25 Q. Well, that's what you testified to?

1 A. It is -- that's exactly right.
2 Q. But you admit to giving cash, but you don't give cash
3 to me. Did I ever ask you for cash?
4 A. No.
5 Q. Now, this is two years ago. Had I ever refused --
6 best of your knowledge, anybody that called me with a
7 problem?
8 MR. MORFORD: My we have clarification as to
9 what" This" is?
10 BY MR. TRAFICANT:
11 Q. Well, as far as me being a congressman, was I known
12 as someone who would talk with anyone with a problem,
13 Anthony?
14 A. I would say yes.
15 Q. Did you have a problem in 19 -- when did the
16 beginning of this thing start that you're now making a plea
17 agreement with? When did it start, 1996?
18 MR. MORFORD: Again, your Honor, what is this
19 thing?
20 BY MR. TRAFICANT:
21 Q. Did this investigation that you're now -- that you
22 now have immunity for, when did it begin, Anthony?
23 A. I don't know.
24 Q. Roughly give me the year.
25 A. I don't know when they were investigating, Jim.

1 Q. When did they first meet with you?
2 A. Well, they raided my offices I think in 1996, I
3 believe, took all the stuff out of my offices, but --
4 Q. And that 1996 led to this case we're at now, as far
5 as you're concerned, right, your immunity?
6 A. I don't understand what you mean, Jim.
7 Q. Well, you're subject to being sentenced by a judge,
8 are you not?
9 A. Yes.
10 Q. Was that 1996 event, the beginning of the process
11 that involves you now, into possibly being sentenced to
12 jail or let go?
13 A. I believe, Jim, that my indictment, the way it was
14 read, it was a conspiracy back through the 80's up and
15 through, I believe, maybe 1996. So the extent of the
16 investigation, I really don't know. It was a conspiracy
17 charge.
18 Q. It was a conspiracy charge. So at that point then,
19 you had no agreement and no plea agreement. You didn't
20 enter one until what date with the Government? Just today?
21 A. No. I entered an agreement for that case in May or
22 April of 1999.
23 Q. Okay. So then, when did you start working on this
24 case that now you're being subject to being sentenced to?
25 A. We were -- like I said, the office was raided, I

1 believe, in '96. I think there was subpoenas issued prior
2 to that, '94, maybe '95, requesting records and documents.
3 I don't know when exactly it started.
4 Q. Are some of those documents from '95 and '96 that the
5 Government is using as exhibits, were they part of the
6 things they took from your office?
7 A. Probably, yes.
8 Q. Did they talk to you about our relationship in 1996?
9 A. No.
10 Q. They never questioned you at all about the moment?
11 A. Excuse me about what?
12 Q. About all of those letters, the cash that I -- the
13 lawsuit, the $12,300, they never questioned -- they got
14 those records, and they never questioned you?
15 MR. MORFORD: Objection. There's no evidence
16 that we got those records, your Honor. That's not --
17 THE COURT: I think maybe where the confusion
18 is two different cases.
19 MR. TRAFICANT: Okay.
20 THE COURT: And we need to get that
21 straightened out so that he knows how to answer your
22 questions. But as I understand it, Judge Oliver has the
23 case that involves him.
24 MR. TRAFICANT: No. She's already decided --
25 THE COURT: No, he.

1 MR. TRAFICANT: He already decided.
2 THE COURT: I don't know, but I think the
3 plea agreement was not in this case.
4 MR. TRAFICANT: No.
5 THE COURT: All right. Well, I think it's
6 getting pretty confusing.
7 MR. TRAFICANT: What I'm trying to establish
8 is: This isn't a case where you've taken immunity; you're
9 subject to being sentenced in another case, aren't you, not
10 this case?
11 THE WITNESS: Yes.
12 THE COURT: Okay.
13 Q. And at some point, you went and the Government had
14 records. Did some of the Government records that they used
15 as exhibits, did they get in the mid 90's when they raided
16 your office?
17 MR. MORFORD: Objection. Speculation as to
18 how he would know what the Government had and used and
19 where it came from.
20 MR. TRAFICANT: If he knew.
21 THE COURT: If you knew.
22 THE WITNESS: They took probably 200 boxes of
23 stuff. I don't know what they had. It was truck loads of
24 stuff they took.
25 Q. Well, did you keep my stuff separate than others?

1 A. Jim, some things like this I keep in my wallet for
2 years, and I knew some day it would be very important.
3 Q. You kept it in your wallet for years?
4 A. Yes.
5 Q. Can I see that? Can you show me your wallet?
6 A. Well, the wallet I have now is probably different
7 than the wallet I had then. This wallet I have right now
8 I'll show it to you. It's a wallet I just received for
9 Christmas, I think.
10 Q. Oh, I see. You're a man of many wallets.
11 Now, let's get back to this case. You're to be
12 sentenced. At some point, your attorney said "Look, let's
13 make a deal, right, what does Regis say? Let's make a
14 deal. Is that what your attorney told you?
15 A. No.
16 Q. Well, what did he advise you?
17 A. We discussed the issues that were pertaining to you,
18 and basically, I discussed them with him at that point in
19 time, and he indicated to me that we would come forward
20 with the Government and tell them these things with the
21 understanding that there would be consideration given, yes.
22 Q. Now, had you called me in early 2000, do you think I
23 would have met with you, Anthony?
24 MR. MORFORD: Objection, speculation.
25 THE COURT: He can answer that.

1 THE WITNESS: I would say yes.
2 Q. When you started working with the Government, could
3 you not have called me and worn a body mike to me?
4 A. In May of 1999, when I went with the Government after
5 my plea, after that period of time, I left the State of
6 Ohio, and I absolutely exiled myself from anything and
7 everybody that I possibly could under advice of my
8 attorneys, and I maintained my home in Poland.
9 Q. Do you understand a plea agreement is a legal record
10 that's kept on the document forever in archives? You
11 understand that?
12 A. Yes.
13 Q. And you had admitted as one of your plea agreement
14 conditions, if you were asked to wear a body mike, you
15 would wear it. Was that your testimony?
16 A. I don't recall that, Jim.
17 Q. Then that would have to be produced through the
18 Court, wouldn't it?
19 A. Yes.
20 Q. Okay. Did the FBI at any time ever say, look, why
21 don't you call Traficant and sit down with him? They ask
22 you to do that?
23 A. Never.
24 Q. Ever suggest that you wear a mike to me or recorder?
25 A. No.

1 Q. Am I a touchy-feely kind of guy?
2 A. Oh, yeah.
3 Q. In what way?
4 A. Well, you like to hug people, and you're a nice guy.
5 You are a real nice guy.
6 Q. Do I threaten people, Anthony?
7 A. Oh, you're known to do a few on your way, Jim. You
8 can straighten people out.
9 Q. Am I aggressive with Government agencies?
10 A. Yes.
11 Q. Was I known to be a threatening person to my
12 constituents, Anthony?
13 A. Never.
14 Q. Was I known to be a friendly person to my
15 constituents?
16 A. Yes.
17 Q. Would you know if anybody had any reason to fear me?
18 Would you have any reason to ever fear me?
19 A. Yes.
20 Q. Although I'm a friendly guy and I don't threaten my
21 constituents, you would have had reason to fear me? And
22 why would that be, Mr. Bucci?
23 A. Well, Jim, you know when I was down in Florida, and
24 I'm not saying this is true, and I am not saying --
25 Q. Well, I think you should say just what is true.

1 A. Okay. I'm just trying to answer the question.
2 Q. Say what's true.
3 A. I understood it to be -- I don't know if it's true
4 what I heard. What I heard was that you put a contract out
5 on Sandy's life, and for that reason, I do have a little
6 apprehension about you, yes.
7 Q. Did that make sensational national news?
8 A. The news that it hit me was all I was worried about.
9 Q. And do you know if that was on or around my election
10 time by the way?
11 A. I really lost track of things in Ohio once I left for
12 Florida.
13 Q. Do you know if I've been charged with conspiracy to
14 commit murder, Anthony?
15 A. No.
16 Q. But that's the only reason why at that point. You
17 thought, hey, maybe I have to fear this guy, right?
18 A. Yes, Jim.
19 Q. Had you not heard that on the news, you wouldn't have
20 felt that way, would you?
21 A. Yes.
22 Q. So those news articles really gave the public an
23 impression of Jim Traficant, didn't they?
24 A. Gave me an impression of it.
25 Q. Do you know if that episode occurred before a

1 critical election of mine?
2 A. I don't know, Jim.
3 Q. So I'm the only person in Government or anyone that
4 you mentioned that you always told the truth to, right?
5 A. No, Jim. I told the truth to other Government
6 agencies. Specifically, I've told lies to them, too.
7 Q. You testified today about lying to almost every
8 agency.
9 A. At one time or another, yes.
10 Q. But you said you always told me the truth?
11 A. Jim, you and I were close. I told you the truth.
12 Q. And you gave the reasons why you were making your
13 business decisions?
14 A. Jim, absolutely.
15 Q. And you totally confided in me in everything?
16 A. Yes.
17 Q. Then why did you go to Mr. O'Nesti to get to
18 Mr. Marisco?
19 A. Jim, you are a very busy individual, and at times,
20 like I told you, most of the time I dealt with you. Other
21 times we put things that you told me to do with Chuck. And
22 under your direction, that's where -- that's where I went
23 to Chuck.
24 Q. So I directed you to give Chuck money?
25 A. Never did that.

1 MR. TRAFICANT: No further questions at this
2 time.
3 THE COURT: Thank you.
4 REDIRECT EXAMINATION OF ANTHONY BUCCI
5 BY MR. MORFORD:
6 Q. Just a couple questions: You were asked a few
7 questions by Congressman Traficant about being requested to
8 try to reach out to your brother, Bob. Do you recall that?
9 A. Yes.
10 Q. Were you told that your brother, Bob, would have to
11 plead and be convicted if he came back?
12 A. Yes.
13 Q. Is that why he wouldn't come back?
14 A. Yes.
15 Q. Did you have those dealings with and through your
16 attorney, Robert Rotatori?
17 A. Yes.
18 MR. MORFORD: I have nothing further.
19 THE COURT: Thank you, Congressman.
20
21
22
23
24
25

1 RECROSS-EXAMINATION OF ANTHONY BUCCI

2 BY MR. TRAFICANT:

3 Q. So evidently, Anthony, now that Dan is deceased,

4 would you say other than immediate family, that you love

5 your brother, Robert, very much?

6 A. Yes.

7 Q. You want him back home?

8 A. He's -- it's his decision.

9 Q. I asked you, do you want him back home here with

10 family?

11 A. Yes.

12 Q. Would you have knowledge that his family wants him

13 back home?

14 A. I'm sure they want him back home, but they respect

15 his decision.

16 Q. So part of your attempts with your excellent

17 attorney -- I'm not sure I can even identify him if he's in

18 the room -- but with his reputation, you tried to see if

19 Robert could be cut into somehow some type of a good deal,

20 arrangement, right?

21 A. There was no deal. It was whether he wanted to come

22 in, plead guilty, and testify. That's all that was ever

23 articulated to Robert.

24 Q. Okay.

25 But he'd have to come in and plead and be convicted,

is that correct?

A. That's correct.

Q. Did you plead, and were you convicted in the case involving Judge Oliver?

A. Yes.

Q. Are you sitting on this stand with immunity?

A. Yes.

Q. Now, at some point, did you have a discussion with your brother relative to the potential of him coming back, pleading guilty, being convicted, and seeing what his prospects might be to cut a deal?

A. No.

Q. Then why did you and your attorney talk about it with the Government?

A. First of all, the Government mandated that he have to come back, plead guilty, take the sentencing, then they would evaluate his extent of cooperation. They never offered him a deal.

Q. Okay. Let me just stop you right there.

Your quote was then they would evaluate the extent of his cooperation. Is that your exact words?

A. That's it.

Q. Would that be to corroborate or to prove what you're saying may be true?

A. I don't know what the motives were.

1 Q. But they would look into the extent of what they
2 could do, depending upon his cooperation, correct?
3 A. Correct.
4 Q. Is that not what they told you?
5 A. Basically what we -- my understanding is that the
6 Judge will be told of my cooperation, and his decision will
7 be what I would be involved with.
8 MR. TRAFICANT: No further questions.
9 THE COURT: Any questions?
10 MR. MORFORD: No, your Honor. Only thing I
11 would ask is that that photograph be admitted and published
12 to the jury at this time.
13 MR. TRAFICANT: I'd like to see the
14 photograph myself.
15 THE COURT: Okay.
16 MR. TRAFICANT: I want to make it a joint
17 exhibit.
18 THE COURT: Fine.
19 MR. TRAFICANT: Not a good picture of either
20 of us.
21 THE COURT: What's the number for the
22 reporter?
23 MR. MORFORD: Sorry, your Honor, that would
24 be Exhibit 2-64, but we're done with the witness.
25 THE COURT: Very well. You can step down.

1 MR. TRAFICANT: Your Honor, could I make a
2 motion?
3 THE COURT: We'll have time as soon as the
4 jurors' completed the picture. You can rest.
5 MR. TRAFICANT: Well, it was dealing with the
6 jury, your Honor.
7 THE COURT: Well, if you're going make a
8 motion, we'll make it after the jury has left like we
9 always do.
10 MR. TRAFICANT: Thank you. Your Honor, I'd
11 like to know what we're doing if we're going to proceed.
12 THE COURT: Well, right now the jury's
13 looking at something. As soon as the jury is finished --
14 MR. TRAFICANT: Sorry. I didn't know that.
15 THE COURT: We'll proceed.
16 MR. TRAFICANT: I didn't realize that.
17 Excuse my interruption.
18 THE COURT: We have about ten minutes.
19 You -- I don't know if you have another witness. I don't
20 know if you wanted to start with the witness.
21 MR. MORFORD: We do, your Honor, but the --
22 my only concern is because we're going to be taking a
23 three-day break plus a weekend would be five days, there's
24 no way I think we would get through this witness direct and
25 cross and redirect if there is any. So I'll leave it to

1 the court whether you want us to start for ten minutes and
2 start five days later.
3 THE COURT: No, I don't think so.
4 MR. TRAFICANT: Your Honor, that's the motion
5 I was going to make as well.
6 THE COURT: Very well. Well, I think we're
7 all in agreement. We should let the jury go rather than
8 starting another witness.
9 You now will be in recess until Monday morning at
10 9:00, and so remember all the admonitions that you've been
11 under all this time, and keep those and enjoy yourselves
12 and get back to your regular lives a little bit, and we'll
13 see you on Monday next. Be here in time to be up on
14 Monday, whatever the weather, in time for us to start at
15 9:00. Thank you very much.
16 (Proceedings in the absence of the jury:)
17 THE COURT: Okay. You have a couple things,
18 Congressman?
19 MR. TRAFICANT: I thought we would expedite
20 by me agreeing to the following exhibits Government's
21 Exhibit 2.2-21.
22 THE COURT: All right, gentlemen.
23 MR. MORFORD: No objection.
24 MR. SMITH: Fine, your Honor.
25 MR. TRAFICANT: 2-30.

1 MR. SMITH: That's fine, your Honor.
2 MR. TRAFICANT: 2-36.
3 MR. SMITH: That's fine, your Honor.
4 MR. TRAFICANT: 2-11.
5 MR. SMITH: That's fine, your Honor.
6 MR. TRAFICANT: 2-64.
7 MR. SMITH: That's fine, your Honor.
8 THE COURT: Are you offering these now?
9 MR. TRAFICANT: And 2-60.
10 THE COURT: 2-60.
11 MR. SMITH: That's fine, your Honor. We
12 would offer them as well.
13 THE COURT: Okay. You're offering those,
14 Congressman?
15 MR. TRAFICANT: Joint exhibits.
16 THE COURT: All right. Very well. They'll
17 be admitted.
18 MR. TRAFICANT: I have another issue.
19 THE COURT: Fine.
20 MR. TRAFICANT: Now, when I referred to the
21 plea agreement that Mr. Bucci had signed relative to a
22 condition of that plea agreement, relative to being
23 compelled to wear a body mike as a condition of it, I want
24 the record to be left open for me to produce that plea
25 agreement, and I will then place it on the record.

1 THE COURT: Okay. This is in a different
2 case, I take it, not in this case?
3 MR. MORFORD: Your Honor --
4 THE COURT: Hold on a second. I don't know
5 anything about this plea agreement. It's not in this case.
6 Okay? So let's first clarify which plea agreement, in
7 which case, and then we'll see what we can do for you.
8 MR. TRAFICANT: I'm not sure which one it is,
9 but to me it makes no difference because Mr. Bucci
10 completely understands what the FBI wants. They're going
11 to get if he makes an agreement because he's already signed
12 a plea agreement. I think the important thing was that he
13 has no knowledge he was ever under any condition to be
14 compelled to wear a body mike. I didn't specify this case.
15 THE COURT: I understand that. All I'm
16 trying to figure out is how we can assist you in figuring
17 out which case that plea agreement is in so you can go to
18 the public records and get it. Maybe the Government knows.
19 I don't know.
20 MR. TRAFICANT: I have it.
21 MR. MORFORD: Your Honor, he doesn't need
22 a --
23 THE COURT: You have --
24 MR. TRAFICANT: I don't have it with me.
25 THE COURT: Okay.

1 MR. MORFORD: We gave him all these documents
2 as part of our Jencks Brady Giglio packet.
3 THE COURT: Okay.
4 MR. MORFORD: However, the only plea
5 agreement as to his -- any cooperation that would be
6 relevant would be the agreement under which he's
7 cooperating in this case. The Congressman Traficant is
8 talking about something in a 1980 or 1992 case at a time
9 when he said he wasn't providing any information about
10 Congressman Traficant. He didn't set any foundation for
11 the admissibility or relevance of that.
12 THE COURT: All right. Well --
13 MR. TRAFICANT: Response.
14 THE COURT: Okay. But it looks like we're
15 going to have to work on this a little more. You have it
16 with you or --
17 MR. TRAFICANT: I do not have it with me.
18 THE COURT: Okay.
19 MR. TRAFICANT: But I do have possession of
20 it. But I'd like to just say this --
21 THE COURT: Yes.
22 MR. TRAFICANT: -- the question asked of
23 Mr. Bucci, was he ever asked to wear a body mike in any
24 condition of the plea agreement, and he said no.
25 THE COURT: Okay. Here's what we'll do with

1 this.
2 MR. TRAFICANT: Even though it's not a part
3 of this -- let me explain further what the relevance of it
4 is.
5 THE COURT: I'm not saying it's relevant.
6 MR. TRAFICANT: You can judge on it. It's a
7 witness who's had so many plea agreements, knows he has a
8 condition -- he don't have to be reinforced to know if the
9 FBI wants him to do something. He's going to do it. I
10 mean this is like the guy's 34th time around, so I want to
11 make it a point that he said he never knew that he had any
12 condition by the FBI that he had to wear a body mike if
13 they requested it. That's the only reason I bring it to
14 show that he's lying.
15 THE COURT: Okay. Two things that will
16 probably help. One is, if you can get the -- part of the
17 transcript from this hearing where he said what it is you
18 think he said, and we'll deal with it on Monday when you're
19 back.
20 MR. TRAFICANT: Thank you.
21 THE COURT: Okay.
22 I believe there were other exhibits, Congressman, you
23 said you wanted to have joint, and I don't think we have
24 all those. Do you have a list?
25 THE CLERK: According to my list, yes, but

1 all of them can be joint except for 2-37, 2-15 and 2-16.
2 THE COURT: Does that refresh your
3 recollection? There are just three of them.
4 MR. TRAFICANT: If that's what I said, I'll
5 stay on my word.
6 THE COURT: Okay. Those haven't been offered
7 yet, all those, and so let's see what the Government is
8 offering as exhibits, and we'll get to something else.
9 MR. SMITH: Right. I have quite a pile here,
10 your Honor.
11 THE COURT: If you can read the names off.
12 MR. SMITH: Exhibit 2-1, which is a December
13 5, 1986, letter from Dan Bucci to the Congressman
14 concerning the Operating Engineers, the problem the Buccis
15 were having in the mid 80's.
16 THE COURT: No.
17 MR. TRAFICANT: I don't know if I really
18 agreed to that.
19 THE COURT: You agreed you wanted it joint.
20 Now we're at a place where instead of just agreeing, you
21 want a joint exhibit, they're offering it for admission,
22 and you have the right to object if you've decided since
23 then that you want to object.
24 MR. TRAFICANT: If it's one I agreed to for a
25 joint exhibit, then I do not object.

1 THE COURT: Okay. So these, all of them
2 except 2-37, 2-15 and 2-16 as I understand.
3 MR. TRAFICANT: 2-37, 2-15.
4 THE COURT: And 2-16, those you have not
5 agreed to.
6 MR. TRAFICANT: I have not agreed to make
7 joint.
8 THE COURT: Okay. So let's just keep going.
9 They need a chance to make a record of what they're
10 offering.
11 MR. SMITH: We offer 2-1. 2-63(1) was the
12 next document that the witness identified. We offer that.
13 THE COURT: Okay. And that's going to be
14 joint, and that'll be admitted.
15 MR. SMITH: 2-63(2), which is the next
16 document, which is the memorandum of understanding between
17 Asphalt Specialist and the Operating Engineers.
18 THE COURT: That'll be admitted.
19 MR. SMITH: 2-3(1), which was an Asphalt
20 Specialist invoice for $9,452, dated January 13, 1987.
21 MR. TRAFICANT: Your Honor, might I suggest
22 if I've agreed to joint exhibits, they just give us the
23 number I've agreed to, and let's move forward.
24 THE COURT: That's what we're doing. That's
25 what we're doing.

1 MR. TRAFICANT: I have to fly to Florida.
2 THE COURT: Okay.
3 MR. SMITH: Your Honor, we did not use
4 2-3(2). We didn't use it so we're not offering it.
5 THE COURT: Okay.
6 MR. TRAFICANT: I would like to see it.
7 THE COURT: You have copies of all the
8 exhibits?
9 MR. TRAFICANT: 2-32, did not use, okay.
10 MR. SMITH: Next we are offering, your Honor,
11 is 2-3(3), which is the bill of May the 19, 1987, after the
12 slag was added to the costs.
13 THE COURT: Okay.
14 MR. SMITH: Next one we are offering, your
15 Honor, is 2-2, which is a letter from Mr. Spain who is the
16 lawyer for Mr. Bucci to the Congressman, asking for payment
17 in excess of $10,000.
18 MR. TRAFICANT: Again, your Honor, if I've
19 agreed to it, if they want to read for the press, go ahead.
20 THE COURT: They're not reading for the
21 press. They're reading it for the record.
22 MR. TRAFICANT: Okay. But if it's a joint
23 exhibit we've agreed to, the numbers will suffice. Am I
24 right?
25 THE COURT: Yes, but we need the numbers put

1 on the record, and this is the way we do it in lawsuits.
2 MR. TRAFICANT: All right. Go right ahead.
3 THE COURT: So we'll keep doing it, and then
4 we know what evidence there is admitted in the case.
5 MR. SMITH: Next one, your Honor, is Exhibit
6 2-4, which is another letter from Mr. Spain to Congressman
7 Traficant.
8 THE COURT: Okay.
9 MR. SMITH: Next one is Exhibit 2-5, which is
10 the handwritten letter to Congressman Traficant of August
11 the 4, 1987.
12 THE COURT: Yes.
13 MR. SMITH: The next one, your Honor, is
14 Government's Exhibit 2-6, which is another invoice to
15 Congressman Traficant reflecting a late charges.
16 THE COURT: Okay.
17 MR. SMITH: The next one, your Honor, is
18 Exhibit 2-7, which is an October the 14, 1988, grant of
19 permission by Robert Bucci to Mr. Spain to go ahead and sue
20 the Congressman.
21 Exhibit -- that was Exhibit 2-7.
22 The next one, your Honor, we're offering is Exhibit
23 2-8, which is a letter from Anthony Bucci to Attorney
24 Spain, again concerning the monetary dispute.
25 THE COURT: All right.

1 MR. SMITH: The next one, your Honor, is
2 Government's Exhibit 2-9, which is a letter from Mr. Spain
3 to the Congressman, indicating that a lawsuit is about to
4 be filed if payment is not made.
5 THE COURT: All right.
6 MR. SMITH: Next one, your Honor, is
7 Government's Exhibit 2-19(1), which is the criminal
8 conviction judgment entry against Anthony Bucci in case
9 4:90CR96.
10 MR. TRAFICANT: I didn't get the number.
11 MR. SMITH: Government's Exhibit 2-19(1).
12 MR. TRAFICANT: Yeah, the criminal conviction
13 number.
14 MR. SMITH: 4:90CR106.
15 The next one, your Honor, is Government's Exhibit
16 2-19(2), which is the other criminal conviction record
17 against Anthony Bucci in case 90CR134.
18 Next one we offer, your Honor, is -- this has been
19 stipulated to, Government's Exhibit 2-21, the letter to
20 Warden Woods from Congressman Traficant.
21 The next one we offer is Government's Exhibit 2-22,
22 which is the document signed by Anthony Bucci, giving the
23 warden at Seymour Johnson permission to release
24 information.
25 Government's Exhibit 2-30, which the Congressman has

1 stipulated to, the faxed cover sheet from Jackie Bobby and
2 the letter from Congressman Traficant to Richard Billak at
3 the halfway house.
4 Next one, Government's Exhibit 2-32, a letter from
5 Congressman Traficant to Wilbert Baccus of the Federal
6 Highway Administration, dated April the 8, 1993.
7 The next one we offer is Government's Exhibit 2-34,
8 the letter from Congressman Traficant to the Honorable
9 Frederico Pena, Secretary of the U.S. Department of
10 Transportation, dated May the 20, 1993.
11 The next one is Government's Exhibit 2-36, which is
12 the debarment notice from the Department of Transportation
13 to the Buccis.
14 The next one, your Honor, is Government's Exhibit
15 2-37, which is a U.S. Department of Labor notification to
16 the Buccis --
17 THE COURT: That has not been --
18 MR. SMITH: Not agreed to, but we offer it.
19 THE COURT: Not agreed to as joint.
20 Congressman, do you object to the introduction of that,
21 2-37, Labor Department debarment.
22 MR. TRAFICANT: I'm concerned about the
23 speech and debate on that.
24 MR. SMITH: Well, given that's a document
25 from the Department of Labor to the Buccis, and that would

1 be very tough to say that the Labor Department generated
2 documents.
3 MR. TRAFICANT: I believe it will not be
4 subject to speech and debate, and you can make it a joint
5 exhibit.
6 THE COURT: Thank you.
7 MR. SMITH: Your Honor, the next one we offer
8 is Government's Exhibit -- have to backtrack a little bit
9 2-15, which was the bid result that the witness identified
10 on the witness stand, regarding project Number 466-96.
11 THE COURT: Any objection, Congressman?
12 MR. TRAFICANT: I had some objection to it at
13 the time, and I am not willing to make it a joint exhibit.
14 If you'll just pass it over while he goes to other issues.
15 MR. SMITH: Government's Exhibit 2-16, which
16 is the Ohio Department of Transportation letter over Mark
17 Kelsey's signature to Prime Contractors, dated June 28,
18 1996 concerning the award of a bid.
19 MR. TRAFICANT: Both of them I would agree as
20 joint exhibit.
21 THE COURT: All right. That's fine. Those
22 will all be admitted.
23 MR. SMITH: All right. The next exhibit,
24 your Honor, is Government's Exhibit 2-60, which is the
25 letter from -- that was identified from Bobby Kathuria to

1 Bill Fergus having to do with Mr. Pulchinsky, the
2 inspector, and why that was beneficial to the Buccis to be
3 able to do things and the way --
4 MR. TRAFICANT: I'd like to make that a joint
5 exhibit.
6 THE COURT: Fine. That'll be admitted.
7 MR. SMITH: Government's Exhibit 2-64 has
8 already been admitted and shown to the jury, your Honor.
9 We move to Exhibit 2 --
10 MR. TRAFICANT: What is Exhibit 2-64?
11 MR. SMITH: That photo.
12 MR. TRAFICANT: That's fine, joint exhibit.
13 MR. SMITH: 2-11, your Honor, handwritten
14 notation on the restaurant place mat.
15 THE COURT: Okay.
16 MR. TRAFICANT: Joint exhibit.
17 THE COURT: Fine. That'll be admitted.
18 MR. SMITH: And lastly, your Honor,
19 Government's Exhibit 3-2, which is the letter from
20 Congressman Traficant to Mike Brennan, President of Bank
21 One, asking the bank to consider giving Mr. Tyson the loan.
22 MR. TRAFICANT: Joint exhibit.
23 THE COURT: Thank you. That'll be admitted.
24 MR. SMITH: I think that's it for today, your
25 Honor.

1 MR. TRAFICANT: Now, you had one, 2-3(2).
2 Can I see that?
3 MR. SMITH: Certainly.
4 THE COURT: It's one they didn't offer. You
5 can look at it.
6 MR. TRAFICANT: I want to offer it as
7 evidence.
8 MR. MORFORD: Your Honor, there was no
9 testimony about it, no witness identified it.
10 THE COURT: I haven't seen it. Would you
11 hand it --
12 MR. TRAFICANT: The Government admitted and
13 put a tag on it, and I want to make it a defense exhibit.
14 THE COURT: They didn't use it in their --
15 MR. MORFORD: That's correct.
16 THE COURT: -- in their case.
17 MR. TRAFICANT: They questioned him about it.
18 MR. MORFORD: No.
19 MR. TRAFICANT: They may not have mentioned
20 it by name, but they questioned him about the dollars.
21 THE COURT: I don't remember this being
22 shown. Did you show it? No. We don't have a record it
23 was shown to anyone, so it won't be admitted at this time.
24 All right?
25 Then we'll see you all at 8:30 on Monday.

1 MR. TRAFICANT: Now, before we leave, on
2 the -- on the issue of my subpoena to ODOT, I submitted a
3 motion that you had received, and you said --
4 THE COURT: Right.
5 MR. TRAFICANT: We'd take up after.
6 THE COURT: Right.
7 MR. TRAFICANT: I have not received and they
8 were served yesterday, and I believe I should have that
9 information.
10 THE COURT: Right. I expect I've been on the
11 bench all afternoon -- but I expect the Ohio Attorney
12 General's office to do something with this. I don't know
13 whether they'll get the information to you or they'll file
14 something with me or what. Also, you need to have someone
15 respond to this.
16 MR. MORFORD: By when, your Honor?
17 THE COURT: Well --
18 MR. TRAFICANT: I mean, the deposition is
19 Thursday, today is Tuesday.
20 THE COURT: I know. It's the Attorney
21 General's Office that also has to respond, and I don't know
22 when they're going to respond. You should respond as soon
23 as you can. I understand.
24 MR. MORFORD: I don't wait for the Ohio
25 Attorney General. I have to wait for the Ohio Attorney

1 General a little bit at least until I go back to my --
2 MR. TRAFICANT: Let me inquire. I don't mean
3 to be offensive, either. Is this a federal case?
4 THE COURT: This is a federal case.
5 MR. TRAFICANT: In your court, and you have a
6 motion relative to you relative to a deposition of a
7 federal witness in his case, and you need to check with the
8 Ohio Attorney General whether you can rule on this?
9 THE COURT: No. I certainly don't need to
10 check with the Ohio Attorney General, but this has been
11 handed to us, exceedingly late in the process for any
12 subpoena we got it today. So the Ohio Attorney General may
13 simply respond to it.
14 Now, I don't know however they responded since -- and
15 I have been sitting in here and not back in my office, so I
16 don't know what's happened, and so you can't have a
17 decision right now.
18 We'll deal with it as soon as we can.
19 MR. MORFORD: For the record, I want to note
20 a couple things. Number one, Tom Williams was named in the
21 -- allegations involving Tom Williams are in the
22 indictment.
23 Number two, Congressman Traficant has known since the
24 first week of this trial when we were selecting a jury that
25 we were going to do these depositions.

1 MR. TRAFICANT: No.
2 MR. MORFORD: And if we had not --
3 MR. TRAFICANT: You have him as a witness.
4 MR. MORFORD: Excuse me. We have not been
5 deposing Mr. Williams and called him yesterday or the day
6 before. Congressman Traficant would have needed to be
7 prepared to cross-examine him, and I understand the problem
8 the Court's been put in, that you got this yesterday.
9 THE COURT: Actually, I got it today. In any
10 event, we'll deal with it as soon as we can.
11 MR. TRAFICANT: You told me I had to subpoena
12 him first and I --
13 THE COURT: Well, you do have to --
14 MR. TRAFICANT: I did.
15 THE COURT: I can't conduct your case for
16 him.
17 MR. TRAFICANT: I did subpoena him yesterday.
18 This is the earliest I could have gotten it to you.
19 THE COURT: I think I have done it promptly
20 in terms of getting something in writing to me. Thank you
21 very much, gentlemen. See you on Monday.
22 (Proceedings adjourned.)
23
24
25

DIRECT EXAMINATION OF ANTHONY BUCCI..... 1562
CROSS-EXAMINATION OF ANTHONY BUCCI..... 1714
REDIRECT EXAMINATION OF ANTHONY BUCCI..... 1767
RECROSS-EXAMINATION OF ANTHONY BUCCI..... 1768

C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Shirle M. Perkins, RDR, CRR
U.S. District Court - Room 539
201 Superior Avenue
Cleveland, Ohio 44114-1201
(216) 241-5622

1 IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
2 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
)
4 Plaintiff,) Judge Wells
) Cleveland, Ohio
5 vs.)
) Criminal Action
6 JAMES A. TRAFICANT, JR.,) Number 4:01CR207
)
7 Defendant.)

8 - - - - -
TRANSCRIPT OF PROCEEDINGS HAD BEFORE
9
THE HONORABLE LESLEY WELLS
10
JUDGE OF SAID COURT,
11
ON MONDAY, MARCH 4, 2002
12
Jury Trial
13
Volume 10
14
- - - - -
15
16
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23 U.S. District Court - Room 539
201 Superior Avenue
24 Cleveland, Ohio 44114-1201
(216) 241-5622
25 Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 Monday Session, March 4, 2002, at 8:30 A.M.
2 (Proceedings in the absence of the jury:)
3 MR. TRAFICANT: Your Honor?
4 THE COURT: Yes.
5 MR. TRAFICANT: I have a couple of matters I
6 would like to take up with the Court before we begin. I
7 have presented to you a letter. When I returned from
8 Cleveland Tuesday, P.M., I received from ODOT a file on
9 Mr. Williams. In that file, it says -- and it's dated
10 February 25. Do you have the letter before you?
11 THE COURT: I have a copy of a February 25th
12 letter.
13 MR. TRAFICANT: I want you to refer to the
14 first paragraph, where it says in the middle, beginning
15 with, "Not all information in a personnel file is public
16 record. Therefore, information that is not a public record
17 will be redacted before it can be provided to you. A
18 reasonable estimate of time to accomplish this review is at
19 least a couple of weeks."
20 Now, my point is, all I got was when he was hired,
21 when he was promoted, and there was nothing in there that
22 dealt with any of this man's activities at all. And they
23 said it would take two to three weeks to produce it.
24 My motion is that you either compel them to provide
25 it now or that you withhold the video testimony until I, in

1 fact, receive the complete copy of that which has been
2 redacted from Mr. Williams' file since it deals with the
3 aspect of the cross-examination and his department.
4 That's first. I have a couple of other matters.
5 THE COURT: Let's take them one at a time.
6 MR. MORFORD: Yes, your Honor. Thank you.
7 First of all, this letter is dated February 25, 2002.
8 It's a response to Congressman Traficant's request for
9 personnel file information.
10 On February 27th, even though they said it would take
11 two weeks, they did an expedited review, and they gave him
12 all portions of a file except those portions which were
13 redacted because they're privileged. We had an agent call
14 them this morning, and Lisa Conomy, the lawyer who is in
15 charge of this project for ODOT, said they had sent
16 Congressman Traficant everything that they are going to
17 send.
18 They redacted medical records because they're
19 privileged, and they're not going to be providing those
20 because by law, they can't provide those, and that
21 everything that he's entitled to in those records, he has.
22 I would note that when we were in Florida, he had a
23 file about this thick which he wanted to offer into the
24 record as his evidence, which was the records he received
25 from the Ohio Department of Transportation two days after

1 this letter was written.
2 MR. TRAFICANT: Can I respond now?
3 THE COURT: Yes.
4 MR. TRAFICANT: For the record, this is the
5 problem in this case. The Government -- I gave them the
6 courtesy of this letter. They went and got on the phone
7 immediately with the state, and the state gives them an
8 answer.
9 THE COURT: Well, you can call them.
10 MR. TRAFICANT: I know that.
11 THE COURT: In fact, they asked you to.
12 MR. TRAFICANT: Here's what I'm saying to
13 you: I want to read in for the record, and you can go
14 ahead and rule and go ahead and do whatever you're going to
15 do, I understand that -- I want to read this into the
16 record.
17 THE COURT: Okay.
18 MR. TRAFICANT: "Not all information in a
19 personnel file is public record; therefore, information
20 that is not a public record will be redacted before it can
21 be provided to you."
22 THE COURT: Right.
23 MR. TRAFICANT: "A reasonable estimate of
24 time to accomplish this review is at least a couple of
25 weeks."

1 THE COURT: Okay.
2 MR. TRAFICANT: Now we're hearing testimony
3 from Mr. Morford about ODOT records.
4 THE COURT: We're not hearing any testimony
5 right now.
6 MR. TRAFICANT: He said he just talked
7 with --
8 THE COURT: I understand.
9 MR. TRAFICANT: -- the attorney.
10 THE COURT: I understand.
11 MR. TRAFICANT: I want those records.
12 THE COURT: Okay.
13 You have this letter, and you've given me a copy of
14 it, and it's dated February 25th.
15 MR. TRAFICANT: I became aware of this, yes.
16 And I got a generic file Tuesday before I flew to Florida.
17 THE COURT: Okay. It would not -- if
18 something has been redacted before it can be provided for
19 you, they would not -- I mean, the process of redaction is
20 to protect something that state law apparently protects, so
21 you wouldn't get to see it, and then they would redact it.
22 It would simply be removed, because they're apparently
23 taking the position that something has to be redacted in
24 the files.
25 MR. TRAFICANT: Can I respond?

1 THE COURT: Yes.
2 MR. TRAFICANT: They do not state that, and
3 they do not say what is redacted is not going to be made
4 available. They're saying that will be redacted before it
5 can be provided to you.
6 THE COURT: That's correct.
7 MR. TRAFICANT: They never said it couldn't
8 be in the letter.
9 Second of all, they said a reasonable estimate of
10 time would be a couple of weeks. Now, a main issue in this
11 case is --
12 THE COURT: Well, let me find out from you if
13 you would be willing, sir, to call Lisa Conomy, chief legal
14 counsel, at the next break and find out whether what she
15 did, in fact, provide to you is all that they're providing.
16 MR. TRAFICANT: Your Honor, after the
17 Government calls them, prior to the Government -- look,
18 I've been around. Here's what I'm saying to you. Part of
19 this case deals with -- he has colon cancer -- his medical
20 record. Part of this case also deals with accusations of
21 alcohol abuse.
22 THE COURT: I don't believe that his current
23 medical condition has anything to do with parts of this
24 case except that it required you to go to Florida.
25 MR. TRAFICANT: Part of this case dealt with

1 accusations that were made available to the Pro Se
2 Defendant, who asked Mr. Williams down there about
3 alcoholism and whether or not he had discussion with his
4 boss about alcoholism. Now he says he has these different
5 respective medical problems. There are salient points that
6 may or may not be available.
7 What I'm telling you is I don't care what the state
8 told the powerful Government today.
9 MR. MORFORD: You are them.
10 MR. TRAFICANT: No, people are the
11 Government.
12 THE COURT: Right, but Congressman, you need
13 to respond to this legal counsel yourself. I can't try
14 your case for you.
15 MR. TRAFICANT: No. My motion is that any --
16 until I am satisfied or you are satisfied, and you make
17 that decision, it's right on you, that the testimony, video
18 testimony, deposition of Mr. Williams, be withheld until I
19 have that which is and should be made available to me,
20 because she did not say in her letter -- this was from Lisa
21 J. Conomy.
22 THE COURT: Right.
23 MR. TRAFICANT: And she did not say -- she
24 said it would be provided to me, and it would take two or
25 three weeks. Now the Government is saying they called her

1 and said they would redact his medical, and it wouldn't be
2 anything anyway.
3 THE COURT: You need to straighten that out
4 with Ms. Conomy, what it is, in fact, they sent you; they
5 sent you something, and what was that. You need to find
6 out for yourself.
7 MR. TRAFICANT: I will put on the record that
8 what they sent me was a generic, the day he got hired, the
9 day he got promoted, his evaluations. There wasn't one
10 thing about this man or any issue of any meeting with his
11 boss, any talk with his boss about any problems. The only
12 thing he said is he said he heard about a letter written by
13 the Congressman to fire me from his boss.
14 Now, come on, a congressman writes a letter to have a
15 guy fired, it's not in his file? That's medical? I can't
16 have a copy of that? Come on now. Let's be reasonable
17 people here.
18 THE COURT: All I'm asking you to do is to
19 follow up yourself and find out from this person who wrote
20 the letter, who is apparently a chief legal counsel, what
21 the status of your request is, and then we can go from
22 there, but --
23 MR. TRAFICANT: I offer that, though, I want
24 to offer this here, this letter from Lisa Conomy, as
25 evidence.

1 THE COURT: Okay. Just give it a number,
2 and --
3 MR. TRAFICANT: I'm going to give it G-200.
4 THE COURT: Okay.
5 MR. TRAFICANT: I ask it be submitted into
6 evidence.
7 MR. MORFORD: We would object that it be in
8 evidence, but we would not object to it being submitted to
9 the Court for purposes of deciding this issue that he's
10 raised this morning.
11 THE COURT: Very well. It'll be admitted.
12 It isn't something that goes into evidence in the case, but
13 it'll be here, it's marked. We now all know what the
14 document is you're referring to, it's the letter of
15 February 25th, responding to your request for public
16 records for the personnel file.
17 MR. TRAFICANT: G-200.
18 THE COURT: G-200, okay.
19 MR. TRAFICANT: So you're saying you will not
20 admit it as evidence?
21 THE COURT: At this point there's no reason
22 to.
23 MR. TRAFICANT: Or you're not ruling yet?
24 THE COURT: No, but I am letting you identify
25 it for --

1 MR. TRAFICANT: For the purposes, okay, but I
2 did ask for the record that it be admitted.
3 THE COURT: Okay, you did. You made the
4 request -- and stop talking over me so we can get a clear
5 record for you.
6 MR. TRAFICANT: I apologize. I'm completely
7 finished with that --
8 THE COURT: 200.
9 MR. TRAFICANT: -- issue.
10 THE COURT: Thank you.
11 MR. TRAFICANT: I now ask the Court that the
12 Government provide for me Exhibit 2-11, that their agents
13 delivered to an expert for forensic testing on my part.
14 THE COURT: Okay. All right. 2-11. Is that
15 the --
16 MR. TRAFICANT: That's the place mat. I also
17 ask that they make available to me Mr. Bucci's wallet,
18 Mr. Bucci's wallet he held these in. If that takes a
19 subpoena I'll do that. And I'm even tipping them off so he
20 can go ahead and burn his wallets. But I want this for
21 forensic testing now, pursuant to the testimony of
22 Anthony -- of Anthony Bucci. And I want it made available
23 to me through their agents, and they can supervise and be
24 with the individual who evaluates this at all times.
25 MR. MORFORD: Your Honor, can we have some

1 idea of what type of forensic testing he's talking about?
2 MR. TRAFICANT: I think the forensic test
3 speaks for itself.
4 THE COURT: Well, you may be able to define
5 it a little bit more by what you're looking for with the
6 document.
7 MR. TRAFICANT: For the veracity of this
8 statement of Mr. Bucci who maintained he's had it all these
9 years because he knew someday it was going to pop up, so I
10 want to have the document tested for the respective
11 elements of age and time and other aspects significant to
12 that. And I believe within the law, I have a right to ask
13 for a document that's been now admitted into evidence,
14 joint exhibit, to have it now tested.
15 THE COURT: Okay. We'll let the Government
16 respond.
17 MR. SMITH: May we have a moment, your Honor?
18 THE COURT: Yes.
19 MR. MORFORD: Your Honor, we don't have an
20 objection to that. The only problem, this has already been
21 admitted into evidence, so it's in the Court's custody, and
22 if the Court wants to assign an agent to handle it within
23 the custody, we want to make sure that the document
24 obviously isn't altered or destroyed. That's why I wanted
25 to know what kind of testing, what kind of chemicals, that

1 type of thing.
2 THE COURT: We will have to put those kinds
3 of provisions on that say so that it's not altered or
4 destroyed.
5 MR. TRAFICANT: In that regard --
6 THE COURT: But, that's only the -- that's
7 only the place mat. You also raised this issue about
8 wallets.
9 MR. TRAFICANT: Yes. I may subpoena the
10 wallets, unless you --
11 THE COURT: Whatever.
12 MR. TRAFICANT: I'd like to have the wallets
13 that he kept it in, and I'd like to have the wallet he
14 currently uses, but I understand that may be subject to
15 subpoena, and I can subpoena him and bring him back again
16 and put him on the stand. I have that right when I take
17 the Defense. But, I do need time for the forensic
18 analysis.
19 I am not against the federal government being there
20 at all times to ensure that there is no obstruction of this
21 document and that you, in fact, assign a government agent
22 to, in fact, be there at all times.
23 THE COURT: Okay. That doesn't deal with the
24 wallet though, that just deals with the --
25 MR. TRAFICANT: Well, I don't know if I'm

1 allowed to -- at this particular point, do I subpoena the
2 wallet? If he could -- if he has the wallet.
3 THE COURT: It's not in evidence in this
4 case.
5 MR. TRAFICANT: No, it's not. He said he
6 didn't have it. But, if he does have it, I'd like to have
7 it for testing purposes.
8 THE COURT: Do you want to respond to that?
9 MR. MORFORD: I have no response. I mean,
10 the witness' testimony was that he's had several wallets,
11 and the wallet he currently has is not the wallet this was
12 in, and I don't know anything about what wallets he has or
13 doesn't have, so --
14 MR. TRAFICANT: I can subpoena that.
15 THE COURT: Okay. You do what you want to
16 do.
17 MR. TRAFICANT: But for forensic testing,
18 your Honor, I need the document, and I believe --
19 THE COURT: We're going to do something about
20 this document. We'll make some arrangement to get this
21 tested but not destroyed. I'm not sure what it is.
22 MR. TRAFICANT: Do you have any idea of what
23 time frame?
24 THE COURT: No, I don't, no, I don't, but
25 we're not going to delay the trial.

1 MR. TRAFICANT: No.
2 MR. MORFORD: On that point, your Honor, I
3 would note Congressman Traficant has had access to this
4 document since we sent the original discovery to him
5 several months ago, and this is the first he's raised it,
6 but I understand that, and we'll try work with it.
7 What we will need obviously is the name and location
8 of his expert so that we can line up someone from the FBI
9 that can handle the document and get that.
10 MR. TRAFICANT: I will make that available
11 once I, in fact, select that expert. And if the Court
12 wants to qualify the expert --
13 THE COURT: No, I think you should go ahead
14 and select whoever it's going to be so we can go forward
15 with this process.
16 MR. TRAFICANT: I'm going to make that
17 determination.
18 THE COURT: Good.
19 MR. TRAFICANT: I'd like to say this, also,
20 that I did confer with the Government this morning and
21 asked for the Grand Jury testimony of Mr. Bucci, and I was
22 first told that I received it on discovery, and then --
23 I'm not trying to make any problems -- then they remembered
24 they did not have him before the Grand Jury.
25 So for clarification purposes, did Mr. Anthony Bucci

1 come before a Grand Jury?
2 MR. MORFORD: No.
3 MR. TRAFICANT: Was he subpoenaed before a
4 Grand Jury?
5 THE COURT: Okay. Let's let one of you
6 answer it.
7 MR. SMITH: I made the mistake; therefore, I
8 will address it. Mr. Anthony Bucci did not testify before
9 the Grand Jury. The Congressman did ask me that question,
10 I screwed up. I told him he got the Grand Jury transcript.
11 I immediately realized I screwed up, Anthony Bucci did not
12 testify before the Grand Jury. Therefore, no Grand Jury
13 transcript was given for Mr. Anthony Bucci.
14 Thank you, your Honor.
15 MR. TRAFICANT: Question; question, your
16 Honor, and I ask this of the Court for the record. Okay.
17 Was Mr. Bucci ever subpoenaed to testify before a Grand
18 Jury and not taken into a Grand Jury?
19 THE COURT: You see, I was never involved in
20 the Bucci case.
21 MR. TRAFICANT: No, but --
22 THE COURT: So I don't know.
23 MR. TRAFICANT: Your Honor, your Honor, the
24 thing that bothers me, and to be quite honest, he's been
25 very forthright with me, and I appreciate it. And when I

1 asked him, I believe truly Mr. Morford believed that he
2 gave it to me. He has supplied a lot of things. But, then
3 Mr. Smith stood up and says, "No, we didn't give him that
4 because we didn't have that."
5 Now, I want to know if -- there are many witnesses
6 that are subpoenaed to Grand Juries, then they sit in a
7 room with attorneys, and then they don't take them in
8 before a Grand Jury, and I want to know really, for the
9 record, since there is no Grand Jury testimony on this
10 important witness, which is one count of the indictment, if
11 he was, in fact, ever subpoenaed for a Grand Jury
12 appearance.
13 That, for the record, I think is a legitimate
14 question.
15 THE COURT: Okay.
16 MR. TRAFICANT: Because I received no Grand
17 Jury testimony.
18 MR. MORFORD: Your Honor --
19 THE COURT: Well, he didn't testify, I guess
20 is, one thing. So if he didn't testify, there would be no
21 Grand Jury testimony.
22 MR. TRAFICANT: But, was he subpoenaed for a
23 Grand Jury?
24 THE COURT: I have no idea.
25 MR. TRAFICANT: Well, I think that is what

1 I'm asking, I want to know that. Was there a subpoena
2 issued for Anthony Bucci to appear before a Grand Jury?
3 MR. MORFORD: Without going back and looking
4 at subpoena logs, I don't know, but it's totally irrelevant
5 whether he was or was not. I can tell you my best
6 recollection is he never was. I can't imagine that we
7 would have done that. I don't remember doing it. I don't
8 think we did, but it's not relevant anyway. The point is,
9 he never testified to the Grand Jury, period.
10 MR. TRAFICANT: Okay. Then I make this
11 point: Is there any other part of this indictment where
12 any key figure was not before the Grand Jury?
13 MR. MORFORD: There's no requirement that
14 they be.
15 MR. TRAFICANT: No. So he was the only one
16 then that didn't testify before a Grand Jury?
17 THE COURT: That's not the answer. You've
18 been given a lot of discovery material. I don't know what
19 you've been given, although we've been given copies of it.
20 I haven't gone through it all.
21 MR. TRAFICANT: Well, for example --
22 THE COURT: No, wait a minute. So if you're
23 asking the question about whether anyone else didn't go
24 before the Grand Jury, their obligation relates to people
25 who did go before the Grand Jury, and so that's what you