deliberations with a verdict of not guilty and tell Deborah Dean that our justice system is not personal.

Thank you, Your Honor.

long?

THE COURT: All right.

Mr. O'Neill, do you think you'll be very

MR. O'NEILL: I don't think so, Your Honor.

THE COURT: All right.

MR. O'NEILL: I just have to pull one chart.

THE COURT: Ladies and gentlemen, we'll have the rebuttal argument now by the Government and we'll take our luncheon break and argue the instructions after lunch.

MR. O'NEILL: What did I tell you, ladies and gentlemen? Someone else's fault. It's always someone else's fault. Now it's my fault, it's Miss Sweeney's fault. It's now the prosecutors. That's why we're here. Not the evidence that was brought forth. It's now a personal attack brought by us. You would think you would get mad about your integrity being attacked when you just presented the evidence, because you might remember in opening statement I told you what a prosecutor does is present the evidence. We're merely vehicles by which questions are asked, witnesses take the stand, documents are introduced. Both Miss Sweeney

and myself.

But the problem is desperate times call for desperate measures. When your back's against the wall, when it's obvious the Government has put forth all this evidence, the only thing you can do is lie. And when that doesn't work, when the lies are shown to the jury, it becomes a personal attack. And that's what it is. Nothing more, nothing less.

You can't argue the facts of the case. So you argue that someone is out to get you. That the prosecution now is out to get you. Much like the FBI was out to get you on that background check when you asked for that background check because you wanted that job. Much like a United States Senator from the United States Senate was out to get Miss Dean because he didn't want her for some reason to get the job that she was seeking.

I told you during closing argument that

Miss Dean lied to you very clearly and that she lied to

you a series of times thereafter and, I repeat, you can

take her testimony and throw it in the garbage where it

belongs because someone --

MR. WEHNER: Your Honor, I object to that continued characterization.

THE COURT: That's overruled. It's closing

argument. It's not facts, it's argument.

MR. O'NEILL: Since Mr. Wehner kept saying that it was not garbage, that I should not have said that, I'm saying that's where it belongs, in the garbage. Because it was a lie, ladies and gentlemen.

And then you must -- as I said earlier, there are two, two conflicting stories here, totally different. Irreconcilable. One or the other is correct. You must base it on what all the witnesses said on one hand or Miss Dean's credibility on the other, and that's what her whole case hinges upon, her veracity, her honesty, her credibility. But she lied to you.

And I'd like to show you at this time since it was put into evidence and never shown to you, the documents that show that, and judge for yourself, ladies and gentlemen. This is a contract of sale for the Watergate apartment owned by Gordon Dean and it is dated April 20th, 1987, nine days before Lou Kitchin writes a check to Miss Dean for \$4000. This is Government's Exhibit 556. And you'll see it bears Gordon Dean's signature, dated April 24th, 1987. Then what we have here is the purchaser's settlement statement dated June 10th, 1987. It's a closing. They move in after the closing. And you'll see the purchase price, 135,000.

All the necessary signatures. And here's the seller's settlement statement that the seller gets at the time, likewise dated June 10th, 1987. Unequivocal proof that Miss Dean lied to you.

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Mr. Wehner read certain parts of the transcript to you during his closing argument, and what did he read to you, ladies and gentlemen? He read to you a passage in which on cross-examination Miss Dean said, well, Gordon had mentally moved away before that at that time and maybe there was going to be another apartment, and you remember he read that at the very beginning of his closing arguments today. Well, that's But that was on cross-examination when I started pressing her on the issue about the apartment, what's going on with the apartment. He didn't read to you what she said on direct examination. Let me read that to you at this time, and you'll remember the direct examination when Janet Whitman testified, when Miss Withington testified the first time, and they never asked her about when it was sold or anything like that.

Let's read that testimony. And this is from Mr. Wehner to Miss Dean.

"Question: When you received -- subsequent to that date when you received the check, did you discover Mr. Kitchin was not going to buy an apartment?"

1 "Answer: Before he gave me the check?"

"Question: No, after, subsequent."

"Answer: Oh, after. Well, at a certain point, in June of that year, he had, he and I had plans to have dinner, I think, and he came to my office a couple of hours early, and I said, well, I can't leave right now, because I have to pick up my car, and I've already made arrangements to do that.

And he said, well, I'll come with you to pick up your car.

I said, well, it's out in Rockville, but if you want to, come along.

And so he came with me. And I remember Hunter Cushing had agreed to give me a ride out there after work. So Mr. Kitchin got in the car with us, and we went out, picked up my car. And we were driving down Wisconsin Avenue," she remembered very precisely, "and I was discussing with him basically where -- what I had bought and what we were doing and the fact that my brother was getting antsy about, you know, had he signed a contract.

And I was like, you know, you are so slow about this. Are you going to do it, or are you not going to do it or whatever?

And he said, Deborah, I talked to mu wife

about it and she's decided that we really don't need to by an apartment in Washington. Maybe we'll do it next year.

And I remember exactly where the car was when he said that. It was, we were driving down Wisconsin Avenue, and it's just where Tenley Circle, the Tenley Theatres are, we were right there. And I pulled the car over to the side lane, and I said, I can't believe this. I mean, I was pretty upset with him because he had yanked me all over Washington, D. C., and I had done all this work for him, and now he's telling me that he had finally discussed it with his wife and that she decided he wasn't going to do it this year.

And I pulled the car over, and I said, well, I said, I'm going to give you the money back that you gave me."

And then it goes on for another page.

Well, what does she say? She says the fact that my brother was getting antsy about, you know, had he signed a contract, and she told you, ladies and gentlemen, that was on June 15th, 1987, that was a lie. That was an attempt to get you to believe her story, but it couldn't be true. On June 15th Mr. and Mrs. Crane are living in that apartment. They signed a contract for that two months earlier, on April 20th. Nine days

before the loan to Lou Kitchin.

And then I went over a series of things the other day, yesterday, you might recall. A series of additional mistruths that she told on the witness stand about no Mod Rehab dealings with Kitchin. Never had it. Sherrill Nettles-Hawkins said they did have.

No idea Mitchell was a consultant. But that was his occupation.

Shocked that Mitchell made any money. Al Cain told you, the Special Agent from HUD, that conversation never ever happened.

She denies that Lance Wilson sent the 600 to Joe Strauss in Puerto Rico. Special agent Bowie had to come in here and say that's exactly what she told me.

Not close to Mitchell until after she left HUD. In fact, the record shows she was calling him Daddy five years earlier.

Denied the HUD driver ever drove her to lunch. The records show that he did.

Again, the reason she would lie about that, she was in a trick bag. Either she lied to the Senate about using it for personal reasons or she lied to you about Mitchell doing business with her.

She said she didn't know Nunn until she left HUD. Yet told other people she knew him as a young

1 | girl.

Only work at Global to run a party when in fact she wrote Director of Public Relations.

Only knew Shelby for five years -- excuse me, stated she didn't know Shelby until her time at HUD. When in fact she had said she had known him for five years.

It goes on, ladies and gentlemen. One after the other --

MR. WEHNER: Your Honor, I object to the mischaracterization, and the continuing mischaracterization, of the testimony of Miss Dean.

THE COURT: All right. It's overruled. It's closing argument. The jury's recollection will control.

MR. O'NEILL: And I'll keep going, ladies and gentlemen, because I won't miss a step with objections. This is something I've done for quite sometime and I'll be able to continue.

They were lies, ladies and gentlemen. Lies, blatant attempts to cover up what had occurred, to sway you.

You've heard several times about the Government's witnesses. Mr. Wehner says it's the Government's witness, the Government called this person. Let's make no mistake about this. Andrew

Sankin is not my friend. Richard Shelby is not my friend. These are people who were called by the Government because they worked at HUD at that time, who were colleagues of Miss Dean or were friends of Miss Dean. They're not people that I know. Government calls who is available at that time. We go back, just like the documents,, you cull through the documents, Mr. Sankin is not in my calendars. You will get the calendar entries that are in evidence. see it's Miss Dean's calendars in which Mr. Sankin appears, in which Mr. Shelby appears, Mr. Broussard and a host of other people that you've heard about, not mine.

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I don't vouch for the credibility of these witnesses, nor does Mr. Wehner. It is you, the jury, that determines what is believable, what is credible, whether the defendant is guilty as charged or not. That is your function, ladies and gentlemen. And His Honor, when he instructs you on the credibility of the witnesses, will tell you, you judge whether that person was credible, whether they've made misstatements and if those misstatements were made, do you think -- we all misstate, I misstate quite often when I go to speak and maybe speak too fast and the words come out wrong, that's one thing, but when someone purposely misstates

what they're saying, such as my brother is antsy on June 15th, when there is no more apartment, and all the other misstatements that I've just gone through, if those are purposeful, you will hear, you can just disregard her entire testimony based on what His Honor reads you on the law. That is the state of the law. If you find a witness incredible you do not have to believe a single thing that witness says.

So you as the jury can throw her testimony in the garbage. That is up to you. It's what you decide. You again are the judges of the facts.

Mr. Wehner has talked about reasonable doubt. I won't go into that because it's a concept that His Honor must instruct you on, and that's the applicable law in this case and every criminal case in this country, in every courtroom throughout these 50 States. That is the rule of law that applies in each and every criminal case; it's the Government must prove the defendant guilty beyond a reasonable doubt and in this case, ladies and gentlemen, the Government has proved it beyond all doubt.

You've heard the evidence. The evidence that the Government produced through all the witnesses, through all the documents, and on the other side you have a series of misstatements, of falsehoods, of lies.

They don't balance up. They're not even close, ladies and gentlemen. They can't be.

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Yesterday when Mr. Wehner started on his closing argument he talked about the fact that we said there was a code, a coded reference to a number of units and that we weren't able to prove that. Well, ladies and gentlemen, we cited Mr. Greer's testimony, that Mr. Greer knew nothing about a code.

I'd like to show you Government's Exhibit 39 just briefly and show you if you don't believe that there was a code, and you might remember what I said yesterday about why would a person like Mr. Martinez pay 425,000 on Arama and 219,000 on South Florida unless he couldn't be assured of the units. Look what he's saying, "Please note that while we submitted 219 units which is as close as we could come to the 200 number, there are eight different buildings, this should present no problem because when the funds are set aside in the HUD Central Office in Washington, since they do not know the exact bedroom mix of the units, the funds are set based on all the apartment being two bedrooms. Our mix is 24 efficiencies, 153 one bedroom, and 42 two bedrooms, therefore, there is ample room to support this proposal.

Notwithstanding the above, if we could get

that the fund availability is for 219 units it would be much better, since then there would be no confusion as to whose proposal it is."

Of course it's a code. He has to know the exact amount. He's going to shell out \$129,000 and if he's paying that, he's going to make sure he gets those units.

Mr. Wehner also began with yesterday saying there's not one piece of evidence, not one document to show Miss Dean did not tell the truth, that she lied, as the Government said. You'll have the opportunity, like with all the other documents, look at these closing April papers. Look at the dates on them. They unequivocally show that she lied to you, ladies and gentlemen, on that stand, under oath.

Mr. Wehner is in a very tough position, ladies and gentlemen. Because he cast in his opening statement to get a level playing field, and that's what happened here. We picked a jury. You recall it took a lot of time to pick a jury. We picked a jury that could be fair to both sides, had nothing to do with this case and could listen dispassionately, but it wasn't this jury that hasn't provided a level playing field, and I believe that you will to both sides, it's his client by telling you falsehoods you're in a position where you

can't believe a word she said. And that prevents you from listening to them, and as His Honor will instruct you the law is clear on that, if you don't believe them you can discount that testimony.

That's what creates an uneven playing field.

The evidence creates it. The playing field is even when the trial begins. It always is. You've heard no evidence. But as the evidence stacks up on one side and not the other over time as you continually hear one witness after the other and then you hear a totally incredible story on the other side, of course you're going to come for some determination once you deliberate. That's the whole jury process.

We talked about consultants again this morning. No one has ever said that the use of consultants is illegal, and I might be beating a dead horse at this point but the problem is I just want to make sure on this point, consultants are legal. They're used in a variety of different businesses. They're even used in the housing field.

What's wrong in this case is that these people were influence peddlers who had no knowledge whatsoever of the housing industry, and by themselves they can do nothing. They need a corrupt public official on the inside to give them what they want. Without that person

they're powerless. That's what this case is about.

It's not about going to lunch and talking with friends. It's about directing awards of Government monies, of taxpayers' monies to those friends simply because they can benefit you and the whole system will benefit you and your family and your friends. That's what the case is about. Not about having lunch.

Mr. Wehner mentioned the 19 units for a battered women's shelter, as I did, during closing argument, and you will remember and you'll see it in evidence, there's a note from Sam Pierce saying if we can, please do so. He's not directing anybody. He's not telling anybody. He's putting his input in.

When you go through the evidence look and see if there's any notes like that on the projects in this indictment for which Miss Dean is being charged. You're not going to see those notes. Those notes don't exist.

You heard six days of testimony about all of those other projects being funded. All around the country. All their political backing. It is a non-issue. It has nothing to do with this case.

In this case there are several distinct projects that I listed yesterday and for brevity's sake I won't go over them again. Those are the specific ones. Look through the documents, and remember in your

recollections through the course of this testimony have you heard anything or seen anything to suggest that Sam Pierce asked for those to be funded?

And furthermore, Miss Dean will tell you and has told you on the witness stand she didn't tell Sam Pierce about John Mitchell's involvement with these other people because she didn't know it. So Sam Pierce, also, he's not involved in this case. It's what she did.

You recall he ran the honor system. He relied on other people to work and do their jobs properly and when people do not do their jobs properly that's when you have a problem here. When you have a public official who uses a public office for private gain.

Mr. Wehner talked about the perjury counts.

And you'll see I've listed them, counts five through 12 in the indictment, and you'll get a copy of the indictment and what those words are.

Mr. Wehner talked about 1987 and "that goes solely on information provided by Secretary for Housing." That's not true, ladies and gentlemen, because once again we have that handwritten list, Government's Exhibit 202. That's in Miss Dean's handwriting, and you heard, just like we saw at the very beginning of my closing argument yesterday, the

Government's exhibit 28, the letter to Louie Nunn at Global Research, referencing a conversation with John Mitchell. The defendant had to admit that that letter existed because we had it, but she denied being involved in that, saying Maurice Barksdale gave me that information. Just like this. This is a handwritten list of the various projects, the amounts funded, and in fact on Metro-Dade, the exact bedroom configuration. It's in her handwriting.

So she says to you, well, yes, this is mine, this is my handwriting, but Thomas Demery is the one who told me this and I wrote it down very quickly.

Well, you remember Michael Dorsey's testimony, a witness testifying for the defense. He said that Miss Dean did speak during that meeting and was saying who was behind the project.

In her own handwriting she has the bedroom configurations and the number of bedrooms, and then it says "letter. They are funding 203 units to Metro-Dade before Metro-Dade even asks for them." Is that the way this program was supposed to operate? Is that the way it's supposed to run?

There are four separate counts of perjury, four separate counts of concealment. There is no sense going into all of them because the Government contends

that each of those was a lie and a misstatement in much the manner as you've seen during the course of this trial. The defendant's statements change as they benefit her. If she would lie on such trivial little matter as to how long she knew Rick Shelby, what do you think she'll do when faced with serious criminal charges? And you've seen what she did.

There is no doubt, as we said, about that \$4000.

Wilson from John Mitchell. The Government has never said that other people didn't write to John Mitchell. First of all, we don't know what project we're talking about here. Arama is not mentioned and, of course, Maurice Barksdale is the Assistant Secretary at the time. We know that. Mr. Barksdale testified.

But you might recall Government's Exhibit 18, and this is the document that says -- has a little handwritten note on top of Miss Dean's letterhead and it says to Daddy.

And there's a memo from Philip Abrams, and you recall she identified the handwriting on the upper lefthand corner as being that of Lance Wilson. So Lance Wilson is helping her out here, giving her information. She's passing it on to John Mitchell.

Is that a defense to this charge? No, ladies and gentlemen. Because count one has three projects. Arama being the first, South Florida, the second, Park Towers, the third. Lance Wilson isn't even in the Department of Housing and Urban Development at any time when those three projects are funded.

Again, politicians. Mr. Wehner said you can see hundreds of pieces of paper in which politicians back projects. And that's true. You will see that. But what does that have to do with this case? What do these politicians -- that is not what this case is about.

You've heard the consultants were being paid big money by the developers. If all they needed was a politician, and they're a constituent of that politician, to write a letter and that would have had an effect, don't you think they would have done that and saved hundreds of thousands of dollars on each project?

That doesn't make sense. It is not credible to believe that just because someone sent a letter, it got funded.

President Reagan, a lot was talked about some project in which President Reagan announced the awarding of units, I believe it was in New Jersey, and I don't remember the State any more. Andrew Sankin is not

President Reagan. Andrew Sankin was, as we said, this guy out of school just recently, who made \$250,000 and in Deborah Dean's own words he was on the family payroll. That's why he received those units. It's not Ronald Reagan we're talking about in these charges.

Other projects are non-issues. We're talking about these specific ones. Much like if there was a \$50,000 kickback, Mr. Wehner said you'll hear evidence of it. If there was a \$50,000 kickback she'd be charged with it. That is not one of the charges. It's a non-issue. There are 12 charges that you the jury must determine the guilt or non-guilt of the defendant. Not everything in God's creation.

And the Government has never called the defendant the devil incarnate. We are simply saying she misused her position. She misused the public trust in her time at HUD and then when it was discovered, when it was detected, she lied about it. That is what's at issue here. Not everything else. The devil incarnate? It's a non-issue.

I just would like to mention Mr. Wehner said things might have been different if the Government's exhibits 27, 28, 29, that were shown at the same time, well, you might recall they were shown to Governor Nunn at exactly the same time, and you might also note since

they're numbered 27, 28 and 29, when you get them they will be one right after other, that's exactly how we showed them. That's the order they're in.

Mr. Wehner mentioned something about the conspiracies and saying, well, some of the people said they didn't know certain things. Jack Brennan didn't know that John Mitchell was involved in Arama. Well, isn't that the hallmark of conspiracy? Secrecy? Where people don't know it?

Remember Martin Fine, the developer for Park Towers? He said he did not know John Mitchell was involved. The consultant he hired, Eli Feinberg, he did not know Mr. Mitchell was involved. And both of those testimonies were unimpeached. Nobody ever contended that they did know. So the evidence is neither individual knew, and Mr. Fine paid \$225,000, 50,000 of which went directly to John Mitchell, and he didn't even know he was involved. His role was secret. That's what conspiracies are about.

Mr. Wehner talked about the \$4000. And the fact that he has shown that that is really what happened because they have a bank stub. Well, to believe this you'd have to believe that Mr. Kitchin gave her \$4000 to decorate an apartment he never owned, aside from the fact that we found these documents later on to

absolutely disprove the claim that she was trying to sell it as of June 15th. So she'd have to prove that the apartment that he never owned he was going to have decorated and that this \$4000 check was written when she has no funds whatsoever to pay it with.

And he told you that the FBI had time to analyze this and they would have shown that it was false. Well, that's not in evidence. There's no evidence here that the FBI had time to analyze that check stub. Or that they looked and made sure that the ink was two years old or three years old or whatever. That is not in evidence. It's the evidence on which you must base your decision, ladies and gentlemen.

And don't forget that \$4000 and the antique store. No evidence yet of an antique store in 1987. In fact, she couldn't remember exactly when she got it.

But it wasn't in 1987. But in 1987 we do know that only 12 days before the check from Lou Kitchin she bought a piano for \$4500, and that, too didn't come out on direct examination. That only came out on cross-examination.

Ladies and gentlemen, during his opening statement Mr. Wehner told you that the Government is all fouled up. All fouled up. That's exactly what he said. He's wrong about that. The Government's not all fouled up. Private individuals, certain individuals might be

when they don't do their job as they should. When they don't properly perform a public function. When they corruptly favor certain people. That's when Government gets fouled up. Not all Government. Not everyone.

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And he kept saying your Government, and that's It is your Government. right. It's all our Government. Not for a select few, not for certain insiders who have access to high ranking public officials like Mr. Shelby who Mr. Wehner mentioned who said I didn't do anything wrong, and you might recall that I had to go back at him in redirect and say didn't you tell the grand jury, and this time I got that right, you told the grand jury several years ago, didn't you, that you were wrong, and he admitted that, yes, in fact he had. He, too, was trying to tell you he had done nothing wrong but he told the grand jury he had done something wrong. That's what Mr. Shelby testified to. He knew he had done something wrong. He knew he had access to high ranking public officials.

Ladies and gentlemen, in the name of the United States of America, I will be asking you to find the defendant guilty as to each and every charge in the indictment. All 12 of them.

In the Government's view the Government has proven its case beyond all reasonable doubt, beyond any

and all doubt. There could be no doubt that the defendant conspired with the people in counts one, two and three, accepted that illegal gratuity or loan in count four, and then lied and covered up and concealed what she had done so she wouldn't be known for what she had done. So people wouldn't -- it wouldn't become public. Because she didn't want people to know how she was using her office, using a public office for private gain.

And by your verdict tell her no more. You won't put up with corrupt public officials, people who use their office, public office, for private gain, who work for a select few and not for all of us, because it is as Mr. Wehner said your Government, our Government.

She was a public official entrusted with millions of dollars of taxpayers' money, for what purpose? To provide housing for the poor. Is that the way it worked? Did local priorities play any role in this? No, ladies and gentlemen. It just depended on who you knew and how it worked out. And I say millions of dollars, Arama alone, the evidence shows, was over \$28,000,000 and that's still being paid to this day. They're 15-year contracts.

Think of the amount of money that went for housing, and did it work the way it should have? The

way Mel Adams told you it could have if priorities played a role? No. It worked the way a select few wanted it to work.

When you are paid by the United States you work for all of us. As Mr. Wehner said, it's your Government.

Mr. Wehner asked you what would you have

Miss Dean do in the performance of her duty? What would

you ask of her? Honesty. Faithfulness. Undivided

loyalty. Remember what I said, it is we the people, by

the people, for the people. We, the people. It is all

of us. It is not if your prominent and powerful and you

belong to a select few. It is for all of us.

And, ladies and gentlemen, Miss Dean did not work for all of us. She worked for herself, for her family, for her own enrichment, and because of that she is guilty. Not because of lunches and other matters. It's because of her corrupt actions as a corrupt public official.

Thank you.

THE COURT: All right, ladies and gentlemen, what we're going to do is have a luncheon recess at this time.

Again, the case is not submitted to you yet for decision. You're not to discuss it or talk about it