

About the Author



Greg Wallace is a Partner in Kaye Scholer's New York office with a wide breadth of experience in white collar litigation and civil and commercial litigation. Greg served as Assistant United States Attorney for the Eastern District of New York from 1979 to 1985. As an AUSA, he was a member of the ABSCAM prosecution team, which convicted six United States congressmen and a United States senator of bribery, and lead trial prosecutor in the highly publicized *United States v. The Southland Corporation*, which resulted in the conviction of a major corporation and a former New York City councilman arising from a bribery investigation. He can be reached at gregory.wallance@kayescholer.com

This article originally appeared in [USA Today](#) on January 19, 2014. Reprinted with permission.

The Real 'American Hustle': Column

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The iconic line of the madcap movie, *American Hustle*, which is loosely based on the FBI's Abscam sting investigation of Congress in the late 1970s, was that "we're all conning ourselves in one way or another — just to get through life."

But the iconic moment of the real life Abscam case was the succinct tutorial on Washington political culture that Rep. Michael "Ozzie" Meyers of Philadelphia gave to the undercover agents as he pocketed a \$50,000 bribe: "I am going to tell you something real simple and short. Money talks in this business and bullshit walks."

I was a member of the Abscam prosecution team as a young assistant United States attorney. What started out as a low-level FBI investigation on Long Island of stolen art and securities ended with the bribery convictions of six U.S. representatives, a U.S. senator and a host of lesser public officials.

The sting operation was a mix of slap-dash improvisation and near-vaudeville showmanship that depended principally on an indicted con man, Mel Weinberg (played by Christian Bale), to create the illusion that he was in the employ of a wealthy Arab sheik willing to pay bribes to secure special legislation granting him a visa to the U.S.

We had no Amy Adams or Jennifer Lawrence, and the "sheik" was an FBI agent of Middle East descent who wore a borrowed kaffiyeh and, in

early meetings with politicians, did not appear to understand or speak English. Just months later, he spoke it well enough to offer a bribe to a senator. *American Hustle* was great art imitating bad art imitating truly corrupt life.

The audio and video tapes made by the undercover team revealed the corrupt underbelly of American political life. At the outermost circle were the hidden network of dishonest lawyers and city councilmen and mayors, the go-betweens to the congressmen, whose seal of approval of Weinberg and the other FBI operatives opened the doors of the Nation's Capitol to the sting operation.

Angelo Errichetti, the mayor of Camden, N.J., was portrayed by Jeremy Renner in the movie as a reluctant bribe taker. In fact, early on in the investigation, Errichetti gave the undercover agents a list of public officials, including two congressmen, whom he claimed were willing to sell their offices for cash and then helped set up the pay off meetings. Then came the Sherpa-like bagmen who accompanied the elected officials to the meetings and, for the more wary of them, took possession of the envelopes or briefcases stuffed with cash. And finally, at the innermost circle, the elegantly dressed, dignified congressmen, apparently driven by the banshees of financial insecurity, entitlement and greed. Rep. Richard Kelly of Florida (the only Republican) put the cash in his inside suit jacket pocket, patted it down and then preeningly asked the FBI agents, "Does it show?"

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Rep. Myers got it exactly right when he said "money talks in this business." Abscam demonstrated that the line between legal campaign contributions from individuals or groups seeking favorable legislation and outright bribery is a fine one. In the former, money is given, legislation is enacted (or vice versa), and the linkage, even if unstated, is obvious. Indeed, according to a recent CNN poll, 86% of Americans believe that "elected officials in the nation's capital are mostly influenced by the pressure they receive from campaign contributors."

In the eyes of the law, the difference between lawful campaign contributions and bribery principally is whether the linkage between private donation and official act has become so explicit that the legislator undoubtedly acted corruptly (yes, it's a distinction that only lawyers can love). The video cameras that recorded the antics of the Abscam congressmen left no doubt in the minds of the jurors on that score.

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In fact, the politicians accepted the bribes with such matter-of-fact aplomb that it didn't seem possible this was the first time these officials showed up in hotel rooms to be handed large amounts of cash in \$100 bills by virtual strangers. Even the few congressmen who turned down the bribe offers did so politely (Rep. John Murtha of Pennsylvania said, "I am not interested at this point.") and never reported the bribery attempt to the FBI.

The FBI agents and prosecutors debated just how many corrupt congressmen the investigation would unearth, given the greed we were witnessing in the videotaped meetings. Was it a half dozen more? Fifty? A hundred?

We never found out. Someone, still unidentified, leaked the prosecution memorandum summarizing the evidence to the press, the investigation came to a crashing halt, and outraged cries of government entrapment sprung up from editorial boards and civil liberties groups. But when the tapes were finally played in court, the outrage quickly turned to disgust, and every jury returned a guilty verdict.

People realized that, as the saying goes, you can't con an honest man.