

1 looked out for her own family and her own interests, and then
2 when confronted with what had happened, when it was going to be
3 revealed, she lied about it.

4 May it please the Court, Judge Hogan, counsel, Ladies
5 and Gentlemen of the Jury. As I told you in opening statements,
6 there are only two times when I can speak to you. One was
7 opening statement; one is closing argument, so this is the second
8 time. I'd now like to say good morning.

9 THE JURORS: Good morning.

10 MR. O'NEILL: I'd like to thank you, Ladies and
11 Gentlemen, for your attention you've shown throughout the course
12 of this trial, and I'd like to thank you on behalf of the defense
13 and for the Court. We recognize that it was a long trial. It's
14 a lengthy trial. Sometimes there's delays, lots of documents,
15 which sometimes are very hard to follow, and they make for a
16 long, long trial. You've been attentive, and we've appreciated
17 that, because it's very important that you listen to the evidence
18 and that you render a verdict dispassionately based on that
19 evidence.

20 The government made certain statements in opening
21 statement to you, and you remember that a few weeks back. The
22 government has proven each and every statement that was made in
23 that opening statement.

24 I'd like to bring your attention back to a chart that
25 we used, and we used that very early on during the opening

1 statement. And you'll recall that as I pull it out, it was a
2 breakdown of the various charges in this case. And there are
3 twelve charges in this case of which the defendant is accused,
4 and we went over those, and the evidence that was brought forth
5 by the government was to detail these charges, and you'll see
6 what they are.

7 Count 1 was a conspiracy. It's an unlawful agreement.
8 His Honor will instruct you on the law after myself and
9 Mr. Wehner have a chance to argue what this case is about, and we
10 will tell you a conspiracy is an unlawful agreement. That is
11 what it is. It's a partnership in crime.

12 You'll notice there are three separate conspiracies,
13 and you'll recall what those were. Conspiracy 1, that's where
14 the defendant was dealing with John Mitchell, someone she
15 considered very close to her, almost like a father; Louie Nunn;
16 Jack Brennan; Richard Shelby. Count 2, conspiracy, she's dealing
17 with Andrew Sankin, Thomas Broussard, once again Richard Shelby.
18 Count 3, Louis Kitchin.

19 And remember, that was the natural lead-in to Count 4,
20 the \$4,000 check that we'll talk very much about. That's an
21 illegal payment, or what's called a gratuity. His Honor will
22 instruct you on that.

23 And then the rest are the various perjury and
24 concealment charges, the lies, the cover-up. Remember, Counts 5
25 and 6, that the information on funding decisions goes solely on

1 information provided by the assistant secretary for Housing.
2 We've proven that's false. "I have never given or approved or
3 pushed or coerced anyone to help any developer. It's a
4 tremendous waste of time." Again, we've proven it is false.

5 Baltimore Uplift: "I've never heard of Baltimore
6 Uplift One." I'm sorry if you can't see it. "But I've never
7 heard of Baltimore Uplift One."

8 And then finally, "As a matter of fact, no moderate
9 rehabilitation units that I know of, unless they were sent
10 directly by the secretary, have ever gone to my home state of
11 Maryland simply for that reason -- that I sat on the panel."
12 Again, that was false.

13 And I will go charge by charge, Ladies and Gentlemen,
14 but that is what the government proved in this case, and you
15 heard from an assortment of witnesses about what the government
16 proved.

17 The defendant has also presented evidence in this case.
18 You heard from the defendant herself, and she testified for
19 several days. There are two completely different stories that
20 you heard, the government's on one side and the defendant's on
21 the other, and this is a kind of case where the two can't be
22 reconciled. It's one or the other. They are totally
23 inconsistent.

24 You are the judges of the facts. His Honor will
25 instruct you on that. It is your determination which story is

1 credible, is believable. His Honor tells you the law. You take
2 that law and apply it to the facts that you've heard at this
3 trial, during this trial. As the evidence in this case has
4 shown, only one version can be credible. Only one you will find
5 believable.

6 You might remember during the opening statement I said
7 what a jury brings more than anything else to this courtroom is
8 your common sense and your good judgment. Each of you are
9 regular people, who live everyday lives, deal with everything
10 that goes on in regular lives. You know how to assess the
11 credibility of witnesses. You know how to listen to the
12 evidence. You know when someone's telling you the truth, and you
13 know when someone's not telling you the truth. That's as you sit
14 there.

15 And they also say about a jury each person has their
16 own individual experiences in their lives, but together the
17 twelve jurors, the collective whole is greater than each part,
18 because all of your experiences then are put together during your
19 deliberations, and through them, the jury makes its decisions,
20 and that's why it's important that you work together in a team
21 concept and decide what the facts are in a particular case.

22 ~~The defendant has testified in this case. This~~
23 ~~not credible. It is not believable. It is what you often see~~
24 ~~about admitting what you can't deny, saying what you can't~~
25 ~~admit.~~

1 And I think a great example of that would be
2 Government's Exhibit 28, and you might recall that's a letter
3 from the defendant to John Mitchell -- to Louie Nunn, excuse me,
4 at John Mitchell's place of business. And you might recall it's
5 dated July 5, 1984, and the importance of this -- and remember,
6 you admit what you can't deny; you deny what you can't admit.
7 She has to tell you she wrote this letter. She cannot deny that.
8 It's here. You'll see it.

9 But instead -- and she writes in this, "This confirms
10 my conversation with General Mitchell," again, that she spoke to
11 him about the project -- and that let me assure you that all the
12 units will go to Arama.

13 She has to admit that. It's in black-and-white, as I
14 said during opening. But how does she deny it? Because that
15 document in and of itself shows she's dealing with John Mitchell
16 on Arama. She's assuring a set number of units. So how do you
17 deny that?

18 You say, "Well, I got that information from someone
19 else." So you go outside of the document. You say, "Maurice
20 Barksdale told me that."

21 Now Maurice Barksdale didn't testify here that he told
22 her that, but that's what you say. You go around it, because you
23 cannot deny what's in black-and-white, what's on these documents,
24 written before this trial ever started. And in fact, it's
25 written in 1984.

1 The government's case was built brick by brick. It's
 2 like a house. You've got to start with a strong foundation, so
 3 what do you do? You put the witnesses on from HUD. You explain
 4 what the program is, the Moderate Rehabilitation Program. People
 5 very early on, people like Chris Greer and Madeline Hastings,
 6 they came on, they explained what this case was. They explained
 7 what moderate rehabilitation was all about.

8 Then you heard from the people on the inside, the
 9 assistant secretaries, Maurice Barksdale, Janet Hale. You heard
 10 from people who worked with them like Susan Zagame.

11 All of those witnesses told a story. And they told you
 12 what transpired at the Department of Housing and Urban
 13 Development from the years 1984 through 1987.

14 That's the evidence that was presented brick by brick,
 15 and that's how you build a case. You must make it strong so that
 16 it withstands scrutiny, so that it withstands your scrutiny, so
 17 that it makes sense, that it passes your judgment.

18 The defendant's case is not built the same way. It
 19 ~~is not built the same way. It is not built the same way. It is not built the same way.~~
 20 ~~credibility, what she's told you. Everything she's told you~~
 21 ~~rests on her word, on what she says.~~

22 ~~of~~
 23 ~~cards with a very rotten foundation, because as we were shown, she~~
 24 ~~lied to you and if she lied to you, how can you believe the rest~~
 25 ~~of what she says that is the problem, Ladies and Gentlemen.~~

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1 How do you believe it?

2 You remember during opening statement, I said this is a
3 white collar crime, and in that respect, it's very different than
4 what we encounter in our day-to-day lives. We all know about
5 street crime. And it's just the emphasis is different.

6 You have a burglar. How does somebody get caught under
7 burglary? Well, somebody might see him, you call the cops, the
8 cops respond, the person is arrested. Well, if there is a trial,
9 there are eyewitnesses. It's that person who saw it who says,
10 "Yes, that's the person I saw coming out of that apartment."
11 That's how you prove it.

12 The same with car-jacking. Somebody sees somebody take
13 the car, they have a gun, they call in. The police arrest him,
14 they identify him, the eyewitness testifies.

15 In a white collar case, it's very different, because it
16 depends on the position of the person. What renders it
17 different, it's a person who has a position of authority, a
18 position of trust, such as this, executive assistant at the
19 Department of Housing and Urban Development, and abuses that
20 trust, misuses that position.

21 How do you show that? Well, we did have witnesses, but
22 the problem with witnesses is you're never quite sure very often
23 totally what they're saying, so you use documents, and the
24 documents are made back in 1984, '85, '86, and '87, and those
25 documents established what was going on. The documents keep

1 people honest. It's very difficult to go somewhere different
2 with your story when the documents are there.

3 This is a classic case of a government not working for
4 all of us. Our government is to be we the people, by the people,
5 for the people, not for certain people, not for prominent,
6 powerful people, but for all of us.

7 And the problem in a white collar crime is when you
8 have the public official not working for all of us, it undermines
9 our faith in our government, and we see what really happens
10 sometimes, not the way it's supposed to operate, and we see a
11 public official working to help certain people, friends and
12 family, because it benefits that public official, not helping all
13 of us, and as you heard from Melvin Adams, the ex-director of the
14 Dade County Housing Authority, what happens is the local
15 priorities get pushed under, because you do whatever you can to
16 get those units, and in this case, the units would only go to
17 people who knew the defendant.

18 A public official cannot serve two masters. There is
19 no way to do that. If you work for the United States government,
20 you must have, the undivided loyalty of that employee must be
21 devoted to the United States. There is no other way. That
22 person works for all of us. We pay that person's salary. They
23 must work on all of your behalf, not just the people that they
24 want to work for.

25 What is the government's case, Ladies and Gentlemen?

1 What has the government proved here? I would like to show you
2 charts and utilize those charts to show you exactly what the
3 government has proved, and I hope everyone can see it from where
4 they're seated, and if not, please let me know.

5 Count 1 -- let me move it down just a little. Count 1,
6 what has the government proved in Count 1? You remember this was
7 very early on in the trial. We started in Miami with a developer
8 by the name of Aristides Martinez. Mr. Martinez wanted to get
9 mod rehab units, and he was asked, "Why didn't you just get them
10 from the public housing authority?" and he told you you can't get
11 what they don't have. They couldn't give it to him.

12 As Sherrill Nettles-Hawkins told you, the PHAs became a
13 ghost entity. They were no longer involved in the equation that
14 we talked about where a developer would go to a local public
15 housing authority, the local public housing authority would go to
16 the area office, the region, the headquarters, and the money
17 would filter down. The reason it was set up that way, as
18 Madeline Hastings testified, who designed the program, was
19 because of the need to set priorities in an area.

20 Every area has those. Is there a problem? Is there a
21 crack street you want to close up? Is there a particular
22 apartment building that's really troublesome, and if you
23 rehabilitate that apartment building, the entire street or
24 neighborhood will benefit?

25 None of those things could happen anymore, because the

1 developers, wherever their property was, would hire prominent,
2 powerful people, and they displaced the local public housing
3 authority.

4 How could a smaller developer hire these powerful
5 people? How could they pay that amount of money? Because as
6 you'll get into on Arama, Mr. Martinez paid \$425,000 just to hire
7 a consultant to get him the mod rehab units. How could a small
8 developer do that?

9 You'll remember what Mr. Mel Adams said: "There were
10 lots of things that we tried to do: encourage minority
11 developers to associate with them, encourage the local priorities
12 to be set and followed, but you can't do that if these monies
13 have to be paid and you have to know certain people."

14 So we have Arama. We have Art Martinez using Louie
15 Nunn, the ex-governor of the State of Kentucky. And remember his
16 testimony, Ladies and Gentlemen? Do you remember how hard he had
17 and what a difficult time he had explaining what he got paid for?
18 He kept saying, "I was hired to advise and to ensure there were
19 no problems."

20 "Well, were there any problems?"

21 "No, I don't remember any problems."

22 He couldn't even explain to you what he had done for
23 that money other than to contact John Mitchell, who then
24 contacted someone in headquarters.

25 And then again on South Florida the same way: He

1 contacts Jack Brennan, who then contacts someone in HUD
2 headquarters.

3 Mr. Martinez paid 425,000. Now we'll go into it again
4 later on, but you've heard a lot about, well, local politicians
5 backed these projects, and that's what it was. It was political.

6 Well, if a local politician backed it, why didn't
7 Martinez get him to write a letter and save \$425,000 that he had
8 to shell out? Because of course, local politicians send letters.
9 They do that all the time. The question is are they worth
10 anything? Mr. Martinez apparently didn't think so. He had to
11 pay \$425,000 in order to get it.

12 And how was that money split up? Well, we know 75,000
13 of it went to John Mitchell. What did John Mitchell do? He
14 spoke with the defendant, Deborah Gore Dean, as we saw in that
15 letter. That's what happened.

16 Arama gets funded. We've seen the letter. The letter
17 is dated July 5, 1984, and Ms. Dean unequivocally states in that
18 letter, she writes, "I've spoken with General Mitchell about the
19 Arama partnership."

20 You heard her on the stand try to fall back from that,
21 but how can you change that? She spoke to him. She writes it.

22 These documents, Ladies and Gentlemen, come from HUD.
23 We can't make them up out of whole cloth. We subpoena them, we
24 get those. It's in her handwriting. She stipulated that's her
25 signature at the bottom of it. It's her document.

1 The purpose of this gives you a sort of timetable,
2 chronology of what transpires on the various projects. And
3 you'll note how Martinez contacts Nunn at Mitchell's business
4 address. Again, you see that on the letter. We know Ms. Dean
5 worked at Global Research. She knows what that business is. She
6 uses it as a reference, and she worked there. She worked for
7 Mr. Mitchell for a while. She knows what that is.

8 You see a consulting contract between Martinez and
9 Nunn, and you've seen all of that go into evidence, the hundreds
10 of thousands of dollars, all of the checks going back and forth.

11 Martinez asks Nunn to get 293 units. We showed you the
12 notes from John Mitchell. Eventually the fee is increased. It's
13 increased an additional \$50,000. You were able to see those
14 documents as they went into evidence.

15 And here we go to that letter, July 5 of 1984. She
16 tells Nunn at Mitchell's business address that Arama will
17 definitely get the units. She assures him and then says, "I hope
18 your partnership will be a viable venture." Could it be any
19 clearer that she's dealing with John Mitchell?

20 On the very next day, you might recall Governor Nunn
21 writes a letter back, and he writes a letter to Art Martinez and
22 said, "It has been read to me from my Washington office that we
23 will definitely get 293 units." Mr. Martinez wants to know that.
24 He shelled out \$425,000. He wants to get going. He told you
25 about that, about being a developer with joint ventures, you have

1 to lock in certain things. \$425,000.

2 Do you think for a moment he would have spent that
3 money if he wasn't going to get those units? Think about what
4 would happen if he doesn't get those units. He just lost
5 \$425,000 for nothing. Obviously, he's paid \$425,000 to hire
6 somebody with influence, somebody with connections in Washington,
7 somebody who knows the right people, an ex-governor and an
8 ex-attorney general of the United States, and they know the
9 defendant, Deborah Gore Dean.

10 You will hear testimony that other people might have
11 been involved in this. The government doesn't have a problem
12 with that. There might be other people. We already know that
13 Mr. Philip Wynn, who testified, had done illegal things. He's
14 pled guilty. We know Silvio DeBartolomeis did illegal things.
15 He's pled guilty. We know Thomas Demery did illegal things. He
16 pled guilty.

17 We know there were other people committing crimes at
18 HUD during this time frame, but that's not what this case about,
19 and that should not be your focus. This case is whether the
20 defendant, Deborah Gore Dean, committed the crimes listed on
21 Chart No. 1 over there for which she is charged. That is your
22 focus in this particular case.

23 And it goes on. You'll note the 16th, a rapid reply
24 for 293 units to Metro Dade. All the witnesses told you that's
25 the first funding document. It doesn't get signed for another

1 eleven days, and who signs it? Mr. Barksdale. He told you he
2 had no idea John Mitchell was involved in this project. He
3 didn't even know John Mitchell, never met John Mitchell, and
4 ultimately he left Washington because he was tired of putting up
5 with what was going on there.

6 And this is a very interesting date, July 18. You saw
7 that document as well. Deborah Dean has a document
8 hand-delivered to Global Research. It is found in John
9 Mitchell's documents after his death, and it's a hand delivery, a
10 request for special service. I'm sure you'll remember that.

11 And the reason for that, the importance of that is
12 she's taken the time to have a HUD messenger or some messenger
13 service deliver this at HUD expense to John Mitchell. He has
14 asked for that. Why else would she be sending it to him?
15 They're communicating, he's asking about Arama. He wants to know
16 what's going on, because he stands to make \$75,000 on it. He's
17 interested. That's what's going on in Arama.

18 Look at this: The HUD Atlanta office on the 27th of
19 July is notified that 293 units are going to Metro Dade. That's
20 over 20 days after Deborah Dean personally notifies Louie Nunn
21 that they will get them units. Is that the way our government is
22 supposed to operate, Ladies and Gentlemen?

23 You heard Maurice Barksdale talk about that. He'd
24 never seen that happen before. That was a very odd letter. He
25 doesn't know how that letter could have been written unless

1 somebody knew something that he didn't know.

2 Now you start to see what was being paid. John
3 Mitchell received a little over \$8,000. And when you see
4 Mitchell meeting Nunn, those are the calendar entries. You'll
5 have the opportunity when you deliberate on this case to go
6 through the documents. You can look at John Mitchell's calendar,
7 Deborah Dean's calendar, and they're in evidence, and they will
8 show what we've been saying with the various people.

9 Again, scheduled to meet, scheduled to meet. Martinez
10 puts 275,000 in escrow for Louie Nunn, \$275,000. And Nunn pays
11 Mitchell \$75,000 for Arama. He gets paid. We've seen the
12 checks. They've been placed in evidence.

13 Louie Nunn, John Mitchell, influence peddlers, people
14 who make their living selling influence to buyers, but they can't
15 sell that influence unless they have somebody on the inside,
16 because they don't have a product unless there is someone abusing
17 their position of trust within the United States government,
18 doing what these people are requesting, and that's the defendant.

19 South Florida I, again, as we saw with so many of these
20 documents, they just change slightly. South Florida I, you hear
21 from an individual by the name of Jack Brennan, John Mitchell's
22 business partner. He goes to see the defendant, Deborah Gore
23 Dean, on this project. He goes to see her at HUD. Now he
24 explains, "Well, she's the only person I knew."

25 Louie Nunn later explains to you John Mitchell was out

1 of the country. Does that make a little more sense to you,
2 Ladies and Gentlemen, that John Mitchell is out of the country,
3 they want to get moving on South Florida I, so Jack Brennan goes
4 over there?

5 And we saw a government exhibit in which Art Martinez
6 writes a letter to Governor Nunn that 219 units should be sent,
7 and they carbon-copied Jack Brennan. In fact, Ms. Dean told you
8 he brought that letter when he went to see her.

9 Do you remember what we talked about earlier about
10 coded references? 219. Previously he's asked for 293; now he's
11 asking for 219. Why the exact numbers? Because he's paying
12 \$425,000 the first time. He's paying 219,000 the second time.
13 If 275 units come down for another project, he's in hot water.
14 He's lost a lot of money.

15 He wants to make sure that he's getting those units,
16 and he wants to avoid any confusion as to whose proposal wins.
17 It's a given. There's no doubt who's going to get those units.

18 You've heard from the local PHA. Do you remember
19 Patricia Sharifi testified that Miami's got problems? Miami is a
20 city with a big, big influx from South America and Central
21 America. So they've got problems. They need units. They can't
22 get them on their own. They explained that, Mr. Adams explained
23 that and Ms. Sharifi.

24 So they were willing to play ball, they were willing to
25 go along with it. Why? They wanted the units, and if the

1 developers told them, "We can get the units if you do it our
2 way," "Hey, we'll do it."

3 That's what they told you. They were not impeached on
4 that. Nobody said that's not what's happened in Miami.

5 So when Art Martinez asked for 219 units and they're
6 funded, they're coming to him. So there is no gamble that he's
7 paying out \$219,000 on this project on an off chance he's not
8 going to get them. It's definite. He's getting those units.
9 They're going to him. That's not a project-specific award? It's
10 going right to his project.

11 And you'll see on South Florida, as this shows what
12 happened. The defendant Deborah Gore Dean's own calendar
13 schedules a meeting with Brennan. You heard from Brennan. He
14 went to see her. The meeting took a couple minutes, he told you.

15 And another thing about influence peddling consultants:
16 We talk about consultants. There's nothing wrong with
17 consultants, you'll hear that. I expect even the Judge will
18 charge on that. We're not saying there's something wrong with a
19 consultant when they can, if somebody has a small business, maybe
20 they don't know how to do the bookkeeping, so you bring in a
21 consultant, he tells you how to do this, learn how to do this,
22 save you some time.

23 These aren't consultants that know anything about mod
24 rehab or housing. Jack Brennan told you he didn't know anything
25 about it, yet he stands to make \$109,000 by simply meeting with

1 the defendant once or twice. It's influence peddling. It's not
2 having some expertise that Mr. Martinez needed. The only thing
3 Mr. Martinez needed was someone at Washington to get him the
4 units, because he couldn't do it out of the local PHA up here on
5 the line that just disappeared, when he brings that letter, what
6 does Ms. Dean write on it? "Send to Housing." She stipulated
7 it's her handwriting.

8 She will tell you she just put it through normal
9 channels, but we know what normal channels were at that time.
10 She was the one making the decisions. She was the decision-
11 maker. We'll know it from the handwritten list later. Of
12 course, it went through normal channels. She granted 219 units
13 to South Florida.

14 Martinez calls Nunn. Susan Zagame, remember she
15 testifies, she specifically writes on her handwritten notes which
16 are in evidence, which you'll have, "219 units," right next to it
17 and there's two allocations to South Florida, both 96 and 219,
18 it's written in, "Need letter."

19 They don't even have a letter yet from the local public
20 housing authority. Miami hasn't even asked for units yet,
21 because Miami is out of it. What's going on is it's these people
22 who know each other going around the process, going right up to
23 headquarters.

24 So what happens? Miami sends the letter, because as
25 Patricia Sharifi told you, the developer would say, "Hey, we need

1 a letter. Send it up there quick." That's what they did.

2 You'll see on the 18th the defendant calls the HUD
3 funding control office, says, "No more changes to mod rehab," her
4 word on it, not Secretary Pierce's. We'll get into that later.

5 Mitchell's partner, Brennan, calls Nunn. Mitchell
6 schedules lunch with Dean. You'll see John Mitchell, Deborah
7 Dean, there's a couple entries on her calendar where they have
8 lunch together.

9 Martinez calls Nunn, checking on the status of the
10 project. You see that continues up until the time Nunn bills
11 Martinez for \$219,000. That's what he's getting, \$1,000 a unit.
12 Do you remember that testimony? You've heard it time and time
13 again. That's what they charged, \$1,000 per unit. It's a pretty
14 important piece of commodity.

15 You see it goes down, Nunn sends \$109,000 to Global
16 Research. We put those checks in evidence. You saw them. They
17 have had \$109,000 for a couple-minute meeting with the defendant,
18 Deborah Gore Dean.

19 Mitchell gets \$10,000 from Global two weeks later.
20 Right below that, you'll see Mitchell and Brennan each receive
21 \$50,000 from Global Research for consulting.

22 Interestingly, you'll recall these phone conversations.
23 Shortly thereafter, the defendant, Deborah Gore Dean, calls
24 Governor Nunn. Why is she calling Nunn? Because at this stage,
25 she's up for the assistant secretary for Community Planning and

1 Development, and she needs some help. She wants people to back
2 her.

3 So who does she reach out for? She reaches out for the
4 people she's helped, prominent, powerful people, people who's
5 word is a big deal here in Washington, D.C. politics, and now
6 it's the payback time. Now she calls on him. He will support
7 her.

8 And that is the connection between Louie Nunn, John
9 Mitchell, and defendant Deborah Gore Dean. All arrows lead to
10 her. She is the one controlling, directing the awarding of the
11 mod rehab unit. What does Governor Nunn make? \$502,169 --
12 excuse me, \$502,169.86. And he couldn't even explain to you what
13 he did. You'll remember his testimony on that. He couldn't tell
14 you anything.

15 Now you still have Park Towers, and Park Towers is
16 interesting, because that, too, is Miami, and you'll remember he
17 testified a long time ago, Martin Fine, the developer. Mr. Fine
18 is a prominent attorney in Miami and also well known in the
19 housing field, did many things in housing.

20 Mr. Fine puts an application in to local public housing
21 authority in mod rehab. He's not going anywhere with it. He's
22 not getting anything. Why isn't he getting anything? Because
23 the local public housing authority has no power. Finally, Mel
24 Adams tells him that.

25 Even Mr. Fine, a prominent lawyer down there with a big

1 housing background, can't get anything. He, too, must hire a
2 consultant. So he hires Eli Feinberg, somebody he knows. Well,
3 Feinberg is local. He needs somebody in D.C., so they hire
4 Richard Shelby.

5 Again, are they hiring a consultant on housing matters,
6 a guy familiar with housing and the housing industry and what the
7 Mod Rehab Program is? No, they're hiring a political consultant.
8 They're hiring an influence peddler, a guy who can go to the
9 right place, knock on the right doors, and get the right answers.

10 And why will they listen to him? Because he can do
11 something for them. It's a big you-scratch-my-back-I'll-scratch-
12 yours. That's what this is about. It's a little club, and if
13 you're not a member of the club, you're out of luck.

14 What happens? Shelby meets Mitchell for lunch. A
15 contract is put in, 150,000. What happens with that contract?
16 Does it stay at 150,000? No, we heard testimony it went up to
17 225,000. It's a valuable commodity. What's it for? It's for
18 142 units. Now the price has gone up. It's no longer \$1,000 an
19 unit; it's closer to \$2,000 an unit.

20 What do we see during this time? We have the defendant
21 congratulating Shelby on his new job. We have her scheduling
22 lunch with Shelby, actually meeting him for lunch, because
23 sometimes there was a lot of talk about whether it was actually
24 meeting for lunch or not.

25 Well, the calendars can only tell you what was going to

1 happen. We have the backup documentation such as on this one,
2 where it's an expense account with her name on it. Then we show
3 she actually met for lunch. Who meets for lunch this time?
4 Shelby and Mitchell. The three of them are now meeting.

5 The very next day, he sends her information on Park
6 Towers. It's in evidence. Again, it's in black and white. It
7 can't be disputed. The defendant is saying, "I didn't know he
8 was working on these projects. He didn't ask me for anything."
9 It's in black and white. This is back in 1984, way before she
10 says he spoke with her.

11 And it goes on. Dean schedules a briefing with Shelby.
12 Dean schedules a meeting with Shelby. She's constantly meeting
13 with him.

14 And you'll see a HUD rapid reply for 266 units. You
15 might remember that gets fax'd almost immediately to Mr. Fine
16 down in Miami. Why? Because the contract called for a \$45,000
17 payment to go out. That's what this case is about -- money,
18 Ladies and Gentlemen, and what people will do with money.

19 HUD Atlanta is notified 266 units. This is after Rick
20 Shelby knows. This is after Martin Fine has found out. The HUD
21 people don't learn until days later. That's how the system has
22 been perverted by these individuals, prominent people in this
23 little circle.

24 Again we see another luncheon date and payment of
25 \$45,000.

1 MR. O'NEILL: Again, this correspondence going
2 back and forth. Dean, Shelby, all of this coming back
3 and forth at this timeframe. Shelby's employer paid him
4 \$10,000. He gets some up-front money already. We're
5 going to find out he gets \$50,000 on Park Towers.
6 Mr. Shelby said he got nothing on Park Towers.
7 Absolutely nothing. Yet he gets 50,000. Why, ladies
8 and gentlemen? It's for access to the defendant Deborah
9 Gore Dean.

10 And you'll see how it keeps going. Continuing
11 meetings on the Park Towers project, and I won't even
12 comment, you'll see there's just a lot of entries.
13 Mitchell meeting with Rick Shelby. Again, Dean, Shelby
14 scheduled to have lunch. Once again they're going to
15 have a meeting.

16 Now, you'll see, Shelby send a telegram. You
17 saw that telegram. When the defendant wants something
18 she reaches out to Richard Shelby, to Louie Nunn, to
19 Louis Kitchin. Because she's reaching out to people
20 that can help her now. She's helped them. They'll help
21 her. They'll get her her job as Assistant Secretary.

22 They sent something to the White House. Can
23 an average person do this, send something to the White
24 House and it will be listened to? It's got to be
25 prominent people, people that the White House will

1 listen to.

2 You heard Jack Brennan. On his own he called
3 up some individual named Ken Duberstein to find out
4 what's going on with the nomination. They can call the
5 White House. They can find out what's going on.
6 They're important people.

7 Again, all the meetings back and forth.
8 Shelby thanking Dean for the time we spent over the last
9 few years.

10 Then you have Fine paying \$250,000 to Shelby.
11 And Richard Shelby, Eli Feinberg and the Keefe Company
12 getting \$175,000 for one project, and John Mitchell on
13 the projects with Mr. Martinez and the project with
14 Martin Fine made \$242,000 and some odd amount of money
15 and all because they knew the defendant Deborah Gore
16 Dean.

17 What does she get out of this? John Mitchell
18 is like a father to her. He is as close as he comes.
19 Later on, in her testimony she says, well, I didn't
20 really become close to him until after I left HUD.

21 Ask yourselves, ladies and gentlemen, when you
22 go over that, is that credible? When she's writing
23 letters to him in 1983 saying Dear Daddy? Would you be
24 calling somebody Daddy if you're not close to him?

25 She told you that he was her mentor. He was

1 her brother's mentor.

2 But the story keeps changing. It changes on
3 what question you ask. But there is no doubt in these
4 documents, documents written in 1983, that's her dad,
5 and that's what she's calling him.

6 Later on when confronted on the stand, I
7 wasn't close to him at that time.

8 That's what she's getting out of this. John
9 Mitchell, who is very close in a family relationship to
10 her practically, is making money and, as she told you,
11 he was not doing all that well. He had problems. He was
12 financially in very bad shape. Well, that \$242,000, I
13 think he was doing pretty good. That's what count one
14 is.

15 Count one is the situation in which these
16 individuals made a lot of money through their
17 relationship with the defendant Deborah Gore Dean, lots,
18 lots of money.

19 I'd like to go on to two count.

20 Count two, ladies and gentlemen. What do we
21 have on count two?

22 Again, the scenario is almost exactly the
23 same. Names change, projects change, but what occurred
24 is almost exactly the same.

25 Now you have a different individual, Andrew

1 Sankin.

2 You heard the defendant describe that Andrew
3 Sankin was not like a friend to her. That he really
4 didn't do too much with her. Well, that's belied by the
5 documents, the repeated entries in her calendars. The
6 fact that he was working for her on Stanley Arms. The
7 fact that she stated on the witness stand he was on the
8 family payroll.

9 That's why she asked him to do one legal
10 matter. Do you remember that? She said I figured as
11 long as he was on the family payroll I might as well ask
12 him to do that. Well, if he's on the family payroll how
13 is she directing projects towards him? That is self
14 dealing. They aren't interested in these projects. And
15 you didn't hear any of these people, going back to count
16 one for a second, that went down and checked out where
17 Park Towers was, where South Florida One was, where
18 Arama was. Who that was benefiting? How that was
19 helping the neighborhood? There was no testimony as to
20 that, because it didn't exist. They had never seen
21 these projects, Jack Brennan said. He never went down
22 to Florida. He had no idea where these projects were.
23 He was interested in making money on his connections and
24 then getting out of it.

25 This one starts, as you recall, with John

1 Rosenthal. John Rosenthal was the developer from
2 Pennsylvania. John Rosenthal was looking to get
3 exception rents for the Necho Allen hotel.

4 What did he do? He applied to HUD. You'll
5 see that in the documents. What happened when he
6 applied to HUD? He was turned down. Turned down. So
7 what does he do? He applies again. He's turned down
8 again. Twice Mr. Rosenthal is turned down.

9 Why is he turned down? HUD made a decision.

10 So what does he do? He hires Andrew Sankin.
11 He hires a consultant. A person connected to the
12 defendant Deborah Gore Dean. He agrees to pay him
13 10,000 if he can get the exception rents. And a meeting
14 is set up.

15 Again, you remember from the testimony,
16 Miss Dean admits there's a meeting. She must. It's in
17 black and white again. She says, well, there were other
18 people there. Other people were involved.

19 Well, John Rosenthal didn't get this meeting
20 before he hired Andrew Sankin. And you'll hear again
21 with John Rosenthal that Senators in Pennsylvania wrote
22 letters saying hey, it would be nice if Mod Rehab units
23 go for this particular project. Well, some of those
24 letters are written way before Andrew Sankin gets in the
25 picture. He didn't get the Mod Rehab units until he

1 hired someone who had the influence, the ability to get
2 to the defendant Deborah Gore Dean.

3 And remember, Andrew Sankin, that guy just got
4 out of school. Just gets out of school. And look at
5 the kind of money he's making.

6 And you remember, when he testified, Miss Dean
7 made much of the fact that he must have drank six
8 gallons of water. Did he look nervous to you up there?
9 He kept drinking and drinking. He asked Joe to get him
10 another drink of water. The guy kept drinking. He was
11 so nervous up there.

12 How does he justify getting out of school and
13 making \$229,000 for doing nothing?

14 And you heard people like Tom Broussard saying
15 they've got to cover for this guy. He's talking to
16 developers on their plane rides. He doesn't know what
17 he's doing. And he's making this kind of cash. It's
18 really unbelievable.

19 So what happens? Andy Sankin gets
20 John Rosenthal in to see Deborah Dean. Bang. Exception
21 rents. They'll say Secretary Pierce signed off on them.
22 Secretary Pierce didn't sign off on them. The autopen
23 was used. Again, you only have her word that Secretary
24 Pierce authorized the signature. It was not his
25 signature. It's an autopen.

1 Regent Street. What happens on Regent
2 Street? John Rosenthal wants 26 units. He gets 13 and
3 13. How does he go about that? The documents with
4 regard to John Rosenthal couldn't speak any louder, no
5 matter what would happen. On this project he writes to
6 Andrew Sankin. What does he say to him? I want 26
7 units. "I would very much appreciate the opportunity to
8 meet with Deborah and get a feeling for the lay of the
9 land and get her advice as to what specifically we
10 should be doing in this connection." Is there any doubt
11 who John Rosenthal is dealing with, and who is the
12 consultant that he's using? It's Andrew Sankin.

13 Is there any doubt that Deborah Dean knows
14 that he's dealing with Andrew Sankin? This is on Necho
15 Allen. "Dear Deborah, Andrew has informed me of the very
16 good news." He's talking about Andrew Sankin. That's
17 what he's doing. He's hired somebody, someone with
18 influence to get him what he needs as a developer. He
19 can't get it on his own.

20 The Secretary -- Senators might be writing all
21 the letters they want, it's not helping him. He needs
22 to get into the door. He has to pay someone to get into
23 the door.

24 That's not the way our Government is supposed
25 to operate. It's supposed to be for all of us.

1 Look at the defendant, she is writing back to
2 John Rosenthal, "Please excuse the tardy reply. I was
3 under the impression that we had resolved your question
4 when we last met. I know that on several occasions Andy
5 Sankin has broached the subject of Mod Rehab units for
6 Pennrose Properties with the Department." How does she
7 know that unless he talked to her?

8 On the stand you've got a different story,
9 totally different story, but not in black and white, not
10 in the documents. They speak for themselves.

11 He's dealing with her. That's how he's making
12 his money.

13 And does John Rosenthal get his units? Yes,
14 he does for Regent Street. Does Andy Sankin make
15 money? Absolutely. And still, as I said in opening,
16 he's still making small amounts. He got \$10,000 for
17 Necho Allen. He gets \$11,000 for Regent Street.

18 Now we get to Alameda Towers, and Alameda
19 Towers, as I told you in the opening statement, is when
20 it really starts to change.

21 Andy Sankin and Tom Broussard tell you that
22 they get 150 units and then they go shop around for
23 these 150 units. They look for a buyer. And probably
24 the most honest person that's testified at this trial
25 was a Mr. James Wilson. And you might remember, he was

1 a very brief witness, but he's the guy who Broussard
2 came to and said I've got 150 units for you. Actually
3 he told him 300 units. And he wants a joint venture.
4 Not only does he want to be paid \$1000 per unit, he
5 wants 50 percent of the development that Mr. Wilson
6 has.

7 Mr. Wilson, a big businessman, says, well, I
8 want to know the deal. Where did you get those, how did
9 you get those? And he says it's none of your business,
10 and Mr. Wilson says, hey, if I'm going to do business
11 with you I want to know how you get them. And Broussard
12 doesn't tell him. He said he's just got an in. What
13 does that say? He knows he's got a valuable commodity.
14 He's trying to find a buyer for his project. That's
15 what that is. And Mr. Wilson wants to know if he's
16 going to be giving him hundreds of thousands of dollars
17 he wants to know, hey, Jack, what's the deal? Where are
18 you coming from? I want to know what's going on.

19 Mr. Broussard doesn't want to tell him because
20 he knows he's not supposed to have those units. He's
21 got them in hand.

22 And the defendant tells you on the stand a
23 different story. She says Sam Pierce told her, even
24 though she doesn't know anybody, go out and find people
25 to get those units. Does that make sense? Go out and

1 find people for those units, otherwise they'll be
2 recaptured.

3 You've got the local Public Housing Authority
4 in Puerto Rico. I've never been to Puerto Rico, but I
5 can guarantee you Puerto Rico needs housing units, it's
6 like anyplace in this country or any Commonwealth, you
7 need units. They have poor people, they have rich
8 people, they have middleclass people. The local Public
9 Housing Authority could have easily taken care of these
10 300 units. They didn't need Tom Broussard, an
11 international lawyer from Los Angeles, as he told
12 Mr. Wilson, to come down and find a buyer for these
13 units.

14 What about Cleofe Rubi? Remember him? He was
15 the developer on that project. The man who came in, had
16 a very heavy Spanish accent. The big talk with him, he
17 had some 50-odd foot boat and he said it's a very big
18 boat. I guess a 50-something foot boat is very big.

19 Mr. Rubi is a successful businessman in Puerto
20 Rico. He paid Tom Broussard \$150,000, and do you
21 remember what he said? I bought the units from him. He
22 wasn't my attorney. I didn't use him for anything else.
23 He had the units and I had to buy them. Do you think a
24 person like Cleofe Rubi would pay \$150,000 if he didn't
25 have to? Why did he pay that money? He's a successful

1 businessman. Being a successful businessman, he's
2 probably a smart businessman.

3 You had a chance to judge his credibility and
4 see what he's like. Would he pay that unless he had
5 to? He had no other way of getting those units, and in
6 fact, in fact, he had worked the other side. He had
7 gone through the Senators like D'Amato and the person
8 you heard of, Joe Monticciolo, up in the region covering
9 New York and Puerto Rico, and he thought he had his own
10 150 but he couldn't get that other 150 he absolutely
11 needed unless he paid money, and Broussard and Sankin
12 were holding that.

13 And who did they deal with? They dealt with
14 the defendant Deborah Gore Dean, although she denies it
15 at this time. The documents speak for themselves. They
16 tell you, and on visual presenter you'll see that, the
17 documents, one after the other, showing a chronological
18 order of how this went, the funding documents, the
19 meeting with Broussard, the meetings with Sankin.

20 And don't forget all through this timeframe
21 he's managing the Stanley Arms apartment. The defendant
22 would have you believe she did him a big favor. Maybe
23 he did make some money. But so did she and her family.
24 He's managing an apartment building for her while she's
25 doing HUD business. Could you think of a more egregious

1 example of self dealing? She's benefiting herself.

2 He told you Bill Morgan, who she knew, who she
3 admitted on the stand knowing, was one of his employees.
4 He would give him a bonus every time he got money on Mod
5 Rehab because it allowed him to do so. That's where
6 he's making his money. \$230,000.

7 Now, interestingly, how did Broussard and
8 Sankin hook up? Well, Sankin calls him out of the
9 blue. Broussard said he doesn't know him. What does
10 Broussard do? He calls the defendant Deborah Gore Dean
11 because Andrew Sankin has told him I know the defendant
12 Deborah Gore Dean. Broussard then talks to the
13 defendant in this case. He speaks with her and checks
14 out whether Sankin is a good enough guy to work with and
15 she says, yes, he's a good enough guy to work with.
16 Where is she coming with this? Why is she involved with
17 who is picking who? And the important thing about that
18 is she even admits to putting together Shelby and
19 Sankin.

20 She's working for HUD, ladies and gentlemen.
21 You can't serve two masters. She's working for the
22 United States Government, for we the people. Not for
23 Richard Shelby, not for Andrew Sankin, not for Tom
24 Broussard. She's working for all of us.

25 And what happens on Eastern Avenue? And

1 Foxglenn? Those are two projects in Maryland. Both in
2 Maryland. Both Mr. Shelby and Mr. Sankin tell you that
3 they deal with the defendant on Eastern Avenue. They
4 deal with her on Foxglenn. Foxglenn is before Eastern
5 Avenue and comes first in time.

6 You'll hear from the defendant when she
7 testified she didn't know Shelby wanted anything on any
8 of the projects until Eastern Avenue. That's not true.
9 Both of them told you on Foxglenn they were dealing with
10 her. He's meeting with her. Her calendars are replete
11 with entries, meeting with Richard Shelby during this
12 period of time. They're not talking about what he's
13 interested in?

14 They weren't friends before her position as
15 Executive Assistant to HUD. You will hear from her
16 they're not friends any longer. They're only friends
17 when she's Executive Assistant. Ask yourself does that
18 make sense that they're not talking about Mod Rehab,
19 about these projects while she's Executive Assistant and
20 having lunch with him on a very frequent basis as she
21 says?

22 What does she tell both of them? She tells
23 them she's very interested in Maryland. Not like she
24 told the Senators at the confirmation hearing, I
25 wouldn't do anything with Maryland. She tells them

1 she's very interested with Maryland. Why? Because she
2 want to run for public office some day. And you heard
3 from another witness, from Pamela Patenaude yesterday,
4 another witness to whom she said that she was looking
5 for higher office. She was looking for bigger things.
6 And that is why she allowed herself to be corrupted at
7 HUD, to misuse her position and not care about the
8 people that she was supposed to be taking care of, but
9 taking care of herself.

10 And that's what this case is about. Count
11 two. It is once again about favoring certain people,
12 people with influence, people who could sell that
13 influence by having a connection in the Government.
14 Someone who would listen to them and do their bidding,
15 and in return what does she get?

16 Well, we see what she gets. Family
17 enrichment. He's running Stanley Arms. In her own
18 words, as she said, he's on the family payroll. The
19 building turns from a loss to a profit under his
20 management. He does what's called, you heard about it,
21 the rent increase. He does this document. He states to
22 you in his testimony it's probably got a market value of
23 about \$20,000. He never charges her. He asks for
24 payment. She doesn't give him anything. He doesn't
25 want to kill the goose that laid the golden egg. He

1 doesn't say anything. That's why.

2 Mr. Sankin takes her out to lunch, out to
3 dinner. You heard a lot of testimony that his receipts
4 were fabricated, that they're lies. Well, as you go
5 through them you'll see one receipt goes right on
6 point.

7 And isn't it coincidental that all of his
8 receipts are lies, all the Lance Wilson receipts are
9 lies? Lance Wilson is actually a very good friend. All
10 of Linda Murphy's receipts are lies? Remember Linda
11 Murphy, one of her closest friends? I showed you that
12 on an affidavit. And she said one of her closest
13 friends. All of Russell Cartwright's receipts are
14 lies. All of these people.

15 Look through her calendars. She's meeting
16 with them for lunch all the time, but yet they're all
17 lies, all attempts to deduct business expenses and
18 commit crimes.

19 Count three, ladies and gentlemen --

20 UNKNOWN PERSON: Excuse me, could you tell me
21 if this Courtroom is where I --

22 THE COURT: You're interrupting a Court
23 proceeding. You ask the Marshal your question.

24 All right, Mr. O'Neill.

25 MR. O'NEILL: Count three. Again, the names

1 change, the projects change, but the scenario is exactly
2 the same.

3 The new influence peddler is Louis Kitchin.
4 The new person with connections to the defendant is
5 Louis Kitchin and, again, he knows nothing about Mod
6 Rehab. He's not a housing consultant. He's a guy that
7 runs political campaigns but he's a big shot here in
8 Washington or at least he thinks he's a big shot and
9 other people think he's a big shot and he can get things
10 done.

11 But what does he do? Ladies and gentlemen,
12 count three, Louis Kitchin. He's the next influence
13 peddler. He's the next one we see with access to the
14 defendant Deborah Gore Dean, and you'll see from the
15 documents in evidence, although it's not on here, it
16 begins with a developer by the name of Jack Jennings,
17 who has a retirement center in San Diego, California.

18 What does Jack Jennings need? He wants some
19 assurance. The only way to do this is a HUD assured
20 program. He must get that in order to build his
21 retirement center. So he applies to the L.A. Office.
22 It's denied. He applies to the Regional Office. It's
23 denied. He applies to headquarters. It's denied. He
24 appeals headquarters. It's denied.

25 Then Louis Kitchin goes and he talks to the

1 defendant Deborah Gore Dean, and you'll see from the
2 documents she then asked Tom Demery look into this, see
3 if an independent analysis isn't warranted, and what
4 happens? HUD reverses its position. That's not even
5 Mod Rehab. It has nothing to do with Mod Rehab, but it
6 shows what happens.

7 Here's a man who can't get anything done. He
8 gets denied everywhere but when he has Lou Kitchin in
9 his corner, things start to change.

10 Then you go -- even before this \$203,000 for
11 Metro-Dade you go to Atlanta. And Mr. Kitchin asks the
12 defendant for 200 units for Atlanta. You remember
13 Nicholas Bazan, another very short witness, a developer
14 from Atlanta. Mr. Kitchin told him, I can get units.
15 I know the defendant Deborah Gore Dean and I can get
16 units from her. So Mr. Bazan agrees that if he gets the
17 units to Atlanta he will take them. He will buy them.

18 Mr. Kitchin says I'm going up to meet with
19 Dean in a couple of days. I need a letter from the
20 Housing Authority very quickly. Please get it for me.
21 Bazan has his employee, you might remember David
22 Westcott, he testified for maybe ten minutes, he went,
23 got the letter, brought it back, brought it to Kitchin's
24 office. Kitchin brings it up with him. He asks for 200
25 units for Atlanta.

1 A couple of days later, just a couple of days
2 later, as that will show, the units come down. The
3 letter is dated the 27th. On the 30th, three days
4 later, the rapid reply for 200 units to Atlanta.

5 And the documentation for that is in the
6 defendant's own handwriting. You might remember when
7 she was testifying -- it's a handwritten list, it's her
8 handwriting. She admitted to it. She stipulated to
9 it. She wrote that out, 200 units.

10 They go down to Atlanta. They're down in
11 Atlanta. Mr. Bazan agrees not to pay a cent unless they
12 go to him. You might remember what he said. He didn't
13 think he had the political influence to be assured that
14 they were coming to him. Luckily, he didn't pay because
15 the City of Atlanta found a better developer. They
16 didn't give it to Mr. Bazan. So we don't have it on
17 this chart.

18 What does Mr. Kitchin do? He goes to Miami.
19 In Miami he knows the local PHA. So he goes there and
20 he finds Claude Dorsy and Jim Mitchell, developers on a
21 project, Springwood and Cutlerwood, and he tells them
22 again I can get units for your projects. They agree to
23 pay him money. He goes up.

24 He told you he met with the defendant Deborah
25 Gore Dean. He asks for the units. The units were sent

1 down. Again, we have a handwritten list by Miss Dean in
2 which it says 203 units to Miami.

3 Now, you'll again remember what I said, admit
4 what you can't deny, deny what you can't admit. We have
5 the handwritten list that says 203 units to Miami. It's
6 in her handwriting. She stipulated to it. But she
7 said, well, Tom Demery was telling me what to write and
8 I wrote it down. Ask yourself is that credible or is
9 that just a way to deny what's in your own hand? The
10 units were awarded. \$203,000 go to Lou Kitchin.

11 Count four, ladies and gentlemen. \$4000.
12 You've heard a lot of testimony about the \$4000. The
13 \$4000 can be nothing but what the Government has claimed
14 it is. You've seen the check. It's dated April 29,
15 1987. It was put into Ms. Dean's account. It written,
16 the endorsement, right on the back of the check.

17 In early May the check clears into her
18 account. We went over lots of details about that. That
19 check was given to her by Mr. Kitchin and it was
20 endorsed right on it as a loan.

21 As we showed, Miss Dean was in tremendous
22 financial problems at that time. She had taken out
23 several loans. She owed money on a Diner's credit
24 card. She was in very, very bad financial straits.
25 You've seen her checking accounts. She was getting

1 insufficient funds charges all the time. Her balance
2 was always very low. She needed money. She asked
3 Mr. Kitchin for that money and he gave it to her. She
4 had bought a piano just days before.

5 As the documents on the visual renter will
6 show, she received that \$4000 in between the time that a
7 meeting was held on the Cutlerwood-Springwood project
8 for 203 units to the time that the 185 was signed by
9 Thomas Demery, the then Assistant Secretary for
10 Housing.

11 That \$4000 was a gratuity for and because of
12 the official acts that the defendant performed on behalf
13 of Louis Kitchin. There can be no other explanation for
14 that.

15 Now, the rest of the counts I'll go into later
16 on because they involve lies and attempts to conceal
17 and, as I said very quickly at the beginning, the
18 Government has proved that.

19 What about the defendant's case? What has the
20 defendant shown to you in this trial? Her entire case
21 rests on her credibility, her believability.

22 The first thing you must ask yourselves,
23 ladies and gentlemen, is, is the defendant a credible
24 witness? Did she tell you the truth?

25 And His Honor will instruct you on the law and

1 you must decide whether a person is credible or not.
2 How do you do that? As I said in opening statement,
3 just as you would judge somebody in a day-to-day life
4 experience. Does that testimony square with your common
5 sense? Does it make sense to you? Does it pass your
6 good judgment?

7 Let's start with the \$4000. Did she tell you
8 the truth about the \$4000 when she said she was going to
9 use that money because it was coming to her to decorate
10 Mr. Kitchin's apartment?

11 Mr. Kitchin, first of all, never owned an
12 apartment. Second of all, the check, the defense will
13 dispute the date on the check, but you look at the check
14 and see if it doesn't say to you 4-29-87. That check
15 was written after the apartment was sold. The apartment
16 was sold on I believe it was April 20th, 1987. Before
17 that check was ever written. And regardless of how you
18 read that date, and when I look at it, it looks like the
19 29th, but it's up to you, you determine, that check was
20 written after it was sold.

21 And more important, ladies and gentlemen, do
22 you remember on direct examination before we had a
23 chance to cross-examine Miss Dean she stated on June
24 15th she had a complete definitive recall of what had
25 happened. She was driving with Hunter Cushing and

1 Lou Kitchin to pick up a car and on the way back she's
2 with Mr. Kitchin. She remembered exactly where she was
3 and what building was there. What the conversation
4 was. That her brother was antsy about selling the
5 apartment. He wanted her to find out what was going on
6 with the apartment, her exact words, my brother was
7 antsy. Someone else was living in his apartment by June
8 15th. The closing was on June 10th.

9 ~~Shouldn't you have told the government. She~~
10 ~~looked in this Court before you. Having done that, does~~
11 ~~anything else make any sense? Can you see her as being~~
12 a credible witness?

13 Mr. Kitchin did go to look at Gordon Dean's
14 apartment. That's not in dispute. In fact, he went
15 there in January of 1987.

16 But remember the way Miss Dean put forth the
17 evidence to establish that the \$4000 was to decorate an
18 apartment? She called Susan Withington, the woman who
19 testified yesterday. Why was Miss Withington called?
20 To say that she was the broker who held that apartment,
21 and so she was the realtor you'd have to go through.
22 For Gordon's apartment, not any other apartment. For
23 Gordon's apartment.

24 They never told you that the apartment had
25 been sold. That there was a contract. That there was a

1 closing. It wasn't until Special Agent Batts called up
2 Miss Withington and she said yeah, it was sold already
3 and there was a contract for sale and a closing. It
4 wasn't until Special Agent Batts found this out that we
5 brought forth this information to this jury. She never
6 testified to that on direct examination on the defense
7 case. That information was not given to you.

8 Why not, ladies and gentlemen? Because it
9 would have blown that whole theory out of the water. It
10 wouldn't have made any sense. It was a lie. It didn't
11 make sense.

12 The other thing is when I started
13 cross-examining Miss Dean with that, she's a very bright
14 person, ~~she saw what it was going and she said well,~~
15 ~~there were other apartments.~~ That's not what she
16 told you. She told you Lou Kitchin wanted to take the
17 closet and make it a wet bar or a dry bar or something
18 because he wanted it to be an office, and he didn't like
19 the color in the kitchen. It was a loud color. So that
20 was going to be painted.

21 And if she's supposed to be a decorator,
22 wouldn't each apartment be different? I'm no decorator,
23 but if you're going to decorate an apartment and be paid
24 for it, aren't you going to look at what the color in
25 the kitchen is? If it's a particularly loud color

1 you're going to have to decorate it a certain way or
2 repaint it. It only makes sense. And if you're going
3 to put that dry bar in, that's what she was being paid
4 for.

5 [REDACTED] and gentlemen, out and

6 [REDACTED] in front of you. [REDACTED] that [REDACTED]

7 [REDACTED] he was in [REDACTED]

8 And remember, what was the going on at that
9 time? What was happening? We're talking April of
10 1987. She was under investigation, an investigation she
11 asked for to be Assistant Secretary for Community
12 Planning and Development. They were looking into her
13 background. She needed that money to make sure that she
14 was not having these insufficient funds. That she had
15 enough money to pay her bills. [REDACTED] she needed

16 [REDACTED] from [REDACTED]

17 And don't forget the testimony of Jack
18 Jennings. You might recall him. He was the lawyer from
19 Atlanta who when Mr. Kitchin first told him that he was
20 thinking of lending her money he thought he was crazy.
21 He said you don't do that. He didn't believe that
22 Mr. Kitchin would do such a thing and even Mr. Kitchin
23 told him, well, I'll rip up the check. He said, well,
24 that doesn't do any good because they have other ones on
25 file at the bank.

F. Williams

1 Mr. Jennings' testimony is very important on
2 that point because it corroborates what happened.
3 Mr. Kitchin loaned her money. She had bought things
4 such as the piano and needed money. But she told you a
5 completely different story.

6 ~~Based on her lies you should throw out her~~
7 ~~entire testimony. Her days' worth of testimony is~~
8 ~~worth nothing. You can throw it out the window into a~~
9 ~~garbage pail for all the good for having lied to~~
10 ~~you.~~

11 But why do we keep going? Why do we keep
12 asking questions? Because it was filtered with lies.
13 Her entire testimony just kept changing.

14 I'd like to go over some of them now to show
15 you where she said one thing once and then another thing
16 later on.

17 She had no Moderate Rehabilitation dealings
18 with Lou Kitchin. Period. Unequivocal. That's what he
19 said to you. Do you recall that? Mrs. Sherrill
20 Nettles-Hawkins told you quite something different. She
21 told you that she heard her on the phone after
22 Mr. Kitchin had said, hey, where is my Mod Rehab units,
23 she asked the defendant, and the defendant said tell him
24 they're coming, or something to that effect.
25 Mrs. Hawkins told you correctly on that. That's a lie,

1 ladies and gentlemen. Both sides can't be right. And
2 Miss Dean has told you Mrs. Hawkins wouldn't lie. So,
3 therefore, Miss Hawkins is telling the truth on that.
4 Then Miss Dean lied.

5 No idea John Mitchell was a consultant. That
6 was his occupation. He was in Global Research
7 International. That's what they did for a living. She
8 put on that he was a consultant. I had to prod her on
9 that and pry, and it's not easy to just keep asking
10 questions, going into this stuff, but when you're not
11 getting a truthful answer you have to pry, and finally
12 she admits, yes, he's a consultant, which I won't
13 even -- I might as well. She wouldn't even admit being
14 a consultant until I showed her a consulting agreement
15 that she had signed and she said, well, if you want to
16 say what that is. I don't testify here, ladies and
17 gentlemen. It's what the defendant testifies. She was
18 a consultant when she left. She did what she complained
19 everybody else was doing. They left HUD and became
20 consultants. That's what she did when she didn't get
21 the job she wanted.

22 Shocked that John Mitchell made any money.
23 Remember, she went into great length about that. That
24 she was absolutely shocked. And the day the I.G. Report
25 came out she called Special Agent Alvin Cain, who was at

1 HUD at the time, and said I'm shocked. I can't believe
2 it. I thought you were my friend. You should have told
3 me John Mitchell was making money. You'd better be able
4 to defend what you said and if you can't I'm going to
5 hold a press conference and I'm going to do something,
6 I'm going to rant and rave. That's exactly what she
7 told you.

8 So we had to call in Special Agent Alvin Cain
9 for two minutes' of testimony. And you heard Mr. Cain.
10 It didn't happen. It didn't happen like that. And he
11 remembered Marty Mitchell picking up the report,
12 bringing the money, but it didn't happen. Then they
13 asked him a bunch of questions about the Wilshire Hotel,
14 and you could see Mr. Cain had no idea what they were
15 talking about. We had to bring him in just to show that
16 she lied about that.

17 Lance Wilson. She said Lance Wilson gave 600
18 units to Joe Strauss for Puerto Rico. That's her
19 friend. I asked her questions about that. She denied
20 it. Then she said, well, I'm saying Lance Wilson gave
21 600 units. I don't know who Lance Wilson is, but it
22 doesn't matter if I do or not. That is not the
23 testimony. It must come from her.

24 So we had to call in Special Agent David
25 Bowie, and remember Special Agent Bowie? He's been 22

1 years with the FBI, before that six years as a
2 schoolteacher, before that with the United States
3 military in Vietnam. Mr. Bowie says that's what she
4 told me. She fingered Lance Wilson, her friend, who was
5 giving the 600 units to Joe Strauss.

6 Now, it might seem like a small point, ladies
7 and gentlemen, but she denies it on the stand. She lies
8 when it benefits her. When it's a benefit. When she
9 can say I didn't know John Mitchell was a paid
10 consultant, she lies about that. We have to show if
11 she's going to lie on that will she lie on anything
12 else?

13 I mentioned earlier, not close to John
14 Mitchell until after she left HUD. All the letters were
15 written Dear Daddy. Five years earlier. Come on,
16 ladies and gentlemen. Does that square with your common
17 sense? Does that make any sense at all? She's trying
18 to talk her way out of it.

19 She denied that the HUD driver had driven her
20 to lunch with John Mitchell. There was a stipulation
21 that Mr. Reynolds, if called, would testify. So then
22 she said, well, no, that didn't happen. Besides,
23 ~~Mr. O'Neill, you know he's a weird guy.~~ *NEVER SAID*

24 So we have to call Mr. Reynolds. Mr. Reynolds
25 comes in. He's got long hair. Good thing I got a

1 haircut, otherwise I guess I'd be a weird guy. He gets
2 up there and he testifies and he says very clearly I
3 remember two specific occasions. Does that sound like a
4 man who is making things up out of whole cloth? He said
5 there were other times, but I remember two specific
6 occasions. Mr. Wehner cross-examined him about, well,
7 didn't you say once a month. And he said yeah.
8 Wouldn't that be 12 times a year times X-number of
9 years? But the guy said two specific occasions.

10 Why would she lie about a HUD driver not
11 taking her there? Well, the reason is very clear,
12 ladies and gentlemen. The reason it's so clear why she
13 would lie that Mr. Reynolds did not drive her to lunch
14 with John Mitchell, and there are two particular
15 reasons. The first is, as you heard through her
16 cross-examination, she admonished Hunter Cushing for
17 doing that. And she said taking his girlfriend in a
18 car, you can't do that. You can't use a HUD car, a
19 Government car, for personal reasons. So she's not
20 going to admit that she did it and she had gotten
21 somebody in trouble for doing it.

22 And what does she say? You heard the tape and
23 you'll have the transcript and you can hear the tape
24 again. She was asked by Senator William Proxmire at her
25 hearing, the hearing she requested to get this job: The

1 chairman: "Okay, Miss Dean, HUD motor pool records show
2 that you commonly used HUD chauffeurs to drive you to
3 restaurants. During one two-week period in October you
4 were dropped off at the Old Post Office twice, the
5 Hay-Adams, a Connecticut Avenue restaurant, several
6 restaurants on Capitol Hill. Our staffers have spoken
7 to HUD employees who say they have firsthand knowledge
8 that you have used the HUD motor pool for private trips
9 to restaurants. Could you comment on that?"

10 Miss Dean: "First of all, that is absolutely not true.
11 Any time I have ever used a HUD car, it was for official
12 business. There are a lot of people in this city that
13 have official business meetings over lunch. It is
14 always their idea. If that is the time they can meet
15 with me, I take them up on that. I have never taken a
16 car to do anything personal."

17 Then it can only be one of two things. She
18 either met with John Mitchell because it was personal
19 and she lied to Senator Proxmire or it was business, she
20 was dealing with John Mitchell on this HUD business, and
21 she lied to you. It can only -- logically it can only
22 be one way or the other.

23 That's why she doesn't want to admit that
24 Mr. Reynolds took her -- and I neglected -- this is in
25 evidence, you'll get a chance to look at it. Let me

1 show you something on the visual presenter for a
2 second. There are several pages in the middle of
3 various, various HUD drivers and the name Ron, as you'll
4 see runs, throughout. There are a number of different
5 pages. There are approximately, I don't know, several
6 pages. Look through it. See how many times Ron's name
7 comes up.

8 But she told us when I cross-examined her
9 about it that there are many drivers. I don't know who
10 Ron is. Well, Pam Patenaude had no problem remembering
11 that she took trips with her when Ron was driving. But
12 you she didn't want to admit to it, ladies and
13 gentlemen, because she was in a trick bag here. Either
14 it's personal, and she lied to Senator Proxmire, or its
15 business, and she lied to you. Either way it's a lie.
16 It can't be anything else.

17 Do you remember when I asked her whether
18 John Mitchell had the FBI agent who was investigating
19 her investigated because she didn't like what was going
20 on and she said oh, no, no, no, and then when shown
21 documents she said oh yes, he called the Director of the
22 FBI. He calls the top man in the FBI and the agent is
23 then investigated for doing her background check that
24 she requested. I wouldn't blame her for not admitting
25 to that at the beginning.

1 Louie Nunn. She told you she did not meet
2 Louie Nunn until after she left HUD. She also said it's
3 possible, as Mr. Nunn said, she met him at Lance
4 Wilson's going away party, can't be sure. Very specific
5 about that. And yet when cross-examined she admits that
6 she told the reporter for the Louisville newspaper that
7 she's known Mr. Nunn since she was a young girl. And
8 then she equivocates and said I might have been
9 mistaken. I shouldn't have said that. But she said it.
10 She keeps changing her story.

11 She said she only worked at Global Research to
12 plan a party, during her direct examination. You
13 remember that. She worked there two months. All she
14 did was run a party and then she left. 'So I said to
15 her, well, didn't you write on your resume you were
16 director of public relations for that place? And her
17 answer was, well, yes, I shouldn't have done it but, you
18 know, John Mitchell said I could. Well, that's false.
19 That's a lie. She wasn't the director of public
20 relations at Global Research any more than I was. She
21 lied about that.

22 She stated as a reference she used Rick Shelby
23 and she stated she knew him for five years. She talked
24 to him once over the phone but didn't know him. She
25 admitted on the stand that she shouldn't have said

1 that. I was just another lie.

2 Denied knowing that Andrew Sankin was a
3 consultant. Well, we saw those letters. To believe
4 that you'd have to disbelieve Mr. Sankin, Mr. Shelby,
5 Mr. Broussard, Mr. Altman, Mr. Rosenthal. All saying
6 she knew he was a consultant.

7 Beryl Altman, another very short witness, he
8 had lunch with her, he's a developer out of Maryland.
9 And dinner. The lunch was set up by Andrew Sankin.
10 Sankin thought it would be a good idea if they met.

11 She told you, you remember, about
12 John Rosenthal, that he asked her about hiring Sankin
13 and she said it would be preposterous to hire Sankin.
14 Mr. Rosenthal didn't testify as to that. She had an
15 opportunity to cross-examine him about that phone call.
16 That never came out. All you have is her word about
17 this phone call.

18 What we have, ladies and gentlemen, is a
19 person who lied on the 4000 and continued to lie to
20 you.

21 You might wonder why we took so long to
22 cross-examine. As I said earlier, after the initial lie
23 you should be able to say that's it. But we wanted to
24 show you that that wasn't the only time. Her entire
25 testimony is fraught with lies and deception. It cannot

1 be believed.

2 And probably the biggest lie of all is what
3 she says about Secretary Pierce. That Secretary Pierce
4 was responsible for all the actions she took. That
5 Secretary Pierce was the person who was behind the
6 funding of all these awards. That it wasn't her. That
7 she was merely some sort of messenger. To believe that,
8 you will have to disbelieve almost everyone.

9 Maurice Barksdale told you Secretary Pierce
10 was very laid back. Hands off. He delegated authority
11 to people and let them run the show.

12 Philip Winn, who had been FHA Commissioner
13 before Deborah Dean even got there, said the same
14 thing.

15 Silvio DeBartolomeis told you that. Susan
16 Zagame. Janet Hale. Tom Demery.

17 In fact, not one witness told you anything
18 different.

19 Secretary Pierce, a prominent New York
20 attorney, comes down and is nominated by President
21 Reagan to be the chief of all of HUD, he's in charge of
22 thousands of employees.

23 Remember Maurice Barksdale saying how at the
24 beginning he tried to clear his desk every night but it
25 got impossible and he had to start giving it up. He was

1 only Assistant Secretary for Housing, the FHA
2 Commissioner. Samuel Pierce was in charge of everybody.
3 Even Miss Dean admitted, stating in previous testimony,
4 that he would have had to have worked 40 hours a day in
5 order to keep up with all the work. So he relied on
6 other people. He relied on people to do his work and he
7 relied on the defendant Deborah Gore Dean.

8 She would have you believe that she brought
9 out that there's this adjoining door between his office
10 and her office, so therefore -- and I have no problem
11 that there's a door separating their offices, but
12 somehow he would sneak in, tell her things, sneak out,
13 and nobody else would see it, and that's why everybody
14 else is mistaken and they all think Sam Pierce is not
15 hands on, but he really was.

16 Well, you heard he also had a very busy travel
17 schedule. The man traveled all over the place. He
18 wasn't there all the time.

19 Can you believe what she says about
20 Sam Pierce?

21 We are not talking about the entire Mod Rehab
22 program. There are lots of projects. You saw during
23 Miss Dean's direct examination there were literally tens
24 and tens and tens, maybe hundreds of projects that they
25 mentioned as to being funded, and you can bet there were

1 many more that you've not heard about that were funded.

2 We're talking about specific projects named in
3 this indictment, Arama, South Florida, Park Towers, for
4 count one. For count two, Regent Street, Foxglenn,
5 Eastern Avenue and Alameda Towers. And for count three,
6 the Atlanta projects and the Springwood-Cutlerwood
7 project in Miami. We're talking about these specific
8 projects because these specific projects were ones in
9 which Miss Dean had a hidden interest. Ones in which
10 she cared about herself, not others. We are not talking
11 about a project in Santa Clara for battered women where
12 Sam Pierce says they need 19 units. If you can, please
13 do so. We know that document is in there. It has
14 nothing to do with this case. Look for documents that
15 have to do with this case, with these exact projects
16 when Miss Dean had a hidden interest.

17 Just as she's deceived you or attempted to do
18 so, ladies and gentlemen, through a series of lies and
19 deceptions she misled Samuel Pierce and didn't tell him
20 of her hidden interest because if this man who she said
21 is such a fine man and prominent attorney, would he have
22 allowed her to do this where she would have had a hidden
23 interest on these projects? Does that make sense? Does
24 that square with your common sense and good judgment?
25 Ask yourselves about that, ladies and gentlemen.

1 The best defense is always a good offense.
2 You turn the tables. I'm a little reluctant talking
3 about offense and defense since we all know His Honor
4 likes the Redskins so much, but there's no question that
5 the best defense is a good offense. You take the
6 offensive. And that's what she did.

7 She came in and told you a story. It doesn't
8 matter that it wasn't true, but she told you a story. A
9 story that at first blush sounded believable. It
10 sounded credible. Until you started seeing the holes.
11 No hole bigger than the absolute lie about the apartment
12 and the fact that it was sold way before this check --
13 this conversation on June 15th and, as I said, her
14 brother could not -- if he was antsy on June 15th it was
15 how to -- excuse me, it would be how to get rid of the
16 profits they made on selling it. Not on something
17 else. Other people were in his apartment at that time.

18 It's always someone out to get the defendant.

19 You remember, on the background check the
20 reason why the background check was almost up, there was
21 a weird FBI agent who kept changing his hair color, one
22 day he's a swat team leader, The next day he's the
23 driver for J. Edgar Hoover, who came up earlier because
24 he was against her family.

25 She didn't get the Assistant Secretary

1 position because Senator Proxmire was out to get her.

2 And then, finally, the reason she is here is
3 because Independent Counsel is against her and they're
4 made up of not normal people. Now, that might be true
5 for me, but Miss Sweeney and Mr. Batts look perfectly
6 normal to me.

7 It doesn't make sense. She has taken the
8 initiative from the get-go. She has lied to this Court,
9 to this jury. Do not believe what she says. It's
10 always someone else's fault.

11 In order to believe her you have to believe
12 that John Mitchell is lying. That's what she said. He
13 lied to her. Jack Brennan lied to her. Rick Shelby
14 lied to her. Maurice Barksdale is mistaken. Janet Hale
15 is mistaken. Andrew Sankin, lied. Lance Wilson, lied.
16 Linda Murphy, lied. Silvio DeBartolomeis, lied. Philip
17 Winn, mistaken. Susan Zagame, mistaken. Thomas Demery,
18 lied. Sherrill Nettles-Hawkins, mistaken. Everybody
19 else lied or was mistaken, but not her.

20 But she's the only one we know who
21 definitively did lie. Her story is built on a rotten
22 foundation. It is rotten to the core. It doesn't
23 square with common sense. It is lies piled upon lies.
24 It crumbles to pieces the minute you look at it.

25 Now, I know I've run a long time. I apologize

1 for that. But in representing the Government I do need
2 to bring out all the facts. I'd ask you when Mr. Wehner
3 gives his closing argument to be as attentive to him as
4 you were to me and I will have an opportunity to talk to
5 you again, but throughout that listen and wonder why she
6 lied to you throughout her testimony.

7 Thank you.

8 THE COURT: All right. Can I see counsel one
9 minute on timing, please?

10 (Bench conference).

11 THE COURT: You didn't go into the last count
12 on perjury.

13 MR. O'NEILL: Yes, sir.

14 THE COURT: You're going to do that on
15 rebuttal? He may object to that.

16 MR. O'NEILL: I went into them at the
17 beginning, if you recall, and I went over them. They're
18 all just lies.

19 THE COURT: I just wanted to make sure that
20 you didn't in the excitement overlook it.

21 MR. WEHNER: I would like Mr. O'Neill not to
22 be able to argue the perjury counts in his reply.

23 THE COURT: It depends on what you say.

24 MR. WEHNER: I agree.

25 THE COURT: That's the only reason I brought