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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Timothy J. Savage [5 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/15/2025 JLS]	5	N.D.	
002	Report	Timothy J. Savage [3 PAGES RELEASED IN PART FOR (b)(6) ON PRA RE-REVIEW 09/15/2025 JLS]	3	01/24/2002	b6;
003	Report	Timothy J. Savage [5 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/15/2025 JLS]	5	01/15/2002	

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Judges - [Savage, Timothy J.]

FRC ID:

9631

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. § 2201(3).

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SUPERSEDED

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Timothy J. Savage	5	N.D.	P5;
002	Report	Timothy J. Savage	3	01/24/2002	P5; P6/b6;
003	Report	Timothy J. Savage	5	01/15/2002	P5;

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SERIES:

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AND DELIBERATIVE PROCESS PRIVILEGED

CANDIDATE REPORT: TIMOTHY J. SAVAGE

**Prepared For The White House Pursuant To
The White House's Request for Views on the Candidate**

Summary: Timothy J. Savage is a Philadelphia trial attorney with thirty years of experience. He has spent most of his career as a solo practitioner, where he has handled criminal defense work, civil matters and personal injury litigation. He is a member of the Philadelphia County Democratic Executive Committee and the elected Democrat Leader of Philadelphia's Twenty-third Ward. Mr. Savage also serves as a Hearing Examiner for the Pennsylvania Liquor Control Board, a position he has held for 24 years.

While Savage clearly is an accomplished litigator, his partisan political activities on behalf of Democrats, coupled with a career in which he has primarily served as a criminal defense attorney, may cause confirmation problems on Capitol Hill.

I. General Background/Legal Career

Mr. Savage was born in Philadelphia, Pennsylvania and earned his B.A. *cum laude* in 1968 at Assumption College. In 1971, he received his J.D. from the Temple University School of Law, where he was an Editor of the *Temple Law Quarterly*.

Upon graduating from law school, Mr. Savage joined a Philadelphia law firm as an associate in the firm's litigation department, where he handled civil matters. After four years, he formed his own law firm and has been a solo practitioner for the last twenty-five years.

In the early part of his career as a solo attorney, Mr. Savage largely handled criminal defense matters, including the trial of United States Representative Raymond Lederer (D-PA). Lederer was convicted of receiving a bribe in the "Abscam" case. Mr. Savage estimates that in the early years, he handled between 60-75 percent criminal matters, most of which were in state court. During this time, he estimates that he took more than 100 jury trials to verdict.

Throughout the last five years, Mr. Savage states that his practice has become largely civil, with nearly 75 percent of his cases involving non-criminal matters. He has tried 16 cases to verdict or judgment during that time.

Since 1977, Mr. Savage also has served as a Hearing Examiner for the Pennsylvania Liquor Control Board, where he presides over adversarial hearings on liquor license applications, transfers and renewals.

Savage currently serves as Counsel and a member of the Board of Directors for the Metropolitan Northeast Boys and Girls Club. He also has served as a member and secretary of the Board of Directors of the Northeast Community Center for Mental Health and Mental Retardation.

Savage also is a member of the American Bar Association, the American Trial Lawyers Association and the Pennsylvania Trial Lawyers Association.

II Noteworthy Litigation

Mr. Savage has been involved in several interesting cases during his career and has filed two Petitions for Writs of Certiorari with the United States Supreme Court seeking review of certain criminal law questions. The Court denied both petitions. The following is an overview of some of his noteworthy litigation.

1. *Katz v. United States*, 778 F.2d 963 (3^d Cir.1985), *cert. denied*, 476 U.S. 1159, (1986). Savage represented a Philadelphia police officer convicted of extorting protection money from certain illegal gambling operations. Savage sought review of the Third Circuit's judgment affirming his client's convictions for conspiracy to violate RICO and substantive RICO and Hobbs Act violations. Katz requested that the Court resolve a split among the circuits regarding whether the district court must conduct an independent review of the reliability of co-conspirator statements to satisfy the Sixth Amendment's Confrontation Clause, or whether such statements are deemed trustworthy as long as they comply with the requirements of Rule 801(d)(2)(E) of the Federal Rules of Evidence.

Katz also argued that the Third Circuit erroneously held that out-of-court statements between members of the conspiracy apprising one another of their efforts to avoid indictment were statements made "in furtherance of the conspiracy", and therefore were admissible under an exception to the hearsay rule.

The Court denied Savage's request for certiorari, although it later reviewed the reliability inquiry question in *U.S. v. Bourjaily*, 483 U.S. 171 (1987) and found that no independent "indicia of reliability" test was necessary for statements which met the requirement of FRE 801(d)(2)(E).

2. *Lederer v. United States*, 692 F.2d 823 (2d Cir., 1982), *cert. denied*, 461 U.S. 961 (1983). Savage represented United States Congressman Raymond Lederer (D-PA), convicted of accepting a bribe during the "Abscam" investigation.

Savage sought review of several constitutional issues, including whether the Abscam investigation implicated the Speech or Debate Clause of the Constitution and violated traditional notions of separation of powers and Lederer's civil

liberties.

Specifically, Savage argued that the Executive Branch had impermissibly created a scenario "compatible with the activities and duties of an honest and effective Congressman" when it lured his client into a situation where he received \$50,000 in exchange for agreeing to assist fictitious foreigners with their immigration problems. Savage argued that undercover operations by the Executive Branch against members of the Legislative Branch without any evidence of predisposition by the legislators to commit the crime violated the separation of powers doctrine and invited abusive targeting of innocent members of Congress for political purposes.

Notably, Savage's brief rejects the notion that the safeguard against such potential governmental abuse is the ability of the Member of Congress to refuse to accept a bribe. Instead, he argued that the Executive Branch had been allowed to "exploit human frailties for political benefit."

3. *Commonwealth of Pennsylvania v. Beck*, 502 Pa. 78 (1983). Savage represented a defendant charged with murder, manslaughter, and other crimes after he admitted to a fatal stabbing. At his first trial, defendant was convicted of third degree murder, and found not guilty of first degree murder and voluntary manslaughter. After the defendant was awarded a new trial on third degree murder and manslaughter charges, a second jury convicted him of voluntary manslaughter.

Savage successfully argued on double jeopardy grounds that his client could not be convicted of voluntary manslaughter after he had been found not guilty of the same offense in the earlier trial, even though Savage had failed to object to the voluntary manslaughter charge pre-trial.

4. *United States v. Gomberg, et al*, 715 F.2d 843 (3d Cir. 1983). Savage represented one of several defendants convicted and sentenced for possession of methamphetamine, conspiracy to manufacture and distribute methamphetamine, and operating a methamphetamine lab as a continuing criminal enterprise, all in violation of the Comprehensive Drug Abuse Prevention and Control Act (CDAPCA), 21 U.S.C. § 801 et seq.

Savage successfully argued that defendants sentenced under the CDAPCA for operating a continuing criminal enterprise should not also receive separate sentences for conspiracy and the underlying predicate offenses. The Court held that the federal statute's continuing criminal enterprise predicate violations were lesser included offenses not subject to additional penalties.

III. Miscellaneous Other

Mr. Savage has served as a hearing examiner for the Pennsylvania Liquor Control Board since 1977. He has twice litigated against two different Pennsylvania Republican Governors to keep his position on the control board.

In *Timothy Savage, et al v. Governor Tom Ridge, Pennsylvania Liquor Control Board, et al* (No. 94 M.D. Comm.Ct.Pa, 1997), Savage and three other Pennsylvania Liquor Control Board employees successfully obtained an injunction preventing Governor Ridge and the Control Board from terminating their hearing examiner positions. Savage argued that Ridge lacked legislative authority to eliminate the positions, even after Ridge found that it was fiscally imprudent for Pennsylvania to continue them.

In *Timothy Savage v. Commonwealth of Pennsylvania, Governor Richard Thornburgh, et al*, 475 F.Supp 524 (E.D. Pa., 1979), Savage sued Governor Thornburgh and the state Liquor Control Board for civil rights and First Amendment violations after Governor Thornburgh terminated his position as a hearing examiner for engaging in partisan political activities. The Court rejected Thornburgh's claim that Savage was fired for violation of a politically-neutral, but unwritten policy similar to the federal Hatch Act. The Court found that the Governor's policy impermissibly infringed on Savage's First Amendment rights to political expression and association and granted an injunction prohibiting his termination.

Savage has served as an elected Philadelphia County Executive Committeeman and the Democrat Ward Leader for the Twenty-third Ward for 25 years. He was an unsuccessful candidate for nomination in the Democrat primaries for a seat on the Philadelphia City Council in both 1979 and 1983. He has openly supported Democrat candidates in federal, state and local elections throughout that time.

Savage has made no controversial speeches or pronouncements on legal or policy issues which have appeared in the public record. As a law student at Temple, he wrote a non-controversial case note regarding a Supreme Court decision allowing the use of union authorization cards and the standard for determining whether such cards were obtained through misrepresentation or coercion.

Savage is a member of several civic and social organizations, none of which are controversial or discriminate against members on the basis of race, sex or religion.

IV Confirmation Issues

Mr. Savage's willingness to litigate against Governors Thornburgh and Ridge to keep his position as a Liquor Control Board hearing examiner is indicative of someone who believes that the judicial process should be used to overturn employment decisions, even if such decisions are made for legitimate budgetary reasons.

Savage also could be asked about his work on behalf of convicted Abscam defendant Raymond Lederer. Savage's certiorari petition seeking a review of Lederer's conviction suggests that his client's conduct should have been excused because Lederer had no known history or predisposition to accept a bribe. Savage's characterization of the government's action in the Abscam case as "the exploitation of human frailty for political purposes" may be troubling for some on Capitol Hill.

Privileged/Deliberative Process

REPORT ON TIMOTHY J. SAVAGE
CANDIDATE FOR NOMINATION TO THE
U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA
PREPARED FOR THE WHITE HOUSE PURSUANT TO
THE WHITE HOUSE'S REQUEST FOR VIEWS

I. INTERVIEW

When the candidate was interviewed, he stated that he good judges are fair, impartial, knowledgeable, patient and tolerant. Mr. Savage stated that as a hearing examiner for the Pennsylvania Liquor Control Board, he believes that in order to keep control of the courtroom, judges should be nice but firm. Finally, Mr. Savage stated that it was important to let litigants feel like they have had an opportunity to be heard. When asked about judges that he admires, Mr. Savage stated that he was Judge Becker from the Third Circuit was the epitome of a good judge. Mr. Savage stated that there were currently no United States Supreme Court Justice that "he would fashion (him)self after." Mr. Savage stated that he did not consider himself to be an "ideological person."

(b)(6)

II. THIRD PARTY INTERVIEWS

Because Mr. Savage is not extremely well-known in the legal community, it was difficult to find qualified people for third party interviews. There were approximately one dozen people who were interviewed for this report. Only one person spoke seemed to speak candidly about the candidate. United States District Court Judge Jay Waldman (Reagan-1988), was openly critical of Mr. Savage. Judge Waldman had serious concerns about Mr. Savage's legal abilities. He stated that Mr. Savage would have trouble getting a favorable rating from the ABA if he was not such a staunch democrat. Judge Waldman considered Mr. Savage "weak" on all issues. Judge Waldman was very surprised that the Administration was considering Mr. Savage because he "went door-to-door" for Gore last year. Judge Waldman thought if the Administration needed to nominate a democrat that there were more qualified democrats than Mr. Savage. Finally, Judge Waldman wanted to make certain that we knew that Mr. Savage had sued Gov. Ridge and Gov. Thornburgh (see other report).

The only other federal judge that knew anything about Mr. Savage was Judge James Giles (Carter-1979). He stated that he did not know Mr. Savage but had heard that he was a "fine" attorney and had a good reputation.

The other people interviewed that knew Mr. Savage well were from the Pennsylvania Liquor Control Board (PLCB). The Chairman of the PLCB, John Jones, is also being considered for a vacancy on the District Court in the Middle District of Pennsylvania. During his interview, he mentioned that he knew Mr. Savage. Mr. Jones, who is good friends with Tom Ridge, also wanted to make certain that we knew that Mr. Savage had filed the civil suits against Gov. Ridge and Gov. Thornburgh. Mr. Jones seemed to be surprised that the Administration was considering Mr. Savage. Mr. Jones was very reserved about his comments about Mr. Savage and this issue was not pressed at all as it did not appear to appropriate to ask one candidate questions about another candidate. The other attorneys in the PLCB all spoke highly of Mr. Savage and thought that he was very qualified for this position.

Patrick Meehan, the United States Attorney for the Eastern District of Pennsylvania was interviewed about the possible nomination of Mr. Savage. Mr. Meehan's first comment was that Mr. Savage was the Democratic Ward Leader in Philadelphia. He stated that Mr. Savage was well-liked but that he did not think that Mr. Savage was going to be regarded as a "great appointment."

The other attorneys that were interviewed all spoke highly of Mr. Savage. Most of these attorneys were in private practice who primarily represented individuals in the PLCB. While none of them had any negative comments about Mr. Savage, many of them were surprised that our Administration was considering Mr. Savage given his political position.

X. CONFIRMATION ISSUES

In addition to the comments previously mentioned, there were several interesting newspaper articles (attached) summarized below:

FAILURE TO FILE FINANCIAL DISCLOSURE FORM:

Savage, as leader of Philadelphia's 23rd Ward, failed to file a ward financial disclosure form for the year 2000. Savage's ward failed to file despite a publicized investigation by the state attorney general into ward campaign finance reports and accounting practices. Commenting on the failure to file, an assistant in Savage's office stated that the 23rd Ward was not required to file because it received money only from the Democratic City Committee during 2000. City Council member W. Curtis Thomas, who, like Savage, received money only from the Democratic City Committee but not judicial candidates, said he planned to file a financial disclosure report anyway. See Clea Benson, "Despite State Probe, 15 Ward Chiefs Fail to File," Phila. Inquirer, Mar. 8, 2001, at A01.

SAVAGE CRITICAL OF GOVERNMENT'S USE OF COOPERATORS:

Savage, defending a former police officer against federal bribery charges, argued that jurors should not convict based on evidence provided by government cooperators who themselves paid bribes. In his closing argument, Savage said, "They are evil men, used in an American courtroom, and used against innocent people, to escape their due. Don't let them get away with it. I ask you to send a message that we will not tolerate our government doing that." Lee Linder, AP, Aug. 9, 1984.

ABSCAM

Savage, as ward leader in Rep. Raymond F. Lederer's congressional district, defended the congressman's chances for re-election despite the fact that Lederer was implicated in the Abscam scandal. Savage and a state representative supported Lederer's re-election bid at a meeting of district ward leaders. Disputing the Philadelphia mayor's replacement candidates, Savage said, "Lederer has a following and a reputation. He's probably the humblest guy I've ever met in politics." Charles Babcock, "Abscam Suspects Finding Immunity in Incumbency," Wash. Post, Mar. 30, 1980, at A1.

David Glancey, chairman of the Democratic City Committee in Philadelphia, said some ward leaders who still supported Lederer and fellow congressman Myers, who is also implicated in the Abscam scandal, were "practical to the point of being immoral. They figure if they end up indicted and convicted the seat is as good as vacant and they'll get another bite of the apple - the chance to pick their own candidate." Id.

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The Philadelphia Inquirer

MARCH 8, 2001 Thursday CITY-D EDITION

SECTION: NATIONAL; Pg. A01

LENGTH: 914 words

HEADLINE: DESPITE STATE PROBE, 15 WARD CHIEFS FAIL TO FILE

BYLINE: Clea Benson INQUIRER STAFF WRITER

BODY:

The three ward leaders charged Tuesday with failing to report their ward finances in 1999 have not filed disclosures for 2000.

Neither have 12 others among the city's 69 Democratic ward leaders, despite publicity generated by the state attorney general's long-running probe into the lax system of reporting how much money flows in and out of ward accounts.

Many ward leaders were compelled to testify before a state grand jury during the investigation. The grand jury found that many had received thousands of dollars in campaign contributions, which they then spent in ways they could not account for. It also found that there was no consistent enforcement of laws requiring the filing of campaign-finance reports and accounting of campaign expenses.

Despite the knowledge that there was an ongoing investigation into the ward leaders' filing practices, many still did not meet the Jan. 31 deadline for filing reports for 2000.

Some ward leaders say they are merely late in filing. Some - such as those who were indicted - have not made a practice of filing. Others say they were not required to file because they did not take in money from candidates last year.

Those who advocate changing the system believe there are no acceptable reasons for failing to file every year. Finance reporting "ought to be something that you religiously pay attention to and do no matter what the cycle is," said Frederick L. Voigt, whose government-watchdog group, the Committee of Seventy, urged state prosecutors to investigate the ward-reporting system.

The attorney general's probe focused on 1997 and 1999, years when ward coffers were suffused with payments from local judicial candidates. The money ostensibly is to pay for Election Day workers. It is considered necessary if a candidate wants party and ward support.

Voigt says that ward leaders should report diligently even in years when there is less cash flowing through the system.

"Part of the problem historically has been that you have a feeding frenzy during a particular judicial election followed by outcry, newspaper reports, and investigations, and then people fall asleep until the next feeding frenzy," Voigt said. "What you need to have is consistency throughout, and transparency."

Carol Campbell, George Brooks, and Robert McGowan Jr., the three ward leaders charged with failure to file campaign-spending reports in 1999, did not file reports for 2000. None returned telephone calls yesterday.

The maximum penalty for filing late is \$250. The grand jury recommended that the fine be increased to \$1,000.

If the state attorney general determines that any ward leaders were not merely late filing, but completely failed to file, the penalty could be worse. The misdemeanor charges brought against Campbell, Brooks, and McGowan are punishable by a maximum \$5,000 fine and two years in jail.

Also among those who did not file were several state and local elected officials who serve as ward leaders.

State Rep. Michael Horsey (D., Phila.), a certified public accountant who also served as treasurer for a political-action committee run by Campbell, did not file a report for his Sixth Ward last year. Horsey did not return a call seeking comment.

State Rep. W. Curtis Thomas (D., Phila.), leader of the 14th Ward, did not file. He did not return a telephone call.

City Council members Darrell Clarke and Marian Tasco said they were simply running late and planned to file soon.

"I was negligent," Clarke said.

Though he was not required to file a report for 2000 because his ward took in money only from the Democratic City Committee, which it parceled out to Democratic committee people on Election Day, Clarke said he believed he should file anyway.

"You still want to have a report regardless of what you get," he said.

The grand jury's report, issued Tuesday, detailed situations in which ward treasurers apparently left control over finances to the ward leaders themselves. Constance Little, former leader of the 37th Ward, "stated that as long as she has been involved in politics, it has always been the practice that the ward leader controls the money," the report said.

But several ward leaders said yesterday that treasurers did control whether finance reports were filed on time.

"My treasurer is out of town. He'll be back Monday," said Register of Wills Ronald Donatucci, whose 26th Ward did not file a report. "If he didn't do it, we'll file it."

Robert Vance Jr., leader of the 22d Ward, described a similar predicament. "Our treasurer has been back and forth to Ohio with her daughter, and once she gets back, she'll just sign off on it," Vance said.

Others who did not file included Helen Farrell, leader of the 18th Ward; Kevin Fassett, leader of the 27th Ward; Francis Dillon of Ward 66A; and Michael McAleer of Ward 66B. None returned phone calls.

Tim Savage, leader of the 23d Ward, also did not file. An assistant in his office said Savage's ward was not required to file because it received money only from the Democratic City Committee last year.

City Councilman Michael Nutter did not file a separate report for his ward, the 52d, but used a different legal method of reporting. He disclosed his ward-related transactions in the report for his City Council campaign committee.

Reports for two other wards - the 44th, headed by Willie Jordan, and the 37th, headed by Eleanor Brown - were incomplete.

Clea Benson's e-mail address is cbenson@phillynews.com.

LOAD-DATE: October 31, 2001

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The Associated Press

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August 9, 1984, Thursday, PM cycle

SECTION: Domestic News

LENGTH: 487 words

BYLINE: By LEE LINDER, Associated Press Writer

DATELINE: PHILADELPHIA

BODY:

After hearing four weeks of testimony from gamblers, informants and three defendants, a jury today began deliberating on bribery charges against seven former police officers in the city's largest police corruption trial.

U.S. District Judge Daniel Huxett III spent 80 minutes explaining the charges to the jury, and said that although the defendants were tried together, jurors should "consider each defendant separately, solely on the evidence that applies to them alone."

Opposing lawyers wrapped up two days of closing arguments Wednesday. The trial began July 9. The seven officers are accused of accepting \$350,000 in bribes to protect illegal gambling operations.

"Are they all lying?" Assistant U.S. Attorney Peter Schenck said in his closing argument, referring to 35 prosecution witnesses, including two former officers.

Schenck said witnesses who testified about paying bribes to protect their gambling operations had no reason to lie.

"They didn't want to testify. They were granted immunity, and they were compelled to testify," Schenck said.

The defendants include former Deputy Commissioner James Martin, who was the No. 2 officer on Philadelphia's 7,300-member police force when he resigned in April just weeks before he was indicted.

Martin and former Chief Inspector Joseph DePeri also are charged with obstruction of justice, accused of trying to impede the 3 1/2 -year FBI investigation that already has sent seven former officers to prison.

Eight other officers await trial in September, and 40 other policemen have been targeted by agents and a grand jury investigating bribes to protect vice activities.

"What this case is all about it is what the defendants did as police officers," Schenck said. "These men used their office to extort money."

Joseph Bongiovanni, representing former Lt. Henry Pecio, lashed out at 18 video poker machine vendors who testified to paying bribes and at two former policemen who testified they collected \$3,000 to \$12,500 a month and passed the money to Martin and DePeri.

"The police are being prosecuted by the criminals," said Bongiovanni. "It is difficult to take the government case seriously."

Robert Mozenter, attorney for former Lt. Theodore Murphy, labeled former Capt. Joseph Alvaro, who was granted immunity for his cooperation, "a liar, a thief, an extortionist." He asked the jury, "Would you believe that kind of man?"

Attorney Timothy Savage, representing former Lt. George Katz, said the jury should not be fooled by the bribers.

"They are evil men, used in an American courtroom, and used against innocent people, to escape their due," Savage said. "Don't let them get away with it. I ask you to send a message that we will not tolerate our government doing that."

Joel Slomsky, representing former patrolman George Morrell, said, "The government has done a bit of flag waving, but flag waving is no substitute for the truth."

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The Washington Post

March 30, 1980, Sunday, Final Edition

SECTION: First Section; A1

LENGTH: 2416 words

HEADLINE: Abscam Suspects Finding Immunity in Incumbency;
House Abscam Suspects Finding Immunity in Incumbency

BYLINE: By Charles Babcock, Washington Post Staff Writer

BODY:

When the big black headlines of the Abscam scandal suddenly tarnished seven congressmen and a U.S. senator, it seemed that their political careers were ruined, perhaps finished.

But the torrent of damaging pretrial publicity and the political fallout from it suggest there is a more enduring rule in American politics: an incumbent is an incumbent until proven guilty.

In south Philadelphia, 17 people are challenging incumbent Rep. Michael O. (Oz) Myers in the April 22 Democratic primary. Most of them jumped into the race at the last minute, after news reports that the congressman had been videotaped taking \$50,000 in cash from undercover FBI agents.

But the Democratic ward leaders of Philadelphia have refused to desert Myers or Rep. Raymond F. Lederer, who also has been implicated in the Abscam operation. They rejected Mayor William Green's pronouncement that the two incumbents are "unelectable." They ignored the mayor's effort to handpick two city judges to run against the accused congressmen.

"I'm loyal to Oz and Ray," said city councilman James Tayoun. "I'll remain loyal until they're indicted and convicted. Then I'd have to bid them a fond farewell and go elsewhere."

Grand juries in Washington and Brooklyn began hearing evidence against seven House members and Sen. Harrison Williams (D-N.J.) after the news broke on Feb. 3. The first indictments aren't expected before mid-April.

At least for now, Tayoun's kind of loyalty seems to prevail in the home districts of the congressmen who allegedly promised to trade legislative favors for cash from a mythical Arab sheik. Despite concern that the publicity alone would destroy their political lives, the reelection hopes of most, if not all seven, seem alive and well.

For instance, Reps. Frank Thompson (D-N.J.) and John Murtha (D-Pa.) don't even have any primary opposition yet. Others like Myers and Rep. John M. Murphy (D-N.Y.) face plenty of opposition, but traditionally the presence of a great many candidates helps incumbents, whose hard core of support remains loyal as

the challengers cut each other up.

State and local party leaders interviewed during the past week say they recognize political reality: the Abscam disclosures tend to make the incumbents more vulnerable. In Philadelphia and Florida, for example, debates about how to deal with the accused have fractured party unity.

Republican Party officials in Florida have made no public effort to dump Rep. Richard Kelly, who admitted stuffing \$25,000 in cash into his pockets after his encounter with the FBI in January. But they are scurrying behind the scenes, trying to find a candidate to challenge Kelly in the September primary. "Someone other than Kelly has to run," one said simply.

David Glancey, chairman of the Democratic city committee in Philadelphia, said some of the ward leaders still supporting Myers and Lederer are practical "to the point of being immoral. They figure if they end up indicted and convicted the seat is as good as vacant and they'll get another bite of the apple -- the chance to pick their own candidate."

A look at the political fallout from Abscam uncovers a wide range of opinion about the alleged stars of the FBI's videotaping show, and about the political systems that produced them.

Marcia Duffy, acting executive director of the Democratic Party in South Carolina, said many people feel that Rep. John Jenrette, another of those named, "is a damn good congressman because he takes care of his people. Johnny has been in a lot of scrapes, but he always seems to come out of them." j

Alan Schafer, chairman of the Dillon County, S.C., Democratic Party and a Jenrette supporter, said he feels the incumbent will be tough to beat unless indicted and tried before the June 10 primary.

"He's got a lot of sympathy from the average voter," Schafer said. "He's been tried in the press for the last several years. If he's guilty of anything the Justice Department should give him his day in court, give him a chance to face his accusers. So far we've had big newspaper headlines and that's all."

On Friday, Jenrette's attorneys filed a court motion demanding a quick trial. They said the cloud over his reelection campaign could only be cleared by a speedy trial or an official apology.

A first-term state legislator, Hicks Harwell, is the only person who so far says he'll challenge the incumbent in the primary.

Harwell took the floor of the legislature last month to denounce, as a "redneck," a reporter who had described him as heavysset and a flashy dresser who drove a luxury car with a tune-playing horn.

In a recent phone interview, Harwell agreed he could be called flamboyant. He said he has a Mark V Continental that plays the love theme from Dr. Zhivago when he honks. He said he picked the song -- "Somewhere My Love" -- so he'd have an answer when his wife asked where he'd been.

Here's a closer look at the political situation in the districts of the House members named in news reports as targets of the Abscam investigation (Sen. Williams doesn't face reelection until 1982):

Pennsylvania: Philadelphia, which has had more than its share of political scandals, was stunned by the news that two of its congressmen and three members

of the city council were under suspicion.

Reform-minded Mayor Green got out front in a hurry, then had to retreat. City party leader Glancey recalls, "It was not the best week I even had." But he said that Lederer and Myers weren't the only issue when ward leaders thumbed their noses at Green's handpicked judges. "There could have been a Jane Byrne factor, too," he said, referring to Green's unpopular efforts to lay off city police and firemen because of a financial crisis.

Another problem was having to go outside the city organization to find candidates. "There's a dearth of talent from which to pick people," Glancey said. The political machine of former mayor Frank Rizzo was "run by generals who didn't like lieutenants. They'd rather have all soldiers, and that has an effect on your pool of talent," he said.

Tim Savage, a ward leader in Lederer's third congressional district, said Mayor Green's effort to oust the incumbents was hamhanded. The meeting of district ward leaders was poorly attended, and Savage said he and a state representative disputed contentions that Lederer was unelectable and that Green's hand-picked candidate was the man for the job. "Lederer has a following and a reputation. He's probably the humblest guy I've ever met in politics," Savage said.

Last Monday night more than 700 people turned out for a Lederer fundraiser, his first public appearance since the scandal broke. He faces six little-known opponents in the primary three weeks from now. Two years ago he was unopposed.

Aides says Lederer is confident because he gives his district "plenty of service," from taking care of Social Security checks and garbage collection to getting a Navy contract that saved 3,000 jobs in the local shipyard.

Myers is facing stiffer opposition. A ward leader from the same district is among the challengers, and several Italian-American candidates threaten to split the white vote in the racially mixed south Philadelphia district, according to local experts.

The last time, Myers got less than 50 percent of the primary vote, but five other candidates split the rest so evenly that he won handily. The 36-year-old former longshoreman easily won the general election.

City Democratic leader Glancey said the party organization is not lifting a finger to help the two accused incumbents. He added that he couldn't really explain the lack of success of the local Republican party, "We've been beating them over the head for 20 years. It's probably tough to find good Republican candidates. They probably see themselves as sacrificial lambs and say, Why bother?"

Murtha, the third Pennsylvania Democrat named in Abscam, has made no public appearances in his district, northeast of Pittsburgh, since the scandal broke. But he faces no primary opposition.

Florida -- Kelly, the only Republican involved in Abscam -- and the only member to acknowledge taking money -- has been a thorn in the side of the Republican Party in Florida for years, according to officials there.

Party chairman William Taylor, a Jacksonville insurance man, says Kelly's behavior reminds him of a man who once confounded an electrocardiogram machine because he was "wired upside down," Taylor said: "Well, what's normal for Dick

Kelly is abnormal for everyone else."

"He's obnoxious, he's antagonistic, he's pugilistic, but put him on a stage and he comes across like the most sincere, convincing man. It's almost like he's two persons."

Taylor said the party leaders have been talking with Kelly, but so far have made no public move to oppose his reelection. "He's extremely well-liked by the people," he said. "All you here is, 'He votes right.'"

In the 1978 general election, Kelly won by only 51 percent to 49, and three well-financed Democrats are vying to oppose him this time. A Republican state senator from the eastern edge of the sprawling central Florida district is taking on Kelly in the primary.

Curt Kiser, now the House minority leader in Florida, started to run but dropped out, complaining that GOP leaders give him nothing but "lip service." About the situation today, Kiser said, "There's no doubt they're fumbling around. They don't know how to handle this, though they understand he can't win another general election."

"A lot of people told me how bad Kelly was, how he was an embarrassment, how he never did a thing for the party," Kiser said. "But he's on the Agriculture and Banking committees and I found out the interest groups there like the way he votes and give him lots of PAC [political action committee] money."

Kelly returns periodically to the district, where he is greeted at times with standing ovations at dinners and town meetings.

Republican leaders from his home area of Pasco County signed a resolution backing Kelly. Loyalty, they said, "is a noble and Republican virtue."

Chairman Taylor summed it up: "Everyone thinks everyone else's congressman is a crook but theirs."

South Carolina: Jenrette ran unopposed in the last general election despite waves of publicity about grand jury investigations focusing on his activities.

Local papers say he's a good bet to win the primary again, unless the colorful Harwell captures the backing of some important district leaders.

The Charlotte, N. C., Observer quoted an influential local Democrat as saying the incumbent is still popular in the mostly rural district of northeastern South Carolina.

"They like ol' John. They can pick up the phone and call his office and get something done. These tobacco boys are running scared; they don't have too many friends and John knows tobacco," the Democratic leader said.

State Rep. Harwell said Jenrette should start dealing with the realities of his legal and personal problems: "The real issue is representing the district. It deserves someone voting and going to committee meetings."

John Napier, a former aide to popular Sen. Strom Thurmond, announced he would run in the Republican primary the week before Abscam broke. The 32-year-old lawyer notes that he knows something about ethical and financial dealings because of his work as minority counsel in writing the new Senate ethics code.

Jenrette, in the meantime, is getting a sympathetic response to his decision to seek treatment for a drinking problem, an aide said.

Ironically, his most serious political problem lately has been from the Carter White House, apparently because Jenrette hadn't yet endorsed the president's reelection bid. As a result, announcements about grants for Jenrette's district were bypassing the congressman's office and being made by the governor.

New York: Like Jenrette, Rep. John Murphy is used to seeing his name in headlines about government investigations. In a phone interview last week he said the controversy hasn't hurt him politically.

Local political leaders have expressed continued support. When he goes home for Saturday office hours on Staten Island, Murphy said, "People invariably volunteer: 'I'm with you all the way' or 'I don't believe this.'"

Murphy allegedly was videotaped with a Philadelphia lawyer discussing legislation with FBI undercover agents. But when he was offered a briefcase filled with \$50,000, he declined and the attorney, Howard Criden, allegedly took the money.

Federal prosecutors have been trying -- unsuccessfully so far -- to reach an agreement with Criden's attorney to obtain his testimony in the Abscam cases. a

The 53-year-old Murphy is a West Point graduate who has represented the district since 1962. As chairman of the House Merchant Marine and Fisheries Committee, he is in a good position to obtain federal programs for his constituents.

"I gotta produce with dollars and cents," he said, ticking off a list of projects for the district ranging from a park system for the island to saving a hospital.

The New York primary isn't until September. In 1978, Murphy beat Thomas H. Stokes by 15 percentage points. Stokes is running again, as are several others, including Mary Codd, a city councilwoman from Staten Island.

In announcing her candidacy March 10, Codd said she would mention Abscam, but not as an important part of the campaign. A few minutes later, according to one published account, she couldn't resist adding: "But that doesn't mean that corruption will not be an issue in this campaign . . . Political victory has become a license to plunder the public treasury."

New Jersey: Rep. Frank Thompson, another committee chairman and veteran House member, faces no opposition yet in the June 3 primary.

In 1978, he beat a "Right to Life" candidate by 62 to 38 percent. That Republican contender has announced again as an opponent. So has a former Catholic priest who now works at a Gino's restaurant.

In his first appearance back in the district since he was mentioned in Abscam, the silver-haired 61-year-old "Thompay" got a standing ovation from a large crowd at the Mercer County Senior Citizens Council.

State Republican leaders tried without success to lure a popular township mayor into challenging Thompson, who has been reelected every two years since 1954.

GRAPHIC: Picture, William Green . . . ward leaders rebuff mayor

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AND DELIBERATIVE PROCESS PRIVILEGED

CANDIDATE REPORT: TIMOTHY J. SAVAGE

Prepared For The White House Pursuant To
The White House's Request for Views on the Candidate

Summary: Timothy J. Savage is a Philadelphia trial attorney with thirty years of experience. He has spent most of his career as a solo practitioner, where he has handled criminal defense work, civil matters and personal injury litigation. He is a member of the Philadelphia County Democratic Executive Committee and the elected Democrat Leader of Philadelphia's Twenty-third Ward. Mr. Savage also serves as a Hearing Examiner for the Pennsylvania Liquor Control Board, a position he has held for 24 years.

While Savage clearly is an accomplished litigator, his partisan political activities on behalf of Democrats, coupled with a career in which he has primarily served as a criminal defense attorney, may cause confirmation problems on Capitol Hill.

I. General Background/Legal Career

Mr. Savage was born in Philadelphia, Pennsylvania and earned his B.A. *cum laude* in 1968 at Assumption College. In 1971, he received his J.D. from the Temple University School of Law, where he was an Editor of the *Temple Law Quarterly*.

Upon graduating from law school, Mr. Savage joined a Philadelphia law firm as an associate in the firm's litigation department, where he handled civil matters. After four years, he formed his own law firm and has been a solo practitioner for the last twenty-five years.

In the early part of his career as a solo attorney, Mr. Savage largely handled criminal defense matters, including the trial of United States Representative Raymond Lederer (D-PA). Lederer was convicted of receiving a bribe in the "Abscam" case. Mr. Savage estimates that in the early years, he handled between 60-75 percent criminal matters, most of which were in state court. During this time, he estimates that he took more than 100 jury trials to verdict.

Throughout the last five years, Mr. Savage states that his practice has become largely civil, with nearly 75 percent of his cases involving non-criminal matters. He has tried 16 cases to verdict or judgment during that time.

Since 1977, Mr. Savage also has served as a Hearing Examiner for the Pennsylvania Liquor Control Board, where he presides over adversarial hearings on liquor license applications, transfers and renewals.

Savage currently serves as Counsel and a member of the Board of Directors for the Metropolitan Northeast Boys and Girls Club. He also has served as a member and secretary of the Board of Directors of the Northeast Community Center for Mental Health and Mental Retardation.

Savage also is a member of the American Bar Association, the American Trial Lawyers Association and the Pennsylvania Trial Lawyers Association.

II Noteworthy Litigation

Mr. Savage has been involved in several interesting cases during his career and has filed two Petitions for Writs of Certiorari with the United States Supreme Court seeking review of certain criminal law questions. The Court denied both petitions. The following is an overview of some of his noteworthy litigation.

1. *Katz v. United States*, 778 F.2d 963 (3^d Cir.1985), *cert. denied*, 476 U.S. 1159, (1986). Savage represented a Philadelphia police officer convicted of extorting protection money from certain illegal gambling operations. Savage sought review of the Third Circuit's judgment affirming his client's convictions for conspiracy to violate RICO and substantive RICO and Hobbs Act violations. Katz requested that the Court resolve a split among the circuits regarding whether the district court must conduct an independent review of the reliability of co-conspirator statements to satisfy the Sixth Amendment's Confrontation Clause, or whether such statements are deemed trustworthy as long as they comply with the requirements of Rule 801(d)(2)(E) of the Federal Rules of Evidence.

Katz also argued that the Third Circuit erroneously held that out-of-court statements between members of the conspiracy apprising one another of their efforts to avoid indictment were statements made "in furtherance of the conspiracy", and therefore were admissible under an exception to the hearsay rule.

The Court denied Savage's request for certiorari, although it later reviewed the reliability inquiry question in *U.S. v. Bourjaily*, 483 U.S. 171 (1987) and found that no independent "indicia of reliability" test was necessary for statements which met the requirement of FRE 801(d)(2)(E).

2. *Lederer v. United States*, 692 F.2d 823 (2d Cir., 1982), *cert. denied*, 461 U.S. 961 (1983). Savage represented United States Congressman Raymond Lederer (D-PA), convicted of accepting a bribe during the "Abscam" investigation.

Savage sought review of several constitutional issues, including whether the Abscam investigation implicated the Speech or Debate Clause of the Constitution and violated traditional notions of separation of powers and Lederer's civil

liberties.

Specifically, Savage argued that the Executive Branch had impermissibly created a scenario "compatible with the activities and duties of an honest and effective Congressman" when it lured his client into a situation where he received \$50,000 in exchange for agreeing to assist fictitious foreigners with their immigration problems. Savage argued that undercover operations by the Executive Branch against members of the Legislative Branch without any evidence of predisposition by the legislators to commit the crime violated the separation of powers doctrine and invited abusive targeting of innocent members of Congress for political purposes.

Notably, Savage's brief rejects the notion that the safeguard against such potential governmental abuse is the ability of the Member of Congress to refuse to accept a bribe. Instead, he argued that the Executive Branch had been allowed to "exploit human frailties for political benefit."

3. *Commonwealth of Pennsylvania v. Beck*, 502 Pa. 78 (1983). Savage represented a defendant charged with murder, manslaughter, and other crimes after he admitted to a fatal stabbing. At his first trial, defendant was convicted of third degree murder, and found not guilty of first degree murder and voluntary manslaughter. After the defendant was awarded a new trial on third degree murder and manslaughter charges, a second jury convicted him of voluntary manslaughter.

Savage successfully argued on double jeopardy grounds that his client could not be convicted of voluntary manslaughter after he had been found not guilty of the same offense in the earlier trial, even though Savage had failed to object to the voluntary manslaughter charge pre-trial.

4. *United States v. Gomborg, et al*, 715 F.2d 843 (3d Cir. 1983). Savage represented one of several defendants convicted and sentenced for possession of methamphetamine, conspiracy to manufacture and distribute methamphetamine, and operating a methamphetamine lab as a continuing criminal enterprise, all in violation of the Comprehensive Drug Abuse Prevention and Control Act (CDAPCA), 21 U.S.C. § 801 et seq.

Savage successfully argued that defendants sentenced under the CDAPCA for operating a continuing criminal enterprise should not also receive separate sentences for conspiracy and the underlying predicate offenses. The Court held that the federal statute's continuing criminal enterprise predicate violations were lesser included offenses not subject to additional penalties.

III. Miscellaneous Other

Mr. Savage has served as a hearing examiner for the Pennsylvania Liquor Control Board since 1977. He has twice litigated against two different Pennsylvania Republican Governors to keep his position on the control board.

In *Timothy Savage, et al v. Governor Tom Ridge, Pennsylvania Liquor Control Board, et al* (No. 94 M.D. Comm.Ct.Pa, 1997), Savage and three other Pennsylvania Liquor Control Board employees successfully obtained an injunction preventing Governor Ridge and the Control Board from terminating their hearing examiner positions. Savage argued that Ridge lacked legislative authority to eliminate the positions, even after Ridge found that it was fiscally imprudent for Pennsylvania to continue them.

In *Timothy Savage v. Commonwealth of Pennsylvania, Governor Richard Thornburgh, et al*, 475 F.Supp 524 (E.D. Pa., 1979), Savage sued Governor Thornburgh and the state Liquor Control Board for civil rights and First Amendment violations after Governor Thornburgh terminated his position as a hearing examiner for engaging in partisan political activities. The Court rejected Thornburgh's claim that Savage was fired for violation of a politically-neutral, but unwritten policy similar to the federal Hatch Act. The Court found that the Governor's policy impermissibly infringed on Savage's First Amendment rights to political expression and association and granted an injunction prohibiting his termination.

Savage has served as an elected Philadelphia County Executive Committeeman and the Democrat Ward Leader for the Twenty-third Ward for 25 years. He was an unsuccessful candidate for nomination in the Democrat primaries for a seat on the Philadelphia City Council in both 1979 and 1983. He has openly supported Democrat candidates in federal, state and local elections throughout that time.

Savage has made no controversial speeches or pronouncements on legal or policy issues which have appeared in the public record. As a law student at Temple, he wrote a non-controversial case note regarding a Supreme Court decision allowing the use of union authorization cards and the standard for determining whether such cards were obtained through misrepresentation or coercion.

Savage is a member of several civic and social organizations, none of which are controversial or discriminate against members on the basis of race, sex or religion.

IV Confirmation Issues

Mr. Savage's willingness to litigate against Governors Thornburgh and Ridge to keep his position as a Liquor Control Board hearing examiner is indicative of someone who believes that the judicial process should be used to overturn employment decisions, even if such decisions are made for legitimate budgetary reasons.

Savage also could be asked about his work on behalf of convicted Abscam defendant Raymond Lederer. Savage's certiorari petition seeking a review of Lederer's conviction suggests that his client's conduct should have been excused because Lederer had no known history or predisposition to accept a bribe. Savage's characterization of the government's action in the Abscam case as "the exploitation of human frailty for political purposes" may be troubling for some on Capitol Hill.