

1 Q What is that publication, sir?

2 MR. MARKHAM: If it please the Court, could the
3 Government have a copy of what the witness is being presented
4 with?

5 BY MR. MOFFITT: (resumed)

6 Q You are familiar with that; isn't that correct?

7 A Not this issue, but I'm familiar with the publication,
8 yes.

9 Q Would you turn over to the first page, sir?

10 A (Complying.)

11 Q Would you look down at "Intelligence Directors"?

12 Do you see that column over there where it says "Intelligence
13 Directors"?

14 A Yes.

15 Q Do you see Jeffrey Steinberg's name there, sir?

16 A Yes.

17 Q So, it was in this publication that that's what he
18 did for Mr. LaRouche, counterintelligence; isn't that correct?

19 A That's right.

20 Q So no one was trying to hide that fact?

21 THE COURT: Marshal, let me take a look at that.

22 BY MR. MOFFITT: (resumed)



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1 Q It's clear that no one was trying to hide that fact,
2 isn't it?

3 A Yes.

4 Q Amongst the other things that were happening during
5 this period of time, there was a campaign to run against
6 Mr. Weld, was there not? There were some articles published
7 and Mr. Steinberg or Mrs. Steinberg published articles
8 regarding what they considered Mr. Weld's unfitness to be the
9 U.S. Attorney in Boston; isn't that correct?

10 A I don't know that they were directly the authors. I
11 know there were some done.

12 Q All right, sir.

13 MR. MOFFITT: Your Honor, I believe that there are
14 some in these EIR's.

15 MR. MARKHAM: Your Honor, the Government will
16 stipulate that the LaRouche organization has said that
17 Mr. Weld -- in many of their publications that Mr. Weld should
18 not be a U.S. Attorney.

19 THE COURT: All right.

20 BY MR. MOFFITT: (resumed)

21 Q There was a great deal of animosity that was going
22 on regarding that, wasn't there? In fact, there were



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1 discussions regarding the fact that they had said things like
2 that, isn't that correct?

3 A Yes.

4 Q In fact, there were people who testified at
5 Mr. Weld's confirmation hearing concerning his fitness to be
6 U.S. Attorney -- head of the Criminal Division, isn't that
7 correct? You're aware of that, aren't you?

8 A I remember one man, yes.

9 Q From Mr. LaRouche's organization, isn't that
10 correct?

11 A That's correct.

12 THE COURT: What was the name of that gentleman?
13 Do you remember his name?

14 THE WITNESS: Yes, Your Honor. I believe it was
15 Warren Hammerman.

16 THE COURT: Warren who?

17 THE WITNESS: Hammerman, and I'd have to take a
18 guess at the spelling, but I think it's H-A-M-M-E-R-M-A-N.

19 THE COURT: All right.

20 BY MR. MOFFITT: (resumed)

21 Q There were discussions regarding that. Now, this was
22 going on apparently around the same time that this credit card



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1 investigation was going on, wasn't it? .

2 MR. MARKHAM: Do you mean the hearing was going on?

3 MR. MOFFITT: No, the articles being written and
4 various other things.

5 THE COURT: Wait a minute. Who was the United
6 States Attorney at the time the grand jury investigation got
7 underway?

8 MR. MOFFITT: Mr. Weld, isn't that correct?

9 THE COURT: How long was Mr. Weld the U.S. Attorney?

10 THE WITNESS: For about five years, Your Honor. He
11 sometime in 1981, I believe November 1981, until August or
12 September of this year.

13 THE COURT: Has the grand jury completed its
14 deliberations in Boston, or is it still in session?

15 THE WITNESS: It's still in session, Your Honor.

16 THE COURT: Still in session?

17 THE WITNESS: Yes, sir.

18 THE COURT: Is Weld still the U.S. Attorney?

19 THE WITNESS: No, sir. No, Your Honor. Now he's
20 Assistant Attorney General in charge of the Criminal Division.

21 THE COURT: When did he move up?

22 THE WITNESS: September of this year, Your Honor.



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1 THE COURT: September of this year, so they would
2 have had confirmation hearing on him before the Senate; is
3 that it?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: Go ahead, Mr. Moffitt. I just wanted
6 to get the sequence of things straight.

7 BY MR. MOFFITT: (resumed)

8 Q Your investigation concerned the fact that there
9 appeared to be fraudulent credit card campaign contributions
10 or loans to The LaRouche Campaign; is that correct?

11 A Yes, sir.

12 Q In addition, a television station and various other
13 people picked up on this and solicited people to call in as if
14 that had occurred; is that correct? You are aware that that
15 had occurred?

16 A Yes, sir.

17 Q At that particular point, Jeff Steinberg and
18 Michelle Steinberg had nothing to do with this investigation,
19 isn't that fair to say? You had no information that they had
20 participated with regard to what was going on in Boston and
21 any illegal conduct, isn't that correct?

22 A At the period 1st of November, 1984, I knew nothing



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1 about them.

2 Q In fact, they are not named at all in any of the
3 115 counts concerning the credit card fraud; is that right?

4 A That's right.

5 Q When was the first subpoena issued for Mr. Gelber?

6 A I believe it would have been about December of '84.

7 Q That would have been December of 1984?

8 A The first of several unsuccessful attempts to serve
9 him, because as the subpoenas would expire from the parent
10 state, we'd go back and get other ones and attempt to serve
11 him.

12 Q When was the first subpoena issued for
13 Mr. Billington?

14 A Approximately the same time?

15 Q How about the other -- would you name the other
16 individuals who you say were spirited out of the country?

17 A The individuals who were spirited out of the country
18 were Gelber, Park and Sanders.

19 Q When was the first subpoena for Mr. Sanders?

20 A It was about the same time.

21 Q You don't know those dates today?

22 A No, because there was a continuing effort for a



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1 number of months.

2 Q But you don't know when the first one was issued?

3 A As I said, approximately December of 1984.

4 Q So, do you know when they left the country, sir?

5 A Well, Mr. Frankhauser said that Mrs. Steinberg said
6 that they left as soon as the grand jury investigation became
7 public.

8 Q Grand jury investigations are not really public, are
9 they?

10 A Sir, the reason that the investigation became public
11 was, in large part, due to the fact that there were publica-
12 tions which were solicited -- distributed on the streets of
13 Boston which said that grand jury subpoenas had been served as
14 part of this investigation.

15 Q That would have been after the grand jury had
16 started, isn't that correct?

17 A They showed up almost instantaneously. November 6th
18 or 7th we caused subpoenas to be telefaxed to First Fidelity
19 Bank in New Jersey, and within a day or two after that the
20 subpoenas -- the literature started being distributed and the
21 Boston FBI office was being picketed and the U.S. Courthouse
22 was.



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1 Q So would it be fair to say, sir, that these people
2 may have left the country prior to any subpoena ever being
3 issued for them? Would that be fair to say?

4 A It would be fair to say that, that they might have.

5 Q You have no information today that they left the
6 country after a subpoena had been issued for them?

7 A No, I only have Mr. Frankhauser's statement.

8 Q We'll get to Mr. Frankhauser. We're going to talk
9 about him for a while.

10 Mr. Billington never left the country; is that fair
11 to say, as far as you know?

12 A As far as I know, that's right.

13 Q Mrs. Gelber was involved in political activities in
14 Germany; is that right?

15 A I don't know that. It says --

16 Q That's what you've been told.

17 MR. MARKHAM: Your Honor, could he be allowed to
18 finish his answer? I think he was trying to say something
19 before Mr. Moffitt interrupted.

20 THE COURT: Let him finish, Mr. Moffitt.

21 THE WITNESS: My recollection of the teletype was
22 that it was characterized as disorderly conduct. I don't know



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1 that that's political.

2 BY MR. MOFFITT: (resumed)

3 Q Didn't you testify, sir, that Mr. Frankhauser said
4 to Mrs. Steinberg that it was real suspicious for Mrs. Gelber
5 to be engaged in political activities while she was supposed
6 to be on the lam? Isn't that what you testified here to today?

7 A That's what Frankhauser said.

8 Q So you do know that, right?

9 A I don't want to -- you asked me what I know and I
10 said I know what I've seen of the arrest record which reflects
11 disorderly conduct.

12 Q Well, Mr. Frankhauser told you that he had said that
13 to someone?

14 A Yes, sir, that's what Mr. Frankhauser told me.

15 Q You're an FBI agent and it certainly would be
16 inconsistent to be on the lam and get arrested for political
17 activities, wouldn't it?

18 THE COURT: What's that question again?

19 MR. MOFFITT: It would be inconsistent to be on the
20 lam to get arrested doing political activities?

21 THE COURT: It would depend on what country you're
22 visiting, wouldn't it?



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1 THE WITNESS: I think I have to adopt your answer.

2 BY MR. MOFFITT: (resumed)

3 Q Are you aware whether or not we have an extradition
4 treaty with Germany, sir?

5 A I believe we do.

6 Q Thank you.

7 Let's talk about Mr. Fick first. How long have you
8 known Mr. Fick, sir?

9 A Since June of '86.

10 Q Since June of '86. Does Mr. Fick have a criminal
11 record, sir?

12 A I believe he does.

13 Q What is his criminal record, sir?

14 A I remember a charge for assault and I'm not sure what
15 I remember beyond that. I believe -- I remember two or three
16 entries on the identification record. I remember assault being
17 one of them.

18 Q Have you done an analysis to determine whether
19 Mr. Fick has a criminal record, sir?

20 A I requested an identification record from FBI
21 headquarters, yes.

22 Q Mr. Fick also is an admitted Klu Klux Klansman, is



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1 he not?

2 A He has told me that.

3 Q He has told you that. Not only has he told you that,
4 but you're also aware that Mr. Fick gave information to NBC
5 and appeared on an NBC TV program regarding the LaRouche
6 organization, isn't that correct?

7 A I've seen tapes of that.

8 Q You've seen tapes of that.

9 Are you aware that Mr. Fick was paid for that
10 information?

11 A I don't know what arrangement he had with NBC.

12 Q So what arrangement does he have with you?

13 A None. He has the same arrangement that I have with
14 any witness that I interview. I ask them to tell the truth.

15 Q Well, let me ask you this: Mr. Fick is the preparer
16 of some of the documents you submitted today, is he not?

17 A Yes, he prepared them along with Mr. Frankhauser.

18 Q And Mr. Fick prepared those documents and those
19 documents are being used as the basis of an obstruction of
20 justice charge against my client, isn't that correct?

21 A Partially.

22 Q Mr. Fick is not charged with obstruction of justice,



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1 is he?

2 A No.

3 Q Has Mr. Fick, to your knowledge, ever worked for the
4 CIA?

5 A I don't know. I don't think so. He told me he
6 hasn't.

7 Q Well, sir, did you check?

8 A No.

9 Q This is a person you indeed have offered his testimony
10 here today, or his statements to you as being credible, isn't
11 that correct?

12 A He told me he's never been employed by the CIA.

13 Q Let me ask you question. You have offered Mr. Fick's
14 statements today as being credible statements; is that correct?

15 A I recounted what Mr. Fick said, yes.

16 Q Well, sir, that's not what I'm asking you. I'm
17 asking you: Do you believe Mr. Fick to be credible?

18 A Yes, I believe he's told me the truth.

19 Q Have you checked out whether Mr. Fick has ever been
20 an employee of the CIA?

21 A No, I have not caused an inquiry made of the Central
22 Intelligence Agency.



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1 Q Mr. Fick has told you that he told my clients, or
2 my client and his wife, that he was a member of the CIA?

3 A That's right.

4 Q So Mr. Fick lied to them; is that right?

5 A I guess so.

6 Q So you know that Mr. Fick is capable of lying,
7 isn't that right?

8 A Yes.

9 Q Let's talk about Mr. Frankhauser for a second in the
10 same vein. Does Mr. Frankhauser have a criminal record?

11 A Yes.

12 Q What is the nature of his criminal record?

13 A He's got several local arrests and one federal
14 conviction I can remember is trafficking in stolen dynamite.

15 Q Trafficking in stolen dynamite?

16 A Yes.

17 Q He has a pending charge in this jurisdiction,
18 does he not?

19 A Yes.

20 Q What is that charge, sir?

21 A Being a felon in possession of a firearm in the
22 capacity as a bodyguard for Mr. LaRouche.



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1 Q So he is being charged in this jurisdiction with
2 possession of a firearm after having been convicted of a
3 felony; is that correct?

4 A That's right.

5 Q And that felony being his possession of dynamite?

6 A I think it was trafficking in stolen dynamite.

7 Q Does he have any other felonies that you're aware of?

8 A As I said, there are others. That's the one I
9 recall immediately. That's the most serious one I recall
10 seeing.

11 Q He is also a member of the Klu Klux Klan or has been
12 a member of the Klu Klux Klan, isn't that correct?

13 A That's what he told me.

14 Q What other organizations of that nature has he been
15 a member of that you're aware of?

16 A He has told me that he was at one time associated
17 with the American Nazi Party.

18 Q Mr. Frankhauser is also charged in this indictment,
19 is he not?

20 A That's right.

21 Q You had your discussion with Mr. Frankhauser
22 yesterday; is that right?



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1 A That's right.

2 Q That was before or after his bond hearing, sir?

3 A After.

4 Q That was after Mr. Frankhauser was admitted to a
5 personal recognizance bond; is that right?

6 A That's correct.

7 Q And he was admitted to a personal recognizance bond
8 on the very same charges that we're talking about with regard
9 to Mr. Steinberg and Mrs. Steinberg, isn't that correct?

10 A That's right.

11 Q How did that conversation happen to take place, sir?

12 A As he walked out of the courthouse and walked out
13 of the magistrate's courtroom, he asked FBI Agent Raley if he
14 could talk with us.

15 Q His counsel was present?

16 A And we told him to go and communicate with his
17 counsel and then come back and see us, and at his request and
18 his counsel's request we met with him for about an hour.

19 Q Do you know what the penalty, sir, is for possession
20 of a firearm after having been convicted of a felony?

21 A I know it would be over a year because it's a felony
22 itself. I don't know the exact statutory penalty.



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1 Q And you do know what the penalty is in this
2 particular case, don't you?

3 A This is five years, and I'm not sure what the fine
4 is.

5 Q Where did this conversation that you had with
6 Mr. Frankhauser take place?

7 A In a conference room in the federal courthouse in
8 Philadelphia.

9 Q How long did this confab between the FBI and
10 Mr. Frankhauser take?

11 A One hour.

12 Q Was Mr. Frankhauser under oath?

13 A No.

14 Q Was Mr. Fick under oath when he ever gave you any
15 of this information?

16 A Not when he gave me. He did testify under oath
17 before a grand jury.

18 Q He did testify in front of the grand jury, okay.
19 Mr. Frankhauser and Mr. Fick are buddies, isn't that
20 correct?

21 A No.

22 Q Let me see if we can get that right. Mr. Frankhauser



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1 was reasonably -- allegedly working as a contract employee for
2 Mr. Steinberg; is that right?

3 A That's right.

4 Q Mr. Frankhauser brought Mr. Fick into this operation;
5 is that correct?

6 A That's right.

7 Q Among the things that they concocted so that they
8 could be paid and keep their job was this CIA cover story that
9 they told, isn't that correct?

10 A That's what they said.

11 Q They got together and put that story together, isn't
12 that correct?

13 A That's right.

14 Q So they do have some contact with one another and
15 are willing apparently as a result of this to collaborate and
16 lie to people, isn't that right?

17 A I think the correct view is the past tense, were
18 willing.

19 Q At least did it in this case and have admitted doing
20 it to you?

21 A Lying to Mr. Steinberg, yes.

22 Q Let me ask you this: You got the impression that



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1 Mr. and Mrs. Steinberg believed that Mr. Fick and
2 Mr. Frankhauser had worked for the United States Government,
3 isn't that correct?

4 A I don't know. You're asking me to make a conclusion
5 about what Mr. and Mrs. Steinberg believed and --

6 Q I think --

7 MR. MARKHAM: Your Honor, could he please finish
8 his answer.

9 BY MR. MOFFITT: (resumed)

10 Q Just answer the question.

11 A I can't do that. Could you phrase it another way,
12 sir?

13 Q Sure, I'll phrase it another way. I'll make it easy
14 for you.

15 They felt that they needed to do that, to convince
16 them that they worked for the CIA, in order to keep their job,
17 isn't that correct?

18 A They told me that, yes.

19 Q These documents that you -- Government's 3 and
20 Government's 4 were apparently prepared unsolicited by either
21 Mrs. Steinberg or Mr. Steinberg by Mr. Fick and Mr. Frankhauser,
22 isn't that correct? In other words, Mr. Frankhauser and



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1 Mr. Fick on their own prepared these documents, isn't that
2 correct?

3 A Oh, yes, they did prepare them.

4 Q Mr. Steinberg and Mrs. Steinberg didn't ask them
5 to prepare these documents, did they, your information, what
6 you testified here today?

7 A They -- no, they said they prepared them, a written
8 record.

9 Q So the first notion of obstruction in these cases
10 comes from Mr. Fick and Mr. Frankhauser as far as you can tell
11 from these documents, isn't that correct?

12 A Looking only at these documents, yes, but as I look
13 at what Mr. Frankhauser and Mr. Fick told me, they told me
14 the first notion came from Mr. Goldstein, Mr. Steinberg and
15 Mrs. Steinberg, in a series of telephone calls that they made.

16 Q Let's talk about those telephone calls. The first
17 phone call that you say was made was a call to Mr. Frankhauser
18 saying for him to contact his boys at the CIA and quash the
19 grand jury, isn't that correct?

20 A That's correct.

21 Q What was -- Mr. Frankhauser said, "Well, they won't
22 do that. They won't get involved in domestic kinds of



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1 situations, isn't that right?

2 A Yes, sir. I can quote what he told me yesterday
3 if you wish.

4 Q So what essentially happened there, let me see if I
5 understand it, either Mr. Steinberg or Mrs. Steinberg called
6 their purported CIA contact and asked him to use his agency
7 to stop another federal agency from investigating; is that
8 correct?

9 A That's what Mr. Frankhauser said, yes.

10 Q That didn't happen, did it?

11 A No.

12 Q Then as a result of those calls regarding that,
13 Mr. Frankhauser and Mr. Fick took it upon themselves to
14 prepare these documents, isn't that right?

15 A To make a written record of their comments to them,
16 yes.

17 Q What they were concerned about was, as you
18 testified, that if Mr. Steinberg and Mrs. Steinberg didn't
19 follow their instructions and something happened, they wanted
20 to have a record so they could go to someone and say, "We
21 instructed them to do this and they didn't do it." Isn't that
22 what you testified to today?



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1 A I think I used the word "advised."

2 Q The only problem you have with what I said is the
3 word "advised"?

4 A Yes, because "instructed" to me implies that
5 Frankhauser was giving directions. Steinberg, Mr. Steinberg,
6 told me -- Frankhauser told me it was to the contrary, he was
7 the employee and they were the bosses.

8 Q So they wanted to create some record of what they
9 had told Mr. Steinberg he needed to do to be secure, essentially
10 to do his job, isn't that right? Mr. Fick and Mr. Frankhauser
11 wanted to create that record?

12 A Right.

13 Q The first one of these documents is created on
14 November 29, 1984. This is subsequent to the issuance of the
15 grand jury subpoenas, is it not?

16 A That's correct.

17 Q So what we have here is a document by Mr. Fick and
18 Mr. Frankhauser telling someone to disappear after there have
19 been grand jury subpoenas issued, isn't that correct?

20 A That's correct.

21 Q Again, that document was unsolicited in the sense
22 that they prepared this, and these are Mr. Fick and



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1 Mr. Frankhauser's ideas of what should be done?

2 A That's right.

3 Q As far as you know, in the creation of these docu-
4 ments, Mr. and Mrs. Steinberg had absolutely nothing to do
5 with the words that appear on these documents?

6 A Absolutely none.

7 MR. MOFFITT: The court's indulgence for a second.

8 THE COURT: Yes, sir.

9 (Pause.)

10 BY MR. MOFFITT: (resumed)

11 Q So in this -- based on these documents of this
12 conspiracy to obstruct justice that you have indicted my
13 clients in here appear to be Mr. Fick and Frankhauser?

14 MR. MARKHAM: Objection, if I can be heard very
15 briefly, Your Honor. Is he --

16 THE COURT: That calls for a conclusion anyway.
17 You can speculate all day why a grand jury returns a -- you
18 can ask him whether he believes it or not, Mr. Moffitt.

19 MR. MOFFITT: Well, Your Honor, I probably don't
20 want to ask him if he believes it.

21 THE COURT: Why don't you try again. Try another
22 question there.



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1 MR. MOFFITT: Okay.

2 BY MR. MOFFITT: (resumed)

3 Q These documents are how many pages long, sir?

4 A Exhibit 3 is 21 pages long and exhibit 4 is 18.

5 Q How many pages of these documents deal with this
6 alleged obstruction?

7 A On exhibit 4 the heading "Boston Report Revisted"
8 runs for two-and-a-quarter pages. On exhibit 3 the first
9 topic appears to be the Boston Grand Jury and the Boston Grand
10 Jury investigation runs for two pages and is annotated "to be
11 continued."

12 Q On page 2 of the document dated November 29, 1984,
13 exhibit 3, the same paragraph, it says, "We also urge you not
14 to obstruct justice." Is that in that document, sir?

15 A Yes.

16 Q There's a further suggestion that they conduct an
17 internal investigation of what's going on to determine whether
18 or not there is some credit card problem, isn't that correct?

19 A Yes.

20 Q And then there's a further suggestion that a solid
21 legal defense team and aggressive legal counter maneuvers is
22 the only hope of survival in this matter?



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1 A That's right.

2 Q And no subpoena should be honored without proper
3 counsel; no documents or notes of information should be
4 turned over to anybody voluntarily; is that correct?

5 A That's right, sir. You forgot the annotation 451 F.,
6 which comes at the end of the sentence.

7 Q And that essentially means that paper burns at 451
8 degrees. That's how you would interpret that, isn't that
9 correct?

10 A That's what it says above it, yes, sir.

11 Q In that vein, you say that when you searched the
12 Boston office you found the index cards that you had been
13 requesting?

14 A That the grand jury had been --

15 Q You found those; is that correct?

16 A Yes.

17 Q You also found index cards at the Leesburg search,
18 isn't that correct?

19 A That's correct.

20 Q And they were made out of paper, were they not?

21 A Yes.

22 Q And they had not apparently been destroyed, had they?



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1 A No, they hadn't. They hadn't been turned over,
2 either, sir.

3 Q I understand that, sir, but they had -- apparently,
4 this document that you contend forms the basis of this
5 obstruction suggests perhaps that they be burned, does it not?

6 MR. MARKHAM: Objection, Your Honor, mischaracter-
7 izing it. He didn't say that was the first discussion. He
8 said that's the first writing.

9 THE COURT: Well, we'd be a little remiss if we
10 didn't understand that 451 degrees Fahrenheit doesn't mean
11 you're heating the house up. I think it means you're going to
12 burn something. Let's don't lose track of common sense here.

13 BY MR. MOFFITT: (resumed)

14 Q Let me see if I understand this. You also discussed
15 a Mr. Tate as being one of your sources with regard to the
16 information about what Mr. Steinberg and Mrs. Steinberg's role
17 in the LaRouche organization was; is that correct?

18 A That's right.

19 Q Mr. Tate, is he a member of the organization, sir?

20 A No.

21 Q He's no longer a member; is that correct?

22 A That's right.



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- 1 Q He left the organization; is that right?
- 2 A That's right.
- 3 Q Do you know under what circumstances he left the
4 organization?
- 5 A Disenchanted.
- 6 Q He's disenchanted?
- 7 A Yes.
- 8 Q I understand. And these other people that you talk
9 about, your other sources who you haven't named but you've
10 labeled as "defectors," these are also people who are apparently
11 disenchanted with the organization, isn't that correct?
- 12 A Yes. They have told me so, yes.
- 13 Q So Mr. Fick and Mr. Frankhauser, both of whom are
14 apparently convicted felons or at least one of whom is
15 apparently a convicted felon; is that correct?
- 16 A Right, yes, sir.
- 17 Q Does Mr. Fick have a lawyer, sir?
- 18 A He wasn't represented in my conversations with him,
19 no. He didn't have an attorney there.
- 20 Q He never had an attorney?
- 21 A No.
- 22 Q Are you aware that Mr. Fick was fired by



1 Mr. Steinberg from his job as a security officer in the
2 security department?

3 A That's not how Mr. Fick recounted it, but I know he
4 left.

5 Q What does Mr. Fick say about why he left?

6 A Mr. Fick said that he left because he wasn't paid.
7 He said that he was injured and he wasn't paid. He also said
8 that he left because he thought that this sting with this
9 organization was a prescription for disaster. He left because
10 he said that he was afraid of some of the things that the
11 organization was doing. He said he was afraid of -- he found
12 it morally repugnant to threaten people.

13 Q This former Klu Klux Klan member found it morally
14 repugnant to threaten people?

15 A This former member did, sir. That's what he told me.

16 Q He said that he wasn't paid and that he had been
17 injured and wasn't paid, and that there was a problem trying
18 to get paid; is that correct?

19 A That's right.

20 Q It was Mr. Steinberg who would have had to authorize
21 that payment, isn't that correct?

22 A He said the Steinbergs. I'm not sure which one



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1 has the --

2 Q So he had some animosity for the Steinbergs because
3 he hadn't been paid, isn't that right?

4 A That's right.

5 Q Do you know whether Mr. Frankhauser has ever worked
6 for the CIA?

7 A He told me he has not. I mean, I have not made an
8 inquiry of the Central Intelligence Agency, no.

9 Q Has Mr. Fick been paid at all for any of this
10 information?

11 A Yes, sir, he's been provided with witness fees.

12 Q He has been provided with witness fees. How much
13 money has Mr. Fick been paid, sir?

14 A \$30 a day is the standard statutory witness fee and
15 then whatever the reimbursement is for mileage back and forth
16 from Reading, Pennsylvania.

17 Q Has he ever had to spend any time overnight in
18 Boston?

19 A And hotel fees, yes, hotel and meals, whatever the
20 statutory thing is.

21 Q Have you made any promises to him with regard to
22 whether or not he's going to be prosecuted?



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1 A I'm not authorized to make such promises, sir.

2 Q Has anybody, to your knowledge, made any promises to
3 Mr. Fick as to whether or not he is going to be prosecuted?

4 A I've been present when the United States Attorney --
5 Assistant United States Attorney has told him that there are
6 no promises.

7 Q There are no promises?

8 A That's right.

9 Q Indeed and in fact, he has not been indicted?

10 A That's correct.

11 Q Sir, in your experience as an agent, you would
12 consider that Mr. Fick was as much a part of this at least as
13 Mr. Frankhauser, isn't that correct?

14 A I wouldn't -- I would give them close to an equal
15 level, but I would say that Mr. Frankhauser was the leader.

16 Q So he certainly was liable to be prosecuted for the
17 very same thing that you are prosecuting my clients for, isn't
18 that correct?

19 A I'm not prosecuting, sir. The United States
20 Government is.

21 Q Excuse me, that the United States Government is
22 prosecuting my clients for.



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1 A That's right.

2 Q He hasn't been prosecuted?

3 A That's correct.

4 Q Has there been any discussion with him, as far as
5 you know, about what happens to him after the case is over and
6 perhaps these people are convicted? Has he been offered any
7 rewards or anything like that, or any informant's fees or --

8 A Sir, are you talking about the phrase "promises,
9 awards and inducements"?

10 Q That's not my phrase. That's one that --

11 A That's a standard phrase --

12 Q That's one that you guys --

13 A No, sir, that was never discussed. There are no
14 promises, there are no promises or rewards, there were no
15 inducements.

16 Q Other than Mr. Fick, Mr. Frankhauser and perhaps
17 some disgruntled members or former members of the LaRouche
18 organization, do you have any other information that
19 Mr. Steinberg or Mrs. Steinberg told people to leave the
20 country?

21 A I have Mrs. Steinberg's handwritten annotation to
22 that effect in a notebook.



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1 Q Is that the annotation that we have here today?

2 A The notebook and the spiking -- the other phrase,
3 "spiking the investigation."

4 Q Governments Exhibit Number 5, is that what we're
5 talking about?

6 A That and there are others, sir.

7 Q Others that you don't have here today with you,
8 right?

9 A No, sir, we have them here.

10 Q In court?

11 A Yes, sir.

12 Q They haven't been offered into evidence?

13 MR. MARKHAM: Your Honor, he objected to them being
14 offered. I mean, it's hardly our fault that we didn't offer
15 them. I tried to get them in.

16 THE COURT: Well, they're not in evidence.

17 THE WITNESS: That's right, they're not in evidence.

18 BY MR. MOFFITT: (resumed)

19 Q Would you show me, sir, in exhibit 5 what you're
20 talking about "spiking the grand jury"?

21 A Sir, that's the book that was not offered into
22 evidence. I can't show it to you.



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1 Q I see. So this document that was offered in there
2 then, does this have anything about the grand jury in it?

3 MR. MARKHAM: Your Honor, I have the one that says
4 "spiking." If you'd like it offered, I'd be very happy to
5 have it offered. I tried but you stopped me on the first one,
6 so I figured I wouldn't press my luck on the second and third
7 one. We have three or four of these. I believe he's now
8 opened the door to them, Your Honor.

9 THE COURT: Do you want to avail yourself of that,
10 Mr. Moffitt?

11 MR. MOFFITT: Your Honor, I asked him a question.
12 I want --

13 THE WITNESS: No, this notebook doesn't have the
14 phrase "grand jury" in it that I see.

15 BY MR. MOFFITT: (resumed)

16 Q This notebook that has been offered into evidence
17 does not have the phrase "grand jury" in it?

18 A That's right.

19 Q Now, sir, let me ask you another question. With
20 regard to the claim of First Amendment rights by Mr. Greenspan,
21 do you know whether that came from legal counsel, or whether
22 that came from the Steinbergs?



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1 A Mr. Frankhauser told me that the Steinbergs said
2 that they prepped Mr. Greenspan for his appearance before the
3 grand jury. My recounting of the First Amendment is my
4 recollection of reading some of the pleadings in the case, and
5 I do not recall that either Mr. Steinberg or Mrs. Steinberg
6 signed those pleadings.

7 Q Was there any question that there were First
8 Amendment claims raised during the course of the grand jury
9 investigation?

10 A I was present when some of those were brought --
11 arguments were made in front of Judge Mazzone.

12 Q And those arguments were made by counsel, were they
13 not?

14 A That's right.

15 Q You don't think it's obstruction of justice to raise
16 what counsel believes are legitimate First Amendment claims,
17 do you?

18 A Absolutely not.

19 Q Well, in addition, let me ask you a question. You
20 talk about the fact that there was picketing outside of the
21 courthouse, isn't that right?

22 A That's right.



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1 Q We do live in a society that permits picketing,
2 don't we?

3 A Absolutely.

4 Q Was anybody arrested as a result of that picketing,
5 sir?

6 A Not that I know of.

7 Q Were there any attempts by the court to sweep the
8 steps of the people who were picketing?

9 A Not that I know of.

10 Q In fact, as an FBI agent, it would be difficult for
11 me to suggest to you that picketing is an appropriate exercise
12 of your First Amendment rights?

13 A I agree completely.

14 Q Let me also suggest to you something. A legal fight
15 over the production of documents does not necessarily make an
16 obstruction of justice, does it?

17 MR. MARKHAM: Your Honor, can we have a point in
18 time? Is this after or before the judge's order to produce?

19 THE COURT: Give us a period of time. This is the
20 first time I've had any reference to any production of
21 documents motion.

22 BY MR. MOFFITT: (resumed)



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1 Q During the course of this grand jury, you had diffi-
2 culty getting the documents that you requested, isn't that
3 correct?

4 A Right.

5 Q And the judge took actions of holding people --
6 holding organizations in contempt?

7 A That's right.

8 Q And fining those organizations with regard to that?

9 A That's right.

10 Q The first written reference that you have to say
11 do not produce any documents without counsel, or do not
12 produce any documents without fighting for it comes out of the
13 thick Frankhauser memorandum, isn't that correct?

14 A That's correct.

15 Q The animosity -- let me change subjects for a second.
16 The animosity towards Mr. Weld that was expressed by
17 Steinbergs was fairly well known, wasn't it? I mean, there was
18 no secret. There were published articles and published reports
19 about what Mr. LaRouche's organization viewed Mr. Weld as
20 being, isn't that correct?

21 A Oh, yes.

22 Q So this was not any secret type of situation, this



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1 was something that was done publicly and out in the open,
2 wasn't it?

3 A That's right.

4 Q When you were executing your search for the Leesburg
5 property, did you have authority to search for any information
6 concerning Mr. Weld?

7 A No, that's why I left those documents.

8 Q But you went through those documents to determine
9 what information was there?

10 A No, I went through those documents to determine that
11 they weren't covered by the search warrant.

12 Q And today in court you put your information
13 concerning those documents into evidence here, isn't that
14 correct?

15 A That's right.

16 Q In fact, you are aware that Mr. Steinberg also
17 holds himself out as being a journalist, isn't that right,
18 and he writes articles from time to time?

19 A That's right.

20 Q Among the articles that he has written were articles
21 concerning Mr. Weld?

22 A I can't -- I don't read what Mr. Steinberg has



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1 written on a routine basis, sir, so I can't tell you what
2 he's written.

3 Q Would it be fair to say, sir --

4 MR. MARKHAM: Your Honor, I can shortcut this with
5 the stipulation that Mr. Steinberg and others in the organiza-
6 tion have been very prolific in their writings on Mr. Weld,
7 his alleged dope dealing, his alleged gay activities, and all
8 manner of other crimes. I stipulate that they write about him
9 a lot in that regard.

10 BY MR. MOFFITT: (resumed)

11 Q So if somebody was writing about somebody, then it
12 wouldn't be unusual for them to have files and get information
13 concerning those people, would it?

14 A I think the members of the wedding party might be a
15 little unusual for that, but --

16 Q Have you ever read "The Enquirer," sir?

17 A No, I don't read stuff like that.

18 Q Was any of the information that you scanned during
19 your search not information that could be obtained publicly
20 as far as you knew?

21 A No, it appeared to be all public record, diligent
22 research.



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1 Q You say that there were over a hundred conversations
2 between Jeffrey Steinberg and Mr. Fick or Mr. Frankhauser
3 concerning the Boston Grand Jury?

4 A That's what they recounted to me.

5 Q And your only sources of information for that are
6 Mr. Fick and Mr. Frankhauser; is that right?

7 A And the fact that Mrs. Steinberg's notebook seemed
8 to correlate with the written reports.

9 Q Do you have a date on those notebooks?

10 MR. MARKHAM: The one that you refer to but didn't
11 review says January 4, 1985, the one that says "spike the
12 grand jury investigation."

13 MR. MOFFITT: Your Honor, I'll introduce it.

14 BY MR. MOFFITT: (resumed)

15 Q January 4, 1985, was how many months after the grand
16 jury investigation had begun?

17 A Roughly, two months.

18 Q The other information that you have concerning the
19 fact that there were pickets outside and there were things
20 said about Mr. Weld and about the judge, and that the purpose
21 of that was to intimidate the grand jury, that comes from
22 Mr. Frankhauser directly, isn't that right?



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1 A That's right.

2 Q Were there any promises or any inducements after
3 Mr. Frankhauser began to talk to you made to him?

4 A That I would promise I would record what he told me,
5 and I promised that I would ask him to tell me the truth.

6 Q Did you promise that you were going to make the
7 United States Attorney in this case aware that Mr. Frankhauser
8 was cooperating with them in this investigation?

9 A Since the United States Attorney was sitting by my
10 side as Mr. Frankhauser was speaking.

11 Q Were there any promises made during the course of
12 that discussion?

13 A None.

14 Q Was Mr. Frankhauser Mirandized?

15 A No, sir, he was represented by counsel.

16 Q So no one told him that anything he said could be
17 used against him?

18 MR. MARKHAM: You mean at that time?

19 MR. MOFFITTE: Yes, sir.

20 THE WITNESS: No, that was not said to him, sir. I
21 felt that with his attorney present, his attorney was capable
22 of advising him on the Miranda warnings.



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1 BY MR. MOFFITT: (resumed)

2 Q The fact that they were CIA agents was not the only
3 thing that they from time to time lied to Michelle Steinberg
4 and Jeff Steinberg about? You discussed another situation
5 where Michelle Steinberg or Jeff Steinberg would ask them to
6 go see a congressman to find out about the arrest of people
7 over in Germany, isn't that right?

8 A That's right.

9 Q And Mr. Frankhauser said, "Okay, I'll go see the
10 congressman," and then he went down and sat in his office and
11 drank a cup of coffee, isn't that right?

12 A That's right. That's what he said.

13 Q In your discussions with Mr. Tate, was Mr. Tate
14 Mirandized when he spoke with you?

15 A No. No, that's against the policy.

16 Q It's against whose policy?

17 A FBI policy, sir. It was a non-custodial interview.

18 Q Did you go or did Mr. Tate call you or did you call
19 him?

20 A Mr. Tate came up to Boston to see us.

21 Q He came up to see you voluntarily?

22 A He was up on, I think, two occasions, once under



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1 subpoena and once he traveled up before the subpoena.

2 Q Was he told he was going to be subpoenaed?

3 A We had sought him out and asked him to the interview.
4 The actual mechanics were by an agent in New York. I recall
5 that we sought him out and asked to be interviewed. The agent
6 in New York felt he didn't have enough expertise, and it was
7 a negotiation with Tate as to whether we would come up or he
8 would go down.

9 Q Was he immunized, sir?

10 A Oh, no.

11 Q He wasn't immunized?

12 A Oh, no.

13 Q You say that like that's a foreign and terrible word.

14 THE COURT: Just ask the questions, sir.

15 BY MR. MOFFITT: (resumed)

16 Q He was subpoenaed before the grand jury and he
17 testified voluntarily?

18 A Yes.

19 Q One of the other things that you suggested here
20 today was that Mr. Greenspan wouldn't talk to you outside the
21 grand jury room about the records, isn't that correct?

22 A I don't have a clear recollection of whether it was



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1 Greenspan or one of the other keeper of the records.

2 Q The subpoena was not to talk to you outside the
3 grand jury room, was it?

4 A Yes, but, as I said, sir, I don't recall whether it
5 was Greenspan or not. It was --

6 Q Well, whoever it was, his subpoena was not to talk
7 to you outside the grand jury room, was it?

8 A Oh, absolutely.

9 Q So, it is not inappropriate for someone to refuse
10 to talk to you outside the grand jury room when you have a
11 grand jury subpoena, is it?

12 A That's correct.

13 Q So there's nothing illegal or improper about doing
14 that, is there?

15 A Nothing.

16 Q Sir, other than this morass of evidence about the
17 fact that these people belonged to what is probably an
18 unpopular organization, and other than what Mr. Frankhauser
19 and Mr. Fick have told you and the things that you say that
20 you found in these notebooks, do you have any other evidence
21 that says that these people would not appear for trial?

22 A Previous track record of people in the security



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1 group not appearing.

2 Q Has anyone ever been arrested for a crime amongst
3 that group, sir, that you know of?

4 A Among Mr. and Mrs. Steinberg?

5 Q Yes.

6 A No.

7 Q They have no arrest record, do they?

8 A That I know of.

9 Q I'm sure you've checked, haven't you?

10 A I don't recall doing it. I think maybe FBI
11 Alexandria did.

12 Q Are you aware of any arrest record for --

13 A No, I'm not.

14 Q Are you aware of any arrest record for anyone in the
15 security staff other than these independent contractors,
16 Mr. Frankhauser and Mr. Fick?

17 A I'm not sure I can characterize one member as being
18 on the security staff. His office was in that office, and I
19 did see one.

20 Q Are you aware of any arrests and non-appearances on
21 the part of any of those people, sir?

22 A I'm aware of an arrest for Mr. Spannaus. I don't



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1 know what the disposition of the case was.

2 Q Do you know whether Mr. Spannaus failed to appear in
3 court, sir?

4 A No, sir. I just said I don't know.

5 Q I mean, he's in here today, so if you have a warrant
6 for him, you can --

7 A I'm not even sure I'd recognize him if I saw him.

8 Q So you have no information that leads you to believe,
9 other than what you testified to about the LaRouche organiza-
10 tion, that these people would not appear in a courtroom, do
11 you, in a criminal case?

12 A No, sir, I can't agree with that.

13 Q What other information do you have, sir?

14 A I have what I believe to be credible information
15 from Frankhauser, from Fick. I have tape recordings which
16 appear to be corroborative of Fick and Frankhauser. I have
17 documentary evidence which appears to be -- which is corrobora-
18 tive of the tape recordings and the statements of Frankhauser
19 and Fick. I have interviews I have conducted with people who
20 I believe to be telling the truth that is corroborative of the
21 statements of Frankhauser, Fick, the tape recordings,
22 documentary evidence.



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1 Q Does that make --

2 MR. MARKHAM: Your Honor, he asked the question. I
3 think he deserves to answer it.

4 THE COURT: Go ahead and ask your next question.

5 BY MR. MOFFITT: (resumed)

6 Q Other than what you've testified here today, we've
7 heard that, what I asked you is: What information do you
8 have that these individuals will not appear in a criminal
9 courtroom?

10 A What I testified to today.

11 Q That's all you have?

12 A Yes, that's all I have.

13 Q Sir, were you present for the arrest of Jeffrey
14 Steinberg?

15 A No, I wasn't.

16 Q Are you aware of the circumstances of that arrest?
17 Did Mr. Steinberg protest in any way, as far as you know?

18 MR. MARKHAM: Your Honor, there is no foundation.
19 You have to ask him whether he's aware first before he can
20 start talking about it.

21 THE WITNESS: I don't know. I don't know anything
22 about the circumstances of his arrest. I wasn't present.



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1 BY MR. MOFFITT: (resumed)

2 Q Let me ask you this: Did anyone tell you that there
3 was anything unusual about the arrest of Jeffrey Steinberg?

4 A No. As far as I know, it was an arrest without any
5 incident.

6 Q With regard to Michelle Steinberg, as far as you
7 know, was there any incident concerning her arrest?

8 A As far as I know, no.

9 Q Sir, do you know how long they have lived in the
10 local area?

11 A My guess would be about a year-and-a-half.

12 Q Do you know where they lived before that?

13 A New York.

14 Q Prior to that do you have any idea where they lived?

15 A None.

16 Q You testified today that you are aware that they've
17 been a member of this organization for 15 years, isn't that
18 correct?

19 A That's right.

20 Q Do you know whether they've ever left the country?

21 A I recall discussions of them going to Germany, and
22 unfortunately I can't crystalize the dates. I seem to recall



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1 pictures of them in -- seeing pictures of them in Germany, one
2 or the other of them in Germany.

3 Q Do you know what year that was?

4 A Again, I'm somewhat guessing, but my recollection is
5 it would have been like '83 or so.

6 Q And they returned to this country; is that correct?

7 A Evidently.

8 Q Have you monitored their travel while pending this
9 arrest?

10 A I'd say only for two weeks or so before that.

11 Q Would you tell the Court what their travel consisted
12 of?

13 A I only know -- I can't only answer that somewhat in
14 the negatory. I know that they were somewhere in the Leesburg
15 area. My information is they were in the Leesburg area for
16 a period preceding the arrest.

17 Q So what is the last overt act in furtherance of this
18 conspiracy?

19 THE COURT: What's that question?

20 MR. MOFFITT: The last overt act in furtherance of
21 this conspiracy.

22 MR. MARKHAM: Excuse me, Your Honor. If I could just



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1 interject, does he mean the last overt act charge or the last
2 overt act of which we are aware, because at the time of trial,
3 of course, we could prove overt acts that are charged?

4 MR. MOFFITT: Well, the problem is that the
5 Government hasn't been so nice as to inform me that there were
6 more overt acts. The only ones that I'm aware of are the
7 ones that are in the indictment, sir, so I'm asking about
8 the last ones that were in the indictment.

9 THE WITNESS: I'd have to have a copy of the indict-
10 ment.

11 MR. MOFFITT: That's Government's Exhibit No. 1.

12 MR. MARKHAM: Exhibit 2.

13 THE WITNESS: I'm somewhat unclear on the meaning of
14 a somewhat technical point.

15 BY MR. MOFFITT: (resumed)

16 Q It's the last act alleged that either Jeff Steinberg
17 or Michelle Steinberg participated in, sir.

18 A (Perusing document.)

19 MR. MARKHAM: Your Honor, if I may very briefly, the
20 witness' testimony -- mischaracterizes his testimony because
21 he said that there was testimony that --

22 THE COURT: The last overt act would be mentioned in



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1 the indictment, wouldn't it?

2 THE WITNESS: That I'm not sure of, Your Honor.

3 MR. MARKHAM: What do you mean by "participate,"
4 because there's testimony that they told Mr. Greenspan to come
5 up and do it again in front of the grand jury. So it's a bit
6 vague, Your Honor.

7 MR. MOFFITT: I don't think the question of when
8 the last overt act that is specified in the indictment is
9 vague at all.

10 THE COURT: Well, you can find out by looking at the
11 indictment, Mr. Moffitt.

12 MR. MOFFITT: The fact --

13 THE COURT: This gentleman is not a lawyer. I'm not
14 going to have him run through there.

15 BY MR. MOFFITT: (resumed)

16 Q The last act that you have them doing in the indict-
17 ment is in 1984, isn't that correct?

18 A I see a date as late as December 3, '85, in the
19 last paragraph of the count.

20 THE COURT: Your question specifically refers to the
21 Steinbergs, doesn't it, Mr. Moffitt?

22 MR. MOFFITT: Yes, sir.



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1 BY MR. MOFFITT: (resumed)

2 Q You are aware that the Steinbergs were aware that
3 this grand jury was meeting and was attempting to return
4 indictments, isn't that correct?

5 A Yes, I am.

6 Q As of the date of their arrest, they had not fled
7 the country, had they?

8 A That's correct.

9 MR. MOFFITT: May I be indulged for a second?

10 THE COURT: Yes, sir.

11 BY MR. MOFFITT: (resumed)

12 Q Let me ask you a hypothetical. If Mr. Steinberg and
13 Mrs. Steinberg believed that -- indeed believed that
14 Mr. Frankhauser and Mr. Fick were CIA agents, and it was
15 Mr. Frankhauser and Mr. Fick who were writing this document
16 and authorizing this document which essentially tells them what
17 to do, is it certainly feasible that they could have believed
18 that one arm of the Government was telling them how to obstruct
19 another arm of the Government, isn't that correct?

20 MR. MARKHAM: Your Honor, that does call for specula-
21 tion.

22 THE COURT: He said it was hypothetical and it



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1 certainly is.

2 THE WITNESS: Well, the only way I can answer that,
3 sir, is I asked Mr. Frankhauser about it and Mr. Frankhauser
4 told me that he told Michelle Steinberg that the -- and his
5 quote was, "that if the CIA didn't go into the tank for Richard
6 Nixon, they're not going to go into the tank for Lyndon
7 LaRouche."

8 MR. MOFFITT: I have no further questions, Your
9 Honor.

10 THE COURT: All right. Well, gentlemen, at this
11 time it is now five minutes after 1:00 and we have not heard
12 from Mr. Billington, so let's take a recess to 2:15.

13 (Thereupon, a recess was taken, and
14 then the proceedings continued
15 as follows:)

16 MR. HUDSON: If it please the court, during the
17 luncheon recess, we have reached an agreement with respect to
18 the Billington matter, which I would urge the Court to receive
19 at this time, which will resolve the case with respect to him.

20 THE COURT: What is the recommendation on
21 Mr. Billington?

22 MR. HUDSON: With respect to Mr. Billington, we're



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1 going to recommend to the court that bond be set in the amount
2 of \$20,000, and that he be permitted to satisfy that bond by
3 the posting of his equity in his home. I have examined the
4 deed to the home and I am convinced that he does in fact have
5 \$20,000 in equity, and he's also, on the issue of removal, if
6 it please the Court, upon my rendering to you a certified copy
7 of the indictment, he will admit that he is the individual
8 charged and agree to return to Boston for trial.

9 THE COURT: I have a little hesitancy in accepting
10 a property bond. Can't we accept a surety or cash bond?

11 MR. HUDSON: I'll have to go back and confer with
12 counsel on that, Your Honor.

13 THE COURT: We can put that on the so-called back
14 burner then.

15 MR. HUDSON: Okay, sir.

16 THE COURT: And the completion of the other
17 proceedings.

18 MR. HUDSON: If it please the Court, the next matter
19 is Your Honor directed that we try to find you a copy of the
20 First Circuit decision in the matter of --

21 THE COURT: I was just curious about it.

22 MR. HUDSON: Well, I have a copy for you, Your Honor.



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1 We also have copies for opposing counsel. It goes into great
2 length about the refusal to produce records and specifically
3 the refusal to produce the index cards that Mr. Egan testified
4 about.

5 I would offer it up to Your Honor through the Deputy
6 at this time, and perhaps Your Honor could read it at the
7 concluding of the presentations. It affirms the contempt
8 citations against all four of the organizations involved.

9 MR. MOFFITT: Your Honor, in addition, the Government
10 has informed me that Mr. Egan has checked Mr. Fick's criminal
11 record and apparently there is an arrest record but no
12 conviction? Is that correct?

13 MR. MARKHAM: That's correct. He was arrested in
14 1972 for assault. The charges were dropped. The last time we
15 look at his record, we saw no convictions since that time or
16 at any time of anything.

17 THE COURT: Mr. Moffitt, do you have anything to
18 offer?

19 MR. MOFFITT: Your Honor, Mr. Jones is representing
20 Mrs. Steinberg, and we do have something to offer.

21 THE COURT: Excuse me, Mr. Jones, I didn't know you
22 all were splitting the representation. All right, sir, you



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1 have the right to cross examine the witness.

2 MR. JONES: I'm not going to cross examine Special
3 Agent Egan any further.

4 MR. MOFFITT: All right, sir, we do have something
5 to offer. Mr. Jones --

6 MR. JONES: He's not finished yet.

7 MR. PILGER: I'm going to cross examine. I'm still
8 in this.

9 THE COURT: Mr. Pilger, you're representing Mister --

10 MR. PILGER: Mr. Billington, Your Honor.

11 THE COURT: All right.

12 BY MR. PILGER:

13 Q I understand, Agent Egan, that your investigation
14 in Boston began approximately October 1984?

15 A That's right, sir.

16 Q Did you determine at that time whether or not Michael
17 Billington was in fact residing in the Boston area at that
18 time?

19 A Toward the end of October '84, I -- I determined he
20 was residing in the Boston area during sometime in the fall of
21 '84. When he left, I don't know.

22 Q At what address did you find him to be in the fall



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1 of '84 in Boston?

2 A I found an address for him of 5 Fuller Street,
3 Dorchester, and no change of address posted with the post
4 office.

5 Q Did you determine he was living there full time?

6 A I never did find him at the residence. I interviewed
7 the landlord who said that he had leased it. I interviewed
8 the post office. I checked with the post office who said it
9 was still a good address. He still had a Massachusetts
10 driver's license with that address. I interviewed several
11 people who told me that they had corresponded with him at that
12 address.

13 Q But you never actually found him residing at that
14 address?

15 A No, I never actually met Mr. Billington at that
16 address.

17 Q You said earlier in testimony that you located
18 Mr. Billington in January of 1986 in northern Virginia; is
19 that correct?

20 A That's right.

21 Q Isn't it a fact that the grand jury in Boston
22 subpoenaed his telephone records in Virginia in or about



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1 October of 1985, some several months before that?

2 A I know a subpoena was issued. I'm unclear on what
3 date it was, and the fact that -- in my mind the fact that he
4 had a telephone listed in his name didn't mean he lived there,
5 because he had an address in Dorchester, Massachusetts, and
6 that ultimately meant that he didn't live there. I was only
7 certain that he lived there when I had an agent go out and
8 meet him, and I believe that was January of '86.

9 Q Do you know now that Michael Billington has resided
10 in Loudoun County since March of 1985, based on your investi-
11 gation to date?

12 A The only thing I'm confident of is since January 6th.
13 I don't know how long he's lived there.

14 Q Are you aware that his address was listed in the
15 Loudoun County phone directory for 1985 and 1986 under his
16 wife's name?

17 A Nope.

18 Q Since October of 1984, has Michael Billington left
19 the country that you know of?

20 A Not that I know of. I don't know.

21 Q Do you know whether he has a valid passport?

22 A I have no idea.



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