

In real life and on film, who's hustling whom?: Opinion

By Star-Ledger Guest Columnist

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The lighthearted look at the Abscam scandal does a disservice to the case of a disgraced New Jersey congressman.

By Frank Askin

Abscam was no laughing matter. So if anyone found "American Hustle" funny, it was just one more scam by Mel Weinberg, the notorious con man who orchestrated Abscam, a blemish on the reputation of the FBI and the American justice system.

The big news from the real Abscam was the conviction of seven members of Congress for allegedly accepting cash bribes from phony Arab sheiks in exchange for promises to help them get U.S. asylum in case of revolutions in their homeland. But most of the movie focuses on the entrapment of Camden's mayor to help the "sheiks" find investment opportunities in Atlantic City.

It is only in the final minutes of the film that a stream of unidentified congressmen lured by the character based on Weinberg, who had been given immunity from a fraud prosecution in exchange for his larcenous expertise, are seen leaving a hotel suite carrying briefcases, which the audience knows were stuffed with large bills by the FBI. We assume the marks also knew what was inside.

But that certainly wasn't the case with Rep. Frank Thompson, a onetime World War II Navy hero who had for many years represented with distinction the 4th District of New Jersey as well as working people and the poor from all over the country. Tompy, as he was known on Capitol Hill, also had an Achilles' heel. He was an alcoholic.

(Disclosure: I once served for a year while on academic sabbatical as special counsel to Thompson's House Labor Committee.)

Weinberg, who in the film is named Irving Rosenfeld, entered Thompson's life through a politically connected lawyer in Philadelphia, Howard Criden. Criden told Thompson the sheiks wanted to invest in Tompy's working-class district around Trenton, and drove him to an FBI-rented and -bugged townhouse in Georgetown.

Weinberg never entered the scene, but was in an adjoining room with other FBI agents filming the encounter. When the sheiks repeated their mantra about investment plans and possible need for asylum, Tompy picked up a phone and called his staffer who handled immigration matters; and then told the sheiks his aide said asylum might be possible. When the sheiks then offered a \$50,000 campaign contribution, Thompson said he didn't want any money. Criden then drove Thompson back to Capitol Hill.

Criden returned to the townhouse two hours later and asked for the \$50,000. The FBI leader said, "Are you crazy? He said he didn't want any money," and accused Criden of a ripoff. Criden protested that Thompson did, in fact, want the money, but wouldn't say so to them. FBI guidelines required that the mark accept the money on camera, so the deal was off unless Thompson would openly take the cash.

Weinberg, who had joined the meeting, then told Criden "the (expletive) guy's a boozer, give him another drink."

And that's what Criden did; and returned with a clearly stoned Thompson at 7 p.m. After some banter during which neither cash nor payoffs were mentioned, the agents pushed a closed briefcase at Thompson. Thompson pushed the briefcase toward Criden and said, "Howard look at this for me, will you?"

When the sheik suggested Criden should be "good for a \$10,000 campaign contribution," Thompson cut him off and said, "No, no, I wouldn't take a \$10,000 ... " So, in complete violation of the FBI guidelines, Criden walked out with a briefcase and \$50,000; and Thompson wound up serving 26 months in prison. At trial, Tomy testified that, before returning to the townhouse, Criden told him the Arabs had some papers they wanted him to see.

After a jury convicted Thompson, the defense fund had run dry and the law firm that represented him at trial refused to handle an appeal unless he could come up with more money. I took over the appeal with my law students.

After an exhaustive review of the trial transcript, we discovered a most significant issue: The government's transcript of the townhouse videotape, which had been presented to the jury, transcribed Thompson's statement when he pushed the briefcase over to Criden as "Howard, look after this for me, will you?" rather than "look at this for me."

Although we pointed this out to the Court of Appeals in our brief, the opinion affirming the conviction stated in three separate places the words "look after this for me," and commented that he was obviously guilty.

Our petition for rehearing included an affidavit from an audio expert attesting that the word was "at," not "after," and begged the panel to review the audiotape. The petition was denied with a comment that the judges had finally listened to the tape, but that it did not matter to them what had been said.

In my final appeal to the U.S. Supreme Court, I argued: "It will not go down as one of law enforcement's finest hours when Weinberg instructed Criden on how to get Thompson to accept the offer before the camera, 'the (expletive) guy's a boozer, give him another drink.'"

The appeal was denied without comment.

"American Hustle," based to some degree on the Robert W. Greene book "The Sting Man" about the odious Weinberg, portrays his nom de plume Rosenfeld as a lovable and compassionate rake

who apologized to the mayor of Camden for having snookered him. It does not explore whether Weinberg himself shared in the loot passed around by the FBI, including the \$50,000 handed over to Criden. Hollywood should be ashamed of itself.

*Frank Askin is distinguished professor of law and director of the Constitutional Rights Clinic at Rutgers School of Law-Newark. His memoir, "Defending Rights: A Life in Law and Politics," includes a chapter titled "The Scam Called Abscam."
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