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108TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
108–414

EVERYTHING SECRET DEGENERATES: THE FBI'S USE OF MURDERERS AS INFORMANTS

THIRD REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

Volume 1 of 2

together with

MINORITY AND ADDITIONAL MINORITY VIEWS

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FEBRUARY 3, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's third report to the 108th Congress.

TOM DAVIS,
Chairman.

CONTENTS

Page

Volume 1

I. Executive Summary 1
II. Why the Committee Investigated these Matters 9
III. Joseph Barboza and the Deegan Murder Prosecution: An Extraordinary Failure to Serve the Ends of Justice 10
A. Barboza, the Flemmis, and the Deegan Murder Prosecution 10
1. Joseph "The Animal" Barboza 11
2. The Murder of Edward "Teddy" Deegan 13
3. Developing the Flemmi Brothers as Informants 15
4. The Deegan Murder Prosecution 17
i. Barboza's Pretrial Dealings with Federal Officials 19
ii. Barboza's Grand Jury Testimony 22
iii. Barboza's Testimony Compared to Preexisting Information 25
iv. Anthony Stathopoulos and the Deegan Murder Prosecution 32
v. Federal Involvement in the Deegan Prosecution 33
5. The Failure to Prosecute Raymond Patriarca 41
6. Post-Conviction Indications That a Grave Miscarriage of Justice Had Occurred 42
7. The Deegan Murder Defendants After Conviction 48
i. Joseph Salvati 48
ii. Peter Limone 54
8. Efforts to Protect Stephen Flemmi After the Deegan Murder Trial 56
9. The Misuse of the Flemmi Brothers as Informants: Two Human Perspectives 62
B. Interference with State Law Enforcement 64
1. California 65
i. Joseph Barboza's Relocation to California 65
ii. The Murder of Clay Wilson 70
iii. The Clay Wilson Murder Trial in California 76
iv. Joseph Barboza Returns to Prison 81
2. Nevada 83
3. Oklahoma 89
4. Florida 92
5. Massachusetts 93
i. Operation Lobster 93
ii. The Lancaster Street Garage 94
iii. The Howard Johnson's Investigation 95
iv. The DEA Investigation 95
6. Connecticut 96
7. Rhode Island 98
IV. The Use of James "Whitey" Bulger as An Informant Raised Questions About Whether the FBI Used its Authority to Advance or Protect Former Massachusetts State Senate President William Bulger 103
A. William Bulger's Testimony Before the Committee 104
1. FY82 Massachusetts State Budget Line Item 105
2. 75 State Street Real Estate Venture 106
3. Massachusetts State Police Trooper Billy Johnson's Encounter with James "Whitey" Bulger at Logan Airport 108
4. William Bulger's Relationship with Former FBI Special Agent and James "Whitey" Bulger's Handler, John Connolly 109

Page

A. William Bulger's Testimony Before the Committee—Continued
5. William Bulger's January 1995 Telephone Conversation with James "Whitey" Bulger 111
6. FBI Contact with William Bulger and the Bulger Family Concerning James "Whitey" Bulger's Whereabouts 112
B. Subsequent Investigation of William Bulger's Testimony 113
1. Interview of John Gamel 114
2. Interview of Carl Gustin 116
3. Interview of William Nally 118
4. Interview of Robert Zoulas 120
5. Contact with John O'Donovan 120
6. Contact with Peter Agnes 121
7. Research at Massachusetts State House and Library 121
V. Institutional Reluctance to Accept Oversight 124
A. Congressional Oversight 124
1. The Patriarca Microphone Surveillance Logs 126
2. Documents Pertaining to Robert Daddeico 126
3. U.S. Attorney's Office Gangland Murder Summaries 127
B. Institutional Oversight 128
C. The Claim of Executive Privilege Over Key Documents 129
1. The Committee's Request for the Documents 129
2. The President's Claim of Executive Privilege 130
3. The Justice Department's Shifting Explanations 130
i. The Administration's Denial that it Was Creating an Inflexible Policy 131
ii. The Administration's Failure to Compromise with the Committee 131
iii. The Administration's Misrepresentations Regarding Historical Precedent 131
4. The Justice Department Finally Provided the Committee with Access to the Subpoenaed Documents 132
5. The Documents Which Were Withheld Contained Vital Information 134
VI. Conclusions and Recommendations 135

APPENDICES

Appendix I.—Committee Correspondence 137
Appendix II.—FBI Office of Professional Responsibility Report 381

CHRONOLOGY

Chronology of events from the 40's through 2002 452
Selected exhibits 1 through 350 631

Volume 2

Selected exhibits 351 through 981 1803

VIEWS

Minority views of Hon. Henry A. Waxman, Hon. Tom Lantos, Hon. Major R. Owens, Hon. Bernard Sanders, Hon. Elijah E. Cummings, Hon. Dennis J. Kucinich, Hon. Diane E. Watson, Hon. Stephen F. Lynch, and Hon. Eleanor Holmes Norton 3514
Additional minority views of Hon. John F. Tierney, Hon. Stephen F. Lynch, Hon. Elijah E. Cummings, and Hon. Bernard Sanders 3517

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108TH CONGRESS *2d Session* } HOUSE OF REPRESENTATIVES { REPORT 108–414

EVERYTHING SECRET DEGENERATES: THE FBI's USE OF MURDERERS AS INFORMANTS

FEBRUARY 3, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government Reform submitted the following

THIRD REPORT

On November 20, 2003, the Committee on Government Reform approved and adopted a report entitled, "Everything Secret Degenerates: The FBI's Use of Murderers as Informants." The chairman was directed to transmit a copy to the Speaker of the House.

I. EXECUTIVE SUMMARY

Federal law enforcement officials made a decision to use murderers as informants beginning in the 1960s. Known killers were protected from the consequences of their crimes and purposefully kept on the streets. This report discusses some of the disastrous consequences of the use of murderers as informants in New England.

Beginning in the mid-1960s, the Federal Bureau of Investigation ("FBI" or "Bureau") began a course of conduct in New England that must be considered one of the greatest failures in the history of federal law enforcement. This Committee report focuses on only a small segment of what happened. It discusses primarily the 1965 murder of Edward "Teddy" Deegan, the subsequent prosecution of six defendants for that murder, and the actions of federal law enforcement officials to protect cooperating witness Joseph "The Animal" Barboza and government informants Jimmy "The Bear" Flemmi and Stephen "The Rifleman" Flemmi.

In order to understand the FBI's misuse of informants in New England, it is essential to examine the Deegan murder prosecution. The story of this trial and subsequent events provides a foundation to assess what happened during the 1970s, 1980s, and 1990s, when Stephen Flemmi and James "Whitey" Bulger allegedly murdered at

least 19 individuals while serving as government informants. It is now clear that FBI Special Agent John Connolly developed an improper relationship with Whitey Bulger and others who served as government informants. Connolly now stands convicted of obstruction of justice for his role in helping Whitey Bulger escape by tipping him off to his impending indictment. Stephen Flemmi, as part of his plea agreement, has also implicated Connolly in providing information that resulted in the murder of others.

The results of the Committee's investigation make clear that the FBI must improve management of its informant programs to ensure that agents are not corrupted. The Committee will examine the current FBI's management, security, and discipline to prevent similar events in the future.

This report finds that:

- Federal law enforcement personnel appear to have tolerated, and perhaps encouraged, false testimony in a state death penalty prosecution. When Joseph Barboza testified in the 1968 trial of six men for the murder of Teddy Deegan, his testimony was contradicted by a compelling body of evidence collected by federal law enforcement. Most of this evidence was kept from defendants and prosecutors. In all probability, this happened because informants were being protected and some officials at the FBI adopted an "ends justifies the means" approach to law enforcement. To date, there have been no adverse consequences for those who permitted the false testimony.
- As a result of Barboza's false testimony, four men were sentenced to death and two men were sentenced to life in prison. Evidence provided to the Committee indicates that four of these individuals did not commit the crime for which they were convicted. Two died in prison and the other two spent in excess of thirty years in prison. Furthermore, federal officials appear to have taken affirmative steps to ensure that the individuals convicted would not obtain post-conviction relief and that they would die in prison.
- Raymond Patriarca was one of the most significant organized crime figures in the United States in the 1960s. He was one of the Justice Department's top targets for prosecution. According to documents provided to the Committee, the Justice Department had microphone surveillance information indicating that Patriarca sanctioned the murder of Teddy Deegan, and that Vincent James Flemmi ("Jimmy Flemmi") and Joseph Barboza committed the crime a few days after Patriarca gave his assent to the murder. When asked if Patriarca would have been complicit in the Deegan murder, Judge Edward Harrington, then a top federal prosecutor intimately involved with cooperating witness Joseph Barboza, stated, "No doubt about it." Later, federal prosecutors were able to obtain the cooperation of Joseph Barboza. Two unanswered questions arise from these facts. First, was Patriarca not prosecuted for his involvement in the Deegan murder because Joseph Barboza would not tell the true story about the Deegan murder, thereby implicating Jimmy Flemmi? Second, did federal officials refrain from indicting Patriarca for the applicable federal crimes relating to the

Deegan murder because the federal government would have been compelled to provide all defendants with evidence from the microphone surveillance of Patriarca that would have undermined Barboza's testimony?

- The FBI had microphone surveillance that Joseph Barboza and Jimmy Flemmi intended to murder Teddy Deegan, and that Raymond Patriarca was involved in the conspiracy to commit this murder. Nevertheless, little appears to have been done to prevent Deegan from being killed. On the same day that the murder occurred, Jimmy Flemmi was assigned to be developed as an informant by FBI Special Agent H. Paul Rico. Unfortunately, many documents that might shed light on whether false testimony in the Deegan murder trial was tolerated to develop Jimmy Flemmi as an informant have been redacted by the Justice Department, and the Committee has been unable to do a thorough investigation of this matter. Furthermore, the Justice Department has withheld potentially significant information pertaining to informants, which has created additional investigative hurdles.
- Microphone surveillance of Raymond Patriarca indicated Jimmy Flemmi's motive for killing Teddy Deegan. This motive clearly contradicted Joseph Barboza's testimony that Deegan was killed because Patriarca wanted revenge for a burglary and for the murder of Rico Sacrimone. In fact, Flemmi indicated that his interest in killing Deegan was based on matters pertaining to the McLean-McLaughlin gang war. The FBI was aware of this discrepancy, but allowed Barboza to provide a false rationale for the Deegan murder.
- Compelling evidence indicates that Jimmy Flemmi did participate in the murder of Teddy Deegan. Nevertheless, he was not prosecuted for the murder. This leads to three areas of particular concern. First, was Flemmi spared prosecution for murder because of his role as a government informant? Second, was Joseph Barboza permitted to leave Flemmi out of his testimony in exchange for testimony against others? Third, was Jimmy Flemmi spared prosecution for murder because the federal government was using his brother, Stephen "The Rifleman" Flemmi, as a "Top Echelon" informant? Unfortunately, it is difficult to provide a definitive answer to these questions because the Committee has been denied access to potentially relevant evidence.
- When FBI Special Agents H. Paul Rico and Dennis Condon developed Joseph Barboza as a cooperating witness, Barboza told them that he would not provide information that would allow Jimmy Flemmi to "fry," which should have alerted federal officials that Barboza would not provide accurate testimony as part of the Deegan murder prosecution. There is no evidence that any affirmative steps were taken to prevent Barboza from committing perjury in the Deegan capital murder trial, or to communicate to prosecutors or the court that Barboza had previously told the FBI he would not provide information about Jimmy Flemmi. Furthermore, it appears that the FBI's knowl-

edge regarding Jimmy Flemmi's motive for killing Deegan was withheld until March of 2003. The failure to press Barboza regarding Flemmi's involvement in the Deegan murder appears to support the conclusion that Barboza's false testimony was acceptable to some law enforcement officials.

- The lead prosecutor in the Deegan case testified that if he had the information available to the FBI, he not only would have refrained from seeking the death penalty, he never would have indicted the defendants. He said:

> I must tell you this, that I was outraged—outraged—at the fact that if [the exculpatory documents] had ever been shown to me, we wouldn't be sitting here . . . I certainly would never have allowed myself to prosecute this case having that knowledge. No way. . . . That information should have been in my hands. It should have been in the hands of the defense attorneys. It is outrageous, it's terrible, and that trial shouldn't have gone forward.

  He further testified that he now believes that Barboza's FBI handlers "knew from the beginning that Joe Barboza was lying. . . . They have a witness that they knew was lying to me, and they never told me he was lying." He concluded: "[The FBI] figured, well, let's flip Joe, and let Joe know that we're not going to push him on his friend Jimmy Flemmi. So they let Joe go on and tell the story, leaving out Jimmy Flemmi; and then Jimmy Flemmi is allowed to go on and be their informer."

- On January 5, 2001, Judge Margaret Hinkle of the Suffolk County Superior Court stated, in granting defendant Peter Limone a new trial:

> [T]he jury would likely have reached a different conclusion by this previously undisclosed evidence for two principal reasons. First, the new evidence [previously undisclosed FBI documents] casts serious doubt on Barboza's credibility in his account of Limone's role. Second, the new evidence reveals that Vincent James Flemmi, a participant of some sort in the Deegan murder, was an FBI informant around the time of the murder.

  Thus, the court system responsible for the Deegan trial now recognizes that evidence in the hands of federal officials was indispensable to the administration of justice in the Deegan murder prosecution.

- Senior staff close to FBI Director J. Edgar Hoover were kept personally informed of steps taken to develop Joseph Barboza as a cooperating witness. Hoover or other senior law enforcement officials were in possession of information that could have led them to the conclusion that Barboza was committing perjury in a capital murder case. If Barboza had not been permitted to lie at trial, those indicted would not have been convicted. Furthermore, when Barboza was part of the Witness Protection Program, affirmative steps were taken to help him escape the consequences of a murder he committed in California. Director Hoover's office was aware of these initiatives.

- Senior FBI staff—and possibly FBI Director J. Edgar Hoover—appear to have been personally involved in decisions relating to the development of Jimmy Flemmi as an informant. Notwithstanding the fact that those officials had received reports by memorandum that Flemmi wanted "to become recognized as the No. One 'hit man' in this area as a contract killer" and that Flemmi had committed seven murders, "and, from all indications, he is going to continue to commit murder[,]" the FBI continued its efforts to develop and keep Flemmi as a Top Echelon criminal informant. There was no evidence that anyone expressed concern that Jimmy Flemmi would kill people while serving as a government informant. This is consistent with what happened later when agents in the FBI's Boston office used Stephen Flemmi and James Bulger—who appear to have been involved in at least nineteen homicides—as informants for nearly a quarter of a century.
- Numerous murders—well in excess of 20—were allegedly committed by government informants Jimmy Flemmi, Stephen Flemmi, and James Bulger. Evidence obtained by the Committee leaves no doubt that at least some law enforcement personnel, including officials in FBI Director Hoover's office, were well aware that federal informants were committing murders.
- The Committee received testimony and other evidence that major homicide and criminal investigations in a number of states—including Massachusetts, Connecticut, Oklahoma, California, Nevada, Florida and Rhode Island—were frustrated or compromised by federal law enforcement officials intent on protecting informants. It appears that federal law enforcement actively worked to prevent homicide cases from being resolved.
- When the FBI Office of Professional Responsibility conducted an investigation of the activities of New England law enforcement, it concluded in 1997: "There is no evidence that prosecutorial discretion was exercised on behalf of [James] Bulger and/or [Stephen] Flemmi." This is untrue. Former U.S. Attorney Jeremiah O'Sullivan was asked at the December 5, 2002 Committee hearing whether prosecutorial discretion had been exercised on behalf of Bulger and Flemmi, and he said that it had. A review of documents in the possession of the Justice Department also confirms this to be true. Had the Committee permitted an assertion of executive privilege by the President to go unchallenged, this information would never have been known. That the Justice Department concluded that prosecutorial discretion had not benefited Bulger or Flemmi—while at the same time fighting to keep Congress from obtaining information proving this statement to be untrue—is extremely troubling.
- Although the Committee's investigation focused on the Deegan murder, a few observations must be made regarding James Bulger and Stephen Flemmi:
    - Former U.S. Attorney Jeremiah O'Sullivan testified that he was aware Bulger and Flemmi were murderers, but that they were not indicted in a race-fixing case because they were minor players and their role was confined to receiving

ill-gotten gains from the illegal scheme. When confronted at a hearing with his own memorandum indicating that Bulger and Flemmi had a substantial role in every part of the criminal enterprise, O'Sullivan testified "[Y]ou got me[.]"

- Former U.S. Attorney Jeremiah O'Sullivan testified that there were fundamental problems between federal prosecutors and FBI investigators. O'Sullivan stated, for example, "[I]f you go against [the FBI], they will try to get you. They will wage war on you. They will cause major administrative problems for me as a prosecutor." O'Sullivan also testified that it "would have precipitated World War III if I tried to get inside the FBI to deal with informants. That was the holy of holies, inner sanctum. They wouldn't have allowed me to do anything about that[.]" O'Sullivan had so little confidence in the FBI that he recommended that federal agencies other than the FBI participate in a state investigation of Bulger and Flemmi. Upon learning that O'Sullivan circumvented the FBI, the head of the Boston FBI office berated O'Sullivan for targeting Bureau informants for investigation.
- The use of James "Whitey" Bulger as an informant specifically undermined public confidence in the integrity of state government by raising serious questions about whether the FBI used its authority to protect former Massachusetts State Senate President William Bulger from scrutiny by law enforcement or to advance his political career and whether he, in turn, used his authority improperly and with impunity to punish those who investigated his brother.
- Former State Senate President and now former University of Massachusetts President William M. Bulger's exercise of his Fifth Amendment rights before the Committee in December 2002 delayed Congress's receipt of his testimony regarding Bulger's possible knowledge of the favors done by FBI agents for James Bulger, his knowledge of whether FBI personnel assisted his own political career, his relationship with convicted former FBI Agent John Connolly, whether state government actions discouraged investigations of James Bulger, and other information pertinent to the Committee's investigation.
- The evidence before the Committee was insufficient to substantiate that William Bulger was complicit in any effort by federal law enforcement to advance his career or that he took any action to punish those who investigated his brother. William Bulger's testimony before the Committee, however, with respect to the FBI's efforts to contact him regarding his brother's whereabouts appeared to be inconsistent with a former Special Agent's recollection and his contemporaneous report of his efforts to contact William Bulger. Nor could the Committee substantiate William Bulger's testimony that he informed his lawyer who informed law enforcement of a telephone call with James "Whitey" Bulger after he fled.

- Evidence regarding the relationship of former FBI agent John Connolly and other FBI officials with James "Whitey" Bulger and other informants remains the subject of ongoing law enforcement efforts. The plea agreement of Stephen Flemmi has implicated John Connolly in other murders and resulted in the arrest of former FBI agent H. Paul Rico for the 1981 murder of Oklahoma businessman Roger Wheeler. Evidence related to these ongoing law enforcement efforts, including the testimony of John Connolly, has not been available to the Committee to date.

- The Justice Department made it very difficult for this Committee to conduct timely and effective oversight. Commenting specifically on the situation of Joseph Salvati, former FBI Director Louis Freeh stated that the case is "obviously a great travesty, a great failure, disgraceful to the extent that my agency or any other law enforcement agency contributed to that." Nevertheless, notwithstanding the certainty that a terrible injustice occurred, a number of steps were taken that were a major impediment to the Committee's investigation:
  - Executive privilege was claimed over documents important to the Committee's investigation. Although the Committee eventually obtained access to the documents sought, months of investigative time was lost.
  - Disregarding a Committee document request made on June 5, 2001, the Justice Department failed to make adequate effort to provide the Committee with important FBI 209 interview summaries that purportedly document former FBI Special Agent H. Paul Rico's use of Stephen Flemmi in efforts to obtain Joseph Barboza's testimony in the Deegan murder case.
  - Many documents received by the Committee were unnecessarily redacted, making it difficult to understand the substance and context of the factual information communicated.
  - The Justice Department claimed that it was unable to locate significant information sought by the Committee. For example, four months after its April 16, 2002 request for documents related to a key witness, Robert Daddeico, who was also well known to the FBI and the Justice Department, the Justice Department claimed it needed more information to be able to identify "Robert Daddeico" in Justice Department files.
  - The Justice Department failed to produce to the Committee a document until December 16, 2002 prepared for the U.S. Attorney's Office in Boston in 1966 which indicates contemporaneous knowledge of who committed the Deegan murder.
  - Another extremely disturbing document production failure pertains to a June 5, 2001, request to the Justice Department to produce "all audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Raymond Patriarca from January 1, 1962, to December 31, 1968." Because Barboza and Flemmi traveled to Rhode Is-

land to get Patriarca's permission to kill Teddy Deegan, and because there was microphone surveillance capturing conversations, documents pertaining to this request were of paramount importance to the Committee. Indeed, the Justice Department was aware of the importance attributed by the Committee to these records. A few months after the initial request, the Justice Department indicated that the Committee had received all documents relevant to the Patriarca microphone surveillance. However, on December 2, 2002, one and a half years after the Committee's initial request, Task Force supervisor John Durham indicated that contemporaneous handwritten logs had been prepared by FBI Special Agents as conversations picked up by the microphone surveillance were monitored. These logs were not produced to the Committee until late December of 2002. Many of the most important sections of these documents were illegible. When the Committee was finally able to review legible copies of these documents in March of 2003, the Committee was able to ascertain that there was unique and significant information in these documents. For example, one is able to discern a motive for Jimmy Flemmi's wanting to murder Deegan in these documents. This motive contradicts the motive offered by Joseph Barboza at trial and would have had a significant bearing on the outcome of the Deegan case. This information would have also been a significant element in a number of Committee hearings and interviews.

These are but a few of the many examples that have led to concern with the Justice Department's performance in assisting the Committee with its investigation.

- The FBI's Boston office continued to exhibit insensitivity to the evidence of impropriety in the Deegan case. In early 2001, the Special Agent in Charge of the Boston Office stated: "The FBI was forthcoming. We didn't conceal the information. We didn't attempt to frame anyone." This supervisor was presumably referring to one document which indicates some information was provided, by means of an anonymous tip, to the Chelsea Police Department right after the Deegan murder. However, three years later when the Deegan trial began, the FBI was in possession of considerable and reliable exculpatory evidence—including knowledge that Joseph Barboza would not provide accurate information at trial—and this information was withheld from state prosecutors. Moreover, those who received the information provided in 1965 did not know it came from microphone surveillance and thus had a high degree of reliability. More significant, however, is the contrast between the FBI's representation that information was not concealed and the Deegan prosecutor's observation that if the relevant information had been shown to him "we wouldn't be sitting here . . . I certainly would never have allowed myself to prosecute this case[.]"
- In excess of two billion dollars in civil lawsuits were filed as the direct result of federal law enforcement decisions to use Jimmy Flemmi, Stephen Flemmi, and James Bulger as criminal informants. From the outset, the Department of Justice has used liti-

gation tactics to defeat these lawsuits that, at best, can be characterized as contrary to respect for the rule of law.

- The use of murderers as government informants created problems that were, and continue to be, extremely harmful to the administration of justice.
- Incalculable damage to the public's respect for the rule of law has been done by the actions of federal law enforcement personnel in Boston from 1965 until the present.

II. WHY THE COMMITTEE INVESTIGATED THESE MATTERS

Edmund Burke said: "The only thing necessary for the triumph of evil is for good men to do nothing." No truer words could have been written about federal law enforcement in Boston from the 1960s until the mid-1990s. While it is undoubtedly true that some things done by federal law enforcement in Boston can be cited with justifiable pride, it is also true that there was an undercurrent of failure and corrupt practices. Unfortunately, that undercurrent traveled to Washington and through the highest levels of the FBI. It also had significant negative consequences for many states.

Perhaps the greatest tragedy of the Boston debacle is the doubt cast on the integrity of the men and women who work for the Justice Department and, particularly, the Federal Bureau of Investigation. The United States Department of Justice is, without a doubt, the finest federal law enforcement organization in the world. The men and women of the Justice Department are dedicated, professional public servants. The integrity of the vast majority of these men and women is beyond reproach. Nevertheless, what happened in New England over a forty year period raises doubts that can be dispelled only by an obvious dedication to full disclosure of the truth. It is the greatest strength of our democratic system that the mistakes of the government can be assessed and placed before the American people. This report attempts to serve this end, not only for the purpose of informing, but also as a preamble to future legislative action.

At a time when the United States is faced by threats from international terrorism, and a number of law enforcement tools are being justifiably strengthened, it is particularly important to remember that Lord Acton's words are true:"Every thing secret degenerates, even the administration of justice."[1] Federal District Court Judge Mark Wolf began the landmark decision *U.S.* v. *Salemme*[2] with Lord Acton's words, and it is fitting that they be repeated here because Judge Wolf began the oversight process that led to this Committee's investigation. He is owed a significant debt of gratitude by everyone devoted to law enforcement in a democratic society.

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[1] JOHN EMERICH EDWARD DALBERG ACTON, LORD ACTON AND HIS CIRCLE 166 (Abbot Gasquet ed., 1968).

[2] *U.S.* v. *Salemme,* 91 F. Supp. 2d 141, 148 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000).

III. JOSEPH BARBOZA AND THE DEEGAN MURDER PROSECUTION: AN EXTRAORDINARY FAILURE TO SERVE THE ENDS OF JUSTICE

What happened in New England over a forty year period is, without doubt, one of the greatest failures in federal law enforcement history. It began with the development of Jimmy and Stephen Flemmi as federal criminal informants, and with the prosecution of six individuals for the murder of Edward "Teddy" Deegan. Evidence obtained by the Committee leads to the conclusion that the death penalty was sought against innocent men regardless of compelling evidence of an injustice. In all probability, this happened because informants were being protected and some members of the FBI adopted an "ends justifies the means" approach to law enforcement.

A. BARBOZA, THE FLEMMIS, AND THE DEEGAN MURDER PROSECUTION

The two greatest challenges facing law enforcement in New England in the mid-1960s were organized crime and a gang war between supporters of feuding local criminals. It is not surprising, therefore, that heavy reliance was placed on developing informants to provide both advance notice of criminal activity and after-the-fact intelligence. The need to develop informants was particularly great in the area of organized crime. For decades, FBI Director J. Edgar Hoover publicly maintained that there was no such thing as organized crime. As Hoover's long-time aide Cartha "Deke" DeLoach pointed out:

> Despite this now-familiar history of the mob in America, it surprises most people to learn that from the early 1930s until 1957, J. Edgar Hoover had insisted that there was no such thing as La Cosa Nostra—that is, a network of interrelated mobs that coordinated activities and maintained a kind of corporate discipline. . . . His profound contempt of the criminal mind, combined with his enormous faith in the agency he created, persuaded him that no such complex national criminal organization could exist without him knowing about it. He didn't know about it; ergo it did not exist.[3]

In retrospect, it is difficult to believe that federal law enforcement failed to recognize decades of significant national, interstate criminal activity. Nevertheless, the Justice Department did not make organized crime a priority until the 1960s.

An important part of the initiative against organized crime began with a decision in 1962 to commence a program of microphone surveillance of major suspected crime figures. In New England, this began with the installation of a listening device in the headquarters of organized crime leader Raymond Patriarca. According to a memorandum drafted in 1967 to recommend the prosecution of Patriarca:

> Raymond Patriarca was the subject of an F.B.I. electronic surveillance by means of an electronic eavesdropping de-

[3] CARTHA "DEKE" DELOACH, HOOVER'S FBI: THE INSIDE STORY BY HOOVER'S TRUSTED LIEUTENANT 302–03 (Regnery Publishing, Inc. 1995).

> vice installed by trespass at his place of business, 168 Atwells Avenue, Providence, Rhode Island, during the period March 6, 1962 to July 12, 1965.[4]

The fact that such listening devices were installed "by trespass" proved to be of significance because it meant that information received from the listening device could not be used during prosecutions unless obtained by independent means. This proved to be of consequence for a number of reasons. First, microphone surveillance of Raymond Patriarca provided significant information critical to one of the most important capital murder prosecutions in Massachusetts's history. Second, the microphone surveillance provided important insights into the conduct of government informants and cooperating witnesses.

The use of the Flemmi brothers as informants over three decades, and Joseph Barboza's testimony as a cooperating witness in the 1968 Teddy Deegan murder prosecution, appear to have commenced a pattern of unfortunate, and sometimes illegal, conduct that will have ramifications for federal law enforcement for years to come. The following sections discuss events from nearly forty years ago that began with the murder of Teddy Deegan and continue today with the filing of over two billion dollars of civil claims against the federal government.

1. Joseph "The Animal" Barboza

Joseph "The Animal" Barboza was described by the FBI as "the most vicious criminal in New England"[5] and "a professional assassin responsible for numerous homicides and acknowledged by the professional law enforcement representatives in this area to be the most dangerous individual known."[6] In addition to the Deegan murder, the FBI had considerable information that he committed a large number of particularly brutal homicides. An example of Barboza's extreme disregard for life is found in a memorandum addressed to FBI Director Hoover which discusses information obtained by microphone surveillance:

> Joe Barboza requests permission from Patriarca to kill some unknown person. This person lives in a three-story house but Barboza has never been able to line him up to kill him. Barboza told Raymond that he plans to pour gasoline in the basement part of the house and set it afire and thus either kill the individual by smoke inhalation or fire, or in the event he starts to climb out a window, Barboza would have two or three individuals there with rifles to kill him as he started to step out a window or door. Upon

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[4] Memorandum from Walter T. Barnes and Edward F. Harrington, Assistant U.S. Attorney, to Henry Petersen, Chief, Organized Crime and Racketeering Section (June 6, 1967) (document is retained by the Justice Department); *see also* Memorandum from J. Edgar Hoover, Director, FBI, to Acting Attorney General, U.S. Dept. of Justice (Dec. 22, 1966) (Exhibit 127) ("The installation of the eavesdropping device placed in Jay's Lounge was made under the general authority of Attorney General Robert F. Kennedy. By memorandum of May 12, 1965, Attorney General Katzenbach was advised that the device had been in operation since January 9, 1963, and he authorized its continuance. It was discontinued on July 12, 1965.") (Exhibit numbers are derived from an investigative chronology. The exhibits referred to in this Report are published at the end of this Report in increasing numerical order).

[5] Memorandum from J.B. Adams to Mr. Callahan (Apr. 29, 1968) (Exhibit 226).

[6] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 20, 1967) (Exhibit 141).

> questioning by Patriarca, Barboza said that he had planned to cut the telephone wires so that the individual could not call for assistance and also to ring false alarms in other sections of the city so that the engines could not respond quickly. He also explained that the third floor apartment was vacant but the first floor apartment was apparently occupied by the intended victim's mother. This apparently caused no concern to Barboza who stated it was not his fault that the mother would be present, and he would not care whether the mother died or not. Patriarca told him that he did not think it was a good idea to effect the killing in the above manner and attempted to dissuade Barboza from this type of killing as innocent people would probably be killed. It was not clear to the informant whether Barboza accepted Patriarca's objections, but Patriarca indicated very strongly against this type of killing.[7]

Another description of Barboza's cold-blooded nature was provided by mafia informant Vincent Teresa:

> Barboza went into the club [searching for a member of the McLaughlin mob named Ray DiStasio] and caught DiStasio cold. The trouble was, a poor slob named John B. O'Neil, who had a bunch of kids, walked in to get a pack of cigarettes. Barboza killed them both because he didn't want any witnesses. DiStasio got two in the back of the head and O'Neil got three. It was a shame. I mean, this O'Neil was a family man—he had nothing to do with the mob. Barboza should have waited. That's why he was so dangerous. He was unpredictable. When he tasted blood, everyone in his way got it.[8]

Barboza was reputed to have killed more than twenty people,[9] and he killed at least one person while part of the federal Witness Protection Program.[10]

In 1966, Barboza was arrested on a weapons charge.[11] Due to a large number of previous convictions, he faced an extremely lengthy prison sentence for the charges brought against him. Perhaps because of this, he began cooperating with law enforcement personnel the following year and received a relatively light four to five year sentence.[12] At this time, FBI Special Agents H. Paul Rico and Dennis Condon began to work with Barboza to turn him into a cooperating witness.[13] Apparently, Barboza initially declined to cooperate.[14] However, Rico and Condon were able to use Stephen Flemmi, the brother of Barboza's best friend and partner Jimmy

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[7] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (May 18, 1965) (Exhibit 98).

[8] VINCENT TERESA, MY LIFE IN THE MAFIA 167 (Doubleday & Company, Inc. 1973).

[9] Alan Jehlen, *Two Say Grieco [sic] Innocent of Deegan Murder,* PEABODY TIMES, June 9, 1971 (Exhibit 402).

[10] Interview with Joseph Williams, former Supervisor of the Warrant & Investigation Unit, Massachusetts Parole Board (June 29, 2001).

[11] James Southwood, *A Letter from Barboza, Why I Decided to Tell All,* BOSTON HERALD, July 9, 1967 (Exhibit 148).

[12] U.S. Dept. of Justice Identification Record (Mar. 2, 1976) (Exhibit 129).

[13] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 20, 1967) (Exhibit 141).

[14] *Id.*

Flemmi, to obtain his cooperation.[15] In fact, one high level FBI memorandum indicates that Rico and Condon "developed" Stephen Flemmi to obtain Barboza's cooperation.[16] It is unclear from the records whether the FBI's knowledge of Jimmy Flemmi's participation in the Deegan murder—or any other murder—was used to convince Stephen Flemmi or Joseph Barboza to cooperate with federal law enforcement.

Barboza eventually testified in three trials as a cooperating witness.[17] He is generally acknowledged to be the first participant in the federal Witness Protection Program.[18] After being relocated to California, he was considered as a possible Top Echelon informant by the FBI.[19] According to testimony provided by Barboza, he also returned to Massachusetts at the behest of the FBI on a number of occasions to assist them on a case involving the theft of a $500,000 painting.[20] If true, this would have meant that federal law enforcement actively encouraged Barboza to break the terms of his parole. Barboza later committed at least one additional homicide and was incarcerated, a subject which is discussed extensively later in this report. Barboza was murdered on February 11, 1976.[21]

2. The Murder of Edward "Teddy" Deegan

Edward "Teddy" Deegan was, by all accounts, a peripheral figure in the Boston underworld of the 1960s. In late 1964, the FBI learned from an informant that Jimmy Flemmi wanted to kill Deegan.[22] Two days later, on October 20, 1964, Deegan was called and warned that Flemmi was looking for him and that Flemmi intended to kill him.[23] Five months later, between March 5 and March 7, 1965, Jimmy Flemmi met with Raymond Patriarca and asked for permission to kill Deegan.[24] This request was renewed a couple of days later on March 9, 1965, when Flemmi and Joseph Barboza visited Patriarca and "explained that they are having a problem with Teddy Deegan and desired to get the 'OK' to kill him. . . . Flemmi stated that Deegan is an arrogant, nasty sneak and

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[15] *Id.*

[16] Memorandum from J.H. Gale to Cartha DeLoach (June 23, 1967) (Exhibit 144).

[17] *See* Trial Transcript, *Commonwealth* v. *French* (Suffolk County Super. Ct. July 2, 1968) (Exhibit 243); *Patriarca* v. *U.S.,* 402 F. 2d 314 (D. Mass. 1968), *cert. denied,* 89 S. Ct. 633 (Jan. 20, 1969); and the murder trial of Rocco DiSeglio.

[18] *See* "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 170 (Feb. 14, 2002) (testimony of Judge Edward Harrington).

[19] Memorandum to J. Edgar Hoover, Director, FBI (Apr. 14, 1969) (Exhibit 272). Dennis Condon's name is written on this document. Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 150 (Feb. 21, 2002).

[20] Robert Walsh, *Baron Returning to Walpole for Week on Parole Violation,* BOSTON GLOBE, August 28, 1970 (Exhibit 332).

[21] *Killer Barboza Slain,* BOSTON HERALD, Feb. 12, 1976 (Exhibit 636).

[22] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Oct. 19, 1964) (Exhibit 56); Airtel from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Oct. 19, 1964) (Exhibit 56).

[23] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Oct. 20, 1964) (Exhibit 57).

[24] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 10, 1965) (Exhibit 68). Due to Justice Department redactions, it is impossible to determine when this request to kill Deegan actually took place. However, because the entry regarding Deegan is made in a series of chronological entries after a March 5, 1965, entry, and before a March 8, 1965, entry, a reasonable reading of the document seems to indicate that the request took place between March 5 and 7, 1965. This would distinguish this request from a very clear request to kill Deegan made by Jimmy Flemmi and Joseph Barboza on March 9, 1965.

should be killed."[25] An FBI agent who prepared a memorandum about the microphone surveillance noted that Flemmi and Barboza requested permission to kill Deegan. He also stated that mob boss Raymond "Patriarca ultimately furnished this 'OK.'"[26] Perhaps as important, handwritten notes prepared by an FBI Special Agent who was monitoring the conversation between Flemmi, Barboza and Patriarca indicate that Flemmi's motive for killing Deegan was tied to the McLean-McLaughlin gang war, and that Flemmi was particularly concerned that "Deegan fills Peter Limone's head with all kinds of stories."[27] Reporting on his contacts of the following day, FBI Special Agent H. Paul Rico wrote a memorandum explaining that an informant told him that he had just heard from Jimmy Flemmi and that Patriarca had put out the word that Deegan was to be "hit."[28] On March 12, 1965, Deegan was murdered.

Recording his contacts on the day after the murder, Special Agent Rico wrote a memorandum based on information obtained from an informant. The memorandum describes the Deegan murder in detail, including information Jimmy Flemmi personally provided to an informant.[29] Flemmi admitted that he was one of the men who killed Deegan.[30] This is a matter of great importance because the previous day—the day that Deegan was murdered—Jimmy Flemmi was assigned to Special Agent Rico to be developed as an informant.[31] Over the course of the next few weeks, at least nine descriptions of the Deegan murder were prepared by federal and state law enforcement officials. Each of these descriptions provides details of the murder substantially different than the uncorroborated testimony provided three years later by Joseph Barboza when the matter finally went to trial.[32] Unfortunately for

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[25] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, Albany, Buffalo, and Miami FBI Field Offices (Mar. 12, 1965) (Exhibit 70).

[26] FBI Report by Charles A. Reppucci, Special Agent, Boston FBI Field Office (July 20, 1965) (Exhibit 69).

[27] Handwritten Notes of Microphone Surveillance of Raymond L.S. Patriarca, (March 9, 1965) (Exhibit 967).

[28] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 72). This information has been characterized as believable and coming from a credible source in a position clearly to have heard what was communicated. Interview with John Durham, Special Attorney, District of Massachusetts, U.S. Dept. of Justice, and Gary Bald, Special Agent in Charge, Baltimore FBI Field Office (Dec. 2, 2002). There is, however, some confusion on the point of whether Patriarca provided his assent on March 9, 1965, and at least one FBI document states that Barboza and Flemmi were told to check with Gennaro Angiulo before taking any action.

[29] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 77).

[30] *Id.* The informant was Flemmi's associate.

[31] Memorandum from H.E. Campbell, Inspector, to James L. Handley, Special Agent in Charge, Boston FBI Field Office (June 10, 1965) (Exhibit 74).

[32] For a more complete review of contradictory information, refer to Statement of Captain Joseph Kozlowski (March 12, 1965) (Exhibit 76); Boston Police Department Report (Mar. 14, 1965) (Exhibit 79); Statement by Thomas F. Evans, Lieutenant, Chelsea Police Department (Mar. 14, 1965) (Exhibit 80); Massachusetts State Police Report by Richard J. Cass, Detective Lieutenant Inspector, to Daniel I. Murphy, Captain of Detectives (Mar. 15, 1965) (Exhibit 81); Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 19, 1965) (Exhibit 84); Memorandum from [Redacted], Special Agent, to Special Agent in Charge, Boston FBI Field Office (Apr. 6, 1965) (Exhibit 85); Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 24, 1965) (Exhibit 86); Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, New Haven, New York, and Washington FBI Field Offices (May 7, 1965) (Exhibit 96); Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 9, 1965) (Exhibit 102) (On April 25, 2002, the Department of Justice released an unredacted version of this document to the Committee. That document revealed that "BS–919–PC [Jimmy Flemmi] has murdered Frank Benjamin, John Murray, George Ashe, Joseph Francione, Edward 'Teddy' Deegan, and 'Iggy' Lowry[.]" The document further divulged

the defendants at that trial, relevant information was covered up when the government failed to disclose to all defendants that exculpatory information had been captured by the FBI's microphone surveillance of Raymond Patriarca. Perhaps more unfortunate, federal officials failed to step in and prevent Joseph Barboza from committing perjury, notwithstanding the fact that it was a death penalty case.[33] Four men received the death penalty, and two men received a sentence of life in prison.[34]

3. Developing the Flemmi Brothers as Informants

It is difficult to assess the Deegan murder and prosecution without an understanding of how federal law enforcement was attempting to develop Jimmy and Stephen Flemmi as criminal informants.[35] The following is a brief chronological description of efforts known to the Committee to obtain the services of the Flemmi brothers as informants during the 1960s:

November 1964—Stephen Flemmi was first targeted as an informant for the FBI's Boston office's bank robbery squad.[36]

March 9, 1965—FBI Director Hoover was informed by memorandum that Jimmy Flemmi was targeted to be a Top Echelon informant.[37] He was also told that Flemmi had murdered three individuals, one of whom was an FBI informant.[38] This was the same day that Flemmi and Barboza asked Raymond Patriarca for permission to kill Teddy Deegan.

March 12, 1965—Jimmy Flemmi was assigned to Special Agent Rico to be developed as an informant by Special Agent Rico.[39]

March 12, 1965—Teddy Deegan was murdered.

April 5, 1965—Jimmy Flemmi gave Rico information.[40]

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that Flemmi feels that the McLaughlin group will try to kill him.); Memorandum from Helen Hatch, Correlator, to Special Agent in Charge, Boston FBI Field Office (June 14, 1965) (Exhibit 104).

[33] There is some evidence that a small subset of this information was made available to two lawyers who represented defendants in the Deegan case. It is fair to say, however, that no one was exposed to the cumulative weight of all of the different pieces of evidence. More important, it is certain that attorneys for at least four defendants were not permitted to review any information obtained by microphone surveillance of Raymond Patriarca. Thus, witness Joseph Barboza could not be effectively impeached, nor could alternative theories of the murder be properly explored.

[34] Those convicted were: Henry Tameleo (death), Louis Greco (death), Ronald Cassesso (death), Peter Limone (death), Joseph Salvati (life), and Roy French (life).

[35] On December 2, 2002, it became clear that the Committee had not been furnished the informant file of Stephen Flemmi. This seemed to come as a surprise to Justice Department Task Force Supervisor John Durham. Justice Department officials pointed out at this meeting that the file was sealed by Judge Wolf in *U.S.* v. *Salemme.* This observation ignored Judge Wolf's request that the Justice Department work with the Committee to permit the Committee access to documents important to its investigation. Letter from the Honorable Mark L. Wolf, District Judge, United States District Court for the District of Massachusetts, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Jan. 11, 2002) (Appendix I).

[36] FBI Office of Professional Responsibility Report by Joshua Hochberg and Charles S. Prouty (Aug. 13, 1997) (Appendix II).

[37] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 9, 1965) (Exhibit 71).

[38] *Id.*

[39] Memorandum from H.E. Campbell, Inspector, to James L. Handley, Special Agent in Charge, Boston FBI Field Office (June 10, 1965) (Exhibit 74).

[40] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, Boston FBI Field Office (Apr. 9, 1965) (Exhibit 90); Letter from John H. Durham, Special Attorney, and Donald K. Stern, U.S. Attorney, District of Massachusetts, U.S. Dept. of Justice, to John Cavicchi, Attorney (Dec. 19, 2000) (Exhibit 928). Flemmi was contacted at least

Continued

June 4, 1965—Director Hoover made an inquiry about Jimmy Flemmi.[41]

June 8, 1965—Rico talked to Jimmy Flemmi about financial payments.[42]

June 9, 1965—Director Hoover's office was informed by memorandum that Jimmy Flemmi had committed seven murders, including the Deegan murder, "he is going to continue to commit murder[,]" but "the informant's potential outweighs the risk involved."[43]

June 10, 1965—Memorandum indicating that Jimmy Flemmi was assigned to Rico on March 12, 1965.[44]

September 15, 1965—Jimmy Flemmi was closed as an informant due to a crime.[45]

November 3, 1965—FBI Director Hoover's office was informed by memorandum that Stephen Flemmi was targeted as an informant.[46]

February 7, 1967—Stephen Flemmi began to work for the FBI as a Top Echelon Criminal Informant.[47]

February 14, 1967—Stephen Flemmi was approved as a Top Echelon informant.[48]

Early 1967—Stephen Flemmi was used to convince Barboza to testify.[49]

June 20, 1967—FBI Director Hoover's office was informed by memorandum that Stephen Flemmi was developed by Rico and Condon and used in interviews with Joseph Barboza.[50]

June 23, 1967—FBI senior official Cartha DeLoach was told that Special Agents Rico and Condon developed Stephen Flemmi.[51]

March 29, 1968—FBI Director Hoover's office was informed by memorandum that Special Agent Rico used Stephen Flemmi to develop Barboza.[52]

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four additional times as an informant by Special Agent Rico. *Id.* Those dates of contact were May 10, 1965, June 4, 1965, July 22, 1965, and July 27, 1965. *Id.*

[41] Memorandum from J. Edgar Hoover, Director, FBI, to Special Agent in Charge, Boston FBI Field Office (June 4, 1965) (Exhibit 100).

[42] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, Boston FBI Field Office (June 8, 1965) (Exhibit 101).

[43] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 9, 1965) (Exhibit 102).

[44] Memorandum from H.E. Campbell, Inspector, to James L. Handley, Special Agent in Charge, Boston FBI Field Office (June 10, 1965) (Exhibit 74).

[45] Letter from John H. Durham, Special Attorney, and Donald K. Stern, U.S. Attorney, District of Massachusetts, U.S. Dept. of Justice, to John Cavicchi, Attorney (Dec. 19, 2000) (Exhibit 928).

[46] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Nov. 3, 1965) (Exhibit 111).

[47] Interview with John Durham, Special Attorney, District of Massachusetts, U.S. Dept. of Justice, and Gary Bald, Special Agent in Charge, Baltimore FBI Field Office (Dec. 2, 2002).

[48] FBI Office of Professional Responsibility Report by Joshua Hochberg and Charles S. Prouty (Aug. 13, 1997) (Appendix II).

[49] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 20, 1967) (Exhibit 141).

[50] *Id.*

[51] FBI Memorandum from J.H. Gale to Cartha DeLoach (June 23, 1967) (Exhibit 144).

[52] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 29, 1968) (Exhibit 213).

May 27, 1968—The Deegan murder trial began.[53]

As this chronology makes clear, the effort to develop both Jimmy and Stephen Flemmi began either before or at the time of the Deegan murder. Moreover, despite the fact that the FBI knew that Jimmy Flemmi had committed seven murders—including the Deegan murder—and was "going to continue to commit murder," Director Hoover and his staff decided to use Flemmi as an informant. On this point there was no ambiguity: just three days before Jimmy Flemmi was assigned to Special Agent Rico to be developed as an informant, Director Hoover's office was notified that Flemmi was a murderer.[54] Indeed, Jimmy Flemmi's proclivity to commit serious crimes was not in doubt. One memorandum from the head of the FBI's Boston office to Director Hoover discusses how Flemmi had been paid $1,500 for disposing of the body of a girl.[55] The following month, on May 5, 1965, microphone surveillance of Raymond Patriarca showed that Flemmi, and Joseph Barboza and Ronald Cassesso, asked Raymond Patriarca for permission to murder a man named Sammy Linden.[56] The fact that Flemmi was a murderer, and planned to commit additional murders, went unremarked. Apparently, the decision had already been made to take on murderers as informants. Flemmi was eventually closed as an informant not because of concerns that he would commit additional homicides. Rather, in September of 1965, he was charged by state authorities with "Assault with a Dangerous Weapon with Intent to Murder" after he had shot another person. The FBI decided to close him as an informant "[i]n view of the fact that informant is presently a local fugitive" and "any contacts with him might prove to be difficult and embarrassing."[57]

By the time of the Deegan murder prosecution, both Jimmy and Stephen Flemmi had been active federal law enforcement informants, and both men were known to have been involved in a number of homicides. This fact is important when assessing the efforts to develop Joseph Barboza as a cooperating witness in 1967 and 1968. Jimmy Flemmi had been closed because he might become embarrassing. It would take another three decades for Stephen Flemmi to become one of the greatest embarrassments in FBI history.

4. The Deegan Murder Prosecution

Teddy Deegan was murdered on March 12, 1965. Two and a half years later, Joseph "The Animal" Barboza testified about the Deegan murder before a Suffolk County grand jury.[58] Immediately afterwards, a number of individuals were arrested.[59] The following year, on May 27, 1968, the Commonwealth of Massachusetts began

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[53] Docket Sheet, *Commonwealth* v. *French* (Suffolk County Super. Ct. May 27, 1968) (Exhibit 235).

[54] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 9, 1965) (Exhibit 71).

[55] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agent in Charge, New York FBI Field Office (Apr. 13, 1965) (Exhibit 89).

[56] FBI Report by Charles A. Reppucci, Special Agent, Boston FBI Field Office (July 20, 1965) (Exhibit 94).

[57] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Sept. 15, 1965) (Exhibit 109).

[58] Suffolk County Grand Jury Testimony of Joseph Barboza (Oct. 25, 1967) (Exhibit 171).

[59] Memorandum from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Oct. 25, 1967) (Exhibit 172).

the prosecution of six individuals implicated by Joseph Barboza for the murder of Teddy Deegan.[60] Barboza testified about the details of the conspiracy to murder Deegan, how the homicide was carried out,[61] and about promises or inducements offered to him by the federal government.[62] After a two month trial, all six defendants were convicted: four men received the death penalty and two individuals were sentenced to life in prison.[63]

Any assessment of the Deegan murder prosecution must focus on five areas. First, did Barboza's pretrial dealings with federal law enforcement officials inspire confidence that he was telling the truth?[64] Second, was his grand jury testimony consistent with facts known to law enforcement personnel. Third, did the story told at trial by Joseph Barboza bear any relationship to information in possession of federal and state law enforcement officials about who really killed Deegan? Fourth, did law enforcement personnel obtain false testimony from Anthony Stathopoulos, who had accompanied Deegan to the location where Deegan was ultimately murdered. Fifth, did those who provided testimony give an accurate summary of what Barboza had been promised in exchange for his testimony. Each of these areas raises significant questions, and now that evidence withheld from defendants at the time of trial has been obtained by the Committee, it appears that Barboza's story was so different from information known to federal officials that he should never have been permitted to testify. At the very least, contemporaneous FBI interviews should have reflected a vigorous effort to determine why Barboza's story differed from what was already known

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[60] Docket Sheet, *Commonwealth* v. *French* (Suffolk County Super. Ct. May 27, 1968) (Exhibit 235). The six individuals tried for the murder of Deegan were: Wilfred "Roy" French, Peter Limone, Henry Tameleo, Ronald Cassesso, Louis Greco, and Joseph Salvati.

[61] Judge Margaret Hinkle provides a concise summary of the testimony:

> Barboza testified at trial that about January 20, 1965, Limone saw Barboza and offered him a "contract" to kill Deegan for $7,500, and told Barboza that this had been approved by the "office." Barboza spoke with Tameleo a few days later to confirm that the "office" approved of the murder. Tameleo agreed to it. Some weeks later, after securing the assistance of others, some of whom would become Limone's codefendants at trial, Barboza reported to Limone that the murder would occur soon but that Stathopoulos would be involved. According to Barboza, Limone agreed to add $2,500 if Stathopoulos were also killed. Barboza confirmed with Tameleo that it was okay to kill Stathopoulos as well. According to the evidence presented at trial, the murder of Deegan was carried out by Barboza, Cassesso, Salvati, French, Grieco [sic] and others, not including Limone. Stathopoulos escaped. Some time later, Barboza testified, he met with Limone, who paid him for the Deegan murder.

Commonwealth v. *Limone,* Cr. No. 32367, 32369, 32370, slip op. at *3 (Suffolk County Sup. Ct., Jan. 5, 2001)) (Exhibit 931). If this testimony were true, there would have been no need for Flemmi and Barboza to travel to Providence to seek permission to kill Deegan in March of 1965.

[62] Barboza told the Deegan jury that he was "hoping for a break," that he was hoping that his testimony "would be taken into consideration," and "the only promise that has been made in regards to [his testimony] is that the FBI will bring it to the attention of the Judge." Trial Transcript, *Commonwealth* v. *French* (Suffolk County Super. Ct. July 2, 1968) at 4456, 4460 (Exhibit 243). He also said his wife and child would be protected. *Id.* at 4652. When asked if "they made more promises than what you've told us about," Barboza answered, "No, sir." *Id.* at 4653. Thus testimony, which does not appear to be accurate, will be discussed later in this report.

[63] *Deegan Trial: 4 Get Chair, 2 Life; Judge Hails Jury,* BOSTON GLOBE, Aug. 1, 1968 (Exhibit 247). The death penalty sentences were later changed to life in prison after the Supreme Court determined that the death penalty was unconstitutional in *Furman* v. *Georgia,* 408 U.S. 238 (1972).

[64] The FBI had opened a file on Edward Deegan in 1965. Thus, at the time that Joseph Barboza was beginning to cooperate with federal officials, those officials had available to them information collected at the time of the Deegan murder. In addition, federal prosecutors had been furnished with information that contradicted the version of events provided by Barboza in 1967 and 1968. *See* FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (January 14, 1966).

to federal law enforcement. This is particularly important because, just after the Deegan murder, FBI Director Hoover or his staff thought that the information contained in the logs of microphone surveillance of Raymond Patriarca was significant.[65] Nevertheless, the FBI interviews obtained by the Committee show that no effort was made to compare what Barboza was prepared to say about the Deegan murder with information already in the FBI's possession. As Jack Zalkind, the prosecutor in the Deegan case, told the Committee:

> I must tell you this, that I was outraged—outraged—at the fact that if [the exculpatory documents] had ever been shown to me, we wouldn't be sitting here . . . I certainly would never have allowed myself to prosecute this case having that knowledge. No way. . . . That information should have been in my hands. It should have been in the hands of the defense attorneys. It is outrageous, it's terrible, and that trial shouldn't have gone forward.[66]
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> [Barboza's FBI handlers] knew from the beginning that Joe Barboza was lying. . . . They have a witness that they knew was lying to me, and they never told me he was lying. . . . [The FBI] figured, well, let's flip Joe, and let Joe know that we're not going to push him on his friend Jimmy Flemmi. So they let Joe go on and tell the story, leaving out Jimmy Flemmi; and then Jimmy Flemmi is allowed to go on and be their informer.[67]

The evidence is overwhelming that Barboza should not have been permitted to testify in the Deegan murder prosecution. Nevertheless, it was his uncorroborated testimony that was used in the Deegan prosecution that led to four men being sentenced to death and two others receiving life sentences.

i. Barboza's Pretrial Dealings with Federal Officials

Prior to the Deegan trial, Barboza, in effect, told federal law enforcement that he was not going to tell the truth about the Deegan murder and that at least some federal officials were unconcerned that he would commit perjury in a death penalty case. Nevertheless, federal law enforcement officials continued to supply him with money and protection. Incredibly, federal officials even considered using him in California as a Top Echelon informant,[68] and he may have been encouraged by federal law enforcement personnel to violate the terms of his state parole by returning to Massachusetts.[69]

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[65] Document is retained by the Justice Department.

[66] "Investigations of Allegations of Law Enforcement Misconduct in New England," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 21, 34 (May 11, 2002) (testimony of Jack Zalkind).

[67] *Id.* at 52, 68–69, 76.

[68] Memorandum from [Redacted] to J. Edgar Hoover, Director, FBI (Apr. 14, 1969) (Exhibit 272). The FBI historically categorized its informants according to their potential productivity. The most potentially productive informants were designated as Top Echelon informants. *See generally* RALPH RANALLI, DEADLY ALLIANCE (HarperTorch 2001) (provides an analysis of the FBI's informant program).

[69] Robert Walsh, *Baron Returning to Walpole for Week on Parole Violation,* BOSTON GLOBE, August 28, 1970 (Exhibit 332).

The first recorded meeting between Barboza and FBI Special Agents Rico and Condon, which took place on March 8, 1967, was probably the most significant.[70] Barboza informed the agents that he would consider providing information about murders committed in the Boston area, but that "he would never provide information that would allow James Vincent Flemmi [sic] to 'fry[.]'"[71] Barboza was true to his word. Shortly thereafter, he did begin providing information. Two questions are of particular concern to the Committee: (1) why did Barboza provide information? and (2) how did he succeed in keeping his friend and confederate Jimmy Flemmi out of his story about the Deegan murder? Part of the answer can be found in a document that recommends a pay increase for Special Agents H. Paul Rico and Dennis Condon. Approximately three months after Rico and Condon began working to develop Barboza's testimony, the head of the FBI's Boston office sent the following "Recommendation for Quality Salary Increase" to Washington:

> Realizing the potential that [redacted name] might one day be victim of a homicide, SAs Condon and Rico have continued vigorous attempts to obtain additional high quality LCN sources. Accordingly, BS 955 C–TE [Stephen Flemmi] was developed by these agents and via imaginative direction and professional ingenuity utilized said source in connections with interviews of JOSEPH [BARBOZA], a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in this area to be the most dangerous individual known. SAs Rico and Condon contacted [Barboza] in an effort to convince him he should testify against the LCN. [Barboza] initially declined to testify but through utilization of BS 955 C–TE, the agents were able to convey to [Barboza] that his present incarceration and potential for continues incarceration for the rest of his life, was wholly attributable to LCN efforts directed by Gennaro J. Angiulo, LCN Boston head. As a result of this information received by [Barboza] from BS 955 C–TE, said individual said he would testify against the LCN members.[72]

This memorandum appears to contradict testimony to the Committee provided by former Special Agent Dennis Condon who, when asked whether he used a particular informant, either human or

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[70] In a memorandum to Attorney General Elliot L. Richardson, H. Paul Rico, Dennis Condon, and Edward Harrington were praised for developing Joseph Barboza as a successful witness. Memorandum from Henry E. Petersen, Assistant Attorney General, Criminal Division, U.S. Dept. of Justice, to Elliot L. Richardson, Attorney General, U.S. Dept. of Justice (July 24, 1973) (Exhibit 576).

[71] FBI Interview Report by Dennis M. Condon and H. Paul Rico, Special Agents, Boston FBI Field Office (Mar. 8, 1967) (Exhibit 131). When asked about Barboza's statement, Condon said: "I don't have any recollection of the conversation; but reading what I have in front of me, I think it's an accurate portrayal of what he said." Condon further indicated that the interview summary of Barboza's comment that he would not provide information that would allow Jimmy Flemmi to "fry" was "prepared by both of us [Rico and Condon], contemporaneously." Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 81–82 (February 21, 2002). When asked whether the plain meaning of Barboza's statement was that Barboza would not provide information that would put Flemmi "in a situation where he would face a capital murder charge," Condon replied "I would have to say that that looks like a true statement." *Id.* at 83.

[72] Memorandum from SAC, Boston, to Director, FBI (June 20, 1967).

electronic, to help obtain Barboza's testimony, replied "No, I didn't." [73]

Thus, at the time Special Agents H. Paul Rico and Dennis Condon first began to develop Barboza's testimony, two facts were critical. First, Barboza said that he would not provide information that would allow Jimmy Flemmi to "fry." Second, Stephen Flemmi, Jimmy Flemmi's brother, was used by Rico and Condon to convince Barboza to testify.[74] It is highly unlikely that Stephen Flemmi would have allowed himself to be used by the FBI if his efforts led his brother to the electric chair. With all these facts in mind, it is almost inconceivable that at least Special Agents Rico and Condon were not aware that Barboza was going to commit perjury at the Deegan trial.[75] Furthermore, Rico and Condon were aware that Barboza had consulted with Jimmy Flemmi between the FBI's first and second interviews of Barboza. Barboza had gone so far as to tell Flemmi that he was thinking of having one of his gang members corroborate his testimony. Flemmi told Barboza that he thought obtaining corroboration was an excellent idea.[76] This was of particular importance at the time because the head of the FBI's Boston office informed Washington that "[t]his office is aware of the distinct possibility that [Barboza], in order to save himself from a long prison sentence, may try to intimidate [Patrick] Fabiano into testifying to something that he may not be a witness to." [77] It is not explained how the FBI had come to this conclusion. Nevertheless, the consultation between Barboza and Flemmi, and Barboza's exploration of having someone corroborate his testimony, provide additional reasons for concern with his testimony.

It is also particularly revealing that in the many thousands of pages of documents produced to the Committee by the Justice Department, no one appears to have confronted Barboza with the obvious question: given the convincing information that Flemmi committed the Deegan murder and that Barboza told the FBI he would not give the government information about Flemmi that would allow Flemmi to "fry," why should the FBI not conclude that you are going to commit perjury when you testify.

When former FBI Special Agent Dennis Condon testified, he made it clear that he did not remember anyone asking the critical

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[73] Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 8 (February 21, 2002). Condon was asked whether he knew the identity of "BS 955 C–TE" and he stated that he did not. *Id.*

[74] It is worth noting that, the previous year, Dennis Condon was "involved in a substantive error write-up case when a review of an informant file disclosed an instance of failure to properly disseminate information obtained from the informant." Memorandum from S.R. Burns to Mr. Walsh (Oct. 22, 1975) at 19 (Exhibit 123). Nevertheless, a few weeks after Condon and Rico first interviewed Barboza, Condon's participation in the informant program was considered outstanding. *Id.* (Exhibit 135). When testifying in *U.S.* v. *Salemme,* former Special Agent Condon insisted that at the time Frank Salemme was apprehended in New York in November 1972, he had no idea Stephen Flemmi was an informant. Given the personnel records indicating that Rico and Condon used Flemmi to obtain Joseph Barboza's testimony, this does not seem credible.

[75] Critical information about the Deegan murder had also been provided to a number of federal prosecutors. *See, e.g.,* FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (Jan. 14, 1966) (Exhibit 116); Memorandum from Walter T. Barnes and Edward F. Harrington, Assistant U.S. Attorney, to Henry Petersen, Chief, Organized Crime and Racketeering Section (June 6, 1967) (document retained by the Justice Department). Therefore, it is not implausible that federal prosecutors also realized that Barboza would not tell the truth at the Deegan murder trial.

[76] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 28, 1967) (Exhibit 134).

[77] *Id.*

questions about Jimmy Flemmi and his participation in the Deegan murder:

> Rep. LATOURETTE: The question I have is, if you follow this time line—and the time line is Rico receives confidential information that Barboza and Flemmi want to kill Deegan [and the Patriarca bug confirms a] confidential conversation where they overhear a conversation that Barboza and Flemmi say they actually go down and say they want to take out Teddy. The Department has that. Were you aware of that in 1965 or 1966?
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> Mr. CONDON: Not to my knowledge.
>
> Rep. LATOURETTE: But when this prosecution memo that you have in front of you was written, apparently the Assistant United States Attorneys are able to ferret that out. Was that disclosed to you?
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> Mr. CONDON: That's correct.
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> Rep. LATOURETTE: I think the difficulty I had is this, and it came about when Mr. Wilson was asking questions before. When Mr. Barboza is being prepared as a witness in the Deegan trial, which we now know was testimony that wasn't right in terms of who he fingered, were you ever in a meeting with Mr. Rico or the representatives of the state prosecuting authority when somebody asked him or confronted him about the discrepancies in versions that the Department had information on, both the Rico documents and also these tapes from Patriarca's place of business?
>
> Mr. CONDON: Not to my memory, no.
>
> Rep. LATOURETTE: Were you ever in a meeting where anybody asked him, where was Jimmy Flemmi?
>
> Mr. CONDON: I don't remember ever being in such a meeting.[78]

ii. Barboza's Grand Jury Testimony

Joseph Barboza testified before a Suffolk County grand jury on October 25, 1967.[79] The information he provided was contradicted by information already known to federal officials, which rendered Barboza's testimony suspect. It is inconceivable that federal law enforcement officials did not know what Barboza was going to tell the grand jury and what he did tell the grand jury. Therefore, it is very likely that at least some federal officials understood that Barboza had committed perjury before the Suffolk County grand jury and that he was prepared to provide testimony at trial that was not true.[80]

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[78] Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office (February 21, 2002).

[79] Suffolk County Grand Jury Testimony of Joseph Barboza (Oct. 25, 1967) (Exhibit 171).

[80] Barboza was in federal custody, his interviews were conducted in the presence of federal law enforcement officials, he was the subject of intense interest at the highest levels of the Justice Department, he was a witness in a federal trial, and his testimony in one case would undoubtedly have ramifications for other cases. In order for Barboza to be a federal witness, and to merit protection by the federal government, federal officials would have had to have known what his testimony would have been regarding the various matters about which he was prepared to testify. They would also have had to know the details of his testimony in order to de-

Barboza did not provide any information to the grand jury about Jimmy Flemmi and Flemmi's involvement in the Deegan murder. More important, however, he explained that he and Ronald Cassesso planned to take credit for the murder, and that the only person besides himself who knew that "the Office" was involved in the prospective murder was Ronald Cassesso.[81] Barboza was asked "So the only one at this time that knew you were doing this for the Office was Ronnie Cassesso?" Barboza replied: "Yes."[82] This testimony completely avoids the fact that Barboza and Flemmi had visited Raymond Patriarca three days before the murder to seek his permission to kill Deegan.[83] It also avoids the fact, known to the FBI and memorialized in an FBI memorandum authored by H. Paul Rico, that Jimmy Flemmi had told an informant that "Raymond Patriarca has put out the word that Edward 'Teddy' Deegan is to be 'hit' and that a dry run has already been made and that a close associate of Deegan's has agreed to set him up."[84] Thus, Barboza's story about how he and Cassesso were the only two who knew that Patriarca had been consulted was obviously false to anyone who had knowledge of the FBI's microphone surveillance of Patriarca and who had access to the informant to whom Jimmy Flemmi had confided. This information was not provided to the Suffolk County District Attorney's Office, and consequently it was not available at a time when Barboza's credibility was being assessed.

The chronology of events provided by Barboza to the grand jury also makes it plain that he was committing perjury. Barboza stated that Peter Limone first approached him in February of 1965 to hire Barboza to kill Deegan.[85] And yet when Barboza and Flemmi approached Patriarca in March to seek Patriarca's permission for the Deegan murder, all indications are that this was the first time the subject had come up. Furthermore, the microphone surveillance captured no discussion about Limone's involvement. Indeed, one FBI memorandum suggests that Patriarca told Barboza and Flemmi to consult with Gennaro Angiulo about their intention to kill Deegan. It is highly unlikely that if Limone had already offered money to have Deegan killed, that either Barboza or Flemmi would have asked Patriarca for permission to kill Deegan and failed to have told him that they had already been contracted to kill Deegan.

It is also curious that Barboza testified that Peter Limone had offered money for Barboza to kill Deegan. According to documents provided by the Justice Department to the Committee, Limone and Deegan appeared to be on good terms. A few months before Limone allegedly hired Barboza to kill Deegan, Limone gave Deegan two

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velop their own cases and investigations. Moreover, federal officials had information that Raymond Patriarca was involved in the Deegan murder, and it is inconceivable that this would not have been the subject of intense interest.

[81] Suffolk County Grand Jury Testimony of Joseph Barboza 115 (Oct. 25, 1967) (Exhibit 171).

[82] *Id.*

[83] FBI Report by Charles A. Reppucci, Special Agent, Boston FBI Field Office (July 20, 1965) (Exhibit 69).

[84] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 72).

[85] Suffolk County Grand Jury Testimony of Joseph Barboza (Oct. 25, 1967) (Exhibit 171).

guns.[86] The following month, after hearing that Jimmy Flemmi wanted to murder Deegan, Limone warned Deegan about the murder threat.[87] More important, three days before Deegan was killed, Flemmi told Raymond Patriarca that "Deegan fills Limone's head with all kinds of stories."[88] Thus, Flemmi seemed to be indicating to Patriarca that one reason to kill Deegan was that he was close to Limone and that he was the source of "all kinds of stories."

Barboza also provided information that makes it appear that his testimony was coached. He stated that before Deegan was murdered he was at a bar called the Ebb Tide. He noted that the bar was very crowded, and he states that when he left the Ebb Tide with the people that he implicated in the Deegan murder, others also left the bar at the same time.[89] He recalled that the others who left at the same time he did were men named Femia, Chiampa and Imbruglia. It is difficult to believe that Barboza would be able to recall, more than two and a half years after the fact, the precise names of those who coincidentally left the bar at the same time that he did. More to the point, however, was the existence of various reports and informant descriptions of how Femia, Chiampa and Imbruglia were involved in the Deegan murder and had actually been part of the conspiracy to kill Deegan. Thus, when Barboza was falsely describing how one set of people was involved in the Deegan murder, he also attempted to provide an explanation that diminished the importance of information known to a number of federal and state law enforcement officials. Thus, if any police reports about the Deegan murder had been admitted into evidence at trial, Barboza would have had an explanation regarding those who left the Ebb Tide at the same time that he did and, coincidentally, whose names appeared in contemporaneous police reports about who participated in the Deegan murder. It appears that Barboza's testimony about how Femia, Chiampa and Imbruglia coincidentally left the Ebb Tide at the same time that he did could only have been given if police reports and informant information had been shared with Barboza prior to his testimony.

There can be no doubt that if federal officials were privy to Barboza's grand jury testimony they would have known that he had lied, and that he was preparing to commit perjury in the Deegan capital murder prosecution. Furthermore, the fact that federal officials remained with Barboza when he spoke to local prosecutors indicates that they were aware of what he was preparing to tell the grand jury.

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[86] Memorandum from SAC, Boston, to Director, FBI and SAC, New Haven (September 17, 1964) (Exhibit 52).

[87] Memorandum from H. Paul Rico to Redacted Name (October 18, 1964) (Exhibit 56) (stating "Flemmi advised that Deegan owes Flemmi's brother, Stevie, some money, and that he told him once to get the money up. He has not gotten the money up, and Flemmi wants to kill Deegan and wanted the informant to go with him on the 'hit.'"); Memorandum from SAC, Boston, to Director, FBI (October 20, 1964) (Exhibit 57) (stating "Immediately after [Jimmy] Flemmi left, he [Limone] called Deegan and told him that Flemmi was looking for him, allegedly for a $300.00 loan which Deegan owes Flemmi. Deegan denied any such loan. Therefore, they were of the opinion that Flemmi was out to kill Deegan.")

[88] Handwritten Notes of Raymond Patriarca Microphone Surveillance (March 9, 1965) (Exhibit 967)

[89] Suffolk County Grand Jury Testimony of Joseph Barboza 119 (Oct. 25, 1967) (Exhibit 171).

iii. Barboza's Testimony Compared to Preexisting Information

Even before Teddy Deegan was murdered, the FBI had information that could have led to the conclusion that there would soon be a murder and that Jimmy Flemmi would be involved. As early as October 18, 1964, the head of the FBI office in Boston was told by Special Agent H. Paul Rico that Jimmy Flemmi wanted to kill Deegan.[90] Four months earlier, FBI Director Hoover or his staff was given specific information by the Boston FBI office that "[Jimmy] Flemmi is suspected of a number of gangland murders and has told the informant of his plans to become recognized as the No. One 'hit man' in this area as a contract killer."[91] Just days before this memorandum to FBI Director Hoover, Special Agent Condon wrote a memorandum stating: "Flemmi told him [an informant] that all he wants to do now is kill people, and that it is better than hitting banks. . . . Informant said, Flemmi said that he feels he can now be the best hit man in this area and intends to be."[92] Later in the year, Flemmi killed an FBI informant by stabbing him fifty times and then, in a surfeit of enthusiasm, shooting him.[93]

In the days before Deegan was murdered, the FBI was aware of a great deal of activity relating to Deegan. Between March 5 and March 7, 1965, Jimmy Flemmi appears to have met with Raymond Patriarca to obtain permission to kill Deegan.[94] A couple of days later, on March 9, 1965, Jimmy Flemmi and Joseph Barboza asked Raymond Patriarca for permission to kill Deegan because "Deegan is a nasty sneak and should be killed."[95] According to one summary of microphone surveillance, Patriarca gave his permission for Deegan to be murdered.[96] The following day, according to a memorandum by Special Agent Rico, an "[i]nformant advised that he had just heard from 'Jimmy' Flemmi that Flemmi told the informant that Raymond Patriarca has put out the word that Edward 'Teddy' Deegan is to be 'hit' and that a dry run has already been made[.]"[97] That same day, Director Hoover or his staff was informed that "Flemmi came to Providence to contact [Patriarca] . . . to get the 'OK' to kill Eddie Deegan[.]"[98] Two days later, Barboza, Flemmi and others murdered Teddy Deegan. Earlier that day,

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[90] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Oct. 19, 1964) (Exhibit 56).

[91] Memorandum from the Boston FBI Field Office to J. Edgar Hoover, Director, FBI (June 4, 1964) (Exhibit 50).

[92] Memorandum from Dennis Condon, Special Agent, Boston FBI Field Office (May 25, 1964) (Exhibit 48).

[93] *See* Letter from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Jan. 8, 1965) (Exhibit 60).

[94] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 10, 1965) (Exhibit 68).

[95] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, Albany, Buffalo, and Miami FBI Field Offices (Mar. 12, 1965) (Exhibit 70); Memorandum from Helen Hatch, Correlator, to Special Agent in Charge, Boston FBI Field Office (June 14, 1965) (Exhibit 104).

[96] *Id.*

[97] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 72). The identity of this informant was not provided to Congress. However, according to the Justice Department, the information is described as "believable." It also came from a clearly credible source who was in a position to have heard what was happening at the time. Interview with John Durham, Special Attorney, District of Massachusetts, U.S. Dept. of Justice, and Gary Bald, Special Agent in Charge, Baltimore FBI Field Office (Dec. 2, 2002).

[98] Airtel from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Mar. 10, 1965) (Exhibit 73).

Jimmy Flemmi had been assigned to be developed by Special Agent Rico as an informant.[99]

When Barboza did testify at the Deegan murder trial, he explained that he was approached by Peter Limone on approximately January 20, 1965, and that Limone offered him $7,500 to kill Teddy Deegan.[100] Barboza also testified that "the Office" had approved the murder, that Henry Tameleo was involved in the murder conspiracy, and that Tameleo was involved as early as January of 1965.[101] The FBI's microphone surveillance did not provide evidence of a January approach to Barboza, but it did provide evidence that Barboza and Jimmy Flemmi approached Patriarca in March of 1965 to seek his permission to kill Deegan. Thus, the dates do not match, and Barboza's story that he was approached with an offer of money for a contract assassination is diametrically opposed to the reality—captured on tape—that Barboza and Flemmi sought permission to murder Deegan because he was an "arrogant, nasty sneak and should be killed."[102] Federal law enforcement officials, the only individuals with access to this microphone surveillance information, appear to have purposefully kept this information from the prosecutors who tried the case and sought the death penalty for the six defendants.

Perhaps more important, however, is the fact that the motive for the murder advanced by Barboza was different from the motive captured by the FBI's microphone surveillance. Barboza testified that Peter Limone offered $7,500 for him to murder Deegan because of a burglary that Deegan had committed:

> [T]he Popoulo [sic] home was broken into and from eighty to eighty-two thousand dollars was taken out of the house, and Harold Hannon, Wilfred Delaney and Teddy Deegan were supposed to be in on the score. Peter Limone said they would pay any amount of money to get these three people killed. I think it was before that that Hannon and Delaney were found floating in the river. He said they wanted to get Deegan for that and said that Deegan had killed Sacremone [sic] from Everett[.][103]

Over two years earlier, however, the FBI's microphone surveillance of Raymond Patriarca captured the following exchange:

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[99] Memorandum from H.E. Campbell, Inspector, to James L. Handley, Special Agent in Charge, Boston FBI Field Office (June 10, 1965) (Exhibit 74).

[100] If Barboza had been telling the truth, nearly two months of planning went into the Deegan murder conspiracy. It is interesting to note that when former FBI Special Agent Dennis Condon was asked about the disguise that Barboza testified was worn by Joseph Salvati, Condon stated: "I'm not of the opinion that they think that far ahead into those matters. I just don't think so. I don't think there's that much advance planning." Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 209 (Feb. 21, 2002).

[101] Trial Transcript, *Commonwealth* v. *French,* (Suffolk County Super. Ct. 1968); *Commonwealth* v. *Limone,* Cr. No. 32367, 32370, slip op. at *3 (Suffolk County Sup. Ct., Jan. 5, 2001) (Exhibit 931).

[102] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, Albany, Buffalo, and Miami FBI Field Offices (Mar. 12, 1965) (Exhibit 70).

[103] Suffolk County Grand Jury Testimony of Joseph Barboza (Oct. 25, 1967) (Exhibit 171). In 1966, the FBI prepared a memorandum for federal prosecutors that described the deaths of Harold Hannon and Wilfred Delaney. It stated that Hannon "was tortured by Edwad Bennett, the Flemmi brothers—Jimmy and Stevie Flemmi—in an effort to ascertain where the proceeds of the $30,000 burglary was [sic] that he and Delaney committed on Carmen Puopolo, a bookmaker from Everett, Massachusetts. During the torturing, Hannon was apparently killed, as the medical report reflected that he had died by suffocating." FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (Jan. 14, 1966) (Exhibit 116).

> Jimmie [Flemmi] tells Raymond they are having a problem with Teddy Deegan (ph). Teddy did what he did to press some other people. Jimmie says that the kid [Rico Sacrimone] did not have to be killed. . . . Bobby Donati is friendly with Rico Sacrimone and Deegan is looking for an excuse to whack Donati. . . . Deegan thinks Donati is trying to set him up for Buddy McLean. Jimmie says Deegan is an arrogant, nasty sneak. Deegan fills Peter Limone's head with all kinds of stories.[104]

These two rationales for the Deegan murder are fundamentally incompatible. The fact that Jimmy Flemmi was being protected, and the fact that Barboza's testimony bore no relationship to evidence in the hands of the FBI at the time of the Deegan trial are clear indications that federal law enforcement was aware that Barboza's story about the Deegan murder was false.

In the days following the Deegan murder, a great deal of information about the crime was developed. The following is a brief description of the information in the hands of federal and state law enforcement officials after Deegan was murdered. Every piece of information contradicted Barboza's ultimate trial testimony.[105] Indeed, the defendants filed a motion requesting police reports[106] and this motion was denied,[107] presumably with the concurrence of the prosecution. The Committee recognizes that discovery requirements were very different in 1965 than today and that state prosecutors were involved in responding to the motion. Nevertheless, this was a death penalty case and prosecutors should have disclosed this information to the defendants.

The following information existed at the time of the Deegan murder prosecution:

- On March 12, 1965, Captain Joseph Kozlowski prepared a statement indicating, among other things, that "the man in the back [of the car used to take people to the Deegan murder scene] had dark hair with a bald spot in center of head."[108]
- On March 13, 1965, Special Agent Rico reported that an informant told him who killed Deegan and how he was killed.[109] Rico filed a report and said, among other things, that Jimmy Flemmi

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[104] Handwritten Notes of Microphone Surveillance of Raymond L.S. Patriarca, March 9, 1965) (Exhibit 967).

[105] The Justice Department has not made its position officially known on this point. There is an indication that two defense attorneys in the Deegan case may have been provided some information from the microphone surveillance of Raymond Patriarca during the course of another trial involving the prosecution of Raymond Patriarca for conspiracy to murder Willie Marfeo. However, the Justice Department has not furnished the Committee with the information provided to the two defense attorneys. In any event, there is no indication that defense counsel for defendants Joseph Salvati, Peter Limone, or Louis Greco were ever provided information from the Patriarca microphone surveillance prior to the Deegan trial.

[106] Motion of the Defendant for the Production of Police Department Reports, *Commonwealth* v. *Salvati* (Suffolk Super. Ct.) (Exhibit 184). The defendants also requested information regarding "promises, rewards and inducements." It appears from the record before the Committee that the jury was not given an accurate indication of what Barboza had been promised and what he had been given.

[107] Docket Sheet, *Commonwealth* v. *French* (Suffolk County Super. Ct. Apr. 18, 1968) (Exhibit 220).

[108] Statement of Captain Joseph Kozlowski (Mar. 12, 1965) (Exhibit 76).

[109] Memorandum from H. Paul Rico, Special Agent, Boston FBI Field Office, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 77). This information was provided by an associate of Jimmy Flemmi's. Interview with John Durham, Special Attorney, District of Massachusetts, U.S. Dept. of Justice, and Gary Bald, Special Agent in Charge, Baltimore FBI Field Office (Dec. 2, 2002).

was involved in the murder. This information contradicts Barboza's trial testimony.

- On March 14, 1965, a Boston Police Department report was filed.[110] The information recorded contradicts Barboza's trial testimony. This report is of particular interest because nine years later Joseph Barboza told federal officials that Romeo Martin was murdered because he was an informant in the Deegan case and provided the information that was the basis of the March 14, 1965, Boston Police Department report.[111] An FBI document which describes the Martin homicide is heavily redacted and it is not possible to ascertain what was known to the FBI.[112] Nevertheless, it appears that Barboza himself committed the Romeo Martin murder,[113] thereby killing one of the eyewitnesses to the Deegan murder.
- A report, which indicates that Jimmy Flemmi was involved in the Deegan murder, was filed by the Chelsea Police a couple of days after the murder.[114] The information recorded contradicts Barboza's trial testimony.
- On March 15, 1965, a report was filed with the Massachusetts State Police.[115] Again, the report indicated that Jimmy Flemmi was involved in the murder. The information recorded contradicts Barboza's trial testimony.
- On March 19, 1965, FBI Director Hoover or his staff was provided information about the Deegan murder.[116] Hoover was told that Jimmy Flemmi was involved in the murder. The information recorded contradicts Barboza's trial testimony.
- On March 23, 1965, an informant advised the FBI that "Barbosa [sic] claims that he had shot Teddy Deegan with a .45 gun."[117] The information recorded contradicts Barboza's trial testimony.
- On March 24, 1965, Director Hoover or his staff was provided more information about the Deegan murder.[118] Again, the information provided contradicts Barboza's trial testimony.
- On May 7, 1965, Director Hoover or his staff was told that microphone surveillance of Raymond Patriarca captured the following: "information had been put out to the effect that Barboza

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[110] Boston Police Department Report (Mar. 14, 1965) (Exhibit 79).
[111] Memorandum from SAC, Butte, Montana, to Director, FBI, (February 1, 1974) (Exhibit 596).
[112] *See, e.g.,* FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (Jan. 14, 1966) (Exhibit 116) (Barboza admits to a role in the Martin homicide); *see also* VINCENT TERESA, MY LIFE IN THE MAFIA 248 (Doubleday & Company, Inc. 1973).
[113] Memorandum from SAC, Butte, Montana, to Director, FBI, (February 1, 1974) (Exhibit 596)
[114] Statement by Thomas F. Evans, Lieutenant, Chelsea Police Department (Mar. 14, 1965) (Exhibit 80).
[115] Massachusetts State Police Report by Richard J. Cass, Detective Lieutenant Inspector, to Daniel I. Murphy, Captain of Detectives (Mar. 15, 1965) (Exhibit 81).
[116] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 19, 1965) (Exhibit 84).
[117] Memorandum from [Redacted], Special Agent, to Special Agent in Charge, Boston FBI Field Office (Apr. 6, 1965) (Exhibit 85).
[118] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 24, 1965) (Exhibit 86).

was with Flemmi when they killed Edward Deegan." [119] This contradicts Barboza's trial testimony.

- On June 9, 1965, FBI Director Hoover or his staff was told that Jimmy Flemmi had killed Teddy Deegan.[120]
- On January 14, 1966, the Boston FBI Office prepared a memorandum for the U.S. Attorney in Boston. It described gangland murders and provided information about the Deegan homicide that contradicted Barboza's trial testimony.[121]

Notwithstanding the information developed by law enforcement about the Deegan murder, nothing happened for over two years. The break in the case came when Joseph Barboza was arrested in late 1966 for a weapons offense.[122] Facing a lengthy prison sentence, he began to cooperate with law enforcement officials. On January 25, 1967, Barboza received a relatively light sentence for the weapons offenses.[123] The following month, Stephen Flemmi was taken into the federal Top Echelon informant program,[124] and on March 8, 1967, he began to work with FBI Special Agents H. Paul Rico and Dennis Condon in an effort to develop Barboza to testify.[125]

In the period between Barboza's first recorded meeting with FBI Agents Rico and Condon and his testimony in the Suffolk County prosecution for the Deegan murder, Barboza met with either Rico, Condon, or Edward Harrington at least 41 times.[126] When Barboza finally did testify at the Deegan trial between July 2 and July 11, 1968, there were a number of discrepancies between information available to law enforcement at the time of the Deegan murder and Barboza's testimony. The three most significant involve the absence of Jimmy Flemmi, the chronology and origin of the murder plot, and the use of a .45 caliber weapon to kill Deegan.

It is particularly significant that the documents produced to the Committee by the Justice Department do not show a single instance of Barboza being confronted with the discrepancies between the record compiled by law enforcement and his proposed testimony. When Dennis Condon was asked why he did not question Barboza about the discrepancies in his story, Condon offered no explanation, stating, "I can't answer that. I can't answer that." [127] The majority of significant evidence, however, was in the posses-

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[119] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, New Haven, New York, and Washington FBI Field Offices (May 7, 1965) (Exhibit 96).

[120] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 9, 1965) (Exhibit 102).

[121] FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (Jan. 14, 1966) (Exhibit 116).

[122] James Southwood, *A Letter from Barboza: Why I Decided to Tell All,* BOSTON HERALD TRAVELER (Exhibit 122).

[123] U.S. Dept. of Justice Identification Record (Mar. 2, 1976) (Exhibit 129); Cornelius Moynihan, *Two Others Convicted,* BOSTON GLOBE, Jan. 26, 1967 (Exhibit 129).

[124] FBI Office of Professional Responsibility Report by Joshua Hochberg and Charles S. Prouty (Aug. 13, 1997) (Appendix II). Flemmi was first targeted as an informant in November of 1964. *Id.*

[125] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 20, 1967) (Exhibit 141).

[126] *See* Exhibits 131–134, 138, 140, 141, 144, and 146 (dated between March 8, 1967, and July 2, 1968). Rico and Condon also were present for meetings between Joseph Barboza and state investigators and prosecutors.

[127] Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 117–118 (Feb. 21, 2002).

sion of federal authorities. For example, FBI officials were aware of microphone surveillance information, and state officials were not aware of relevant microphone surveillance evidence.

The absence of Jimmy Flemmi from Barboza's testimony is the single greatest indication that Barboza was not telling the truth. Perhaps as important, however, was the addition of Joseph Salvati to the fact pattern as described by Barboza at trial.[128] Salvati's introduction to the list of defendants is significant because just before the crime was committed an eyewitness—who also happened to be a police officer—saw some of the men who killed Deegan in the vicinity of the crime.[129] The eyewitness described a man who had an appearance similar to Jimmy Flemmi's. Thus, Barboza was confronted with a dilemma: minutes before Deegan was murdered, someone saw a man with Barboza who looked like Jimmy Flemmi near the scene of the crime. Perhaps more important, this was recorded in a police report.[130] Jimmy Flemmi was Barboza's best friend and was a frequent accomplice in criminal endeavors. Thus, it would not have been unusual for Flemmi to have been with Barboza. Barboza solved this dilemma by adding Joseph Salvati to his story and then testifying that Salvati was wearing a disguise which included, among other things, a wig that made him appear bald.[131] As described by Barboza, the disguise made Joe Salvati - who in real life looked nothing like Jimmy Flemmi [132]—resemble Flemmi. For the jury, of course, this might have been believable, but only because the jury had received no evidence that Jimmy Flemmi was involved in the crime or that Flemmi had a motive to kill Deegan. For the federal law enforcement officers who had access to the contemporaneous evidence that Flemmi was part of the Deegan homicide, however, this story should have indicated that Barboza was not telling the truth.[133]

Barboza was also aware that he had been observed leaving a popular night club with a number of individuals just before Deegan was killed. In all of the written reports compiled by law enforcement at the time of the Deegan murder, no one had placed Salvati in the night club and no one indicated he left with Barboza. Barboza solved this inconsistency by testifying that Salvati was not with him because he had instructed Salvati to warm up the car.

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[128] At the time of the Deegan murder prosecution, Joseph Salvati owed a debt of money to Joseph Barboza. Barboza, who was a professional loanshark, had loaned Salvati $400. At the time of Barboza's arrest in 1966, he sent two associates to collect outstanding debts in order that he would have sufficient money to meet bail requirements. Salvati was unable to pay. Barboza sent his associates back a second time, an altercation resulted, and Salvati said he would not repay the money owed to Barboza. The following year, Barboza retaliated by putting Salvati into the Deegan murder conspiracy. Interview with Joseph Salvati (March 27, 2001); Alan Jehlen, *Two Say Grieco [sic] Innocent of Deegan Murder,* PEABODY TIMES, June 9, 1971 (Exhibit 402).

[129] Massachusetts State Police Report by Richard J. Cass, Detective Lieutenant Inspector, to Daniel I. Murphy, Captain of Detectives (Mar. 15, 1965) (Exhibit 81).

[130] Statement of Captain Joseph Kozlowski (March 12, 1965) (Exhibit 76).

[131] Trial Transcript, *Commonwealth* v. *French* (Suffolk County Super. Ct. July 2, 1968) at 3367 (Exhibit 243).

[132] Flemmi was balding, and Salvati had thick, dark hair styled in such a way that it was noticeable.

[133] It is worth noting that Joseph Salvati's attorney for the Deegan murder trial told the Committee that Al Farese, the partner of Joseph Barboza's attorney, told him that Jimmy Flemmi was the bald man at the Deegan murder, not Joseph Salvati. This is important because Farese's partner was John Fitzgerald, who represented Joseph Barboza. Farese also learned about Deegan being in trouble on March 12, 1965, before the Chelsea Police Department, which suggests an important familiarity with key participants. Interview with Chester Paris, attorney for Joseph Salvati during the Deegan trial (Aug. 6, 2002).

However, his testimony had him sending Salvati to warm the car up over ninety minutes before he left the night club. Again, the jury might well have believed this story in the absence of the withheld exculpatory evidence. Had all evidence been provided to the defendants, however, Barboza's testimony would have been far less credible.

Another significant discrepancy between information available to federal law enforcement and Barboza's trial testimony is whether Barboza actually shot Deegan. Less than two weeks after Deegan was murdered, an informant told the FBI that "Barbosa [sic] claims that he had shot Teddy Deegan with a .45 caliber gun." [134] Two years later, on March 21, 1967, Barboza was interviewed by Special Agents Rico and Condon.[135] Although the documents provided to the Committee are heavily redacted, a significant focus of this interview was the Deegan murder and Joseph Barboza's knowledge about the Deegan murder.

On the same day that Barboza was interviewed, March 21, 1967, a Boston newspaper indicated that Barboza appeared before a federal grand jury.[136] Responding to this activity, a memorandum drafted in the name of the FBI Director states the following:

> A review of the Bureau records reveals that no investigation of [Barboza] has ever been conducted by your office. In view of the current circumstances, the Bureau should be cognizant of all background information. Therefore, you should submit to the Bureau an investigative report per instructions set out under the Criminal Intelligence Program containing all background and identifying data available.[137]

The Boston office complied with the instructions from Washington when Thomas Sullivan transmitted a memorandum to Washington which summarizes information about Joseph Barboza. In this memorandum, the Boston office re-states the information from two years earlier: "[An informant states that] Barboza claims that he shot Teddy Deegan with a .45 caliber gun. Barboza indicated that Roy French was with Deegan and another individual when Deegan was shot by Barboza and two other individuals, one of whom the informant believes was Romeo Martin." [138]

Barboza's grand jury testimony states not only that he did not shoot Deegan but also that he did not see who shot Deegan.[139] Obviously, this is a significant factual discrepancy that should have been lost on no one. Furthermore, it is telling that law enforcement permitted Barboza the luxury of saying that he neither pulled the

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[134] Memorandum from [Redacted], Special Agent, to Special Agent in Charge, Boston FBI Field Office (Apr. 6, 1965) (Exhibit 85).

[135] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 28, 1967) (Exhibit 132).

[136] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Mar. 21, 1967) (Exhibit 133).

[137] Airtel from J. Edgar Hoover, Director, FBI, to Special Agent in Charge, Boston FBI Field Office (May 24, 1967) (Exhibit 140).

[138] FBI Report by Thomas Sullivan, Special Agent, Boston FBI Field Office (July 18, 1967) (Exhibit 149). When Barboza met with Anthony Stathopoulos at Barnstable County Jail on September 8, 1967, Barboza told him that on the night on March 12, 1965, he had a .45 caliber gun. This statement was made in the presence of a number of law enforcement officials. Interview with Anthony Stathopouols (February 21, 2003).

[139] Suffolk County Grand Jury Testimony of Joseph Barboza (Oct. 25, 1967) at 123–25 (Exhibit 171).

trigger nor saw who did pull the trigger. It is also important to note that Barboza was important enough in Washington that a request was made to have information about him transmitted to headquarters. This appears to contradict individuals who have told this Committee that federal prosecutors and investigators were interested only in the murder of Willie Marfeo and the resulting federal prosecution.[140]

iv. Anthony Stathopoulos and the Deegan Murder Prosecution

At the time of his death, Teddy Deegan was attempting to commit a robbery. He was accompanied to the intended site of the crime by Wilfred "Roy" French and Anthony Stathopoulos.[141] After Deegan and French walked into an alley, Stathopoulos saw flashes and heard shots. Shortly thereafter, Stathopoulos, who was sitting in an automobile, saw French and another man exit the alley. At the same time he also heard someone still in the alley say "get him too." Stathopoulos immediately drove away and, after a short delay, went to the home of attorney Al Farese. Shortly thereafter, Farese called the Chelsea Police Department. Later that night, Stathopoulos and Farese went to the site of Deegan's murder and Stathopoulos identified the body.

The day following Deegan's murder, Stathopoulos—this time accompanied by attorney John Fitzgerald—went to the Chelsea Police Department. He was shown photographs of Roy French, Joseph Barboza, Jimmy Flemmi, and Ronald Cassessa.[142] The police also mentioned an individual named Freddie Chiampa. Stathopoulos asked how the police were able to know the identities of those who committed the Deegan murder and he was told that an informant had provided the information. Stathopoulos was also told that the individuals whose pictures had been provided were the ones that he had to watch out for.

Prior to the Deegan murder trial, Joseph Barboza told Stathopoulos on two occasions that he would protect Jimmy Flemmi. The more significant of the two times was on September 8, 1967, when Stathopoulos was taken by law enforcement officials to meet with Joseph Barboza in Barnstable County Jail. When Stathopoulos arrived at the jail, he was met by FBI Special Agents H. Paul Rico and Dennis Condon. During the course of the meeting between Barboza and Stathopoulos, which was conducted in the presence of law enforcement officials including Rico and Condon, Barboza explained that he was keeping Jimmy Flemmi out of the Deegan murder because Flemmi had been good to him in the past.

Stathopoulos testified for the prosecution in the Deegan murder trial. Prior to his testimony, Stathopoulos was asked to identify Louis Greco as one of the men at the scene of the Deegan murder.

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[140] *See* Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office (Feb. 21, 2002); "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Feb. 14, 2002) (testimony of Judge Edward Harrington); Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001); "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Dec. 5, 2002) (testimony of Paul Markham).

[141] Interview with Anthony Stathopouols (February 21, 2003). Unless there is a citation to the contrary, the information provided in this section is derived from this interview.

[142] Stathopoulos does not recall whether he was shown a photograph of Romeo Martin.

According to Stathopoulos, prosecutor Jack Zalkind pressed him to testify that Louis Greco was the other man who came out of the alley with Roy French. Stathopoulos told Zalkind that he was not able to identify the second man. Zalkind then informed Stathopoulos that he did not have to be 100% certain, but that 99% certainty was sufficient. Stathopoulos was aware that the individual who came out of the alley was carrying a gun in his right hand, and that he did not have a limp. Later, Stathopoulos was told that Greco was left-handed, and that he did have a limp. When Stathopoulos asked Zalkind how he would be able to identify Greco in court he was provided the order of seating for the defendants. In Stathopoulos's opinion, both Jack Zalkind and Detective John Doyle knew that Louis Greco was not at the scene of the Deegan murder, but "they wanted him bad."

Stathopoulos did testify that he saw Greco come out of the alley. He knew at the time that this was not truthful testimony; nevertheless, he had been led to believe by law enforcement officials that Greco would kill him if he were not locked up. Perhaps more important, Stathopoulos thought it prudent simply to do what he had been asked to do.[143]

v. Federal Involvement in the Deegan Prosecution

The Deegan murder prosecution was conducted by the office of the Suffolk County District Attorney. Thus, it was not a federal criminal prosecution. During the course of its investigation, the Committee received testimony that federal personnel had little to do with the two Suffolk County murder prosecutions.[144] Documents produced to this Committee, however, suggest that FBI agents collaborated with local authorities as part of the prosecution. For example, on August 9, 1967, the head of the FBI's Boston office sent the following urgent teletype regarding the DiSeglio murder prosecution to FBI Director Hoover:

> In statement to press, District Attorney Byrne stated that this tremendous penetration into the La Cosa Nostra and the hoodlum element was effected through the outstanding investigative efforts of the FBI and his office. As a matter of information, this entire case which was presented to the grand jury by DA Byrne was developed through the efforts and able handling of Barboza by SA H. Paul Rico and Dennis M. Condon of the Boston office. They also cooperated

[143] Stathopoulos's description of his Deegan murder trial testimony is similar to a description provided by John "Red" Kelly about his testimony in a murder trial which involved former Special Agent H. Paul Rico. "Red" Kelly testified that he was asked to commit perjury by Special Agent Rico in a Rhode Island murder trial. He testified that he did commit perjury, and Special Agent Rico was also found to have committed perjury in that trial. When asked why he committed perjury, Kelly stated "Well, my life was in their hands." Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763). Thus, Kelly and Stathopoulos provided similar explanations for the perjury that was committed in two different trials.

[144] *See* Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office (February 21, 2002); "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Feb. 14, 2002) (testimony of Judge Edward Harrington); Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001); "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Dec. 5, 2002) (testimony of Paul Markham); "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 220–21 (May 3, 2001) (testimony of H. Paul Rico).

> fully with DA Byrne in the preparation of this matter for the grand jury. I know that this indictment would not have been possible in any sense of the word if it were not for the efforts of these agents and the FBI at Boston. . . . I further recommend that Supervisor John F. Kehoe who supervised this entire program and was involved deeply in the developments and the planning relative to Barboza and the matters attendant to this indictment be strongly commended for his excellent supervision.[145]

As this document makes clear, Special Agents Rico and Condon were so involved in the state case that they participated in the state grand jury preparation. Thirty-five years later, the FBI has redacted information pertaining to grand jury appearances. Nevertheless, it appears that the FBI Director himself or his staff was being kept informed of state grand jury developments in this case.[146]

It is worth noting that federal law enforcement officials closely involved with Barboza—H. Paul Rico, Dennis Condon, Paul Markham, and Edward Harrington—told the Committee that they did not pay close attention to the Deegan trial.[147] Given the extraordinary importance of the Deegan trial—it was a death penalty case involving the alleged right hand men of New England organized crime bosses Raymond Patriarca and Gennaro Angiulo—it is hard to believe that federal officials failed to pay attention to Barboza's testimony. Moreover, FBI Director Hoover's office was notified of the Deegan murder trial result on the same day the verdict was returned.[148] A claim of disinterest in the Deegan murder trial could have the effect of distancing federal law enforcement officials from Barboza and his perjurious testimony.

At the time of the Deegan murder prosecution, Special Agent Condon testified under oath that he was not a major figure in developing Barboza's testimony regarding the Deegan murder:

> Mr. BALLIRO: And is it fair to say that you and Agent Rico have been major figures, so to speak, with regard to the investigations surrounding the information furnished by Mr. [Barboza]?
>
> Mr. CONDON: No, sir.
>
> Mr. BALLIRO: It is not?
>
> Mr. CONDON: No, sir.

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[145] Teletype from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Aug. 9, 1967) (Exhibit 151).

[146] The date of this document indicates that it refers to the DiSeglio murder prosecution.

[147] *See* Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office (Feb. 21, 2002); "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Feb. 14, 2002) (testimony of Judge Edward Harrington); Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001); "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (Dec. 5, 2002) (testimony of Paul Markham); "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 220–21 (May 3, 2001) (testimony of H. Paul Rico).

[148] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (July 31, 1968) (Exhibit 248).

> Mr. BALLIRO: Well, you have been participating in it, is that correct?
>
> Mr. CONDON: As it pertains to Federal matters, yes.
>
> Mr. BALLIRO: But not as it pertains to State matters?
>
> Mr. CONDON: We have not been the principal figures, no, sir.
>
> Mr. BALLIRO: I see. But you have been part of it, is that correct?
>
> Mr. CONDON: Yes, sir.[149]
>
> * * *
>
> Mr. BALLIRO: All right. Since Mr. [Barboza] has been testifying on State matters rather than Federal matters, do you say that you have no longer been concerned about the purity of testimony that he might give in a State court, a Federal court or any kind of court?
>
> Mr. CONDON: I am always concerned about the purity of testimony on the part of any witness involving any matter that I am concerned with.[150]

When the Committee interviewed Mr. Condon, he suggested that local prosecutors developed the Deegan case, and that the FBI did not take credit for developing the Deegan prosecution:

> Mr. WILSON: Is it fair for us to characterize the FBI as having taken a great deal of credit for the Deegan prosecution?
>
> Mr. CONDON: No, I don't believe so. I don't believe so.[151]

These answers, however, conflict with the FBI's own internal documents, where the FBI not only took credit for playing a role in developing Barboza's testimony, but also awarded bonuses and commendations for the successful effort to develop the Deegan case. For example, on August 5, 1968, just five days after the Deegan defendants were convicted, FBI Director J. Edgar Hoover sent the following note to Dennis Condon:

> In recognition of the excellent fashion in which you performed in the investigation of a local murder case involving Roy French and others, I am pleased to commend you. You were highly instrumental in the development of principal witnesses and, through your effective testimony at the trial, all the subjects were successfully prosecuted. I do not want the occasion to pass without conveying my appreciation to you.[152]

Condon was commended for his work both in the Deegan murder investigation and for his trial testimony, and there can be little

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[149] Trial Transcript, *Commonwealth* v. *French* (Suffolk County Super. Ct. July 19, 1968) at 5810–11 (Exhibit 244).

[150] *Id.*

[151] Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 210 (Feb. 21, 2002).

[152] Letter from J. Edgar Hoover, Director, FBI, to Dennis Condon, Special Agent, Boston FBI Field Office (Aug. 5, 1968) (Exhibit 251).

doubt that the dozens of times Special Agents Rico and Condon visited Joseph Barboza resulted in a great deal of discussion about the Deegan case.[153] Indeed, Barboza himself testified that he discussed the Deegan case with law enforcement, including the FBI, eight or nine time before he told the entire story about the Deegan killing.[154]

It is particularly important to compare Condon's testimony before the Committee with the teletype to FBI Director Hoover that explains how Special Agents Rico and Condon worked so closely with the local prosecutors that they "cooperated fully with DA Byrne in the preparation of this matter [presumably the DiSeglio case] for the grand jury."[155] There appears to be no doubt whatsoever that the FBI played the pivotal role in the state's case. There is no indication that FBI personnel did not play as significant a role in assisting the state in the Deegan case. Indeed, a letter from federal prosecutor Edward Harrington to Gerald Schur, who ran the Justice Department's Witness Protection Program from Washington, D.C., indicates just how involved federal law enforcement was in the Deegan case and its aftermath:

> It is requested that employment be procured for Lawrence P. Hughes. Mr. Lawrence P. Hughes . . . has been kept in protective custody by the Suffolk County District Attorney's Office as a potential witness for the last two months. Hughes furnished information relative to a meeting in the woods in the Freetown, Massachusetts area between Joseph [Barboza] Baron and Frank Davis, an associate of Raymond L.S. Patriarca, relative to negotiations for a change of testimony on the part of Baron to release the organized crime figures that he had testified against. Hughes also was present when F. Lee Bailey turned over $800 to Baron and told him (Baron), 'The people would pay the $500,000 but he would not be the intermediary.' Hughes will testify to this in a hearing relating to a motion for a new trial which has been filed by six Cosa Nostra members who had previously been convicted for the first-degree murder of Boston gangster Edward Deegan. The Deegan murder case, one of the most significant organized crime convictions in New England, resulted in four other defendants being sentenced to death and the two other defendants being sentenced to life imprisonment. Although tried in the state court, the conviction resulted from the joint cooperation of federal and state authorities in Massachusetts. . . . The Suffolk County District Attor-

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[153] *See, e.g.,* Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (July 31, 1968) (Exhibit 248); Letter from J. Edgar Hoover, Director, FBI, to H. Paul Rico, Special Agent, Boston FBI Field Office (Aug. 5, 1968) (Exhibit 251); Memorandum from S.R. Burns to Mr. Walsh (Oct. 22, 1975) (Exhibit 254); Special Investigative Division Note (Oct. 4, 1968) (Exhibit 255); *see also* Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 29, 1968) (Exhibit 213) ("SA Condon's ability to develop Joseph . . . Barboza described as the most vicious criminal in New England and one whom law enforcement generally felt could never be compromised, required months of labor, seven days weekly, coupled with intelligence, aggressiveness and foresight.")

[154] Trial Transcript, *Commonwealth* v. *French,* at 4655 (Suffolk County Super. Ct. July 2, 1968) (Exhibit 243).

[155] Teletype from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Aug. 9, 1967) (Exhibit 151).

> ney's Office, which has been extremely cooperative with the Strike Force, is requesting Strike Force assistance in obtaining employment for Hughes until this matter is resolved.[156]

As this request indicates, Harrington not only states that the Deegan trial convictions resulted from the joint cooperation of federal and state authorities in Massachusetts, but that federal officials were eager to help obtain a job for Lawrence Hughes at a time when it was anticipated that Hughes would testify in response to a motion for a new trial for the Deegan defendants. Support by federal officials would permit state officials to deny that they had provided Hughes any financial or job-related assistance in advance of his testimony.

In addition to the request regarding Hughes, there are also numerous indications that the FBI played the key role in preparing Joseph Barboza to testify in the Deegan case.[157] As one senior FBI supervisor wrote to Deputy Director Cartha DeLoach in referring to the "prosecutive achievement" in Boston: "[A]s a result of FBI investigation, in State court in Boston, Massachusetts, six more were convicted in the 1965 slaying of Edward Deegan. La Cosa Nostra members Henry Tameleo, Ronald Cassesso, Peter Limone, and Louis Greco were all sentenced to death while two confederates were given life sentences."[158] Two years later, senior FBI official Cartha DeLoach was provided additional information about the FBI's role in the Deegan murder prosecution:

> With the murder conspiracy conviction of New England Mafia boss Raymond Patriarca and four other racket figures in Rhode Island on 3/27/70, it is believed appropriate to bring to your attention the truly remarkable record established by SA [Paul] Rico in organized crime investigations during recent years. The achievements in question primarily involve SA Rico's development of high-level organized crime informants and witnesses, a field in which he is most adept. SA Rico's development of Boston mobster Joseph Barboza, a vicious killer and organized crime leader in his own right, set off a chain of events which have seen the surfacing of a number of additional racket figures in New England as cooperative witnesses during the past few years. Making use of compromising information he had received from other top echelon informants he had previously turned, Rico brought Barboza to the point where he testified against Patriarca and two of his La Cosa Nostra (LCN) subordinates in a[] . . . [g]ambling case resulting in [the] conviction of all three in Boston Federal Court on 3/8/68. . . . SA Rico also induced Barboza to tes-

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[156] Memorandum from Edward F. Harrington, Attorney in Charge, Boston Field Office, Organized Crime and Racketeering Section, to Gerald Shur, Criminal Division, U.S. Department of Justice (November 16, 1970) (Exhibit 366).

[157] *Id.*

[158] FBI Memorandum from J.H. Gale to Mr. DeLoach (Nov. 15, 1968) (Exhibit 262). This memorandum also points to the importance the FBI attached to favorable publicity. Discussing the creation of organized crime task forces, Gale states that the "principal objection [to the Task Force concept] is that the FBI's accomplishments would be submerged in the claiming of credit by the Task Force beyond its actual contribution, and they will wind up grabbing the lion's share of favorable publicity." *Id.*

> tify as the state's key witness in Massachusetts in the gang slaying of hoodlum Edward Deegan. In this case, Rico was additionally instrumental in developing a second witness, attorney John Fitzgerald, resulting in the 7/31/68 murder convictions of LCN members Henry Tameleo, Ronald Cassesso and Peter Lamone [sic], who were sentenced to death; one additional death sentence for another hoodlum, and life sentences for two others also convicted in this case.[159]

Prior to his becoming a cooperating witness, Barboza faced lengthy prison sentences for a variety of criminal offences. As this communication makes clear, however, it was information from other Top Echelon informants that convinced Barboza to testify. Specifically, it was Stephen Flemmi who was used to convince Barboza to testify. There is no doubt that before problems were discovered, the FBI claimed credit for the Deegan murder prosecution. Later, of course, when the Deegan prosecution became the subject of controversy, this approach changed.

It is worth noting that when Judge Harrington was approaching his Senate confirmation hearings, he told the Chairman of the Senate Judiciary Committee: "As a public prosecutor, I developed such significant accomplice witnesses as Joseph [Barboza], Vincent Teresa, 'Red' Kelley, William Masiello and many others whose use as witnesses I always made available to local prosecution authorities. Cooperation with local law enforcement was my hallmark." [160] Nine days later, Harrington again wrote to the Judiciary Committee Chairman: "I never used an accomplice witness unless I was convinced that he was telling the truth and his testimony had been corroborated to the fullest extent possible. Nor did I ever condone any wrongdoing on any witness' part." [161] These statements are subject to question. Barboza was made available to local authorities but, as the Deegan prosecutor testified before the Committee:

> I must tell you this, that I was outraged—outraged—at the fact that if [the exculpatory documents] had ever been shown to me, we wouldn't be sitting here . . . I certainly would never have allowed myself to prosecute this case having that knowledge. No way. . . . That information should have been in my hands. It should have been in the hands of the defense attorneys. It is outrageous, it's terrible, and that trial shouldn't have gone forward.[162]

Barboza was never directly confronted with his reluctance to provide information that would have Jimmy Flemmi "fry," the discrepancy between the information obtained by microphone surveillance

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[159] FBI Memorandum from J.H. Gale to Cartha DeLoach (March 31, 1970) (Exhibit 308).

[160] Letter from Edward F. Harrington, Of Counsel, Sheridan, Garrahan & Lander, to Senator Joseph R. Biden, Jr., Chairman, Committee on the Judiciary (Jan. 20, 1988) (Exhibit 813).

[161] Letter from Edward F. Harrington, Of Counsel, Sheridan, Garrahan & Lander, to Senator Joseph R. Biden, Jr., Chairman, Committee on the Judiciary (Jan. 29, 1988) (Exhibit 813).

[162] "Investigations of Allegations of Law Enforcement Misconduct in New England," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 25–26, 48 (May 11, 2002) (testimony of Jack Zalkind). Former Special Agent Dennis Condon was informed that the FBI maintained a file on the Deegan murder. He indicated that he had not seen any documents prepared by former Special Agent Rico about the Deegan murder. When asked "do you wish that you had been made aware of those documents[,]" Condon replied "I would prefer that I had been aware of them, yes." Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 212–214 (Feb. 21, 2002).

and his assertion that he was approached in January of 1965 and offered a contract to kill Deegan, and his inexplicable failure to include Raymond Patriarca as a co-conspirator in the Deegan homicide. Deegan murder prosecutor Jack Zalkind told the Committee that: "[t]he information that Joe Barboza had told an FBI agent that he would not implicate Jimmy Flemmi in a murder case is the most exculpatory piece of evidence that anyone could have." [163] Also, singling out Red Kelley as a successful accomplice witness carried a certain danger in that the Rhode Island Supreme Court vacated a homicide conviction when it found that FBI Special Agent H. Paul Rico had suborned perjurious testimony from "Red" Kelley and had himself committed perjury in a Rhode Island murder trial.[164]

Barboza's testimony about promises made to him also presents an interesting window into the relationship between federal law enforcement personnel and Joseph Barboza. During the Deegan trial, Barboza told the jury that he was "hoping for a break," and that he was also hoping that his testimony "would be taken into consideration." [165] He further stated that "the only promise that has been made in regards to [his testimony] is that the FBI will bring it to the attention of the Judge." [166] He also said that his wife and child would be protected.[167] When asked if "they made more promises than what you've told us about," Barboza answered "No, sir." [168] This testimony appears to conflict with what senior Justice Department officials in Washington knew at the time. For example, one senior official, responding to a request for money to be given to Barboza communicated the following to another senior official two years after Barboza's testimony:

> The memoranda submitted by Walter Barnes do not in my judgment support the expenditure of Nine Thousand Bucks. . . . The additional $4,000 requested to make up the total of Nine, obviously has no support. I am bothered by the thought on this score that [Barboza], if my recollection is correct, expected a $10,000 payment at the time his testimony was concluded.[169]

This communication indicates that Barboza did have an expectation of more than he testified to. Indeed, in a letter to Washington, two senior prosecutors in Boston state that they:

> [T]hink it is fair to state that it was agreed by all in the Department of Justice that at the time [Joseph Barboza] was released from Government protection every effort would be made to provide his [sic] with a job and an unspecified sum of money. However, in the event it was impossible to obtain a job for him because of [his] extensive

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[163] *Id.* at 48.

[164] A more complete discussion of this matter can be found at Section II.B.7. It is worth noting that Judge Edward Harrington stated that he was not aware of the finding that former FBI Special Agent Rico had suborned perjury, and had himself committed perjury.

[165] *Id.* at 4456 (Exhibit 243).

[166] *Id.* at 4460.

[167] *Id.* at 4652.

[168] *Id.* at 4653.

[169] Memorandum from Henry E. Peterson, Deputy Assistant Attorney General, Criminal Division, to William Lynch, Chief, Organized Crime and Racketeering Section, (March 3, 1970) (Exhibit 295).

> record (36 years old—17 in prison) and inability to do anything, it was agreed that he would be provided additional money. This position was made known to [Barboza].[170]

While this communication does not record the amount of money Barboza expected the government to provide, it does show that there was an understanding that Barboza would receive money, and that he would perhaps need additional sums in the future.

In an interview conducted by the prosecutor who had tried the Deegan murder case, Barboza's former attorney, John Fitzgerald also confirmed that Barboza had an expectation that money would be paid to him by the federal government: "He felt that they had promised him plastic surgery, he felt that two, they had promised him a lump sum of money, he felt that three, they had promised him a job as a V.A. cook." [171]

When former Special Agent Dennis Condon was asked about promises or inducements made to Barboza, he indicated that officials in Boston would not necessarily have known about such matters. Condon was asked: "So, if the Justice Department had decided to do something specific for Barboza, you may not have known about that?" Condon replied: "True." [172] Condon appears to have been aware that officials in Washington might not inform him of efforts made for Barboza that would have permitted him to testify that he was unaware of those efforts. Law enforcement personnel in Washington were aware that Condon or Rico would testify, and the purpose of their testimony would be to discuss promises made to Barboza. For example, on May 23, 1968, a memorandum was directed to FBI Director Hoover about the Deegan case and the federal personnel who would testify: "Special Agents Condon and/or Rico regarding witness [Barboza] first mentioning Deegan murder to them, referral of matter to District Attorney's office, no promises made, etc." [173]

The Committee requested all documents that would provide a more complete understanding of the deal proposed by the federal government to Joseph Barboza. The Justice Department was unable to provide any such records, nor did it indicate that there were such records but that they would not be provided to Congress. Thus, it appears that the government has not kept any records of proposals regarding Barboza's post-testimony accommodations, nor do there appear to be any records of the amounts of money provided to Barboza. The failure to keep records regarding individuals placed in the Witness Protection Program is another disturbing fact uncovered by the Committee's investigation.

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[170] Memorandum from Walter T. Barnes and Edward F. Harrington, Attorneys, Organized Crime and Racketeering Section, Boston U.S. Department of Justice Field Office, to Henry E. Peterson, Deputy Assistant Attorney General, Criminal Division (June 6, 1967) (emphasis added) (Exhibit 292).

[171] Transcript of an interview conducted by Jack Zalkind and William J. Powers, Suffolk County District Attorneys Office, of John Fitzgerald (August 7, 1970) (Exhibit 324). During this interview, Fitzgerald also states that Barboza told him that federal law enforcement had agreed to pay for plastic surgery and promised him $2,500 "for recuperating." *Id.*

[172] Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 193 (February 21, 2002).

[173] Document on file at the Department of Justice.

5. The Failure to Prosecute Raymond Patriarca

The FBI had clear information that Raymond Patriarca was complicit in the murder of Teddy Deegan.[174] At the time of the Deegan murder trial, federal prosecutors believed that Patriarca had played a part in the Deegan murder. As Judge Edward Harrington testified:

> Judge HARRINGTON: At least two references to the Deegan murder gleaned from the [Patriarca microphone surveillance] logs were cited in the prosecution memorandum to manifest [Barboza's] veracity as a witness, namely, that he had personal access to Patriarca and would received authorizations from him, as [Barboza] was asserting.[175]
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> * * *
>
> Judge HARRINGTON: The fact that reference that Patriarca gave authority to [Barboza] to kill Deegan tended to corroborate his testimony in the federal Marfeo case because it showed two things. One, that Joseph [Barboza] had personal access to the boss of the New England Mafia. That was something that some people, including me, thought might not have been valid. The second reason why it tended to corroborate [Barboza's] testimony in the federal Patriarca case is it showed that he received authorizations to kill from Patriarca. And that, again, substantiated his testimony in the federal Marfeo case.[176]
>
> * * *
>
> Mr. BURTON: Now Patriarca would have been guilty of complicity in a murder by giving permission to Barboza and Flemmi to kill Deegan.
>
> Judge HARRINGTON: No doubt about it.
>
> Mr. BURTON: There is no question about that.
>
> Judge HARRINGTON: No doubt about it.
>
> Mr. BURTON: [W]hy didn't you prosecute him for that case?
>
> Judge HARRINGTON: The reason why we would not prosecute him for that case is because it was a murder case. But the fact that I said nothing when I did not see Patriarca's name as a defendant in the Deegan murder case proves that at that time, 5 months later, I had no memory of the one reference in 3 years of logs that I had looked at 5 months earlier.[177]

Notwithstanding Patriarca's complicity in the Deegan murder, Patriarca was not prosecuted for this murder. Patriarca was the

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[174] *See* Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI, and Special Agents in Charge, Albany, Buffalo, and Miami (Mar. 12, 1965) (Exhibit 70); Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 10, 1965) (Exhibit 73).

[175] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 113 (Feb. 14, 2002) (testimony of Judge Edward Harrington).

[176] *Id.* at 131–32.

[177] *Id.* at 133.

most important criminal target in New England, and one of the top criminal targets in the United States. Indeed as Judge Harrington testified, "I would have loved to have seen Patriarca charged with the murder case." [178] Despite Patriarca's importance as a target for criminal prosecution, no federal law enforcement personnel worked to convict Patriarca for the Deegan murder. Nor can these federal officials recall whether concerns were expressed about why Patriarca was not implicated by Barboza and why his failure to implicate Patriarca was not questioned.

Joseph Barboza did testify in one federal trial. When asked why a federal case was not brought for the Deegan murder, Judge Harrington replied:

> Because the object of the conspiracy, the killing of Marfeo, was not completed at that time. He was killed sometime later as a result of another conspiracy. The Patriarca case and so-called Marfeo conspiracy was brought federally because the object was not attained, therefore we tried that as a travel act case in Massachusetts. Whereas in Deegan and in DeSeglio the murder was accomplished, therefore at that time it had to be a State prosecution.[179]

The most surprising aspect of the failure to prosecute Patriarca for the Deegan murder is the absolute denials that the Deegan case was of interest to federal law enforcement. For example, Judge Harrington testified: "I discussed with Mr. Rico about Mr. Barboza, but with respect to the federal Patriarca case, not the state Deegan murder case. . . . I will say it again. I never discussed the Deegan murder case with Joseph Barboza or with Mr. Rico." [180]

It is difficult to believe that, as Barboza was being developed as a witness, it was not a matter of intense discussion and debate as to whether Patriarca would be brought to justice for his part in the Deegan murder. At a minimum, it is unlikely that there would have been no discussion of why Barboza was not prepared to testify about facts that federal prosecutors believed to be true, particularly when those facts would have put Raymond Patriarca into a death penalty situation. Microphone surveillance gave the FBI access to Raymond Patriarca's confidential conversations. Indeed, it was through their bug that federal personnel were able to learn that Patriarca was involved in the Deegan murder. Thus, it is difficult to understand why Joseph Barboza did not testify truthfully regarding his visit to obtain Patriarca's permission to kill Teddy Deegan. That testimony, however, would have implicated Jimmy Flemmi, which Barboza wanted to avoid. It defies any rational thought process to argue that federal personnel did not discuss, at length, why Barboza did not put Raymond Patriarca into what would potentially have been a death penalty situation.

6. Post-Conviction Indications That a Grave Miscarriage of Justice Had Occurred

Guilty verdicts were returned against Joseph Salvati, Ronald Cassesso, Louis Greco, Henry Tameleo, Roy French, and Peter

[178] *Id.* at 157.
[179] *Id.* at 187.
[180] *Id.* at 130–31.

Limone on July 31, 1968.[181] Almost immediately, information began to emerge that cast doubt on the verdicts. Most of this information would not, in the normal course of events, have led to a re-evaluation of the verdict without the government's direct intervention. Nevertheless, if federal or state officials were conducting themselves in good faith, particularly given the information in their possession that had been denied to the Deegan defendants, one would have thought some form of post-conviction relief might have been entertained or discussed.

The information obtained from microphone surveillance of Raymond Patriarca would have provided some indication that there were problems with the Deegan murder prosecution. On August 8, 1971, FBI Director J. Edgar Hoover informed the Attorney General that Boston Police Commissioner Edmund McNamara had requested that the Patriarca information be made available to his office.[182] Suffolk County District Attorney Garrett Byrne made the same request.[183] A few days later, those requests were rejected.[184] Although these requests did not target information relevant only to the Deegan prosecution, the information found in the logs would have shown that Barboza had not been forthcoming at trial.

The following is a brief summary of information indicating that the Deegan verdict might have been wrong:

- According to an FBI memorandum, a couple of days after the Deegan verdict, an informant advised that on July 31, 1968, Stephen Flemmi's crime partner, Francis "Frank" Salemme, told the informant that in regards to the Deegan trial, "the District Attorney's Office had lied, the witnesses in the trial had lied and also the Feds had lied and according to the informant, the only ones that did not lie were the defendants." [185]
- On May 4, 1970, *The Boston Globe* reported that Boston Police Detective William Stuart said that he believed Tameleo, Limone, and Greco were not involved in the Deegan murder.[186]
- Joseph Barboza submitted an affidavit on July 28, 1970, stating that he intended to recant his Deegan trial testimony.[187] He said that he wished to recant "certain portions" of his testimony that related to "the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis [sic] Grieco [sic] in the killing of Teddy Deegan." [188] It is important to note that the four names provided by Barboza were consistent with informa-

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[181] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (July 31, 1968) (Exhibit 247); *Deegan Trial: 4 Get Chair, 2 Life; Judge Hails Jury,* BOSTON GLOBE, Aug. 1, 1968 (Exhibit 247).

[182] Memorandum from J. Edgar Hoover, Director, FBI, to Attorney General, U.S. Dept. of Justice (Aug. 2, 1971) (Exhibit 403).

[183] Memorandum from J. Edgar Hoover, Director, FBI, to Attorney General, U.S. Dept. of Justice (Aug. 3, 1971) (Exhibit 405).

[184] Memorandum from Will Wilson, Assistant Attorney General, Criminal Division, U.S. Dept. of Justice, to J. Edgar Hoover, Director, FBI (Aug. 6, 1971) (Exhibit 406); Memorandum from Will Wilson, Assistant Attorney General, Criminal Division, U.S. Dept. of Justice, to J. Edgar Hoover, Director, FBI (Aug. 10, 1971) (Exhibit 407).

[185] Memorandum from [Redacted], Special Agent, to [Redacted], Special Agent in Charge (Aug. 2, 1968) (Exhibit 250).

[186] BOSTON GLOBE, May 4, 1970 (Exhibit 311). The Committee is aware that William Stuart was later implicated in the William Bennett murder.

[187] Jerome Sullivan, *Baron Admits Perjury in Deegan Murder Trial,* BOSTON GLOBE, July 29, 1970 (Exhibit 321); Affidavit of Joseph (Barboza) Baron (July 28, 1970) (Exhibit 321).

[188] *Id.*

tion already in the hands of law enforcement, and that the two names not mentioned were also consistent with information in the hands of law enforcement in that those two individuals really were involved in the murder.

- On August 27, 1970, attorney F. Lee Bailey wrote a memorandum to attorney Joseph Balliro, saying, among other things, that "[Joseph] Salvati and Louis Greco were not present at all. Further, [Henry] Tamelio [sic] and [Peter] Lemone [sic] had nothing to do with arranging Deegan's murder nor had they any reason to believe that it was going to occur. The person sitting in the rear of the automobile which the Chelsea Police Captain saw was in fact bald and was Vincent Felemi [sic]." [189]
- On November 9, 1970, William Geraway executed an affidavit stating that "[Barboza] admitted to me that five out of the six men he gave testimony against, four of whom are on death row, were innocent[.]" The men he included among the innocent were Henry Tameleo, Peter Limone, Louis Greco, and Joseph Salvati.[190]
- Anthony Stathopoulos, who was present when Deegan was murdered and who was almost killed himself, executed an affidavit on January 5, 1971. It states that "[Barboza] told me that he was going to keep Flemmi out of it [the Deegan prosecution] because he said that Flemmi was a friend of his and the only one who treated him decently." [191]
- On March 29, 1971, William Geraway executed an affidavit that says Barboza told him that Joseph Salvati had "no part in the crime whatsoever, nor any knowledge that it was to happen." [192]
- On April 16, 1971, a Boston newspaper reported that Boston Detective William Stuart swore in an affidavit that he gave evidence to John Doyle, Chief Investigator for the Suffolk County District Attorney's office, that Louis Greco, Peter Limone, Henry Tameleo, and Joseph Salvati were innocent of the Teddy Deegan murder. Stuart said that Doyle did not care and indicated that the men were probably guilty of other crimes.[193]
- Vincent Teresa, one of the most heralded cooperating witnesses in organized crime trials, wrote a book in 1973. He says that he did not think that Henry Tameleo had anything to do with the murder, and that Joseph Salvati "was just an innocent sucker who Barboza didn't like, but he's doing life because of what Barboza said. He never had anything to do with the hit." [194]
- On May 28, 1974, *The Boston Globe* reported that Anthony Stathopoulos said in an affidavit that Barboza told him he lied during the Deegan trial by omitting the name of a participant

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[189] Memorandum from Lee Bailey to Joe Balliro (Aug. 27, 1970) (Exhibit 328).
[190] Affidavit of William Geraway (Nov. 9, 1970) (Exhibit 363).
[191] Affidavit of Anthony Stathopoulos (Jan. 5, 1971) (Exhibit 375).
[192] Affidavit of William Geraway (Mar. 29, 1971) (Exhibit 391).
[193] Alan Jehlen, *Byrne Had Evidence of Grieco's [sic] Innocence,* PEABODY TIMES, Apr. 16, 1971 (Exhibit 395).
[194] VINCENT TERESA, MY LIFE IN THE MAFIA 248 (Doubleday & Company, Inc. 1973).

out of friendship. The article also provides information that Louis Greco and Joseph Salvati were not involved.[195]

- Gerald Alch, a lawyer who worked with F. Lee Bailey, signed an affidavit on April 9, 1976. It was based on interviews he conducted with Joseph Barboza in Walpole Prison, and it states that Barboza testified falsely about Peter Limone because he thought he would be strengthening his position with regard to promises made to him by law enforcement officials.[196]
- On November 29, 1976, Joseph Williams, Supervisor of the Investigation Unit, Board of Pardons prepared a memorandum for Board member Wendie Gershengorn. He states: "The 'word' from reputable law enforcement officers was that [Salvati] was just thrown in by Barboza on the murder because he hated subject[.]" [197]
- Louis Greco submitted to a polygraph examination that indicated he was not at the Deegan crime scene, according to an affidavit executed by attorney Richard Barest on December 21, 1977.[198]
- Louis Greco takes another polygraph examination on October 11, 1978, that indicates he was not in Massachusetts when Teddy Deegan was killed.[199]
- F. Lee Bailey executed an affidavit on October 16, 1978, which indicates that of those convicted for the Deegan homicide, French and Cassesso were involved, and Tameleo and Limone were not. Barboza implicated Tameleo and Limone because he was led by various authorities to believe that in order to escape punishment of charges pending against him, he would have to implicate someone of "importance." Barboza said that he implicated Greco because of a personal grudge.[200]
- Roy French executed an affidavit on April 27, 1983, stating that Greco, Tameleo, and Limone were not involved in the shooting of Deegan.[201]
- On July 11, 1984, Ronald Cassesso told "The Review Committee" that Louis Greco was not in Massachusetts at the time of the Deegan murder.[202]
- In a 1993 book titled The Godson: A True Life Account of 20 Years Inside the Mob, Willie Fopiano stated that most of those convicted in the Deegan murder were innocent. He said Salvati

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[195] William F. Doherty, *Pair Charge Perjury, Seek New Trial in Deegan Killing,* BOSTON GLOBE, May 28, 1974 (Exhibit 606).

[196] Affidavit of Gerald Alch (Apr. 9, 1976) (Exhibit 639).

[197] Memorandum from Joseph M. Williams, Jr., Supervisor, Warrant, Investigation Unit, to Board of Pardons, Special Attention Board Member Gershengorn (Nov. 29, 1976) (Exhibit 654).

[198] Affidavit of Richard Barest (Dec. 21, 1977) (Exhibit 663). Greco had also taken a polygraph in 1967 that indicated he was not involved in the Deegan homicide. *Commonwealth* v. *Grieco* [sic], Case No. 31601 (Suffolk County Super. Ct. Nov. 3, 1978) (Exhibit 673).

[199] Memorandum from Charles R. Jones, Case Review Committee, American Polygraph Association, to Whom It May Concern (Oct. 11, 1978) (Exhibit 667).

[200] Affidavit of Francis Lee Bailey (Oct. 16, 1978) (Exhibit 668).

[201] Affidavit of Roy French (Apr. 27, 1983) (Exhibit 758).

[202] Letter from Ronald Cassesso to The Review Committee (July 11, 1984) (Exhibit 783).

was not involved, commenting "Salvati, who was just a doorman at an after hours joint, wouldn't swat a mosquito." [203]

- On July 30, 1993, a Detective Sergeant Bruce Holloway wrote a memorandum stating that former State Police Lieutenant Richard Schneiderhan indicated that he once heard Joseph Barboza's lawyer, Robert Fitzgerald, say that Joseph Salvati was included as one of the defendants by Barboza to obtain revenge for a past financial debt.[204]
- Investigative reporter Dan Rea contacted John Doyle in 1993 to discuss the Deegan murder prosecution. Rea had just obtained the original copy of the Chelsea Police Report from the Deegan murder file at the Chelsea Police Department. Doyle, at the time of the Deegan homicide, was the Suffolk County District Attorney's investigator handling the case. The exchange between Rea and Doyle went as follows:

> [Doyle] said to him, what is it that you're bothering me about now? And he said, well, he said that Chelsea police report. Yeah, there was no Chelsea police report. He said, yes, there is. As a matter of fact, I found the original Chelsea police report, and I have a copy of it. I would like to come over and show it to you and discuss it with you. I don't want to see you. Don't call me anymore. And that was the end of the conversation.[205]

- On July 11, 1995, James Southwood executed an affidavit which states that while preparing to write a book about Joseph Barboza in the early 1970s, Barboza said to him "Louie Greco wasn't in the alley." [206]
- In an April 3, 1996, letter from federal prosecutor James Herbert to Suffolk County District Attorney Ralph Martin, Herbert indicated that Anthony Ciulla, who was friendly with Barboza and sometimes acted as his driver, said that Salvati was never mentioned by Barboza in connection with the Deegan murder and as a result he concluded Salvati was not involved in the crime. Jimmy Flemmi, however, was discussed.[207]
- On February 10, 2000, FBI Agent Daniel Doherty prepared a memorandum for federal prosecutor Fred Wyshak, stating that he had interviewed John Martorano, and that Martorano had indicated that both Jimmy Flemmi and Joseph Barboza had told him that they were participants in the murder of Teddy Deegan.[208]

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[203] WILLIE FOPIANO, THE GODSON: A TRUE-LIFE ACCOUNT OF 20 YEARS INSIDE THE MOB 127 (St. Martin's Press 1993).

[204] Memorandum from Bruce A. Holloway, Sergeant Detective, Office of Special Investigations, to James T. Curran, Lieutenant Detective, Office of Special Investigations (July 30, 1993) (Exhibit 855).

[205] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 97 (May 3, 2001) (testimony of Victor Garo); *see also* Interview with Dan Rea (May 1, 2001).

[206] Affidavit of James Southwood (July 11, 1995) (Exhibit 871).

[207] Letter from Donald K. Stern, United States Attorney, by James D. Herbert, Assistant U.S. Attorney, Chief, Organized Crime Strike Force Unit, to the Honorable Ralph C. Martin, II, District Attorney, Suffolk County (Apr. 3, 1996) (Exhibit 875).

[208] Memorandum from Daniel M. Doherty, Special Agent, to Fred Wyshak, Assistant United States Attorney (Feb. 10, 2000) (Exhibit 916).

- Francis Imbruglia executed an affidavit on July 27, 2000, indicating that he was aware that Peter Limone, Henry Tameleo and Louis Greco had nothing to do with the Deegan murder.[209]
- On August 30, 2000, Wilfred "Roy" French indicated that his previous affidavit was accurate with the exception that he neglected to state that Joseph Salvati had nothing to do with the Deegan murder. He had made no mention of Salvati in the previous affidavit.[210]
- Joseph Balliro, the most experienced attorney among the Deegan defense lawyers, executed an affidavit on November 14, 2000, stating that Jimmy Flemmi had provided him with information that was exculpatory for the Deegan defendants, and that he would divulge this information if ordered to do so by a court.[211]
- On January 2, 2001, Ronald Chisholm, who was Ronnie Cassesso's lawyer at the Deegan trial, said in a newspaper interview that Cassesso admitted to being a participant in the Deegan murder. Cassesso had told him that four of the six convicted were innocent. Cassesso also told him that before the Deegan trial began, FBI Special Agent H. Paul Rico approached him and said that he could escape prison if he corroborated Barboza's testimony. He refused and spent the remainder of his life in prison.[212]
- Joseph Balliro executed an affidavit on January 2, 2001, indicating that Jimmy Flemmi told him that Barboza planned the Deegan murder and he participated in the crime.[213]

The above chronology, in a vacuum, cannot be considered dispositive. If federal and state law enforcement had not been in possession of information indicating that there had been a miscarriage of justice, and that Barboza had committed perjury, then it would have been easy to dismiss the above statements and affidavits as the type of routine information that attaches to any high profile criminal conviction. However, the above evidence is worth mentioning because it was consistent with what FBI officials already knew. It appears that the efforts to ignore information about the Deegan murder were almost directly related to the strength of the evidence indicating that some of those on trial were not involved in the crime as charged.

Barboza also made a number of potentially significant comments in his private correspondence. In closing arguments, Limone's attorney, Robert Stranziani, quoted from a letter Barboza wrote to his then-girlfriend, "I don't care whether they're innocent or not.

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[209] Affidavit of Francis Imbruglia (July 27, 2000) (Exhibit 921). According to the Chelsea Police Report describing the Deegan murder, just before Deegan was killed Joseph Barboza left the Ebb Tide with "Ronald Cassesso, Vincent ["Jimmy"] Flemmi, Francis Imbruglia, Romeo Martin, Nicky Femia and a man by the name of Freddi[.]" Statement by Thomas F. Evans, Lieutenant, Chelsea Police Department (Mar. 14, 1965) (Exhibit 80).

[210] Letter from Wilfred Roy French to John Cavicchi (Aug. 30, 2000) (Exhibit 922).

[211] Affidavit of Joseph J. Balliro, *Commonwealth* v. *Limone* (Nov. 14, 2000) (Exhibit 926).

[212] Edmund H. Mahony, *Murdered Said Four More Innocent in '65 Slaying, Lawyer Says,* HARTFORD COURANT, Jan. 3, 2001, at A8. (Exhibit 929).

[213] Affidavit of Joseph J. Balliro, *Commonwealth* v. *Limone* (Jan. 2, 2001) (Exhibit 930).

They go."[214] In another letter to a different friend, Barboza made a request that Dennis Condon and Edward Harrington be contacted so that he could talk to them. He further instructed this friend to place the calls from a particular individual's office, and he added: "after all he wouldn't want to obstruct justice in a capital case! ☺"[215] In another letter to a Santa Rosa investigator he implied that he had the ability to upset the convictions caused by his testimony "& a small Watergate will develop, & Walpole prison doors will open."[216]

7. The Deegan Murder Defendants After Conviction

Federal law enforcement officials worked against the Deegan defendants receiving a fair trial by withholding significant exculpatory evidence. It appears, moreover, that once the Deegan defendants were incarcerated, federal law enforcement officials took affirmative steps to prevent them from receiving any form of executive clemency. The record is not complete on this point. Nevertheless, it appears that some of these steps were not grounded in fact.

The Committee did not investigate efforts by Louis Greco and Henry Tameleo to obtain clemency. Therefore, commentary regarding their efforts to obtain executive clemency is omitted. The following sections discuss efforts by Joseph Salvati and Peter Limone to obtain executive clemency.

i. Joseph Salvati

After Joseph Salvati was convicted and sentenced to life in prison, he filed numerous commutation petitions in an effort to reduce his life sentence. Nearly thirty years after being sentenced, the Governor of Massachusetts finally commuted Salvati's sentence. Salvati's attorney, Victor Garo, described the commutation process in a May 3, 2001, Committee hearing:

> In Massachusetts when you are convicted of murder in the first degree, you have no right to parole. The only way that you have the right to parole is if you receive a commutation, and a commutation is considered to be an extraordinary legal remedy. In order to get a commutation, three votes have to be taken, one by the parole board sitting as the advisory board of pardons, the second vote by the Governor of the Commonwealth of Massachusetts, and the third vote by the Governor's Council . . . a duly elected

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[214] *See* Ronald Wysocki, *Baron Dashed at Deegan Trial,* BOSTON GLOBE, July 29, 1968 (Exhibit 245).

[215] Letter from John Costa [Joseph Barboza] to [Name Redacted by Committee] (Jan. 14, 1974) ("Smiley face" appears in the original letter) (Exhibit 593).

[216] Letter from Joseph Bentley [Joseph Barboza] to Greg Evans (Mar. 22, 1974) (Exhibit 605). It is illustrative of the failures of the past forty years in New England that, while the federal government is opposing civil lawsuits in Boston alleging government misconduct, the Justice Department appears disinterested in obtaining evidence about Barboza and his perjurious testimony. For example, the Committee was able to obtain a large body of correspondence between Barboza and a number of individuals simply by asking the individuals. The Justice Department has not only refrained from making such a request, it has also failed to approach the individuals to ask them any questions about their substantive knowledge of Barboza, his testimony in the various cases during which he was a cooperating witness, and his subsequent criminal conduct.

> body. The three of those votes have to be situated for you to get a commutation. It is not easy to obtain.[217]

Commutation applicants must initially file a petition for a commutation hearing with the Massachusetts Parole Board. If approved, petitioners earn the opportunity to present their case to the Advisory Board of Pardons. The Advisory Board of Pardons forwards approved petitions to the Governor. If the Governor concurs with the Advisory Board's recommendation that a prisoner's sentence be commuted, the petition is considered by the Governor's Council, a group of eight elected officials. With the Council's consent, a prisoner is granted clemency.

Joseph Salvati's greatest obstacle proved to be the first one: receiving a hearing before the Advisory Board of Pardons. On November 28, 1975, Salvati filed his first petition for a commutation hearing with the Parole Board.[218] The Parole Board voted unanimously to deny Salvati's petition for a hearing, pointing out that insufficient time had elapsed since his sentencing.[219]

For his second petition, Salvati enlisted the support of two officials who assisted in his prosecution: Frank Walsh and Jack Zalkind. Frank Walsh, Sergeant for the Boston Police Department, was an investigating officer in the Deegan murder.[220] Walsh arrested Salvati on October 25, 1967, for the Deegan murder and assisted in Salvati's prosecution and conviction.[221] In a letter to the Parole Board, the former detective wrote, "This is the first time I have ever written to a Parole Board on behalf of any person. My sincere conviction that Mr. Salvati should be granted the opportunity to be heard by the Parole Board prompts me to express my views." [222]

Jack Zalkind, the prosecutor in the Deegan trial, expressed an even stronger opinion. Mr. Zalkind's letter to the Parole Board stated, "Mr. Salvati's involvement was minimal." [223] He continued, "I would have no hesitation to recommend that Mr. Salvati's Petition for Commutation be granted by the Parole Board. Furthermore, if the Board would like me to appear personally on behalf of Mr. Salvati, I would be willing to do so." [224] Thus, two officials who had significant responsibility for putting Salvati in prison agreed that, at the very least, he deserved a hearing.

In addition to these two letters, Parole Board member Wendie Gershengorn requested that Parole Board Investigator Joseph Williams prepare a confidential memorandum regarding Joseph

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[217] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 70 (May 3, 2001) (testimony of Victor Garo).

[218] Massachusetts Executive Office of Public Safety Document Production (Letter from Martin K. Leppo, Partner, Leppo and Paris, to Executive Secretary, State of Massachusetts (Nov. 28, 1975)) (Exhibit 630).

[219] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Received Dec. 10, 1975)) (Exhibit 635).

[220] Massachusetts Executive Office of Public Safety Document Production (Letter from Frank L. Walsh, former Sergeant Detective, Boston Police Department, to Paul Carr, Administrative Assistant, Massachusetts Parole Board (Jan. 26, 1976)) (Exhibit 634).

[221] *Id.*

[222] *Id.*

[223] Massachusetts Executive Office of Public Safety Document Production (Letter from Jack I. Zalkind, former Assistant District Attorney, Suffolk County, to Paul Carr, Administrative Assistant, Massachusetts Parole Board (Feb. 20, 1976)) (Exhibit 637).

[224] *Id.*

Salvati.[225] The memorandum stated: "The 'word' from reputable law enforcement officers was that subject [Joe Salvati] was just thrown in by Barboza on the murder because he hated subject, that Joseph Barboza was asked by people was this true and that Barboza denied this."[226] Notwithstanding this observation by Williams, Gershengorn did not ask for any additional information. During testimony before the Committee, Gershengorn could not recall why she asked Williams to prepare a report or whether she asked for more information after she reviewed the report.[227] In an interview with Committee investigators, Williams said the following about Salvati: "To my knowledge, he was never involved in the [Deegan] murder."[228] Despite this information, the Parole Board denied Salvati's second petition for a commutation hearing on February 28, 1977. The Board found that Salvati had served an insufficient amount of time to warrant a hearing.[229]

Nearly two years later, on February 1, 1979, Salvati filed his third petition for a commutation hearing.[230] Jack Zalkind and Frank Walsh again wrote letters supporting a commutation.[231] The Superintendent of Framingham Correctional Institute, where Salvati had been imprisoned for over five years, added his voice to the growing chorus advocating a shortened sentence for Salvati.[232] Moreover, correction officers, social workers, businessmen, and family members wrote letters of support for Salvati. Unpersuaded, the Parole Board voted on February 16, 1979, not to grant him a hearing because "this petition has been presented too soon following conviction of Murder-First Degree."[233]

Salvati submitted his fourth petition for a commutation hearing on July 2, 1980.[234] Several months later, on November 18, 1980,

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[225] Massachusetts Executive Office of Public Safety Document Production (Memorandum from Joseph M. Williams, Jr., Supervisor, Warrant & Investigation Unit, to Massachusetts Parole Board (Nov. 29, 1976)) (Exhibit 654); *see also* "Investigations of Allegations of Law Enforcement Misconduct in New England," *Hearing Before the Comm. on Govt. Reform*, 107th Cong. 105 (May 11, 2002) (testimony of Wendie Gershengorn). In an interview with Williams, the Parole Board Investigator initially claimed that there were no documents indicating his involvement in Salvati's commutation attempts. Williams said he very rarely produced written reports on petitioners and was never asked to compile a report on Salvati. Contrary to Williams' claims, the Committee obtained a memorandum regarding Salvati that was drafted by Williams. In addition, the Committee has a second report written by Williams regarding Peter Limone, another Deegan defendant. Interview with Joseph Williams, former Supervisor of the Warrant & Investigation Unit, Massachusetts Parole Board (June 29, 2001).

[226] Massachusetts Executive Office of Public Safety Document Production (Memorandum from Joseph M. Williams, Jr., Supervisor, Warrant & Investigation Unit, to Massachusetts Parole Board (Nov. 29, 1976)) (Exhibit 654).

[227] "Investigations of Allegations of Law Enforcement Misconduct in New England," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 105–07 (May 11, 2002) (testimony of Wendie Gershengorn).

[228] Interview with Joseph Williams, Supervisor of the Warrant & Investigation Unit, Massachusetts Parole Board (June 29, 2001).

[229] Massachusetts Executive Office of Public Safety Document Production (Letter from Massachusetts Advisory Board of Pardons, to the Governor, State of Massachusetts (Feb. 28, 1977)) (Exhibit 657).

[230] Massachusetts Executive Office of Public Safety Document Production (Petition for Commutation of Sentence of Joseph L. Salvati (Feb. 1, 1979)) (Exhibit 679).

[231] Massachusetts Executive Office of Public Safety Document Production (Letter from Jack Zalkind, former Assistant District Attorney, Suffolk County (Mar. 12, 1979)) (Exhibit 683); Massachusetts Executive Office of Public Safety Document Production (Letter from Frank L. Walsh, former Sergeant Detective, Boston Police Department (Mar. 15, 1979)) (Exhibit 684).

[232] Massachusetts Executive Office of Public Safety Document Production (Letter from John E. Bates, Superintendent, Framingham Correctional Institution (Nov. 13, 1978)) (Exhibit 675).

[233] Massachusetts Executive Office of Public Safety Document Production (Letter from the Massachusetts Advisory Board of Pardons, to the Governor, State of Massachusetts (Feb. 23, 1979)) (Exhibit 681).

[234] Massachusetts Executive Office of Public Safety Document Production (Petition for Commutation of Joseph L. Salvati (July 2, 1980)) (Exhibit 699).

FBI Agents John J. Cloherty, Jr., and Robert R. Turgiss met with the Deputy Commissioner of Corrections, the Director of Internal Affairs at the Department of Corrections, and the Superintendent at Framingham Correctional Institute, where Salvati was imprisoned.[235] One of the purposes of this meeting was to discuss allegations that Salvati was using the prison's canteen to bring drugs into the institution.[236] The FBI also alleged that Salvati was operating a gambling ring using the prison's telephones and computer equipment.[237] On the same day the FBI brought these allegations to the attention of Corrections authorities, the Advisory Board of Pardons voted to deny Salvati a commutation hearing.[238] Salvati was later cleared of any misconduct arising from these allegations.[239]

Salvati petitioned the Board again on November 12, 1985.[240] By this time, the Board's reservations about granting Salvati a hearing had apparently abated. In a unanimous vote, the Board approved Salvati's petition in early January 1986.[241] The Board reasoned that Salvati deserved a hearing based on his "excellent institutional record," and the fact that three co-defendants in the Deegan trial had already received a hearing.[242]

Following this vote, the Board requested information on Salvati from the Federal Bureau of Investigation,[243] the Massachusetts Department of Correction,[244] the Massachusetts Department of Public Safety,[245] and the Suffolk County District Attorney.[246] The FBI responded to the Board's request in a letter signed by Supervisory Special Agent James A. Ring. The letter connected Salvati to Frank Oreto, who was under investigation at the time for running a loansharking business. The letter notified the Board of the following:

> Concerning Joseph Salvati, investigation by the FBI and Massachusetts State Police placed Salvati in contact with Frank Oreto during November and December of 1985, and

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[235] Department of Justice Document Production (Memorandum from John J. Cloherty, Jr., Special Agent, Boston FBI Field Office, to Special Agent in Charge, Boston FBI Field Office (Nov. 20, 1980)) (Exhibit 701).

[236] *Id.*

[237] *Id.* Salvati was later indicted for these offenses. *See Prison Probe Indictments,* BOSTON GLOBE, Mar. 28, 1982, at 40 (Exhibit 734).

[238] *See* Massachusetts Executive Office of Public Safety Document Production (Letter from Massachusetts Advisory Board of Pardons to the Governor, State of Massachusetts (undated)) (Exhibit 702).

[239] Massachusetts Executive Office of Public Safety Document Production (Memorandum from Tammy E. Perry, Assistant, to the Director, Massachusetts Advisory Board of Pardons (Nov. 28, 1988)) (Exhibit 749).

[240] Massachusetts Executive Office of Public Safety Document Production (Letter from Victor J. Garo, Attorney for Joseph Salvati, to Louise Maloof, Executive Secretary, Governor's Council (Nov. 12, 1985)) (Exhibit 792).

[241] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Dec. 26, 1985, and Jan. 6, 1986)) (Exhibit 794).

[242] *Id.*

[243] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to James Greenleaf, Special Agent in Charge, Boston FBI Field Office (Feb. 4, 1986)) (Exhibit 795).

[244] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to Michael V. Fair, Commissioner, Massachusetts Department of Correction (Feb. 4, 1986)) (Exhibit 795).

[245] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to Frank Trabucco, Commissioner, Massachusetts Department of Public Safety (Feb. 4, 1986)) (Exhibit 795).

[246] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to Newman Flanagan, District Attorney, Suffolk County (Feb. 4, 1986)) (Exhibit 795).

> particular details regarding a meeting between these two individuals in the vicinity of the Museum of Fine Arts in Boston has already been provided to you by the Massachusetts State Police and is therefore not being reiterated.[247]

The implication of this communication is that there might be something to the Salvati-Oreto contact for the Board to consider. In an effort to determine whether there was an innocent explanation for this contact, the Committee requested that the Department of Justice provide all records of intercepted conversations between Salvati and Oreto.[248] If the Oreto surveillance tapes indicated that the contacts were innocuous, one would have expected the FBI to make this clear in its letter to the Parole Board.[249] Similarly, if the tapes raised a matter of concern, one would have expected the FBI to provide that specific information to the Parole Board. The Justice Department, however, was unable to locate the tapes of the conversations or any transcripts of the tapes.[250]

The impact of the letter from the FBI, however, was significant in that the Parole Board reversed its decision to grant Salvati a commutation hearing. All seven of the Board members cited the information provided by the FBI as the reason for denying Salvati a chance to be heard.[251]

On August 8, 1988, over twenty months after the FBI notified the Parole Board of the Salvati-Oreto contacts, the Board requested an update on the FBI's investigation.[252] An FBI response to the Board's request for information was not included in the documents provided to the Committee by the Massachusetts Parole Board, which suggests that the FBI never responded to the Board's request.

Salvati again applied for a commutation hearing on October 17, 1988.[253] The Board approved Salvati's petition for a hearing this time with Board member Michael Albano commenting that the concern raised by the FBI in 1986 was "apparently resolved."[254] Uncertain about the status of the investigation, the Board for a second time had requested an update on the FBI's probe into the relation-

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[247] Massachusetts Executive Office of Public Safety Document Production (Letter from James W. Greenleaf, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Mar. 24, 1986)) (Exhibit 797). The names of both SAC James Greenleaf and Supervisory Special Agent James Ring appear on the letter, but only James Ring's signature is on the letter. Although Salvati was in prison, he did receive occasional furloughs.

[248] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to John Ashcroft, Attorney General, U.S. Dept. of Justice (Dec. 18, 2001) (Appendix I). At this time, the FBI and Massachusetts State Police were conducting a joint investigation of Oreto. Oreto was under surveillance, and his telephone lines were wiretapped.

[249] Massachusetts Executive Office of Public Safety Document Production (Letter from James W. Greenleaf, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Mar. 24, 1986)) (Exhibit 797). Salvati's attorney, Victor Garo, maintains that his client and Oreto harmlessly met to discuss selling an antique car that sparked Oreto's interest. Interview of Victor Garo, Attorney for Joseph Salvati (Mar. 26, 2001).

[250] Communicated by telephone to James C. Wilson, Chief Counsel, Comm. on Govt. Reform.

[251] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Dec. 4, 1986)) (Exhibit 800).

[252] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to James Ahearn, Special Agent in Charge, Boston FBI Field Office (Aug. 8, 1988)) (Exhibit 822).

[253] Massachusetts Executive Office of Public Safety Document Production (Letter from Victor J. Garo to Louise Maloof, Executive Secretary, Governor's Council (Oct. 17, 1988)) (Exhibit 823).

[254] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Mar. 14, 1989)) (Exhibit 824).

ship between Salvati and Oreto.[255] The FBI responded in a letter stating that it had dropped the investigation of the contacts between Oreto and Salvati sometime after the Board's vote in 1986.[256] Based on the evidence it had gathered, the FBI arrived at two conclusions: Salvati had no relationship with Oreto's loanshark operation, and Salvati likely met with Oreto so his wife could borrow money from Oreto.[257] The Board was not informed that the Salvati-Oreto investigation was closed until it received this letter. With the FBI having reached an innocuous conclusion about the relationship between Salvati and Oreto, the Board unanimously granted Salvati clemency on December 8, 1989.[258] Although this was a positive step, it was only the first step in the process to obtain a release from prison.

The FBI first raised the possibility that Salvati was involved in Frank Oreto's loansharking business on March 24, 1986.[259] Over three and a half years later, the FBI finally resolved this concern on December 1, 1989.[260] During this time, action on Salvati's commutation requests ground to a halt. Most disturbing, however, is that the FBI could have determined that Salvati was not involved in Oreto's loansharking business *before* writing the March 24, 1986, letter. According to Agent James Ring, the FBI official who signed the March 24, 1986, letter, the FBI found the Oreto's book of records on January 9, 1986 that indicated that Salvati was a debtor to, not an owner of, the loansharking business.[261] Although the FBI and Massachusetts State Police had the records two and a half months *before* the FBI's warning letter to the Parole Board, their conclusions about Salvati's relationship to Oreto were not included in the letter.

After approving Salvati's clemency petition, the Board waited seventeen months before forwarding its recommendation to the Governor.[262] Incoming Governor William Weld had already voiced opposition to clemency for the Deegan defendants.[263]

The Board finally submitted its opinion to Governor Weld on April 29, 1991.[264] For over a year and a half, Governor Weld took no action on Salvati's petition. The Governor ultimately responded

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[255] Massachusetts Executive Office of Public Safety Document Production (Letter from John J. Curran, Chairman, Massachusetts Parole Board, to James Ahearn, Special Agent in Charge, Boston FBI Field Office (Nov. 30, 1989)) (Exhibit 836).

[256] Massachusetts Executive Office of Public Safety Document Production (Letter from James F. Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Dec. 1, 1989)) (Exhibit 837).

[257] *Id.*

[258] Massachusetts Executive Office of Public Safety Document Production (Executive Clemency Vote Sheet (Dec. 8, 1989)) (Exhibit 838).

[259] Massachusetts Executive Office of Public Safety Document Production (Letter from James W. Greenleaf, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Mar. 24, 1986)) (Exhibit 797).

[260] Massachusetts Executive Office of Public Safety Document Production (Letter from James F. Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Dec. 1, 1989)) (Exhibit 837).

[261] Interview with James A. Ring, Supervisory Special Agent, Boston FBI Field Office (Sept. 25, 2002).

[262] Massachusetts Executive Office of Public Safety Document Production (Opinion of the Advisory Board of Pardons (Apr. 29, 1991)) (Exhibit 845).

[263] *Id.; see also* Letter from William F. Weld, U.S. Attorney, Dept. of Justice, to Michael S. Dukakis, Governor, State of Massachusetts (Sept. 12, 1983) (strongly recommending that the Governor deny clemency for Peter Limone, a Deegan defendant) (Exhibit 775); Letter from William F. Weld, U.S. Attorney, Dept. of Justice, to Brian A. Callery, Chairman, Massachusetts Parole Board (July 1, 1983) (urging the Board to deny a commutation to Limone) (Exhibit 770).

[264] Massachusetts Executive Office of Public Safety Document Production (Opinion of the Advisory Board of Pardons (Apr. 29, 1991)) (Exhibit 845).

on January 19, 1993, with a tersely worded rejection. The Governor based his denial "in part upon the seriousness of the crimes and the length of your criminal record."[265] However, "the length of [Salvati's] criminal record" only included a 1956 conviction for stealing a pair of pliers and a couple of traffic tickets.[266]

Soon after Weld's 1993 denial, Boston television journalist Dan Rea began to cover the Salvati case.[267] Rea spotlighted evidence and witnesses that pointed to Salvati's innocence in a series of over thirty television reports.[268] On February 5, 1997, Governor Weld commuted Salvati's sentence.[269] Despite the fact that Weld had recommended only six other commutations during his administration, the Governor insisted that his decision was unrelated to Salvati's newfound notoriety.[270]

ii. Peter Limone

A second Deegan defendant, Peter Limone, also encountered FBI opposition to his efforts to seek clemency. On his first three attempts, the Parole Board denied Limone a commutation hearing.[271] On January 3, 1983, his luck changed when the Board granted Limone an opportunity to present his case for clemency.[272] Within the month, the FBI wrote a letter to the Board stating, "Current law enforcement intelligence reflects that Peter Limone continues to be considered an important cog in the Boston Organized Criminal element. Should Mr. Limone be released, he would enjoy a position of elevated status within the Boston Organized Crime Structure."[273] Parole Board Investigator Joseph Williams concurred with the FBI's opinion that Limone was a member of the Boston mafia.[274]

Several Board members told Committee investigators about personal contacts by FBI agents lobbying against Limone's release. Richard Luccio said he received an unsolicited telephone call from FBI agents, requesting that Limone's hearing be denied.[275] Luccio told Committee investigators that the agents were attempting to

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[265] Massachusetts Executive Office of Public Safety Document Production (Letter from William F. Weld, Governor, Commonwealth of Massachusetts, to Joseph Salvati (Jan. 19, 1993)). (Exhibit 854).

[266] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 72 (May 3, 2001) (testimony of Victor Garo). The 1956 conviction involved the theft of some pliers. *See* Massachusetts Executive Office of Public Safety Document Production (Opinion of the Advisory Board of Pardons (Apr. 29, 1991)) (Exhibit 845).

[267] Don Aucoin, *Weld Seeks Clemency for Salvati,* BOSTON GLOBE, Dec. 19, 1996, at B1.

[268] Don Aucoin, *Dead Convict's Lawyer Hits Weld on Sentence Commutation,* BOSTON GLOBE, Jan. 4, 1997, at B6.

[269] Massachusetts Executive Office of Public Safety Document Production (Commutation of Joseph Salvati (Feb. 5, 1997)).

[270] Don Aucoin, *Dead Convict's Lawyer Hits Weld on Sentence Commutation,* BOSTON GLOBE, Jan. 4, 1997, at B6.

[271] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheets (Nov. 8, 1978, June 2, 1981, and Mar. 23, 1982)) (Exhibit 674).

[272] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Received Nov. 4, 1982)) (Exhibit 750).

[273] Letter from John M. Morris, Supervisory Special Agent, Boston FBI Field Office, and James A. Ring, Acting Supervisory Special Agent, Boston FBI Field Office, to Brian A. Callery, Chairman, Massachusetts Parole Board (Jan. 27, 1983) (Exhibit 751). This letter was a response to the Parole Board's request for information on Peter Limone. Though Agent Ring signed the letter, he stated that he had no memory of the letter. Ring also stated that he suspected Agent Morris wrote the letter because Ring had just arrived at the Boston FBI Office in January 1983.

[274] Memorandum from Joseph Williams, Warrant & Investigation Unit, Massachusetts Parole Board, to the Advisory Board of Pardons (Apr. 22, 1983) (Exhibit 756).

[275] Interview with Richard Luccio, Member, Massachusetts Parole Board (May 31, 2001).

influence his decision but were unsuccessful.[276] Michael Albano, who was also a Board Member, told the Committee that two FBI agents personally visited him regarding the Limone commutation and asked him "intimidating" questions.[277] Albano said that one of the agents told him, "If you let this bastard [Limone] out, you'll have to let them all out," referring to the other Deegan defendants. In addition, Mr. Albano and another Board Member, Kevin Burke, both recall that FBI agents attended the Limone hearing.[278] In spite of the FBI's lobbying effort, the Board approved Limone's petition for a commutation on August 1, 1983, by a 5–2 vote.[279] Massachusetts Governor Michael Dukakis, however, did not support the Board's recommendation and denied Limone clemency the following month.[280]

The full ramifications of the Limone vote were not felt until the following year. The former chairman of the Massachusetts Parole Board told Committee investigators that in 1984, the two Board members who opposed Limone's commutation requested an investigation of the five Board members who favored Limone's commutation to determine whether they were influenced by organized crime figures.[281] Another former Board member told Committee investigators that State Police Colonel Peter Agnes conducted the investigation in a "very accusatory manner."[282] Another Board member recalled for Committee investigators that Colonel Agnes told him that the FBI was either a partner in the investigation or interested in the results of the investigation.[283] After the accused Board members were cleared of any criminal wrongdoing, the allegations were then referred to the state Ethics Commission, which found no violations.[284] Former Board members told Committee investigators that the multiple investigations fractured the Board and caused its members to be wary of organized crime cases.[285]

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[276] *Id.*

[277] Interview with Michael Albano, former Member, Massachusetts Parole Board (Sept. 23, 2002). Mr. Albano believes the two agents were Special Agent John Connolly and Supervisory Special Agent John Morris. *Id.* The Special Agent in Charge (SAC) of the Boston FBI Office at this time, James W. Greenleaf, said it would be unusual for an agent to request a meeting with a Board member regarding a petitioner, but SAC Greenleaf was unsure whether such actions violated Bureau policy. Interview with James W. Greenleaf, Special Agent in Charge, Boston FBI Field Office (Sept. 25, 2002).

[278] Interview with Kevin Burke, Member, Massachusetts Parole Board (May 30, 2001). James Ahearn, who served as Special Agent in Charge of the Boston Office from 1986 to 1989, commented that it would be "most unusual and improper" for an FBI agent to attend a commutation hearing unless authorized.

[279] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (Aug. 1, 1983)) (Exhibit 773).

[280] Shelley Murphy, *Parole Panelists Cite Retaliation After Vote,* BOSTON GLOBE, June 19, 2001.

[281] Interview with Brian Callery, former Chairman, Massachusetts Parole Board (June 26, 2001).

[282] Interview with Kevin Burke, former Board Member, Massachusetts Parole Board (May 30, 2001). Another Board member recalls that income tax records were searched for irregularities. Interview with Michael Albano, former Member, Massachusetts Parole Board (Sept. 23, 2002).

[283] Interview with Michael Albano, former Member, Massachusetts Parole Board (Sept. 23, 2002).

[284] *See* Interview with Jack Curran, former Chairman, Massachusetts Parole Board (June 28, 2001); Shelley Murphy, *Parole Panelists Cite Retaliation After Vote,* BOSTON GLOBE, June 19, 2001, at B2.

[285] *See* Interview with Dick Luccio, former Board Member, Massachusetts Parole Board (May 31, 2001); Interview with Michael Albano, former Member, Massachusetts Parole Board (Sept. 23, 2002).

Peter Limone received a second commutation hearing in 1987.[286] Upon request of the Parole Board, the FBI submitted two separate letters detailing contacts between Limone and organized crime members.[287] The Board denied Limone's clemency request based, in part, on the FBI's letters.[288] In 1990, Limone again petitioned for clemency, but was not even granted a hearing.[289] Judge Hinkle ordered Limone's release on January 5, 2001, because new evidence cast serious doubts on the credibility of Joseph Barboza, whose testimony helped convict Limone.[290] Limone did not receive a commutation.

8. Efforts to Protect Stephen Flemmi After the Deegan Murder Trial

After the Deegan murder trial, Stephen Flemmi led a charmed life. The FBI protected Flemmi from being prosecuted for his role in major criminal activities—including murder and attempted murder, drug dealing, and arms running—for the next two decades. The Committee has not thoroughly investigated these matters; nevertheless, a brief recapitulation of efforts to protect Stephen Flemmi provides an indication of how far the government went to assist their Top Echelon informant. Although the Justice Department has not yet provided the Committee with all documents pertaining to Stephen Flemmi, the following efforts to protect Flemmi have come to the Committee's attention:

- On December 23, 1967, Stephen Flemmi allegedly murdered William Bennett.[291] On January 30, 1968, Flemmi allegedly planted a car bomb in attorney John Fitzgerald's car.[292] Flemmi was indicted for the Bennett murder on September 11, 1969.[293] He was indicted for his role in the Fitzgerald bombing on October 10, 1969.[294] Prior to being indicted for these crimes, FBI Special Agent H. Paul Rico called Flemmi to warn him that he was about to be indicted and that he should flee.[295] Flemmi followed Agent Rico's advice and left the country.[296] Flemmi did not return to Boston until 1974, when Agent Rico advised Flemmi to return because his legal problems would be favorably

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[286] Massachusetts Executive Office of Public Safety Document Production (Clemency Vote Sheet (Nov. 16, 1987)) (Exhibit 812).

[287] Letter from James Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Oct. 19, 1987) (Exhibit 810); Letter from James Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Oct. 28, 1987) (Exhibit 811).

[288] Letter from James Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Oct. 19, 1987) (Exhibit 810); Letter from James Ahearn, Special Agent in Charge, Boston FBI Field Office, to John J. Curran, Chairman, Massachusetts Parole Board (Oct. 28, 1987) (Exhibit 811).

[289] Massachusetts Executive Office of Public Safety Document Production (Commutation Hearing Vote Sheet (June 25, 1990)) (Exhibit 842).

[290] *Commonwealth* v. *Limone,* No. 32367, 32369, 32370, slip op. at *14 (Suffolk County Sup. Ct. Jan. 5, 2001).

[291] Interview with Robert Daddeico (Oct. 17–18, 2001); *see also* Shelley Murphy, *Playing Both Sides Pays Off,* BOSTON HERALD, Apr. 23, 1993.

[292] "Law enforcement officials said Mr. Fitzgerald was targeted for death because he was the lawyer for a famed Cosa Nostra soldier turned-informer, Joseph Barboza Baron." Andy Dabilis & Ralph Ranalli, *Mob Lawyer Maimed in '68 Dies,* BOSTON GLOBE, July 5, 2001.

[293] *See* Office of Professional Responsibility Investigative Report (focusing on allegations of FBI mishandling of confidential informants) (Exhibit 280).

[294] *Commonwealth* v. *Salemme,* 323 N.E. 2d 922 (Mass. App. 1975).

[295] *U.S.* v. *Salemme,* 91 F. Supp. 2d 141, 148, 182 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000).

[296] *Id.*

resolved.[297] Rico was correct. Robert Daddeico told Committee investigators that he was not pressed to testify against Flemmi for the Bennett murder and the Fitzgerald car bombing.[298] On May 6, 1974, as arranged by Rico, Flemmi returned to Boston and was promptly released on bail.[299] Soon thereafter, Flemmi's fugitive charges, the Bennett murder charges, and the car bombing charge were dismissed.[300]

- A former Las Vegas police detective told Committee investigators that in 1970, the FBI interfered with a Nevada law enforcement investigation to protect Flemmi from being prosecuted for the murder of Peter Poulos.[301]
- In 1977, FBI Special Agent John Connolly alerted Flemmi that a cleaning company had been "wired" to obtain evidence of Flemmi's loansharking.[302] "As a result, Flemmi avoided that location and was not intercepted." [303]
- In 1977 or 1978, National Melotone, a vending machine company, attempted to prompt an FBI probe of Stephen Flemmi for using threats of violence against National Melotone officials to have their machines replaced with machines from Flemmi's National Vending Company.[304] Connolly sought to protect Flemmi and successfully dissuaded National Melotone officials from pursuing their allegations.[305]
- In October 1977, informant information indicated that Stephen Flemmi made death threats to an individual named Francis Green.[306] Green corroborated this information.[307] However, although Green was used as an important government witness in another matter, the FBI never sought to develop Green as a witness against Flemmi.[308]
- In 1979, Boston Organized Crime Strike Force prosecutor Jeremiah O'Sullivan was conducting an investigation into allega-

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[297] *Id.* at 185.

[298] Interview with Robert Daddeico (Oct. 17–18, 2001); Former FBI Special Agent Dennis Condon testified: "It's also my understanding that Daddeico positively refused to testify against Flemmi, supposedly because he had a dislike for Salemme that he did not have for Flemmi, and refused to testify. That's my understanding. Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office 187 (Fenruary 21, 2002). It is worth noting that law enforcement did not pressure Daddeico to testify against Flemmi, and it appears that it was acceptable to law enforcement to allow the witness to testify against one defendant and refrain from testifying against another defendant based on personal friendship.

[299] *Salemme,* 91 F. Supp. 2d at 185.

[300] *Id.* at 182, 185. The *Salemme* court found:

> If Flemmi had been prosecuted in 1969 for the Fitzgerald bombing or the William Bennett murder, his role as an FBI informant might have been disclosed, and its legal implications might have been examined, three decades ago. Flemmi's successful flight to avoid prosecution spared Rico, and the FBI the risk of the embarrassment and controversy that disclosure of Flemmi's dual status as an FBI informant and an alleged murderer has recently entailed. Rico had reason to be concerned about embarrassment to the FBI. . . . By honoring his promise to protect Flemmi, Rico also promoted the possibility that Flemmi would in the future again become a valuable FBI informant.

[301] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[302] *Salemme,* 91 F. Supp. 2d at 198.

[303] *Id.*

[304] *Id.*

[305] *Id.*

[306] *Id.*

[307] *Id.*

[308] *Id.*

tions of a horse race-fixing scheme.[309] The key witness, Anthony Ciulla, provided evidence that Stephen Flemmi participated in the scheme.[310] Understanding that they could lose Flemmi as an informant, in early January 1979, FBI Supervisory Special Agent John Morris and FBI Special Agent John Connolly met with O'Sullivan in an effort to convince him not to indict and prosecute Flemmi.[311] Notwithstanding evidence that Flemmi was a principal in the criminal conspiracy, Flemmi was not indicted for his role in the race-fixing scheme.[312] O'Sullivan testified before the Committee on December 5, 2002, that at the time he was considering indictments for the Ciulla race-fixing case, he knew Flemmi was a murderer but used "prosecutorial discretion" in deciding not to prosecute Flemmi.[313] O'Sullivan claimed that he did not indict Flemmi because the testimony against him was uncorroborated.[314] However, a prosecution memorandum shows that O'Sullivan indicted another individual, James Sims, even though the testimony against him was also uncorroborated.[315] Moreover, O'Sullivan testified before the Committee that another reason that he did not indict Flemmi was because Flemmi's role in the race-fixing scheme was limited to receipt of proceeds from the illegal scheme.[316] This testimony was false. When confronted with his own memorandum that Stephen Flemmi and James Bulger participated in a meeting to discuss the race-fixing scheme, that Bulger and Flemmi "would help find outside bookmakers to accept the bets of the group" that they were financiers of the conspiracy and that Flemmi appeared to be a part of the core working group of the conspiracy, O'Sullivan replied, "You've got me."[317]

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[309] *Id.* at 199; Memorandum from Gerald E. McDowell, Attorney in Charge, and Jeremiah T. O'Sullivan, Prosecutor, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Gerald T. McGuire, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Jan. 29, 1979) (document retained by the Justice Department).

[310] *Salemme,* 91 F. Supp. 2d at 199; Memorandum from Gerald E. McDowell, Attorney in Charge, and Jeremiah T. O'Sullivan, Prosecutor, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Gerald T. McGuire, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Jan. 29, 1979) (document retained by the Justice Department).

[311] *Salemme,* 91 F. Supp. 2d at 200; "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 300–02 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan).

[312] *Salemme,* 91 F. Supp. 2d at 200; Memorandum from Gerald E. McDowell, Attorney in Charge, and Jeremiah T. O'Sullivan, Prosecutor, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Gerald T. McGuire, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Jan. 29, 1979) (document retained by the Justice Department).

[313] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 335 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan); *see also* Shelley Murphy, *Former US Attorney Denies Protecting FBI Informants,* BOSTON GLOBE, Dec. 6, 2002, at A1.

[314] *Id.; see also* Shelley Murphy, *Former US Attorney Denies Protecting FBI Informants,* BOSTON GLOBE, Dec. 6, 2002, at A1.

[315] *See* Memorandum from Walter T. Barnes and Edward F. Harrington, Assistant U.S. Attorney, to Henry Petersen, Chief, Organized Crime and Racketeering Section (June 6, 1967) (document retained by the Justice Department) ("James L. Sims—The case against Sims rests solely on Ciulla's testimony."). O'Sullivan also admitted this when testifying before the Committee. "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 301–02 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan).

[316] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 325 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan).

[317] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 326 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan); Memorandum from Gerald E. McDowell, Attorney in Charge of the Boston Strike Force, and Jeremiah T. O'Sullivan, of the Boston Organized Crime Strike Force, to Gerald T. McGuire, Deputy Chief of the Organized Crime and Racketeering Section (Jan. 29, 1979) (document is retained by the

- Notwithstanding the fact that FBI Supervisory Special Agent John Morris received informant information in July 1979 that Flemmi was "shaking down" bookmakers, the FBI made no effort to investigate this matter.[318]
- In 1979 and early 1980, the FBI received informant information that Flemmi was involved in additional criminal activity, including illegal gambling and drug trafficking.[319] The FBI did not investigate these allegations.[320]
- "In 1980, the FBI contributed to frustrating a Massachusetts State Police investigation of criminal activity of . . . [Stephen] Flemmi and many others occurring at the Lancaster Street Garage[.]" [321]
- In 1981 and 1982, the FBI received reliable informant information that Stephen Flemmi was involved in illegal drug distribution and demanded money from bookmakers to operate in South Boston.[322] However, the FBI did not investigate these allegations.[323]
- On May 27, 1981, business tycoon and owner of World Jai Alai, Roger Wheeler, was murdered in Tulsa, Oklahoma.[324] Shortly thereafter, Flemmi became a major suspect in the Wheeler murder.[325] Boston FBI officials prevented other FBI offices and local law enforcement agents, including Tulsa, Oklahoma, police officials, from interviewing Flemmi.[326] Brian Halloran, who was facing a state murder charge, began cooperating with the FBI in Boston and implicated Flemmi in the Wheeler murder by stating that he met with Flemmi at former World Jai Alai President John Callahan's apartment and was asked to kill Wheeler.[327] Concerned that Halloran's allegations would jeopardize Flemmi's informant status, FBI Supervisory Special Agent John Morris told FBI Special Agent John Connolly of Halloran's co-

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Justice Department). The memorandum states the following: "The Boston Strike Force recommends the indictment of the twenty-one individuals listed below, including the principals of the Winter Hill gang, for their involvement with Anthony Ciulla in a multi-state pari-mutuel thoroughbred horse race fixing scheme involving race tracks in five states." The net profits were almost two million dollars. Ciulla and Barnoski met with Howard Winter "and six of his associates" in late 1973 to discuss a race fixing scheme. "Winter and his partners would provide the money necessary to carry out the scheme." The six associates included Flemmi and James Bulger. The memo states that after the initial meeting with Winter, Ciulla and Barnoski met with Winter's other partners in the scheme—John Martorano, Joseph McDonald, James Sims, John Martorano, James Bulger and Stephen Flemmi. Bulger and Flemmi "would help find outside bookmakers to accept the bets of the group." "Ciulla and the Winter group then began to fix races at tracks around the country." The scheme lasted for 2 years and more than 200 races were fixed. In an interview with the Committee, Anthony Ciulla confirmed that Bulger and Flemmi played a significant role in the race-fixing conspiracy and that prosecutors were fully aware of the extent of Bulger and Flemmi's activities. Interview with Anthony Ciulla (Dec. 5, 2002); *see also* J.M. Lawrence, *Mob Scene; Bulger May Stay Mum on Whitey,* BOSTON HERALD, Dec. 6, 2002, at 1.

[318] *Salemme,* 91 F. Supp. 2d at 201.

[319] *Id.*

[320] *Id.*

[321] *Id.* at 202–03; Interview with Bob Long, Sergeant, Massachusetts State Police (Apr.17, 2001).

[322] *Salemme,* 91 F. Supp. 2d at 208.

[323] *Id.* at 209.

[324] *See id.* at 208.

[325] *Id.*

[326] *See id.* at 208, 211–12; "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 272–73 (Dec. 5, 2002) (testimony of Michael Huff).

[327] *See Salemme,* 91 F. Supp. 2d at 208–09.

operation and claims against Flemmi.[328] Agent Connolly then, in turn, told Flemmi.[329] Halloran was murdered on May 11, 1982.[330] Shortly after Halloran's murder, John Callahan's body was found in the trunk of his car at Miami International Airport on August 4, 1982.[331] Callahan had been killed weeks earlier.[332] Callahan had been interviewed by the FBI in connection with the Wheeler murder.[333] According to one former Miami Dade Police Detective, the Boston FBI Office also "stonewalled" Florida's efforts in investigating Flemmi's role in the Callahan murder.[334]

- According to *U.S.* v. *Salemme,*[335] Brian Halloran was not the only informant that the FBI identified for Flemmi.[336] FBI Special Agent H. Paul "Rico disclosed the identity of several informants to Flemmi" and FBI Special Agent John Connolly identified for "Flemmi at least a dozen individuals who were either FBI informants or sources for other law enforcement agencies."[337] The purpose of these disclosures was so that Flemmi "could avoid making any unnecessary incriminating statements to other informants."[338]
- In mid-October 1984, John McIntyre, an engineer on a ship named the Valhalla, which was used in an attempt to deliver guns and ammunition from Massachusetts to the Irish Republican Army in Ireland, began providing information to local Massachusetts law enforcement about Flemmi's involvement in the Valhalla arms shipment.[339] Local law enforcement told the FBI about McIntyre's cooperation.[340] The FBI subsequently interviewed McIntyre regarding his allegations.[341] The FBI then allegedly told Flemmi about McIntyre's cooperation and claims.[342] "[D]espite the obvious potential for McIntyre's cooperation to result in several significant, if not sensational cases, no evidence has been presented that the FBI conducted any investigation based on McIntyre's charges concerning . . . Flemmi[.]"[343] McIntyre disappeared around November 1984.[344] His remains were found in a make-shift grave on January 14, 2000.[345] Flemmi was later indicted for aiding and abetting in

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[328] *See id.*
[329] *See id.*
[330] *See id.* at 209–10.
[331] *See id.* at 210–13.
[332] *See id.* at 211.
[333] *See Salemme,* 91 F. Supp. 2d at 209.
[334] Interview with Shelton Merritt, former Detective, Metro Dade Police Dept. (Dec. 2, 2001) ("I was stonewalled and snowballed [by the FBI] and left to hang out and dry."); *See also Salemme,* 91 F. Supp. 2d at 211.
[335] *Salemme,* 91 F. Supp. 2d at 213.
[336] *Id.*
[337] *Id.*
[338] *Id.*
[339] *Id.* at 213.
[340] *Id.* at 214.
[341] *Id.*
[342] *Id.* at 214–15; *see also* Dick Lehr, *Mob Underling's Tale of Guns, Drugs, Fear Weeks Before His Death, McIntyre Felt 'Trapped,* BOSTON GLOBE, Feb. 27, 2000 at A1.
[343] *Salemme,* 91 F. Supp. 2d at 215.
[344] *See* Shelley Murphy, *Remains of Slay Victim Cremated,* BOSTON GLOBE, Mar. 15, 2001, at B3; *Salemme,* 91 F. Supp. 2d at 215.
[345] Shelley Murphy, *3 Bodies Unearthed in Dorchester, Bulger Confidant is Said to Give Tip,* BOSTON GLOBE, Jan. 15, 2000, at A1; Dick Lehr, *Mob Underling's Tale of Guns, Drugs, Fear Weeks Before His Death, McIntyre Felt 'Trapped,* BOSTON GLOBE, Feb. 27, 2000 at A1.

McIntyre's murder.[346] Moreover, notwithstanding other evidence demonstrating Flemmi's involvement with the Valhalla arms shipment, Flemmi was not charged in a prosecution that took place years later regarding the Valhalla.[347]

- In January 1984, FBI Special Agent John Connolly received reliable information that Stephen Flemmi was involved in an ongoing extortion of the owners of the South Boston Liquor Mart.[348] However, the FBI did not investigate this extortion in any way.[349]
- In 1984 and 1985, the FBI told Stephen Flemmi that he was being targeted in a major Drug Enforcement Agency ("DEA") investigation, which included electronic surveillance.[350] The DEA's "lengthy and expensive investigation was deemed unsuccessful and was eventually closed."[351]
- In April 1985, FBI Supervisory Special Agent John Morris told Stephen Flemmi that "you can do anything you want as long as you don't clip anyone."[352]
- In the late 1980's, Stephen Flemmi was protected from being prosecuted for his role in the extortion of reputed drug dealer Hobart Willis.[353]
- In 1986, the FBI continued an investigation regarding payoffs to members of the Boston Police Department.[354] Agent John Connolly forewarned Stephen Flemmi not to make incriminating statements to Boston Police Lieutenant James Cox, who was going to attempt to record conversations with Flemmi.[355]
- In 1988, the FBI received information implicating Stephen Flemmi in the Brian Halloran and Bucky Barrett murders.[356] Notwithstanding receiving such significant information, this information "was not provided to any agents responsible for investigating those matters or indexed so that it could be accessed by such agents."[357]
- In the spring of 1988, FBI Special Agents Robert Jordan and Stanley Moody prepared an application for electronic surveillance targeting bookmaker John Baharoian, Stephen Flemmi, and others.[358] Prior to the inception of the surveillance, Agents John Morris and John Connolly warned Flemmi about the planned surveillance.[359] The surveillance produced evidence that led to the indictment of John Baharoian and others.[360]

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[346] *U.S.* v. *O'Neil*, 99–CR–10371–RGS, Superseding Indictment.
[347] *Salemme*, 91 F. Supp. 2d at 215.
[348] *Id.* at 210, 212.
[349] *Id.*
[350] *Id.* at 220–42.
[351] *Id.* at 242.
[352] *Id.* at 242–43.
[353] *Id.* at 254–55.
[354] *Id.* at 258.
[355] *Id.*
[356] *Id.* at 256–58.
[357] *Id.* at 258.
[358] *Id.* at 259.
[359] *Id.*
[360] *Id.*

However, because he was forewarned, Flemmi was not intercepted, and therefore not indicted.[361]

- In 1988 or 1989, Agent John Connolly indirectly warned Stephen Flemmi through James Bulger that alleged extortion victim Timothy Connolly was cooperating with the FBI and would attempt to record conversations with Flemmi.[362]
- In 1992, the United States Attorney's Office began a grand jury investigation targeting Stephen Flemmi.[363] From 1992 to 1995, Flemmi received frequent reports concerning the progress of the grand jury investigation from retired FBI Agent John Connolly, who was being fed information from his contacts at the FBI.[364] Flemmi spoke to Connolly "'constantly' concerning the ongoing grand jury investigation."[365] Finally, on or about January 3, 1995, Connolly indirectly informed Flemmi, through James Bulger, that Flemmi was about to be indicted on or about January 10, 1995.[366] However, despite the fact that he received the advance warning, Flemmi did not flee immediately and was arrested on January 5, 1995, prior to his indictment.[367]

Stephen Flemmi served as an FBI informant for thirty years.[368] During that time, the FBI promised him protection.[369] As discussed above, the FBI made good on this promise, protecting him from a long list of crimes, including murder, attempted murder, and even gun smuggling to a foreign country. Notwithstanding knowledge of his involvement in the Poulos and William Bennett murders, the maiming of attorney John Fitzgerald, and the certainty by at least one U.S. Attorney that he was a murderer, nothing was done until the mid-1990s to bring Stephen Flemmi to justice. To the contrary, extraordinary measures were taken to protect him. The protection of Stephen Flemmi is another unfortunate example of what happened in New England when the government used an "ends justifies the means" approach to law enforcement. No one disputes the proposition that destroying organized crime in the United States was an important law enforcement objective. However, the steps that were taken may have been more injurious than the results obtained. Along the way, lives were destroyed, witnesses were murdered, respect for the rule of law was eviscerated, and the government has been exposed to billions of dollars in potential civil liability.

9. The Misuse of the Flemmi Brothers as Informants: Two Human Perspectives

The FBI's misuse of informants had profound human consequences for a number of individuals. In the Deegan prosecution alone it appears that the death penalty was unfairly assessed and men innocent of the crime for which they were convicted died in

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[361] *Id.*
[362] *Id.* at 263.
[363] *Id.* at 294.
[364] *Id.* at 295–96.
[365] *Id.* at 296.
[366] *Id.* at 297.
[367] *Id.*
[368] *Id.* at 148. At times he was technically closed as an informant. There appear to be few, if any, practical ramifications pertaining to these closures.
[369] *Id.* at 151.

prison. The following testimony, however, provides an indication of the human suffering caused by the FBI and Justice Department's failure to police its own use of informants:

> In returning from one of the visits before the trial of her father, [Joe Salvati's daughter Sharon—around 8 or 9 years old at the time] came home and asked her mother and then asked her father, daddy, what's the electric chair? They say you're going to get the electric chair. Are they giving you a present? [370]
>
> Testimony of Victor Garo
> Attorney for Joseph Salvati

* * *

> The government stole more than 30 years of my life. . . . My life as a husband and father came to a tumbling halt. In order to clear my name, it has been a long and frustrating battle. Yet, through all the heartbreak and sometimes throughout the years, my wife and I have remained very much in love. Prison may have separated us physically, but our love has always kept us together mentally and emotionally. Our children have always been foremost in our minds. We tried our best to raise them in a loving and caring atmosphere even though we were separated by prison walls. More than once my heart was broken because I was unable to be with my family at very important times.[371]
>
> Testimony of Joseph Salvati

* * *

> From October 25, 1967, the date my husband was arrested, until January 30, 2001, when all the charges were dropped, my life was extremely difficult. The government took away my husband and the father of our children in 1967. My world was shattered. This wonderful life that we shared was gone. Many people looked down on me. Children in the neighborhood would tease our kids. I did my best to comfort my children but no one was there to comfort me. Many a night I cried by myself, and I suffered in silence.[372]

* * *

> From the very beginning of imprisonment, I knew that it would be important for the children to have constant contact with their family, with their father. And every weekend, you know, I'd dress up, pack a little lunch, and we'd

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[370] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 32 (May 3, 2001) (testimony of Victor Garo).

[371] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 39 (May 3, 2001) (testimony of Joseph Salvati).

[372] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 43 (May 3, 2001) (testimony of Marie Salvati).

> go off to see him for their hugs and their kisses and whatever went on. And he would give them a father's guidance, even though he was not home with them. Sometimes it took hours to get there, and every time you got there, you were all nervous.[373]
>
> Testimony of Marie Salvati

* * *

> My father's life represented what many consider to be the American ideal: vision, hard work, a good sense of opportunity and maybe a little bit of luck. . . . One Wednesday afternoon I received a call, telling me only that my father had been shot in the head . . . . The next day I had to repeatedly negotiate between the funeral home and my mother. She kept asking to see her husband. They kept asking for more time and finally, in desperation, asked me, "Do you realize where he was shot?" When we arrived at the funeral home to view my father I finally started to lose control. My mother kissed my father's body. I almost passed out fearing that part of dad's face would fall apart.[374]
>
> Testimony of David Wheeler

The Committee regrets that it has been unable to receive testimony from more of the victims of Joseph Barboza, the Flemmis, and James Bulger. Their stories are all tragic, and the Committee, by quoting the above testimony, does not wish to indicate that any one set of circumstances is worse than another.

B. INTERFERENCE WITH STATE LAW ENFORCEMENT

The use of Joseph Barboza as a cooperating witness and the development of Jimmy and Stephen Flemmi as informants led to problems in other state law enforcement activities. In California, for example, Joseph Barboza committed a murder, for which federal law enforcement officials tried to help him escape the legal consequences. In Nevada, Oklahoma, and Florida, murders were committed apparently involving Stephen Flemmi. The ensuing investigations appear to have been hampered by federal law enforcement officials. In Connecticut, federal officials appear to have worked against a state-wide probe of organized crime in the jai alai industry. Finally, FBI agent H. Paul Rico—who was intimately involved with the development of Joseph Barboza as a cooperating witness and Jimmy and Stephen Flemmi as confidential informants—was found by the Supreme Court of Rhode Island to have suborned perjury and to have himself committed perjury. As a result, one participant in a homicide was released from prison.

This section discusses the intersection of state and federal law enforcement efforts, and how the use of Barboza and the Flemmis interfered with state efforts to enforce criminal laws.

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[373] *Id.*

[374] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 268–69 (Dec. 5, 2002) (testimony of David Wheeler).

1. California

The murder of Clay Wilson by Joseph Barboza, and the ensuing prosecution for this homicide present one of the more bizarre stories in the annals of federal law enforcement. Notwithstanding Barboza's past as a brutal killer, he was resettled in Santa Rosa, California, as the first member of the federal Witness Protection Program. Shortly thereafter, he murdered a local criminal named Clay Wilson. Once this murder was discovered and Barboza was charged with the crime, the federal government went to great lengths to help Barboza escape the consequences of his crime.

i. Joseph Barboza's Relocation to California

Following his testimony in the Raymond Patriarca, Jerry Angiulo, and Edward Deegan cases in 1967 and 1968, the FBI relocated Joseph Barboza to Santa Rosa, California, in April 1969. Barboza, also known as Joseph Baron, was given the name Joe Bentley. According to interviews by Committee investigators of FBI agents assigned to the Santa Rosa area at that time, the U.S. Marshals enrolled Barboza in a cooking school,[375] and the FBI provided him with an automobile[376] and took mail to him.[377] Other than these minimal contacts, the agents said they had no contact with Barboza.[378] In fact, Bill Baseman, the agent who ran the Santa Rosa FBI Field Office, said he did not want to have any contact with Barboza because he knew Barboza would get into trouble.[379] FBI headquarters did not provide the Santa Rosa Office with any directions or instructions regarding Barboza and provided little or no information about Barboza's criminal background and cooperation with the government.[380] Barboza's murderous past was clearly understood. One memorandum directed to FBI Director Hoover called Barboza "a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in [the Boston] area to be the most dangerous individual known."[381] Notwithstanding this belief, the FBI failed to inform local law enforcement of Barboza's presence in Santa Rosa.[382]

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[375] Interview with Chuck Hiner, former Special Agent in Charge, San Francisco FBI Field Office (Sept. 25, 2001). Special Agent Dennis Condon told Chuck Hiner that Barboza had testified and was in the Witness Protection Program. *Id.* Hiner described the cooking school as a "den of thieves." *Id.*

[376] Interview with Chuck Hiner, former Special Agent in Charge, San Francisco FBI Field Office (Sept. 25, 2001).

[377] Interview with Doug Ahlstrom, former Special Agent, Santa Rosa FBI Field Office (Aug. 28, 2001); Interview with Bill Baseman, former Special Agent, Santa Rosa FBI Field Office (Sept. 24, 2001).

[378] Interview with Doug Ahlstrom, former Special Agent, Santa Rosa FBI Field Office (Aug. 28, 2001); Interview with Bill Baseman, former Special Agent, Santa Rosa FBI Field Office (Sept. 24, 2001); Interview with Chuck Hiner, former Special Agent in Charge, San Francisco FBI Field Office (Sept. 25, 2001).

[379] Interview with Bill Baseman, former Special Agent, Santa Rosa FBI Field Office (Sept. 24, 2001).

[380] Interview with Doug Ahlstrom, former Special Agent, Santa Rosa FBI Field Office (Aug. 28, 2001); Interview with Bill Baseman, former Special Agent, Santa Rosa FBI Field Office (Sept. 24, 2001); Interview with Chuck Hiner, former Special Agent in Charge, San Francisco FBI Field Office (Sept. 25, 2001).

[381] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (June 20, 1967) (Exhibit 141). According to Vincent Teresa, Barboza was "dangerous. He was unpredictable. When he tasted blood, everyone in his way got it." VINCENT TERESA, MY LIFE IN THE MAFIA 167 (Doubleday & Company, Inc. 1973).

[382] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 40 (Feb. 13, 2002) (testimony of Ed Cameron and Tim Brown).

Once settled in California, Barboza began making trips back to Massachusetts in violation of the terms of his parole.[383] During these trips, Barboza negotiated with the mafia to recant his testimony in the Deegan trial in return for money.[384] In May of 1970, Barboza met with an associate of New England Mafia boss Raymond L.S. Patriarca in Massachusetts. Barboza told Patriarca's associate that he would recant his testimony in exchange for $500,000 and the legal services of F. Lee Bailey.[385]

In July of 1970, Barboza met with Bailey in New Bedford, Massachusetts.[386] At this meeting, Barboza told Bailey that Henry Tameleo, Joe Salvati, Peter Limone, and Louie Greco were innocent of the Deegan murder.[387] Furthermore, Barboza told Bailey that his testimony in the Patriarca case was largely fabricated and that FBI Agents H. Paul Rico and Dennis Condon assisted him with the fabrication.[388] In light of these allegations, Bailey demanded that Barboza submit to a lie detector test.[389]

Before Bailey could begin documenting Barboza's perjured testimony, Barboza was arrested on July 17, 1970, in New Bedford, Massachusetts, and imprisoned on firearm and narcotics charges.[390] Once the Massachusetts Parole Board learned of his arrest, Barboza's parole was revoked based on a provision of his parole that prohibited him from ever returning to Massachusetts.[391] On July 20, 1970, District Attorney Edmund Dinis dropped the firearms and narcotics charges purportedly due to constitutional problems arising because Barboza had no legal representation at his arraignment.[392] However, according to Dinis, federal authorities had contacted him before he dropped the charges, stating that that they "were concerned with [Barboza's] welfare" and that "[h]e [Barboza] ha[d] been most cooperative with them and given them vital testimony."[393] After the firearm and narcotics charges were dropped, Barboza was imprisoned in Massachusetts' Walpole State Prison where he was held pending charges for his parole violation.[394]

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[383] One of the conditions of Barboza's parole was that he not return to Massachusetts. *See* Edward Counihan, *Informer Baron Arrested, Parole Revoked,* BOSTON GLOBE, July 18, 1970 (Exhibit 316).

[384] Trial Transcript, *California* v. *Bentley* (Cal. Super. Ct. Dec. 7, 1971) at 192 (cross-examination of Joseph [Barboza]) (Exhibit 433). Another alleged reason for Barboza's return to Massachusetts concerned his apparent attempts to sell bonds or stock certificates that were stolen in California.

[385] *Id.* at 196–97; Interview with James Southwood, former reporter, BOSTON HERALD TRAVELER (Sept. 28, 2001).

[386] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 122 (May 3, 2001) (testimony of F. Lee Bailey); *see also* Affidavit of Francis Lee Bailey (Oct. 16, 1978) (Exhibit 668).

[387] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 122 (May 3, 2001) (testimony of F. Lee Bailey); *see also* Affidavit of Francis Lee Bailey (Oct. 16, 1978) (Exhibit 668).

[388] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 122–23 (May 3, 2001) (testimony of F. Lee Bailey).

[389] *Id.* at 123.

[390] *Baron Seized, Held on Arms, Pot Charges,* BOSTON GLOBE, July 17, 1970 (Exhibit 316).

[391] *Id.*

[392] Edward Counihan, *Charges Against Baron Dropped,* BOSTON GLOBE, July 20, 1970 (Exhibit 317).

[393] *Id.*

[394] Edward Counihan, *Court Asked to Release Baron from Walpole,* BOSTON GLOBE, Aug. 11, 1970 (Exhibit 325).

Barboza's arrest prompted FBI Director Hoover's office to relay the following information to Attorney General John Mitchell:

> Without the knowledge of the Strike Force, Barboza returned to New Bedford, Massachusetts, and was arrested by the New Bedford Police Department[.]
>
> * * *
>
> On July 20, 1970, the charges against Barboza were nolprossed by the District Attorney's Office in that Barboza's rights had been violated as he was not represented by counsel.
>
> * * *
>
> Our Boston office has advised that the Strike Force in Boston and the District Attorney's Office, Suffolk County, are attempting to have Barboza transferred from the Massachusetts Correctional Institution because his life could be in danger from other inmates.
>
> This matter will be followed and you will be advised of additional pertinent information.[395]

Though FBI Director Hoover's statement that Barboza returned to Massachusetts without the knowledge of the Strike Force may have been true, FBI agents certainly knew that Barboza had been traveling to Massachusetts in violation of his parole terms. For example, in February 1970, FBI Special Agent Paul Rico warned Barboza to leave Massachusetts because of threats against his life.[396]

Despite Barboza's arrest, F. Lee Bailey continued to extract information from Barboza concerning his testimony in the Deegan trial. On July 28, 1970, Barboza signed an affidavit stating, "I wish to recant certain portions of my testimony during the course of the above-said trial [*Commonwealth* v. *French*] insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis [sic] Grieco [sic] in the killing of Teddy Deegan."[397] Bailey, attempting to buttress the credibility of Barboza's affidavit, scheduled a lie-detector test for Barboza.[398] In the meantime, Barboza began giving Bailey details of the Deegan

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[395] Letter from J. Edgar Hoover, Director, FBI, to John Mitchell, Attorney General, U.S. Dept. of Justice (July 22, 1970) (Exhibit 320).

[396] Memorandum from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James F. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Nov. 29, 1971) (Exhibit 426).

[397] Affidavit of Joseph Baron (July 28, 1970) (Exhibit 321). On August 3, 1970, Edward Harrington, Deputy Chief of the Strike Force, met with Suffolk County District Attorney Garrett Byrne and Jack Zalkind, the prosecutor of the Deegan case, to discuss "the affidavit signed by Joseph Barboza Baron and filed in connection with the motion for a new trial on the Deegan murder case." FBI Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Aug. 3, 1970) (Exhibit 323). At the meeting, Byrne told Harrington that Barboza's affidavit was insufficient to warrant a hearing because it contained only a general statement. *Id.*

[398] "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 123 (May 3, 2001) (testimony of F. Lee Bailey); *see also* Memorandum from Walter T. Barnes and Edward F. Harrington, Special Attorneys, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Aug. 28, 1970) (Exhibit 330).

murder and the circumstances surrounding his recantation. Bailey memorialized this information in a memorandum to Deegan defense attorney Joseph Balliro:

> As you recall, when I met with [Barboza] at his request in New Bedford, he stated that he had felt for some time that he should make a direct effort to right the injustice which his testimony had caused. He indicated that he had been assured all along that (especially in the murder cases) a conviction was unlikely, and after the conviction occurred he was told to expect that due to trial errors the Supreme Court would reverse the cases, and of course there would never be a re-trial; therefore, no permanent harm would be done to anyone whereas the government would have accomplished its primary objection: much publicity about prosecuting organized crime.
>
> * * *
>
> Nonetheless, after many hours of conversation with [Barboza] at Walpole I am convinced that I have most of the details of what actually took place.
>
> * * *
>
> It appears that Mr. French did in fact shoot Deegan, that Mr. Cassesso was present with [Barboza] in the car and conspired to kill Stathopoulos but was not involved in the Deegan killing, and that Salvati and Greco were not present at all. Further, Tamelio [sic] and Lemone [sic] had nothing to do with arranging Deegan's murder nor had they any reason to believe that it was going to occur. The person sitting in the rear of the automobile which the Chelsea Police Captain saw was in fact bald and was Vincent Felemi [sic]. Romeo Martin in fact shot Deegan but the role ascribed to Greco as the third assailant of Deegan in fact involved another man whose last name begins with "C" as you had earlier suggested to me.[399]

Barboza told authorities that he was recanting his testimony in exchange for payment from the mafia. Yet, the information Barboza divulged to Bailey regarding the Deegan murder was more consistent with police reports on the murder, information received from informants, and information the FBI received independent of Barboza, both before and after the murder, than it was with Barboza's testimony at the Deegan trial.

Barboza's arrest, however, presented the immediate problem of a potential prison sentence. On August 20, 1970, Barboza was charged with violating his parole, which carried a four to five year prison sentence. Five days later, on August 25, 1970, Bailey petitioned the court to allow Barboza to take a lie detector test.[400] That same day, Walter Barnes, Special Attorney of the Organized Crime and Racketeering Section, was told that Barboza requested a meet-

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[399] Memorandum from Lee Bailey to Joe Balliro (Aug. 27, 1970) (Exhibit 328).

[400] Edward Counihan, *Hearing on Barboza Test Continued, Starts Row,* BOSTON GLOBE, Aug. 25, 1970 (Exhibit 326).

ing.[401] Barnes and his colleague, Edward Harrington, met with Barboza at Walpole State Prison on August 28, 1970. Barnes and Harrington's memorandum of the meeting states that Barboza:

> Requested Barnes and Harrington to relocate his wife and family from California in light of the fact that their whereabouts had become public knowledge, having been disclosed by his counsel, F. Lee Bailey, at a prior court proceeding. Barnes and Harrington did not make any response to this request. [Barboza] also requested that his probation revocation warrant be withdrawn. Barnes and Harrington advised [Barboza] that they had no control over the Massachusetts Parole Board and that they could make no promises in this regard.
>
> * * *
>
> [Barboza] stated that it was his original intention to inveigle members of the underworld into giving him money on the pretext that he would recant his testimony given in previous trials and that, when he received the money, he would leave the area without recanting;
>
> [Barboza] also stated that his counsel, F. Lee Bailey, "made him sign the affidavit" and that "they" have sent his wife money in return for his signing the affidavits[.]
>
> * * *
>
> [Barboza] also advised that his testimony in the Deegan case was truthful and that he had signed the affidavits only for money; that he is not going to take the lie-detector test on August 31, 1970, for he feels that once he has taken the test Bailey will have no further use for him and that his life will be in danger; that he will tell Bailey that he had spoken with Barnes and Harrington merely to tell them that, if they were going to pressure him by initiating criminal charges, he would open up a "Pandora's box."
>
> * * *
>
> Barnes and Harrington told [Barboza] that they would and could make no promises to him but that they would merely pass the results of their conversation on to [Suffolk County] District Attorney Garrett Byrne, which was done by Harrington at approximately 3:30 P.M. on August 28, 1970.[402]

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[401] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (Aug. 25, 1970) (Exhibit 327). The memorandum states that Barboza wanted FBI Special Agent Dennis Condon to attend the meeting but that "Condon will not see Barboza;" *see also* Memorandum from Walter T. Barnes and Edward F. Harrington, Special Attorneys, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Aug. 28, 1970) (Exhibit 330).

[402] Memorandum from Walter T. Barnes and Edward F. Harrington, Special Attorneys, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Aug. 28, 1970) (Exhibit 330).

According to both this memorandum and Harrington's testimony before the Committee, neither Barnes nor Harrington gave Barboza any instructions or guidance about recanting his testimony or taking the lie detector test.[403] In a subsequent letter, however, Barboza appears to be referring to advice that Barnes and Harrington provided on this matter: "Ted, when you [and] Walter came down to see me, you and Walter asked me not to do something and I didn't. How long can the little money I bled out of those creeps last, what'll happen to my wife and babies then?" [404]

Barboza also told Barnes and Harrington that F. Lee Bailey "made him sign the affidavit." [405] However, when Barboza was prosecuted for murder the following year, the prosecutor asked Barboza whether the affidavit was truthful, and Barboza replied, "It wasn't clearly understood by me." [406]

The Suffolk County District Attorney's Office had its own reasons for wanting to keep Barboza in custody. In August 1970, Henry Tameleo, Ronnie Cassesso, Peter Limone, and Louis Greco filed motions for new trials.[407] According to the FBI, the Suffolk County District Attorney planned to delay any proceedings against Barboza for violating his parole to ensure Barboza's presence in case the Deegan defendants were granted new trials.[408] Thus, Barboza's fate would remain uncertain until the motions by the Deegan defendants were settled. The FBI's detailed understanding of what was happening to the Deegan defendants also indicates that the Deegan murder prosecution was a great deal more important than former Justice Department officials have depicted it to be.

During this time, Barboza was in contact with both organized crime figures and federal authorities about recanting his testimony in the Deegan murder trial. Barboza had two choices: either he could recant his testimony and possibly receive money from the mafia, or he could reassert his trial testimony and possibly avoid jail. Before he made his decision, law enforcement learned that Barboza had committed a murder in California while in the Witness Protection Program.

ii. The Murder of Clay Wilson

In October 1970, the Santa Rosa Police Department received letters from William Geraway and Lawrence Woods, two inmates in Walpole State Prison in Massachusetts, stating that Joe Barboza had committed a murder in California.[409] Geraway had occupied the prison cell next to Barboza. A letter sent by Geraway and received by the Santa Rosa Police Department on October 1, 1970,

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[403] *Id; see also* "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 191–92 (Feb. 14, 2002) (testimony of Judge Edward Harrington).

[404] Letter from Joseph Barboza to Edward Harrington, Special Attorney, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Sept. 28, 1970) (Exhibit 342).

[405] Memorandum from Walter T. Barnes and Edward F. Harrington, Special Attorneys, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Aug. 28, 1970) (Exhibit 330).

[406] Trial Transcript, *California* v. *Bentley* (Cal. Super. Ct. Dec. 8, 1971) at 276 (cross-examination of Joseph Barboza) (Exhibit 433).

[407] *Limone Files Appeal of Deegan Slay Conviction,* BOSTON GLOBE, July 30, 1970; *Appeals for 4th in Slaying,* BOSTON GLOBE, Aug. 18, 1970.

[408] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Sept. 21, 1970) (Exhibit 341).

[409] *See* Affidavit of Edwin F. Cameron (Oct. 13, 1970) (Exhibit 343).

claimed that Barboza had described in extensive detail how he murdered an individual in the first week of July 1970.[410] Based on Geraway and Wood's letters and the disappearance of a man named Clay Wilson, Sonoma County law enforcement personnel began an investigation.[411]

From the outset, the seasoned, veteran investigators from Sonoma County were not comfortable working with the FBI in the Wilson murder investigation. Ed Cameron, Investigator for the Sonoma County District Attorney's Office, stated that the FBI was not forthcoming with information about Barboza at the outset of their investigation.[412]

Although not officially involved in the Wilson murder investigation, the FBI followed the investigation intently. On October 5, 1970, the San Francisco office informed FBI Special Agent Dennis Condon of Geraway's letter to the Santa Rosa police.[413] Condon relayed this information to the Special Agent in Charge of the Boston office,[414] who then passed the information on to FBI Director Hoover that same day.[415] The San Francisco office informed the Boston office and Director Hoover that it was "closely following [the Wilson] matter with local authorities."[416] The Boston office requested that the San Francisco office apprise both Boston and FBI headquarters of all developments in the Wilson case.[417] A memo from FBI Director Hoover then instructed the Boston and San Francisco offices to advise headquarters of the status of any prosecutions pending against Barboza.[418]

Sonoma County Investigator Ed Cameron traveled to Boston to learn more about Barboza and to interview William Geraway. Cameron met with FBI Special Agent Dennis Condon for a briefing on Barboza, but Condon provided only publicly available information.[419] Cameron received more assistance and information from John Reagan of the Massachusetts State Police than from the FBI,

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[410] *See* Memorandum from Dennis M. Condon, Special Agent, Boston FBI Field Office, to Special Agent in Charge, Boston FBI Field Office (Oct. 5, 1970) (Exhibit 345).

[411] While everyone involved with Geraway stated that his credibility was questionable, Geraway provided very precise details about the Wilson murder that the police were able to corroborate. *See* Letter from Tim R. Brown, Detective Sergeant, Sonoma County Sheriff's Office, to William R. Geraway (Jan. 14, 1972) (Exhibit 454). Geraway told the authorities that Wilson was shot in the head, bound, and buried in a shallow grave. *Id.* He also provided the names of two female witnesses to the murder, the location of the witnesses' residence, a description of their vehicles, and the names of one of the witness' children and pets. *Id.* Lawrence Wood later denied that Barboza told him details of the murder and said he learned the details only from Geraway.

[412] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 37–39 (Feb. 13, 2002) (testimony of Ed Cameron); see also Interview with Tim Brown, former Detective Sergeant, Sonoma County Sheriff's Office (Aug. 30, 2001).

[413] Memorandum from Dennis M. Condon, Special Agent, Boston FBI Field Office, to Special Agent in Charge, Boston FBI Field Office (Oct. 5, 1970) (Exhibit 345).

[414] *Id.*

[415] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Oct. 5, 1970) (Exhibit 344).

[416] Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI, and Boston FBI Field Office (Oct. 13, 1970) (Exhibit 352).

[417] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI, and San Francisco FBI Field Office (Oct. 15, 1970) (Exhibit 355).

[418] Memorandum from J. Edgar Hoover, Director, FBI, to Special Agent in Charge, Boston FBI Field Office (Dec. 23, 1970) (Exhibit 373).

[419] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 37 (Feb. 13, 2002) (testimony of Edwin Cameron).

which had harbored Barboza for the past four years.[420] Cameron, who spent fifteen years in law enforcement as a police officer and then as an investigator with the District Attorney's Office, said that he had a bad feeling about the FBI in this case and was baffled as to why another law enforcement agency would not assist his investigation.[421] In fact, Cameron's intuition about the FBI's malfeasance led him to take special precautions to determine whether someone was tampering with papers left in his hotel room.[422] Although he did not know who was responsible, he told the Committee that he believed his briefcase was searched at a time when it was supposed to be securely locked in his room.[423] Cameron's FBI contacts were Special Agents Rico and Condon.[424]

After returning to California, Cameron met with the prosecution team to discuss the status of the investigation. The team decided that Cameron should call Agent Condon to request records on Barboza. Cameron placed numerous telephone calls to Condon requesting the records, but Condon never returned his calls or produced the records.[425]

In the meantime, Detective Sergeant Tim Brown pursued the Barboza investigation for the Sonoma County Sheriff's Office. Prior to the discovery of the Wilson murder, Brown had routine contacts with FBI Special Agent Doug Ahlstrom of the Santa Rosa FBI Office. Agent Ahlstrom apparently became concerned after the sheriff's office received the letters from the two inmates regarding the Wilson murder. According to the police report on the murder, Agent Ahlstrom accompanied Detective Sergeant Brown to the home of the two eyewitnesses, Paulette Ramos and Clay Wilson's wife, Dee Wilson.[426] Ahlstrom denied to Committee investigators that he went to the house in connection with the Wilson murder investigation, saying it concerned an unrelated matter.[427]

Law enforcement in Sonoma County was quickly able to corroborate the details provided by the inmates' letters. On October 12, 1970, investigators discovered Clay Wilson's body exactly where Geraway said it would be located.[428] Over the next several days, the FBI learned that both eyewitnesses, Dee Wilson and Paulette Ramos, told local authorities that they saw Barboza shoot Wilson.[429] Barboza was charged with first degree murder, a charge carrying a possible death penalty in California. He was then turned over to California authorities in late February 1971[430] and entered a plea of not guilty on March 1, 1971.[431]

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[420] *Id.*
[421] *Id.*
[422] *Id.* at 34.
[423] *Id.*
[424] *Id.* at 33.
[425] *Id.* at 39.
[426] Sonoma County Sheriff's Office Police Report on the Murder of Clayton Rickey Wilson (Oct. 22, 1970) (Exhibit 358).
[427] Interview with Doug Ahlstrom, former Special Agent, Santa Rosa FBI Field Office (Aug. 28, 2001).
[428] Letter from Tim R. Brown, Detective Sergeant, Sonoma County Sheriff's Office, to William R. Geraway (Jan. 14, 1972) (Exhibit 454); Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI (Oct. 13, 1970) (Exhibit 352).
[429] *Id.;* Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI, and Boston FBI Field Office (Oct. 16, 1970) (Exhibit 357).
[430] Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Feb. 23, 1971) (Exhibit 379).
[431] *Baron Pleads Not Guilty,* Mar. 1, 1971 (Exhibit 382) (newspaper source illegible).

Once Barboza was in the custody of Sonoma County law enforcement, Detective Sergeant Brown began meeting with Agent Ahlstrom several times a week to discuss any developments. One reason for their continual contacts was the fact that Brown began to surreptitiously record Barboza's conversations with visitors to his prison cell upon learning that a known bookmaker named Theodore Sharliss, also known as Jimmy Chalmis, was frequently visiting Barboza.[432] Whenever the recordings yielded information Brown thought would be of interest to the FBI, he made a cassette tape of the relevant portion and gave it to Agent Ahlstrom.[433] In fact, Brown stated that one of the tapes helped solve a murder in Las Vegas.[434]

Even though Sonoma County investigators shared information on the investigation with the FBI, the FBI failed to reciprocate and assist Sonoma County. Three or four months prior to the commencement of Barboza's trial, Brown was told that three individuals were coming from the East Coast to kill the two witnesses to the Wilson murder.[435] Brown reached out to the FBI to identify the potential killers, but he received no response.[436] Instead, non-FBI sources gave Brown the name of a Boston attorney who in turn provided the names of the assassins sent to the West Coast.[437] Brown told the Committee that he was worried his two eyewitnesses would be murdered, yet federal law enforcement officials refused to provide assistance.[438]

Eventually, Agent Ahlstrom began to give Detective Sergeant Brown some information. Agent Ahlstrom informed Brown that three federal officials would testify on Barboza's behalf.[439] Brown believed that Agent Ahlstrom was unhappy with the fact that the federal officials were going to assist Barboza.[440] Through their constant contact, Brown learned more about Barboza from Agent Ahlstrom than from any other source.[441]

Before Barboza was extradited to California in late February 1971, he extracted a promise from Edward Harrington, Attorney-in-Charge of the Organized Crime and Racketeering Section in Boston. In a letter to Harrington on March 7, 1971, Barboza stated, "You promised me you'd be down two weeks after I left. . . . [P]lease come down like you promised me, this can throw my case wide open[.]"[442] Harrington did indeed visit Barboza in his Califor-

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[432] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 54 (Feb. 13, 2002) (testimony of Tim Brown).

[433] *Id.* at 55. The Committee was unable to obtain any of the tapes of the visits to Barboza either from the Sonoma County Sheriff's Office or the FBI.

[434] *Id.* at 54.

[435] *Id.* at 48, 89. Brown believes that this information was provided to him by William Geraway. *Id.*

[436] *Id.* at 89.

[437] *Id.* at 48, 89. Brown believes that this information was provided to him by William Geraway. *Id.* Although the police tracked the alleged killers to their last known address in California, the men were never apprehended. The two witnesses were unharmed.

[438] *Id.* at 89.

[439] *Id.* at 49.

[440] *Id.*

[441] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 43 (Feb. 13, 2002) (testimony of Tim Brown).

[442] Letter from Joe Barboza to Edward Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Mar. 7, 1971) (Exhibit 385).

nia prison cell, and he explained his visit in a memorandum to his superior, James Featherstone:

> Government witnesses John J. Kelley and Vincent C. Teresa have advised the writer that the reason that they decided to cooperate with the government was the government's treatment of [Barboza] while he was in protective custody and because the government fulfilled their obligations to him.
>
> * * *
>
> In keeping with the government's obligation to [Barboza], I have assured [Barboza] that this office would take all proper steps to insure that he receives a fair and impartial trial on his pending murder charge. This obligation must be kept in view of the fact that many law enforcement officials in the Boston area consider that the pending murder charge has been concocted by the underworld as a means of retaliating against [Barboza].
>
> * * *
>
> This trip to confer with [Barboza] is important to the interests of the government in that it is a fulfillment of this office's commitments to do all within its power to insure that [Barboza] suffers no harm as a result of his cooperation with the federal government.
>
> The writer will do nothing to attempt to dissuade the prosecution from bringing its case but will alert them of the possibility that the murder is a Mafia frame. The fulfillment of this obligation is also in the practical interests of the government as [Barboza] may otherwise determine that the government has failed him in his time of need and, it is my judgment, that he will then retaliate against the government by submitting false affidavits to the effect that his testimony in the Patriarca and Deegan cases was in fact false, and thus tarnish those most significant prosecutions.[443]

Harrington visited Barboza in California on March 25, 1971, and Barboza told Harrington that he had indeed killed Wilson and was not being framed by the Mafia.[444] Barboza told Harrington that he shot Wilson in self-defense.[445] However, Harrington admitted before the Committee that he was not convinced by Barboza's claim of self defense:

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[443] Memorandum from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James J. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Mar. 23, 1971) (Exhibit 386).

[444] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 163–64 (Feb. 14, 2002) (testimony of Judge Edward Harrington); Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001).

[445] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 164 (Feb. 14, 2002) (testimony of Judge Edward Harrington).

> Judge HARRINGTON: Well, I have to reconstruct it. But in essence, I wanted to find out whether he was framed or was he involved in it.
>
> Mr. TIERNEY: So he told you he was involved in it, he was guilty, right?
>
> Judge HARRINGTON: No. He told me that it was self-defense.
>
> Mr. TIERNEY: But then you became familiar with the circumstances of the case and you did not believe that for a second.
>
> Judge HARRINGTON: It was irrelevant. I was out there——
>
> Mr. TIERNEY: Please, Judge. You did not believe it. You are a seasoned attorney at that time, you did not believe that at all, right?
>
> Judge HARRINGTON: Well, if forced to answer, I would say I would have thought that he killed him.[446]

Barboza's admission that he shot Wilson and was not being framed by the Mafia still did not prevent the Justice Department and the FBI from continuing to assist him. Upon his return from California, Harrington again wrote his boss, Deputy Chief of the Organized Crime and Racketeering Section James Featherstone, to report on the results of his trip.[447] Harrington stated that he met with Sonoma County District Attorney Kiernan Hyland and assured him that the Justice Department was not attempting to interfere with the prosecution.[448] Rather, the Justice Department was merely fulfilling its promise to Barboza to inform the Sonoma County District Attorney's Office of the possibility that the Mafia framed Barboza for the Wilson murder.[449] Remarkably, in the same memorandum, Harrington stated that he told Barboza's defense attorney, Marteen Miller, that FBI Agents Rico and Condon, along with John Doyle, Chief Investigator for the Suffolk County District Attorney's Office, were "available to testify on behalf of [Barboza], if subpoenaed, as they possess information which would tend to discredit the veracity of prospective state witnesses Geraway and Wood."[450]

As Harrington stated in his memorandum, he met with District Attorney Hyland.[451] Yet, the meeting was apparently more eventful than Harrington recalled. Hyland requested to meet with Harrington after learning from jail officials that Harrington had visited

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[446] *Id.* at 163–64.

[447] Memorandum from Edward Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James J. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Mar. 31, 1971) (Exhibit 392).

[448] *Id.*

[449] *Id.*

[450] *Id.* At the end of the memorandum to Featherstone, Harrington said that Barboza told him that the "underworld" would take no steps to try to overturn the Deegan murder convictions until Barboza was found guilty of the Wilson murder. At that time, the underworld would then offer him the money he would need to support his family from prison in return for affidavits disavowing his testimony in the Deegan trial. However, it should be noted that Barboza began negotiating with the underworld to change his testimony, including executing an affidavit renouncing certain portions of his testimony, before the Wilson murder was ever discovered.

[451] *Id.*

Barboza.[452] According to Cameron, who attended the brief meeting, Hyland was angry that a prominent Justice Department official would visit a prisoner without telling the district attorney the purpose of his visit.[453] Thereafter, the prosecutors prevented federal officials from having any more clandestine visits with Barboza.[454]

In the same memorandum in which Harrington reported that the Justice Department would not interfere with Barboza's prosecution, Harrington explicitly stated that the Justice Department, the FBI, and the Suffolk County District Attorney's Office would be available to undermine the only two witnesses who were able to speak about Barboza's confession to the Wilson murder.[455] Harrington's statement that they should ensure that Barboza "suffers no harm as a result of his cooperation with the federal government" [456] appears to be an accurate description of the Justice Department's actions, and the fact that federal law enforcement personnel were preparing to undermine a California murder prosecution appears to have been a matter of no concern.

iii. The Clay Wilson Murder Trial in California

Barboza's first degree murder trial began on October 19, 1971. At the beginning of the trial, Marteen Miller, Barboza's defense attorney, stated his intention to call Strike Force Attorney Edward Harrington and FBI Agents H. Paul Rico and Dennis Condon as witnesses for Barboza.[457] Kiernan Hyland, the Sonoma County District Attorney, upset that federal officials were being called to testify on Barboza's behalf, sent letters to FBI Director J. Edgar Hoover and Attorney General John Mitchell arguing:

> [The intention of the defense to call Harrington, Rico, and Condon] is disconcerting for the prosecution because it presents a picture of a house divided against itself. The murder for which we are prosecuting [Barboza] has nothing to do with his Mafia connections. When and if [Mr. Harrington and the FBI agents testify as defense witnesses], it would be appreciated [if they] would do me the courtesy of contacting me first and allowing me to interview [them] concerning [their] possible testimony.[458]

Harrington wrote another memorandum to James Featherstone in late November 1971, outlining the proposed testimony of Agent

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[452] Letter from Kiernan Hyland, District Attorney, Sonoma County, to J. Edgar Hoover, Director, FBI (Oct. 26, 1971) (Exhibit 418); Letter from Kiernan Hyland, District Attorney, Sonoma County, to John Mitchell, Attorney General, U.S. Dept. of Justice (Oct. 26, 1971) (Exhibit 419).

[453] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 55 (Feb. 13, 2002) (testimony of Ed Cameron).

[454] *Id.*

[455] Memorandum from Edward Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James J. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Mar. 31, 1971) (Exhibit 392).

[456] Memorandum from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James J. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Mar. 23, 1971) (Exhibit 386).

[457] Bony Saludes, *The Defense Strategy: Mafia Planned to Kill Baron,* PRESS DEMOCRAT, Oct. 24, 1971 (Exhibit 417).

[458] Letter from Kiernan Hyland, District Attorney, Sonoma County, to J. Edgar Hoover, Director, FBI (Oct. 26, 1971) (Exhibit 418); Letter from Kiernan Hyland, District Attorney, Sonoma County, to John Mitchell, Attorney General, U.S. Dept. of Justice (Oct. 26, 1971) (Exhibit 419).

Rico, Agent Condon, and himself.[459] According to Harrington, he would say that Barboza had testified against underworld figures in state and federal trials, was placed in protective custody and relocated to California under an assumed name, and wanted to carry a gun but his request was denied.[460] Harrington stated that Agents Rico and Condon would testify that the Mafia both in Massachusetts and California had threatened Barboza's life and that William Geraway was known to be a liar.[461]

On November 17, 1971, FBI Director Hoover's office informed the Boston and Miami offices that Special Agents Condon and Rico were to comply with subpoenas demanding their appearance at the Wilson trial in California.[462] On December 2, 1971, the Attorney General gave Special Agents Rico and Condon authority to testify in the Clay Wilson murder trial. This authority, however, was limited to testifying about threats made in Massachusetts and California on Barboza's life.[463] The Attorney General's letters to the agents also contained the following prohibition: "You may not disclose any other information or produce any material acquired as a result of your official duties or because of your official status[.]"[464] On the same day, the Attorney General authorized Harrington to testify in the Wilson case regarding Barboza's testimony against individuals in the Mafia, his protective custody, his relocation with an assumed name, his entry into a cooking school, and Harrington's denial of Barboza's request to carry a gun.[465] The Attorney General's letter to Harrington carried the same restriction as the letters to the FBI agents.[466]

Harrington and Condon both told the Committee that they appeared as witnesses for Barboza because they received subpoenas, implying that they had no choice in the matter.[467] While it is true that the three federal officials were subpoenaed to testify on Barboza's behalf, it was disingenuous to state that they were forced

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[459] Memorandum from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James F. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Nov. 29, 1971) (Exhibit 426).

[460] *Id.* The alleged request by Barboza to carry a gun because his life was in danger would have bolstered the defense's argument that Barboza shot Wilson in self-defense.

[461] *Id.* In the memorandum, Harrington stated that Agent Rico told Barboza on February 3, 1970, that he should leave Massachusetts because the Mafia knew he was in Massachusetts and two individuals were going to kill him. The problem with this admission by Harrington was that Barboza's presence in Massachusetts was a direct violation of his parole agreement with the state, which required that Barboza not return to Massachusetts. Thus, the Justice Department knew that Barboza was violating the terms of his parole. There is no indication that this was made known to state authorities. In July of 1970, Barboza was arrested in New Bedford, Massachusetts, on firearm and narcotics charges. The charges were dropped, but Barboza was held because his parole had been revoked for re-entering Massachusetts.

[462] Teletype from J. Edgar Hoover, Director, FBI, to Special Agent in Charge, Boston FBI Field Office, and Special Agent in Charge, Miami FBI Field Office (Nov. 17, 1771) (Exhibit 423).

[463] Letter from John Mitchell, Attorney General, U.S. Dept. of Justice, to H. Paul Rico, Special Agent, Miami FBI Field Office (Dec. 2, 1971) (Exhibit 429); Letter from John Mitchell, Attorney General, U.S. Dept. of Justice, to Dennis Condon, Special Agent, Boston FBI Field Office (Dec. 2, 1971) (Exhibit 430).

[464] *Id.* Letter from John Mitchell, Attorney General, U.S. Dept. of Justice, to H. Paul Rico, Special Agent, Miami FBI Field Office (Dec. 2, 1971) (Exhibit 429).

[465] Letter from John Mitchell, Attorney General, U.S. Dept. of Justice, to Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 2, 1971) (Exhibit 431).

[466] *Id.*

[467] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 137–38 (Feb. 14, 2002) (testimony of Judge Edward Harrington); Deposition of Dennis M. Condon, former Special Agent, Boston FBI Field Office (Feb. 21, 2002) at 107.

to appear because of the subpoenas because Harrington had previously volunteered their services to Barboza's defense attorney.[468] Furthermore, it is inconceivable that the defense would have called federal law enforcement officials unless the defense was certain that the officials would not harm the defendant on either direct questioning or cross-examination. According to Barboza's attorney, the FBI had agreed to testify in support of Barboza.[469]

During the trial, Lieutenant Ed Maybrun of the Sonoma County Sheriff's Office received a telephone call from Lawrence W. Brown of New Bedford, Massachusetts, who said he read in the newspaper about some items the sheriff's office was seeking for the Barboza trial.[470] According to Lieutenant Maybrun, Lawrence Brown, also known as Lawrence Hughes, stated that he had received some bonds or stock certificates from Barboza and he wished to speak to someone handling the Barboza case.[471] The issue of the stolen bonds or stock certificates was important to the prosecution's contention that Barboza murdered Wilson over the stolen bonds and not in self-defense. The prosecutors, therefore, called Lawrence Hughes to testify at the Barboza trial about the stolen bonds he received from Barboza.[472] Hughes, who was already known by the FBI, had become an obstacle in the federal government's attempt to help Barboza.

Lawrence Hughes's injection into the Barboza murder trial revealed the lengths to which the Justice Department and the FBI would go in order to help Barboza. When the prosecutor informed federal officials that Hughes was being called as a witness against Barboza, the San Francisco FBI office immediately notified FBI Director Hoover's office.[473] As the teletype revealed, the FBI had known about Hughes since September of 1970 when Hughes contacted the Boston FBI office to inform it of Barboza's meetings in Massachusetts with Mafia representatives to negotiate the recantation of his testimony in the Deegan trial in exchange for money.[474] In fact, after Hughes approached the FBI with information about Barboza's meetings with the Mafia, Edward Harrington wrote a letter to Gerald Shur at the Criminal Division of the Justice Department requesting help for Hughes. The letter stated:

> It is requested that employment be procured for Lawrence P. Hughes. Mr. Lawrence P. Hughes . . . has been kept in protective custody by the Suffolk County District Attor-

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[468] *See* Memorandum from Edward Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to James J. Featherstone, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Mar. 31, 1971) (Exhibit 392).

[469] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 33 (Feb. 13, 2002) (testimony of Marteen Miller).

[470] Sonoma County Sheriff Police Report on the Murder of Clayton Rickey Wilson (Nov. 21, 1971) (Exhibit 425). Lawrence W. Brown was actually Lawrence Hughes. The information given to Lt. Maybrun was consistent with Lawrence Hughes' testimony in the Clay Wilson murder trial.

[471] *Id.*

[472] Trial Transcript, *California* v. *Bentley* (Cal. Super. Ct. Dec. 1, 1971) at 334 (direct examination of Lawrence Hughes) (Exhibit 427).

[473] Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI, and Boston FBI Field Office (Dec. 2, 1971) (Exhibit 428). The teletype to Director Hoover noted that both District Attorney Kiernan Hyland and Edward Harrington believed that Hughes had been sent out to California by the Mafia to help get Barboza convicted. *Id.*

[474] *Id.*

> ney's Office as a potential witness for the last two months. Hughes furnished information relative to a meeting in the woods in the Freetown, Massachusetts area between Joseph [Barboza] and Frank Davis, an associate of Raymond L.S. Patriarca, relative to negotiations for a change of testimony on the part of [Barboza] to release the organized crime figures that he had testified against. . . . Hughes will testify to this in a hearing relating to a motion for a new trial which has been filed by six Cosa Nostra members who had previously been convicted for the first-degree murder of Boston gangster Edward Deegan.[475]

With Hughes's information jeopardizing Barboza's fate, the FBI and the Justice Department sought authorization to expand the scope of Condon's testimony. The Justice Department now wanted to disclose Condon's interview with Hughes in September of 1970 in which Hughes allegedly did not mention Barboza's admission of involvement in Wilson's murder.[476] On December 7, 1971, Attorney General John Mitchell authorized Agent Condon to testify that Hughes did not mention Barboza's involvement with the stolen bonds or the Wilson murder during their interview.[477] Thus, the same FBI and Justice Department officials who thought Hughes was credible enough to testify about Barboza the previous year to keep the Deegan defendants in jail were now going to question his honesty about Barboza.[478]

On the witness stand, the prosecution asked Special Agent Condon if he had any knowledge about Barboza negotiating with the Mafia to change his testimony.[479] Condon, who knew about the negotiations from his interview of Lawrence Hughes, responded, "I respectfully decline to answer on instructions from the Attorney General of the United States."[480] Thus, when the answer would have harmed Barboza, Agent Condon used the limited authority granted by the Attorney General to refuse to answer.

The three federal officials called as witnesses for Barboza—Strike Force Attorney Edward Harrington, FBI Special Agent H. Paul Rico, and FBI Special Agent Dennis Condon—all testified on December 8, 1971. None of them testified to any of the circumstances surrounding the Wilson murder. Essentially, all three testified about the same matters regarding Barboza: he was a government witness who testified against the Mafia, he was placed in protective custody and relocated, and his life was threatened.

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[475] Letter from Edward Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Gerald Shur, Criminal Division, U.S. Dept. of Justice (Nov. 16, 1970) (Exhibit 366).

[476] Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI, and Boston FBI Field Office (Dec. 2, 1971) (Exhibit 428).

[477] Letter from John Mitchell, Attorney General, U.S. Dept. of Justice, to Dennis Condon, Special Agent, Boston FBI Field Office (Dec. 7, 1971) (Exhibit 437).

[478] Although Agent Condon did testify at the Barboza trial, he was not asked any questions about Lawrence Hughes. Hughes was able to produce some of the bonds or stock certificates at trial. When Barboza testified at his trial, he admitted that he attempted to sell the stolen bonds in Massachusetts.

[479] Trial Transcript, *California* v. *Bentley* (Cal. Super. Ct. Dec. 8, 1971) at 303 (cross-examination of FBI Special Agent Dennis Condon) (Exhibit 439).

[480] *Id.*

According to Barboza's attorney, Marteen Miller, the federal officials were not called to speak to the Wilson murder.[481] They were called because "[t]he FBI was held in such esteem that if I could call them as a witness and have them say substantially anything, relevant or not, that would be a point in my favor."[482]

Miller's assertion that basically anything the FBI and a highly placed Justice Department official said would be a point in Barboza's favor was substantiated in testimony before the Committee by Ed Cameron, Investigator for the Sonoma County District Attorney's Office, who worked on the Wilson case:

> Mr. CAMERON: Well, our concern was that, we thought we had a pretty good capital murder case. And we didn't have the best witnesses in the world, but we had witnesses, and we had evidence. And we had testimony from people who, and all of that. And we got to the end and we're having FBI agents suddenly appear as almost character witnesses. We had a long talk about what we should do with them as far as attacking them.
>
> And you have to keep in mind, this is in the early 1970's. The FBI, as far as we were concerned, was pretty sacrosanct. And our feeling was that if they really started getting into it and we knew what was going to happen, they were going to say, we can't go into that because of this, that and the other thing. Plus they had damaged our case to the point we didn't think the jury was going to convict on a first degree murder case.[483]

Miller concurred with Cameron's assessment of the impact of the testimony by the FBI agents and Harrington in favor of Barboza at the Wilson trial:

> Rep. LATOURETTE: Mr. Miller, do you have an opinion as to . . . whether or not these agents, Mr. Harrington had an impact on the jury?
>
> Mr. MILLER: No question they had an impact, sir.[484]

Two days following the testimony of the three federal officials for Barboza, the prosecution decided to start discussing a plea agreement with Barboza's attorney.[485] On December 13, 1971, a plea agreement whereby Barboza pleaded guilty to second-degree murder was entered with the court. Investigator Cameron, Prosecutor Ron Fahey, and Sonoma County District Attorney Kiernan Hyland agreed that the testimony by Harrington, Rico, and Condon had weakened their case to such a point that the prosecution accepted

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[481] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 33 (Feb. 13, 2002) (testimony of Marteen Miller).

[482] *Id.*

[483] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 80 (Feb. 13, 2002) (testimony of Ed Cameron).

[484] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 80 (Feb. 13, 2002) (testimony of Marteen Miller).

[485] *Id.*

the second-degree murder plea.[486] On December 14, 1971, Barboza was sentenced to prison for five years.[487]

iv. Joseph Barboza Returns to Prison

Even while Barboza was serving his prison sentence in California, his contacts with Edward Harrington did not end. Almost immediately, Harrington began helping Barboza plot his course for parole. On January 19, 1972, less than one month after Barboza was sentenced, Harrington wrote to the Correctional Counselor at Barboza's prison stating:

> It is the United States Government's desire that the State of California place [Barboza] in a constructive correction program designed for his ultimate release as a contributing member of society. . . . The government also requests that [Barboza's] significant contribution to law enforcement in the organized crime field be weighed when his eligibility for parole is considered.[488]

Harrington also informed Barboza that the Justice Department would inform the parole board of Barboza's contribution "to the government's campaign against organized crime." [489]

In the meantime, Barboza kept himself busy in prison by writing a book about his life. Barboza enlisted the aid of Harrington, who told Barboza he would be happy to talk to the author and identify "other individuals who would have background information relating to your career." [490] In addition, Barboza was invited to appear before the Select Committee on Crime in the U.S. House of Representatives to discuss organized crime where he stated that Frank Sinatra was involved in organized crime.[491] John Partington, the U.S. Marshal who led the detail to guard Barboza for three years, told Committee investigators that he later accused Barboza of lying about Sinatra's alleged involvement with organized crime.[492]

In September of 1972, Barboza was transferred from California to the Montana State Prison in Deer Lodge, Montana, to protect his life. While there, Barboza became increasingly concerned about parole. Barboza enlisted the help of Harrington to increase his

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[486] "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 80 (Feb. 13, 2002) (testimony of Ed Cameron); Interview with Ron Fahey, former Chief Deputy District Attorney, Sonoma County (July 9, 2001).

[487] According to interviews with the judge, prosecutors and other witnesses, the five-year sentence appears to have been routine and not influenced by the Justice Department or the FBI. *See* Interview with Marteen Miller, former Public Defender, Sonoma County, and Bony Saludes, former reporter, PRESS DEMOCRAT (July 9, 2001); Interview with Ed Cameron, former Investigator, Sonoma County District Attorney's Office (July 10, 2001); Interview with Ron Fahey, former Chief Deputy District Attorney, Sonoma County, and Gary Bricker, former U.S. Marshal (July 9, 2001); Interview with Judge Joseph P. Murphy, Jr. (Aug. 29, 2001) (Judge Joseph Murphy was the presiding judge for the Wilson murder trial.)

[488] Letter from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Lois Eggers, Correctional Counselor I, California Medical Facility (Jan. 19, 1972) (Exhibit 456).

[489] Letter from Edward F. Harrington, Attorney-in-Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Joe Barboza (June 19, 1972) (Exhibit 480).

[490] Letter from Edward F. Harrington, Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Joe Barboza (May 17, 1972) (Exhibit 469). Harrington's assistance with Barboza's book earned Harrington the dubious honor of having the book dedicated to him.

[491] "Organized Crime in Sports (Racing), Part 2," *Hearing Before the Select Comm. on Crime,* 92d Cong. 752, 755, 763 (May 24, 1972) (testimony of Joseph Barboza).

[492] Interview with John Partington, former U.S. Marshal (Sept. 24, 2001).

chances of a favorable decision from the parole board. On June 1, 1973, Harrington wrote the following to the Director of the Parole Board for Montana:

> I have been requested by Joseph Bentley, who will appear before the Montana Parole Board on June 26, 1973, to testify as a witness in his behalf.
>
> * * *
>
> [Barboza's] defection from the organized underworld and his decision to become a government witness against his former associates constitutes the single most important factor in the success of the federal government's campaign against organized crime in the New England area. . . . Please advise me if the appearance of witnesses before the Montana Parole Board is in conformity with your practices.[493]

On July 31, 1973, Barboza received a hearing before the Montana Parole Board. Although the Committee was unable to obtain the hearing records, Barboza revealed part of the proceedings in a letter to Greg Evans, investigator for Barboza's former attorney in California, Marteen Miller:

> How can I ever thank you and Marty [Miller] for what you two and Ted H. [Harrington] did for me today. Words can never even begin to express what I feel . . . The parole board said this is the fastest hearing in the History of Montana . . . I didn't even say one word! . . . You, Marty and Ted H. made this all come true. Nobody did I ever owe so much to![494]

Instead of being paroled, however, Barboza was transferred back to California. Barboza then attempted to contact Harrington, Condon, the Rhode Island Attorney General, and the Superintendent of the Rhode Island State Police to disclose information Barboza claimed he had regarding the murder of Romeo Martin.[495] However, the reactions to Barboza's offer by Harrington and Gerald McDowell, an attorney in the Boston Office of the Organized Crime Strike Force, show that the government had concerns about any additional information provided by Barboza:

> Mr. McDowell and Mr. Harrington had previously advised that [Barboza's] credibility as a witness had been seriously diminished by events that have transpirted [sic] in regard to him since his testimony in Federal and State Courts in 1968 and this is also the opinion of authorities in the Organized Crime Section of the Justice Department at Washington, D.C. . . . Boston sees no useful purpose in inter-

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[493] Letter from Edward F. Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Robert Miles, Director of the Parole Board, Montana State Prison (June 1, 1973) (Exhibit 566).

[494] Letter from Joseph Barboza to Greg Evans, Investigator, Sonoma County Public Defender's Office (July 31, 1973) (Exhibit 580).

[495] Romeo Martin was killed in July of 1966. There are a number of indications that Barboza murdered his old friend. FBI Report by Thomas Sullivan, Special Agent, Boston FBI Field Office (July 18, 1967) (Exhibit 149); VINCENT TERESA, MY LIFE IN THE MAFIA 117 (Doubleday & Company, Inc. 1973).

> view of [Barboza] at this time and events referred to by him occurred prior to his testimony in 1968. It is felt that this is another effort on part of [Barboza] to obtain Government support in bid for parole. Strike Force will not consider any future prosecutions based on [Barboza's] testimony.[496]

Although the Justice Department apparently would no longer use Barboza or listen to his information, it was concerned about his welfare. During 1975, media reports stated that the Mafia knew where Barboza was located and that a contract had been put out for his murder. The Justice Department and the FBI were concerned that the effectiveness of the Witness Protection Act would be adversely affected if Barboza were murdered.[497] Consequently, after serving a mere four years in prison for the Wilson murder, Barboza was "quietly paroled" from the Sierra Conservation Camp in California on October 30, 1975.[498]

On February 11, 1976, Joe Barboza was murdered in San Francisco.[499] Theodore Sharliss, also known as Jimmy Chalmis, a constant companion of Barboza while they were in prison in California, pleaded guilty in January of 1979 to setting up Barboza's murder.[500] In 1992, Joseph Russo pleaded guilty to murdering Barboza.[501]

2. Nevada

There is substantial evidence that the FBI interfered with the Las Vegas Police investigation of the murder of Peter J. Poulos to protect its informants. In this instance, the FBI sought to protect Top Echelon informant Stephen Flemmi from being prosecuted for the Poulos murder.[502]

William Bennett, one of the central figures in Boston's gang wars of the 1960's, was fatally shot and thrown from a moving car into a snow bank near Boston on December 23, 1967.[503] He was apparently murdered by Stephen Flemmi and Frank Salemme with the assistance of Robert Daddeico and Peter J. Poulos.[504] A short time thereafter, on January 30, 1968, Flemmi and Salemme planted a bomb in the automobile of Joseph Barboza's attorney, John E. Fitz-

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[496] Memorandum from Special Agent in Charge, Boston FBI Field Office, to Clarence Kelley, Director, FBI (Jan. 23, 1974) (Exhibit 594).

[497] *See* Memorandum from Gerald E. McDowell, Chief Attorney, Organized Crime Strike Force, Boston U.S. Dept. of Justice Field Office, to Gerald T. McGuire, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Sept. 17, 1975) (Exhibit 623); Airtel from Special Agent in Charge, Boston FBI Field Office, to Clarence Kelley, Director, FBI (Sept. 19, 1975) (Exhibit 626).

[498] *Former New England Mafia Figure Paroled,* PRESS DEMOCRAT, Nov. 7, 1975 (Exhibit 628).

[499] *Killer Barboza Slain,* BOSTON HERALD, Feb. 12, 1976 (Exhibit 636).

[500] Teletype from San Francisco FBI Field Office to J. Edgar Hoover, Director, FBI (June 6, 1979) (Exhibit 678).

[501] *Nation Briefly,* ORANGE COUNTY REGISTER, Jan. 23, 1992.

[502] Flemmi began exchanging information with the FBI in the early 1960s, *U.S.* v. *Salemme,* 91 F. Supp. 2d 141, 176 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000), and was targeted as an informant in November 1964. *See* Office of Professional Responsibility Summary Report (Exhibit 58). He served as an FBI informant for almost 30 years. *Id.*

[503] Interview with Robert Daddeico (Oct. 17–18, 2001); Shelley Murphy, *Playing Both Sides Pays Off,* BOSTON HERALD, Apr. 23, 1993.

[504] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299) (stating that information received from the Boston Police Department indicated that Flemmi and Salemme used Poulos as a "'decoy' to get Bennett into a position where he could be killed"); Interview with Robert Daddeico (Oct. 17–18, 2001).

gerald. This resulted in the loss of one of Fitzgerald's legs and part of the other.[505]

In early September 1969, FBI Special Agent H. Paul Rico called Flemmi and warned him that "indictments were coming down" for the William Bennett murder and Fitzgerald bombing.[506] Agent Rico suggested that Flemmi and "his friend," referring to Salemme, leave town.[507] Flemmi took Rico's advice and he, Salemme, and Poulos fled together.[508] A few days later, on September 11, 1969, a Suffolk County indictment was returned against Flemmi, Salemme, and Poulos for the Bennett murder.[509] A month later, on October 10, 1969, Flemmi and Salemme were indicted for the Fitzgerald bombing.[510]

On that same day, October 10, 1969, the body of an unidentified man, later determined to be Peter J. Poulos, was found forty feet south of a desert highway, just outside of Las Vegas in Clark County.[511] Employees of the Nevada Highway Department found the body while picking up trash.[512] Clark County Detectives Charles Lee and Jim Duggan were assigned to the investigation but did not know the victim's identity.[513]

Upon arriving at the crime scene, Lee believed that it looked like a "hit."[514] After searching the victim, Detectives Lee and Duggan found no identification.[515] They did, however, find a small loose-leaf notebook in the victim's jacket pocket, which revealed the name Paul J. Andrews and the address of a Los Angeles apartment.[516] After the body was examined at the scene, it was sent to a mortuary in Las Vegas, where an autopsy determined that the cause of death was multiple gunshot wounds.[517]

Lee and Duggan then contacted the Los Angeles Police Department and requested a check of the address to ascertain if it was the residence of Paul J. Andrews.[518] Los Angeles detectives confirmed that Paul J. Andrews had, in fact, rented an apartment at

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[505] "Law enforcement officials said Mr. Fitzgerald was targeted for death because he was the lawyer for a famed Cosa Nostra soldier turned-informer, Joseph Barboza Baron." Andy Dabilis & Ralph Ranalli, *Mob Lawyer Maimed in '68 Dies,* BOSTON GLOBE, July 5, 2001.

[506] *Salemme,* 91 F. Supp. 2d at 182.

[507] *Id.* According to the *Salemme* court, in warning Flemmi and Salemme about the impending indictments, Rico aided and abetted the unlawful flight of a fugitive, in violation of 18 U.S.C. §§2 and 1073. *Id.* The FBI's protection of Stephen "The Rifleman" Flemmi is discussed in Section II.A.8, *supra.*

[508] *Salemme,* 91 F. Supp. 2d at 182.

[509] Office of Professional Responsibility Investigative Report (Exhibit 9–11–69) (focusing on allegations of FBI mishandling of confidential informants); DICK LEHR & GERARD O'NEILL, BLACK MASS 12 (Perennial 2001).

[510] *Commonwealth* v. *Salemme,* 323 N.E.2d 922 (Mass. App. Ct. 1975).

[511] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[512] *Id.*

[513] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[514] *Id.* Lee also indicated that the victim was well dressed and his fingers were well manicured. *Id.*

[515] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[516] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[517] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[518] *Id.*

the address.[519] The detectives also discovered that Andrews had not been at the apartment for some time.[520] The Los Angeles Police compared fingerprints found in the apartment to the victim's fingerprints, positively establishing that the victim had been present in Andrews' apartment.[521] As a result, Detectives Lee and Duggan traveled to Los Angeles to investigate the case further.[522] They spoke with the former apartment manager of the apartment where Andrews resided.[523] The manager provided a physical description, which resembled that of Peter Poulos.[524] The manager also stated that another man accompanied the victim when he rented the apartment, and she last saw both men on September 27, 1969.[525]

Detectives Lee and Duggan forwarded the victim's fingerprint cards to the FBI, but the FBI failed to identify the victim.[526] To establish the victim's identity, the detectives were forced to go another route. In addition to being well-dressed, the victim had extensive gold dental work.[527] Therefore, the Clark County Detectives requested that the victim's teeth be extracted for the purpose of creating a dental mold.[528] The detectives then sent the "elaborate photographs" of the dental mold, along with a flier with a description of the victim, to all major police departments throughout the United States.[529]

The first big break in the case came on January 30, 1970.[530] Responding to the flier and photographs sent by Detectives Lee and Duggan, Sergeant Frank Walsh of the Organized Crime Section of the Boston Police Department tentatively identified the murder victim found near Las Vegas on October 10, 1969, as being Peter J.

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[519] *Id.*

[520] *Id.*

[521] *Id.*

[522] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[523] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[524] *Id.*

[525] *Id.* As noted in this memorandum, this is the likely date that Poulos left the apartment. First, the apartment manager stated that she saw the man whom she knew to be Paul Andrews and the person accompanying him carrying groceries into the apartment that day. Los Angeles Police found two sacks of unpacked groceries inside the apartment. Second, this date comports with the estimated time of death given by the coroner, who estimated that the death occurred ten to fourteen days prior to the discovery of the body. *See id.* The investigation conducted after the discovery of the body revealed that the death likely occurred on September 29, 1969. *Id.*

[526] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299). According to Lee, there was not a nationwide fingerprint database in 1969 like there is today. Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[527] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[528] *Id.*

[529] *Id.; see also* Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299) (stating that the fliers were sent out on January 6, 1970).

[530] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Clark County Sheriff's Department Follow-Up Police Report ["Follow-Up Report"] (Feb. 9, 1970) (Exhibit 290).

Poulos.[531] Indeed, Detective Lee said that it was "Frank Walsh [who] broke the case for us. He was a world of information." [532]

On that same day, January 30, 1970, Special Agent McKinnley of the Las Vegas FBI Office notified the Clark County Sheriff Department that his office received information from the Boston FBI Office that the Boston Police Department had established tentative identification of the victim as being Peter Poulos.[533] Agent McKinnley further stated that Poulos was wanted by the Boston Police Department for the murder of William Bennett and was wanted by the FBI for unlawful flight to avoid prosecution in connection with the Bennett murder.[534]

Three days later, on February 2, 1970, Agent McKinnley provided Clark County Detectives with an apparent FBI wanted poster on Poulos that contained his fingerprints.[535] A comparison of the victim's fingerprints with that of Poulos' fingerprints positively established the victim as being Peter J. Poulos.[536] That same day, the Clark County Detectives talked to Sergeant Walsh on the phone. Sergeant Walsh told the detectives that Stephen Flemmi and Frank Salemme probably murdered Poulos.[537]

Sergeant Walsh stated that the Boston Police Department wanted Poulos, Flemmi, and Salemme for their role in the William Bennett murder.[538] He further stated that Poulos was a loan shark and racketeer in the Boston area and that Flemmi and Salemme were members of the Boston La Cosa Nostra.[539] Walsh told the detectives that on the day that Poulos, Flemmi, and Salemme were indicted for the Bennett murder, they all disappeared from the Boston area.[540] In fact, Sergeant Walsh stated that the Boston Police Department discovered that Poulos, who lived with his mother, received several phone calls on September 11, 1969, asking him to contact a person named "Steve," presumably Stephen Flemmi.[541] Once Poulos returned home that day, his mother gave him the

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[531] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299). This memorandum states that it was the Las Vegas FBI Office that notified the Clark County Sheriff's Department that it had received information from the Boston FBI Office that the Boston Police Department had established tentative identification of Poulos. *See also* Follow-Up Report (Exhibit 290); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[532] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[533] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[534] *Id.*

[535] *Id.;* Follow-Up Report (Exhibit 290).

[536] Clark County Sheriff's Evidence Examined Report (Feb. 2, 1970) (Exhibit 289); Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Follow-Up Report (Exhibit 290).

[537] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).

[538] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[539] *Id.* Although both were associated with La Cosa Nostra criminal activity, at the time neither were members of the organization.

[540] *Id.;* Follow-Up Report (Exhibit 290).

[541] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299). *But see* Letter from Frank Walsh, Sergeant Detective, Organized Crime Section, Boston Police Department (Feb. 3, 1970) (Exhibit 291), which states that on a night previous to the return of the true bill "Peter received a telephone call from a person who stated to Mrs. Poulos that it was very important for Peter to get in touch with Steve. This message was given to Peter when he came home on Monday, September 8, 1969, and he stated to her that he was going to Cape Cod for a couple of weeks vacation."

message. He told his mother that he was going to vacation on Cape Cod for a while.[542] Poulos then left immediately, taking very few clothes.[543]

Walsh also told the detectives that additional information received by the Boston Police Department established that Poulos took $50,000 with him.[544] Walsh conveyed that local police expected that Poulos would never be seen alive again, because Flemmi and Salemme considered him a "weak link" and would eventually kill him.[545] Detective Lee told Committee staff that Walsh told him that just before the three fled, Poulos "rolled over as an informant" and was going to incriminate Flemmi and Salemme.[546] Detective Lee also thinks that Sergeant Walsh mentioned a grand jury. Hence, Flemmi and Salemme were likely tipped off that Poulos was an informant, or was considering becoming an informant or cooperating witness, and that Poulos testified or agreed to testify before a grand jury regarding the Bennett murder or another crime.[547]

Once the identity of the victim was established as Peter J. Poulos, photographs of Flemmi, Salemme, and Poulos were shown to the apartment manager in Los Angeles.[548] The manager indicated that the photographs of Poulos and Salemme closely resembled Andrews and his associate.[549] Moreover, information received from Sergeant Walsh indicated that the bullets that killed William Bennett matched the bullets that killed Poulos.[550]

The detectives' case was coming together. All of the evidence pointed directly at Flemmi and Salemme as Poulos' murderers.[551] Detectives Lee and Duggan's police report concluded that Poulos, Flemmi, and Salemme fled Boston together on September 11, 1969, and traveled to Los Angeles, where one of the three rented an apartment using the alias, "Paul J. Andrews." [552] On September 27, 1969, the three left the apartment, heading towards Las Vegas. Be-

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[542] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299); Letter from Frank Walsh, Sergeant Detective, Organized Crime Section, Boston Police Department (Feb. 3, 1970) (Exhibit 291); Follow-Up Report (Exhibit 290).

[543] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299). Four days later, Mrs. Poulos notified the Boston Police that her son's car was parked outside of her home. *See* Letter from Frank Walsh, Sergeant Detective, Organized Crime Section, Boston Police Department to Charles Lee, Detective, Office of the Clark County Sheriff (Feb. 3, 1970) (Exhibit 291). Mrs. Poulos stated that someone placed the car in the driveway during the night. *Id.* Human blood was found on the right front bumper of the car. *Id.* This was probably the blood of William Bennett since Poulos' car was used for the William Bennett murder. Interview with Robert Daddeico (Oct. 17–18, 2001).

[544] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[545] *Id.*

[546] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002). Detective Lee also thinks that Sergeant Walsh said something about a grand jury. *Id. See also* John Smith, *Police Frustrated over Federal Protection of Slaying Suspects,* LAS VEGAS REVIEW JOURNAL, Oct. 21, 1998 (Exhibit 281).

[547] Detective Lee stated that Sergeant Walsh knew that Poulos was an informant, so he postulated that others in the Boston Police Department may have too, which may have led to Flemmi and Salemme being tipped off as to Poulos' status as an informant. Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002); *see also* John Smith, *Police Frustrated over Federal Protection of Slaying Suspects,* LAS VEGAS REVIEW JOURNAL, Oct. 21, 1998 (Exhibit 281) ("Someone tipped [Flemmi and Salemme] off and Poulos was silenced.")

[548] Memorandum from Ralph Lamb, Sheriff, Clark County, by Jim Duggan and Charles Lee, Detectives, to George Franklin, District Attorney, Clark County (Mar. 11, 1970) (Exhibit 299).

[549] *Id.*

[550] *Id.*

[551] *Id.*

[552] *Id.*

fore arriving in Las Vegas, "Flemmi and Salemme shot and killed victim Peter J. Poulos leaving his body alongside the highway where it was subsequently discovered."[553]

With everything ostensibly in order, Clark County District Attorney George Franklin was ready to move forward with the case. He approved a criminal complaint charging Flemmi and Salemme for the murder of Poulos.[554] District Attorney Franklin then issued a warrant charging Flemmi and Salemme for Poulos' murder.[555] On March 12, 1970, Judge Roy Woofter signed the arrest warrant.[556] The investigation then came to an unexpected and sudden halt.[557]

First, Detectives Lee and Duggan asked for routine permission to travel to Boston to interview the key witnesses and suspects.[558] District Attorney Franklin denied their routine request.[559] Lee told Committee staff that in all of his years as a homicide detective he "never ran across a case where you could not interview [the] suspects."[560] Second, despite getting an arrest warrant signed by Judge Woofter, which Franklin himself issued, Franklin refused to initiate extradition proceedings against Flemmi and Salemme.[561] Undeterred, Lee then asked Franklin if a fellow detective from Clark County, who was going back East to visit his family, could conduct some interviews and an investigation while he was there.[562] This request was also denied.[563]

Lee was perplexed.[564] He then asked Franklin why his investigation was being blocked and why Franklin suddenly refused to initiate extradition proceedings.[565] Franklin told Lee that "the FBI stopped the case."[566] Lee said that he remembers this encounter vividly, because "it was the only case where he got a murder warrant and it was not pursued."[567] Lee remarked, "We got murder warrants on the two, but everything came to a sudden stop."[568] Lee further recalls, "They wouldn't let us go back to interview them. And there was no move to extradite them. I worked a lot of homicides. That's the only one that ended up like this."[569] Lieutenant Tom Monahan told Committee staff that "it is clear the FBI asked the DA to step aside and not do anything."[570]

In conclusion, the FBI's interference with Nevada law enforcement's efforts to prosecute Flemmi and Salemme for the murder of Poulos inhibited the administration of justice. The reason this murder investigation was unexpectedly halted by the FBI is apparent.

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[553] *Id.*
[554] Interview with David Hatch, Detective, Las Vegas Metro Police Dept., Cold Case Review, Homicide Section (Apr. 4, 2002).
[555] *Id.*
[556] Clark County Sheriff's Department Case Cleared Report (Mar. 19, 1970) (Exhibit 300).
[557] Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002).
[558] *Id.*
[559] *Id.*
[560] *Id.*
[561] *Id.*
[562] *Id.*
[563] *Id.*
[564] *Id.*
[565] *Id.*
[566] *Id.*
[567] *Id.*
[568] John L. Smith, *Police Frustrated over Federal Protection of Slaying Suspects,* LAS VEGAS REVIEW JOURNAL, Oct. 21, 1998 (Exhibit 281).
[569] *Id.*
[570] Interview with Tom Monahan, Lieutenant, Las Vegas Metropolitan Police Dept., Homicide Section (Apr. 4, 2002).

In fact, it is the same reason Rico encouraged Flemmi to flee before he was indicted for the William Bennett murder and the Fitzgerald bombing. The FBI was protecting its Top Echelon informant Stephen Flemmi.

3. Oklahoma

In the late 1970s, Oklahoma businessman Roger Wheeler, Sr., purchased World Jai Alai, a company that owned facilities where it was legal to gamble on the handball-like sport.[571] Although rumors of organized crime's involvement in the gaming industry made him hesitate to invest in the company, Wheeler was comforted by the fact that his staff was composed of former FBI agents, including former Special Agent H. Paul Rico, who assured him that his company was "clean."[572] Wheeler, however, came to suspect the president of World Jai Alai of skimming money from the company for Winter Hill Gang members, including James "Whitey" Bulger and Stephen Flemmi.[573] Wheeler fired the World Jai Alai president and began a company-wide audit.[574] Shortly thereafter, Winter Hill Gang hit men murdered Wheeler at the Southern Hills Country Club in Tulsa, Oklahoma, on May 27, 1981.[575]

Sergeant Michael T. Huff was the first detective to arrive at the scene.[576] Soon after the murder, the Massachusetts State Police provided Huff with information that Bulger and Flemmi were possibly involved.[577] Bulger, Flemmi, and John Callahan—the former President of World Jai Alai whom Wheeler fired—allegedly attempted to arrange Wheeler's murder.[578] They asked Brian Halloran, a Winter Hill Gang member, if he was willing to kill Wheeler.[579] Several months later, Halloran was facing a state murder charge for a separate incident and offered to cooperate with the FBI.[580] He told FBI agents about his meeting regarding Wheeler.[581] The agents informed the supervisor of the Organized Crime squad, John Morris, of Halloran's allegations.[582] Morris told Agent John Connolly, who handled Bulger and Flemmi, of Halloran's cooperation, expecting Connolly to relate the information to his informants.[583] Agent Connolly, in turn, informed Bulger and Flemmi of Halloran's cooperation, and Bulger and Flemmi promptly killed Halloran.[584]

Sergeant Huff, and other local officials in Oklahoma and Boston, did not have an opportunity to speak with Halloran before he was

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[571] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 268 (Dec. 5, 2002) (testimony of David Wheeler); *U.S.* v. *Salemme,* 91 F. Supp. 2d 141, 208 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000).

[572] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 266, 269 (Dec. 5, 2002) (testimony of David Wheeler).

[573] *Salemme,* 91 F. Supp. 2d at 208.

[574] *See id.* at 209.

[575] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 26 (Dec. 5, 2002) (testimony of Michael T. Huff).

[576] *See id.*

[577] *See id.* at 27.

[578] *See Salemme,* 91 F. Supp. 2d at 209.

[579] *See id.*

[580] *See id.*

[581] *See id.*

[582] *See id.*

[583] *See id.*

[584] *See id.* at 209–10.

murdered.[585] The Miami, Oklahoma City, and Boston FBI offices held a meeting soon after Halloran's murder, but they did not discuss advising the local law enforcement agencies investigating the Wheeler murder of the information Halloran had provided concerning Bulger and Flemmi.[586] The Boston FBI departed from the Bureau's standard procedures to ensure that the information it had received from Halloran regarding Bulger and Flemmi was virtually inaccessible to anyone who might want to review it.[587] The Boston FBI also succeeded in keeping local law enforcement officials such as Huff from ever speaking to Bulger and Flemmi.[588]

In July 1982, Huff traveled to Boston to meet with detectives from the Connecticut State Police and Massachusetts State Police.[589] Huff wanted information on the activities and location of former World Jai Alai President John Callahan.[590] Before Huff could locate Callahan and question him about the Wheeler murder, Callahan's body was found in the trunk of his car in Miami, Florida.[591]

While in Boston, Huff also met with Organized Crime Strike Force Prosecutor Jeremiah O'Sullivan.[592] At this meeting, Huff was shocked by what he learned.[593] Federal authorities knew that Flemmi and Bulger were hit men.[594] O'Sullivan described former FBI Special Agent H. Paul Rico, then vice-president of World Jai Alai, as a "rogue agent" who caroused with Winter Hill Gang members.[595] During the meeting, the Massachusetts State Police mentioned that FBI Special Agent John Connolly had real estate transactions with the Winter Hill Gang, but O'Sullivan downplayed these transactions.[596] Despite all of this information, the FBI's official position was that Rico and Connolly were the "cream of the crop."[597] Huff also discussed Halloran with O'Sullivan, but O'Sullivan called Halloran a liar and questioned his credibility.[598] Huff candidly described his meeting with O'Sullivan to the Committee:

> Over the past twenty years, there have been many such instances of surprise and disappointment during this investigation. I look back to the July meeting in this very building as an "end of innocence" in my career in law en-

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[585] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 266 (Dec. 5, 2002) (testimony of Michael T. Huff).
[586] *See Salemme,* 91 F. Supp. 2d at 210–11.
[587] *See id.* at 212.
[588] *See id.* at 208.
[589] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 266 (Dec. 5, 2002) (testimony of Michael T. Huff).
[590] *See id.*
[591] *See Salemme,* 91 F. Supp. 2d at 211.
[592] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 277 (Dec. 5, 2002) (testimony of Michael T. Huff).
[593] *See id.*
[594] *See id.*
[595] *See id.* O'Sullivan testified that he did not recall telling Sergeant Huff that Rico socialized with Winter Hill Gang members. When pressed, O'Sullivan said that it was possible that he told Sergeant Huff this information, but the prosecutor could not specifically recall doing so. *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 266 (Dec. 5, 2002) (testimony of Jeremiah T. O'Sullivan).
[596] *See id.* at 28.
[597] *See id.*
[598] *See id.* at 44.

> forcement. I had never been exposed to such a cesspool of dirt and corruption.[599]

This meeting had a deep impact on Huff, and the information provided by O'Sullivan led him to include FBI Special Agents Paul Rico and John Connolly as associates of the Winter Hill Gang when he subsequently drafted a report in August of 1982.[600]

Without cooperation from the FBI, the Wheeler murder investigation sputtered until 1995.[601] In January 1995, the Massachusetts State Police called Huff and informed him that Flemmi, Bulger, and others would soon be prosecuted.[602] From his experience with the Wheeler investigation, Huff knew that "unimaginable corruption within the FBI" would soon be discovered.[603] Despite FBI corruption and lack of cooperation, the Wheeler murder investigation is still active.[604] In May 2002, John Martorano, the Winter Hill Gang hit man who murdered Wheeler, told a federal jury that former Agent H. Paul Rico furnished information about Wheeler's habits that helped Martorano plan Wheeler's murder.[605] Rico was the vice president and director of security at World Jai Alai when Wheeler was murdered.[606] Martorano reportedly testified that he was given "a piece of paper written by Rico with all the information—his phone numbers, addresses."[607] The Tulsa Police Department continued to investigate Rico as a conspirator in the Wheeler murder.[608] Following Stephen Flemmi's acceptance of a plea agreement on federal charges, Rico was finally arrested in connection with the Wheeler murder.[609]

While the Wheeler investigation and now prosecution continues, Roger Wheeler's son David poignantly reminded:

> Forgotten in all of this are the people the Agency is sworn to serve, the people it was designed to protect: People like my father. People like all of the others murdered by this Agency's informants, whose families—some of them present today, in this room—grieve to this day.
>
> Something else has been lost, too, perhaps forever, as a result of these disclosures of FBI abuse: Trust and confidence. The trust of people who, like my father, believed the FBI served a good and honorable purpose. People who would like to trust the Bureau, but now, sadly, do not.

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[599] *Id.* at 28.
[600] *See id.*
[601] *See id.* at 29.
[602] *See id.*
[603] *See id.*
[604] *See id.* at 29–30.
[605] *See* J.M. Lawrence, *Oh, Brother; Hit Man Says Bulger Asked Agent to Watch over Whitey,* BOSTON HERALD, May 14, 2002, at 1.
[606] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 269 (Dec. 5, 2002) (testimony of Michael T. Huff); Edmund H. Mahony, *Detective: Jai Alai Slaying Investigation Still Active,* HARTFORD COURANT, Dec. 6, 2002, at A14.
[607] *See* Edmund H. Mahony, *Detective: Jai Alai Slaying Investigation Still Active,* HARTFORD COURANT, Dec. 6, 2002, at A14.
[608] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 272 (Dec. 5, 2002) (testimony of Michael T. Huff); Edmund H. Mahony, *Detective: Jai Alai Slaying Investigation Still Active,* HARTFORD COURANT, Dec. 6, 2002, at A14.
[609] Ralph Ranalli, *Break Seen In Fight on Corruption,* BOSTON GLOBE, Oct. 10, 2003.

> Where there was once trust, there is now fear. And that is a loss we cannot afford.[610]

David Wheeler's story is not unique; FBI informants destroyed the lives of many other families.

4. Florida

There is substantial evidence that state and local law enforcement efforts in Florida were obstructed by the FBI during a Miami homicide investigation. On August 4, 1982, John Callahan's body was found in the trunk of his car at the Miami Airport.[611] Shelton Merritt, lead investigator in the homicide investigation, told Committee investigators that he had received information that there might be a Boston connection to the Callahan murder. Consequently, he and Sergeant Mike Hammerschmidt traveled to Boston shortly after Callahan's body was discovered to pursue various leads.[612] Merritt and Hammerschmidt met with Special Agent Gerald Montanari in the Boston FBI Office and indicated they wanted to interview witnesses about the Callahan murder.[613] Montanari said "let's walk outside," and, when they were outside, he told the Florida police officers that that they could not talk in the office.[614] Montanari said the FBI was interviewing the witnesses and that Merritt and Hammerschmidt could not.[615] Montanari told Merritt and Hammerschmidt that Callahan had been planning to provide the FBI with information but was killed before doing so.[616] Merritt went back to Miami, aware that he was dealing with organized crime.[617]

From the outset of the investigation, the FBI had access to the Florida homicide unit's investigative findings.[618] H. Paul Rico, a former FBI Special Agent and the Security Director of World Jai Alai, soon became aware of every move Merritt and the other investigators made.[619] Florida homicide investigators became uncomfortable with this arrangement. As a result, FBI agents were not allowed to look at reports or even to go on the homicide floor without supervision.[620]

Upon returning to Florida, Merritt began working with the Florida Department of Law Enforcement ("FDLE"), which was conducting an investigation of corruption in the gaming industry.[621] Merritt and the FDLE began working with IRS auditors in an attempt to understand the alleged motive for the Callahan murder.[622] Lewis Wilson, an FDLE Special Agent, was involved in the inves-

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[610] *See* "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 270 (Dec. 5, 2002) (testimony of David Wheeler).
[611] *U.S.* v. *Salemme,* 91 F. Supp. 2d 141, 211 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000).
[612] Telephone interview with Shelton Merritt, former Detective, Metro Dade Police Dept. (Dec. 2, 2002).
[613] *Id.*
[614] *Id.*
[615] *Id.*
[616] *Id.*
[617] *Id.*
[618] *Id.*
[619] *Id.*
[620] *Id.*
[621] *Id.*
[622] *Id.*

tigation.[623] At the time, Wilson was aware that Rico employed the wife of one FBI Special Agent at World Jai Alai.[624] Documents obtained by the Committee also show that the previous year Rico had entertained FBI Special Agents Tom Dowd, whose wife worked for Rico, and Jerry Forrester in the Bahamas and that this business relationship was paid for by World Jai Alai.[625] Wilson has had a persistent feeling for the last twenty years that "things didn't feel right" with the FBI.[626] According to Wilson, "this case has haunted [him] for the last twenty years."[627]

The Callahan murder investigation and the related investigation of corruption in the jai alai business gradually fizzled out.[628] According to Merritt, he was "stonewalled and snowballed" by the FBI and "the FBI gave them the cold shoulder."[629]

5. Massachusetts

This section makes no attempt to provide a complete accounting of the problems experienced by state investigators. Although there may be many more, this section discusses four investigations that appear to have been compromised in an effort to protect Stephen Flemmi and James Bulger.

i. Operation Lobster

FBI personnel appear to have compromised a number of state investigations in Massachusetts. In 1977, the Boston FBI and the Massachusetts State Police initiated Operation Lobster, a joint probe of the widespread hijacking of trucks in New England.[630] The lead state police representative, Bob Long, recalled that there was no cooperation from the FBI on the operation.[631] Operation Lobster intended to target James "Whitey" Bulger, Stephen Flemmi, and other members of the Winter Hill Gang.[632] FBI Agent Nick Gianturco went undercover, posing as a fence for the truck hijackers.[633] The investigation continued into 1978 when, in an offhand remark, Bulger told FBI Agent John Connolly that some of his associates were considering robbing a fence (Gianturco) in Boston.[634] Connolly was concerned for Gianturco's safety, called the undercover agent, and warned him that the hijackers were going to kill him.[635] Sergeant Bob Long, however, said there was never any evidence that Gianturco's life was in danger.[636] Agent Connolly

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[623] Telephone interview with Lewis Wilson, former Special Agent, Florida Department of Law Enforcement (Dec. 2, 2002).
[624] *Id.*
[625] World Jai Alai Purchase Report (May 11, 1981) (Exhibit 719).
[626] Telephone interview with Lewis Wilson, former Special Agent, Florida Department of Law Enforcement (Dec. 2, 2002).
[627] *Id.*
[628] Telephone interview with Shelton Merritt, former Detective, Metro Dade Police Dept. (Dec. 2, 2002).
[629] *Id.*
[630] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).
[631] *Id.*
[632] *Id.*
[633] *See United States* v. *Salemme,* 91 F. Supp. 2d 141, 197 (D. Mass. 1999), *rev'd in part sub nom. U.S.* v. *Flemmi,* 225 F.3d 78 (1st Cir. 2000).
[634] *See* DICK LEHR & GERARD O'NEILL, BLACK MASS 61 (Perennial 2000).
[635] *See id.* Flemmi contradicted Connolly's account, saying that Connolly was informed of a possible shakedown of Gianturco, not a planned murder. Connolly would later claim that Bulger helped save an FBI agent's life as a justification for leaving Bulger open as an informant. *See id.* at 130; *Salemme,* 91 F. Supp. 2d at 197.
[636] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

did not notify the FBI and state police officials responsible for Gianturco's safety or Bulger's remark, nor did he document the episode in an FBI report until two years later.[637] After Connolly warned Gianturco of the possible threat on his life, Operation Lobster was quickly concluded with the arrest of 46 people from every organized crime faction in the city except Bulger's and Flemmi's South Boston.[638]

ii. The Lancaster Street Garage

In 1980, the Massachusetts State Police determined that the Lancaster Street Garage ("Garage") in downtown Boston was a hub for organized crime figures conducting illegal activities.[639] From an apartment across Lancaster Street, the state police saw virtually every organized crime figure in New England visit James "Whitey" Bulger and Stephen Flemmi at the Garage.[640] After watching the Garage for eleven weeks, the police consulted Jeremiah O'Sullivan, the top federal prosecutor for the New England Organized Crime Strike Force, about obtaining authority for microphone surveillance.[641] The Massachusetts State Police insisted that the FBI not be told about the microphone because state officials believed that Bulger and Flemmi were FBI informants who might compromise the investigation if they knew about the bug.[642] Considering the request to conduct the investigation without the FBI, O'Sullivan recommended that the state police work with the Suffolk County District Attorney's Office.[643] With the local prosecutor's assistance, the state police obtained a warrant to bug the Lancaster Street Garage.[644] On July 24, 1980, the state police successfully installed a microphone in the Garage.[645]

For about two weeks, the Lancaster Street bug was "extremely productive."[646] Bob Long, a Sergeant for the Massachusetts State Police, said that they initially picked up transmissions of Bulger and Flemmi meeting in the Garage's office.[647] However, within a few weeks Bulger and Flemmi abruptly changed their routine and no longer discussed business in the office.[648] Instead, Bulger and Flemmi joked about what great guys the state police were, and the two informants eventually stopped using the Garage altogether.[649] The state police knew that Bulger and Flemmi had been tipped off concerning the electronic surveillance.[650] According to Judge Mark

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[637] *See* DICK LEHR & GERARD O'NEILL, BLACK MASS 61, 130 (Perennial 2000). The authors of *Black Mass* concluded that Flemmi—not Bulger—informed Connolly of the plan to rob the fence. *Compare id. with Salemme,* 91 F. Supp. 2d at 197.

[638] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

[639] *See Salemme,* 91 F. Supp. 2d at 202.

[640] *See id.;* DICK LEHR & GERARD O'NEILL, BLACK MASS 85 (Perennial 2000).

[641] *See Salemme,* 91 F. Supp. 2d at 202; DICK LEHR & GERARD O'NEILL, BLACK MASS 84–85 (Perennial 2000).

[642] *See Salemme,* 91 F. Supp. 2d at 202; Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

[643] Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001). Concerning the exclusion of the FBI from Long's investigation, O'Sullivan also advised Long that it would be suicide for him to go against the FBI. *See id.*

[644] *See Salemme,* 91 F. Supp. at 202; DICK LEHR & GERARD O'NEILL, BLACK MASS 85 (Perennial 2000).

[645] *See Salemme,* 91 F. Supp. at 202.

[646] *See id.*

[647] Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

[648] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001); DICK LEHR & GERARD O'NEILL, BLACK MASS 85 (Perennial 2000).

[649] Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

[650] *See Salemme,* 91 F. Supp. 2d at 202.

Wolf, Flemmi originally learned of the bug from a Massachusetts State Police Trooper.[651] Flemmi then discussed this matter with Agent John Connolly, who was able to confirm for Flemmi and Bulger that the Lancaster Street Garage was bugged.[652] Flemmi and Bulger conveyed the information to their organized crime associates, and discussion of criminal activity at the Garage stopped.[653] The Lancaster Street Garage investigation was a failure.

iii. The Howard Johnson's Investigation

A few weeks after the Lancaster Street Garage investigation was compromised, the Massachusetts State Police began a new investigation of Bulger and Flemmi.[654] The state police determined that Bulger and Flemmi were using a bank of pay phones at a Howard Johnson's restaurant in Boston to conduct business.[655] State troopers believed that Bulger and Flemmi were involved in drug trafficking after they were seen meeting with Frank Lepere, a marijuana dealer, who had visited the Lancaster Street Garage.[656] The following day, September 5, 1980, Bulger and Flemmi met at Howard Johnson's with Mickey Caruna, reputedly the biggest drug trafficker in New England.[657] Based on this information, the state police obtained a second warrant to conduct electronic surveillance of Bulger and Flemmi.[658] On September 17, 1980, the five pay phones outside the Howard Johnson's were tapped.[659] The state troopers awaited the targets' arrival, but Bulger and Flemmi never used the Howard Johnson's for business again.[660]

iv. The DEA Investigation

Several years later, in 1984, the DEA initiated an investigation targeting Bulger and Flemmi.[661] DEA officials understood that any effort to obtain a court order to conduct electronic surveillance of Bulger and Flemmi would have to include a law enforcement agency with the authority to investigate non-narcotics offenses because the DEA expected to overhear evidence of loansharking, gambling, and extortion.[662] The DEA preferred not to collaborate with the FBI, which had the authority to investigate these offenses, because DEA agents believed that Bulger and Flemmi were FBI informants.[663] Thus, the DEA recruited the Massachusetts State Police, instead of the FBI, to assist with the investigation.[664] Despite efforts to keep the joint investigation secret, Special Agent Connolly learned of the investigation and advised his informants of the pos-

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[651] *See id.*
[652] *See id.*
[653] *See id.*
[654] *See* DICK LEHR & GERARD O'NEILL, BLACK MASS 90 (Perennial 2000).
[655] *See id.* at 90–91; Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).
[656] *See* DICK LEHR & GERARD O'NEILL, BLACK MASS 91 (Perennial 2000).
[657] *See id.*
[658] *See id.*
[659] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001); DICK LEHR & GERARD O'NEILL, BLACK MASS 91 (Perennial 2000).
[660] *See* Interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001); DICK LEHR & GERARD O'NEILL, BLACK MASS 91 (Perennial 2000).
[661] *Salemme,* 91 F. Supp. 2d at 220.
[662] *Id.* at 223.
[663] *See id.* at 220, 223.
[664] *See id.* at 223.

sibility of electronic surveillance.[665] The DEA and U.S. Attorney's Office soon realized that Bulger and Flemmi were aware that they had been targeted, but decided to continue the investigation.[666] Federal authorities wanted to convey the impression to Bulger and Flemmi that the investigation had been concluded.[667] In an effort to reduce the number of people who knew about the investigation and minimize the risk of leaks, the DEA cut the Massachusetts State Police out of the investigation on the pretext that it was being abandoned. Thus, the DEA lost the partner in the joint investigation with the authority and experience to investigate gambling and loansharking.[668] The DEA investigation was ultimately unsuccessful, and, due to Agent Connolly's leak, the Massachusetts State Police's role in another Bulger and Flemmi investigation had been compromised.[669]

6. Connecticut

Connecticut state law enforcement also encountered interference with important investigations, particularly in regard to its scrutiny of organized crime involvement in the sport of jai alai.[670] "Investigators from agencies for various states, in particular state police detectives from Connecticut, have long complained that FBI agents in Boston impeded jai alai investigations in an effort to protect two bureau informants."[671] According to Austin McGuigan, former chief prosecutor of the Connecticut Statewide Organized Crime Task Force, "Federal agents were all too willing to provide information regarding state and local investigations to former FBI agents who were employed by the very businesses that were under investigation . . . [, but] the same information was not provided to the agencies mandated by law to prosecute these cases."[672]

The Connecticut legislature legalized jai alai gambling in April 1972.[673] This authorization led to several state law enforcement jai alai investigations concerning game fixing and connections to organized crime. "Before the first [Connecticut] fronton[674] opened in 1976, allegations surfaced that mob-connected businessmen from Florida were trying to expedite the Connecticut licensing process with a substantial cash payment."[675] As a result, the Connecticut Statewide Organized Crime Task Force, with Austin McGuigan as its chief prosecutor, began an investigation in the fall of 1975 into the opening of a Bridgeport Jai Alai fronton.[676] During the inves-

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[665] *See id.* at 227–28.
[666] *See id.* at 230.
[667] *See id.*
[668] *See id.*
[669] *See id.* at 242.
[670] Jai alai is a court game similar to handball in which players use a long hand-shaped basket strapped to the wrist to catch and propel the ball.
[671] Edmund Mahony, *Sources: Gangster Admits to Jai Alai Killing,* HARTFORD COURANT, July 23, 1998, at A1.
[672] "Justice Department Misconduct in Boston: Are Legislative Solutions Required?," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 681 (Feb. 27, 2002) (testimony of Austin McGuigan).
[673] Lyn Bixby, *25 Years of Gambling in Connecticut; A Quarter-Century of Gambling, Hidden Costs,* HARTFORD COURANT, Feb. 24, 1997, at A1.
[674] A fronton is a building in which jai alai is played.
[675] Edmund Mahony & Lyn Bixby, *Did the FBI Hinder the Investigation into the 1980s Jai Alai Killings? A Tale of Murder and Frustration,* HARTFORD COURANT, Nov. 9, 1997, at A1.
[676] "Justice Department Misconduct in Boston: Are Legislative Solutions Required?," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 675 (Feb. 27, 2002) (testimony of Austin McGuigan).

tigation, the task force discovered meetings between major New York and New Jersey La Cosa Nostra figures and the President of Bridgeport Jai Alai and determined that a loan from the Central State Teamsters Fund had funded the fronton.[677] The task force revoked Bridgeport Jai Alai's license because of its connection to organized crime but did not have jurisdiction to conduct a thorough investigation because certain meetings were occurring in New Jersey and New York and the loans were originating in Chicago.[678] Consequently, the task force attempted to turn over the information it had uncovered to federal law enforcement.[679] However, according to McGuigan, "they displayed a singular lack of interest in pursuing the case and, to say the least, were uncooperative." [680]

Chief Prosecutor McGuigan and the task force then began a licensing investigation into World Jai Alai, which was planning to open a fronton in Hartford.[681] Members of the task force had previously met a number of ex-FBI agents engaged as security specialists at World Jai Alai, including H. Paul Rico, the head of security who had formerly worked as a Special Agent in the Boston FBI Office.[682] As a Justice Department employee, Rico specialized in organized crime investigations and the development of confidential informants. The task force requested information about World Jai Alai President John Callahan from federal law enforcement agencies but received no information of consequence.[683] McGuigan later discovered that the federal government was aware, in January 1976, of allegations that Callahan was involved in loan sharking with Boston's Winter Hill Gang.[684] This information was shared with former FBI Special Agent Paul Rico while the task force's request for information from federal officials was met with silence.[685]

Although federal law enforcement had not provided information about Callahan sufficient to raise concerns, Connecticut investigators were suspicious of his activities and connections. As a result, task force investigators decided to follow Callahan when he left a meeting in Hartford.[686] Callahan had told the task force that he was going directly to Miami after meeting with the task force. McGuigan, however, followed Callahan, who went to Boston instead of Miami.[687] McGuigan mentioned Callahan's name to Chief Prosecutor Tom Dwyer of the Suffolk County Organized Crime Prosecution Unit, and was told that Callahan had "organized crime connections, Winter Hill Gang." [688] Dwyer further told McGuigan that his unit had done surveillance on Callahan and that Callahan "had meetings with the Winter Hill Gang, John Martorano, the Flemmis, Howie Winter, and so forth." [689] McGuigan was puzzled

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[677] *Id.*
[678] *Id.* at 675, 682.
[679] *Id.* at 675.
[680] *Id.* at 676, 682.
[681] *Id.*
[682] *Id.*
[683] *Id.*
[684] *Id.* at 677, 683.
[685] *Id.*
[686] *Id.* at 676, 682.
[687] *Id.*
[688] *Id.*
[689] *Id.*

as to how this information was not known to the former FBI agents working in security at World Jai Alai.[690]

The Connecticut task force scheduled a hearing to obtain testimony from Callahan on May 3, 1976.[691] However, Jai Alai Security Director Rico learned of the investigation shortly before the hearing, and Callahan resigned before the task force could secure his testimony. This removed Callahan from the task force's jurisdiction, since he was no longer tied to Connecticut.[692]

World Jai Alai opened its Hartford fronton after Callahan's resignation.[693] Following its opening, the Connecticut task force obtained the first convictions for the fixing of Jai Alai games.[694] The task force's jurisdiction was limited to the State of Connecticut's borders, however, and McGuigan was not aware of a federal agency ever conducting any interstate jai alai investigation.[695]

Roger Wheeler, an Oklahoma businessman, purchased World Jai Alai in 1978. In 1981, however, Wheeler was murdered at the Southern Hills Country Club in Tulsa, Oklahoma.[696] The Connecticut task force opened an investigation to determine whether a link existed between the jai alai skimming allegations, the Winter Hill Gang, and the Wheeler murder.[697] McGuigan and his task force contacted the Dade County Strike Force to interview Callahan.[698] However, the day McGuigan arrived in Miami for the interview, Callahan's body was discovered in the trunk of a car parked at the Miami Airport.[699]

The FBI's treatment of the Connecticut task force during the jai alai investigations provides yet another example of a major failure to cooperate with state law enforcement. Because of the FBI's failure to provide information to the task force, Connecticut law enforcement was impeded in its efforts to investigate and prosecute wrongdoing in the jai alai industry.

7. Rhode Island

Joseph Barboza was not the only cooperating witness developed by FBI Special Agent H. Paul Rico. Not long after Barboza testified in the Deegan murder prosecution, Rico developed and handled Rhode Island state witness John J. "Red" Kelley in connection with the prosecution of mob boss Raymond Patriarca and four of his associates. In doing so, Rico interfered with state law enforcement. Specifically, the Rhode Island Supreme Court found that Kelley was directed by Rico to commit perjury to protect an informant, to protect and further an ongoing FBI investigation, and to ensure the conviction of the defendants at trial.[700] The court also found that Rico lied under oath to corroborate portions of Kelley's perjury.[701]

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[690] *Id.*
[691] *Id.*
[692] *Id.* at 676–77.
[693] *Id.* at 677, 683.
[694] *Id.*
[695] *Id.*
[696] *Id.* at 677.
[697] *Id.* at 677–78.
[698] *Id.*
[699] *Id.*
[700] *See State* v. *Patriarca,* 308 A.2d 300, 305 (R.I. 1973).
[701] *See id.*

On April 20, 1968, Rudolph Marfeo and his associate Anthony Melei were shot to death while shopping at a market in Providence, Rhode Island.[702] These gangland slayings, committed at the behest of Raymond Patriarca, were the culmination of a conspiracy to eliminate Marfeo's involvement in a gambling operation.[703] Seven men were charged with murder, conspiracy to murder, and accessory before the fact to murder.[704] An eighth participant in the murders was John J. "Red" Kelley. However, instead of being charged and standing trial for his role in the murders, Kelley became a government witness.[705]

Patriarca was considered one of the nation's top organized crime leaders, and his conviction would have dealt a severe blow to organized crime in New England.[706] In fact, a Department of Justice memorandum recommending Patriarca's prosecution stated: "[I]t was generally agreed among the FBI, Strike Force Attorneys, and the Rhode Island Attorney General that [the] conviction of Patriarca . . . in this matter would deal a death blow to the Rhode Island LCN" ["La Cosa Nostra"] and "the conviction of Maurice R. 'Pro' Lerner will remove from the scene one of the most vicious and affective [sic] killers in New England." [707]

Not long after the Marfeo-Melei murders, Special Agent Rico developed John "Red" Kelley as a cooperating witness.[708] In the process, Rico met with Kelley on several occasions to prepare for the Rhode Island prosecution of the murders of Marfeo and Melei.[709] By the time Kelley was turned over to Assistant Rhode Island Attorney General Richard Israel, Kelley was a fully prepared witness.[710] In an interview with the Committee, Israel remarked that he "had no reason to question the FBI" regarding the scope of the promises, rewards, or inducements Kelly was going to receive to

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[702] *See id.*

[703] *See id.*

[704] The seven who were indicted, and the crimes with which they were charged, were as follows: Robert Fairbrothers, Maurice Lerner, and John Rossi were charged with murder and conspiracy. Patriarca, Louis Manocchio, Rudolpho Sciarra, and Frank Vendituoli were charged with accessory to murder and conspiracy. The conspiracy charge against Vendituoli was dismissed, and he was found not guilty of the accessory charges. *See Patriarca,* 308 A.2d at 395; *State* v. *Manocchio,* 496 A.2d 931 (R.I. 1985).

[705] *See Patriarca,* 308 A.2d at 305–07 (providing a detailed factual account of the murders).

[706] *See* Letter from Robert F. Kennedy, Attorney General, U.S. Dept. of Justice, to the Honorable Mortimer M. Caplan, Commissioner, IRS (Feb. 13, 1961) (Exhibit 16) (Kennedy lists Raymond Patriarca as one of the 39 top echelon racketeers in the country targeted for investigation and prosecution.)

[707] Memorandum from Gerald McDowell, Attorney, Organized Crime Strike Force, Boston U.S. Dept. of Justice Field Office, to Thomas Kennelly, Deputy Chief, Organized Crime and Racketeering Section, U.S. Dept. of Justice (Aug. 11, 1969) (document is retained by the Justice Department). A senior FBI official later called the convictions "an achievement of major dimension causing telling disruption at organized crime's top-level in New England." FBI Memorandum from J.H. Gale to Mr. DeLoach (Mar. 31, 1970) (Exhibit 308).

[708] *See* FBI Memorandum from J.H. Gale to Mr. DeLoach (Mar. 31, 1970) (Exhibit 308). ("Rico was instrumental in the development and handling of notorious Boston hoodlum John Kelley as an informant and witness.") Rico also likely believed that Kelley's testimony would solidify the veracity of Barboza's previous testimony against Patriarca for the conspiracy to murder Rudolph Marfeo's brother Willie, which would further demonstrate Barboza's importance as a witness.

[709] Trial Transcript, *State* v. *Lerner* (R.I. Super. Ct.) at 2571, 2610, 2622, 2623 ["Lerner Trial Transcript"] (Exhibit 302).

[710] *See* Lerner Trial Transcript at 2550, 2555, 2557–2567, 2571, 2610, 2622–23 (Exhibit 302). Israel told the Committee that he never interviewed Kelley without Rico being present. Israel noted that the FBI was particularly esteemed at the time and Rico's constant presence never struck him as suspicious. Interview with Richard Israel, former Assistant Attorney General, Rhode Island (Sept. 26, 2001).

testify at the Marfeo/Melei murder trial.[711] Israel continued saying, "[T]hey [we]re handing me a major crime on a silver platter—hell a gold platter and we were going to break down the major element of Patriarca's unit."[712]

The trial began for Maurice Lerner, Raymond Patriarca, Robert Fairbrothers, John Rossi, and Rudolpho Sciarra on February 27, 1970 (the "Lerner trial").[713] Luigi Manocchio, who had also been indicted, earlier fled the jurisdiction and evaded arraignment and prosecution until May of 1983.[714] On March 9, 1970, Kelley took the stand at the Lerner trial as the state's main witness.[715] Kelley testified as to the planning and execution of the murders, including his own role, and as to the promises, rewards, and inducements he was receiving in exchange for his testimony.[716] Rico also took the stand to corroborate Kelley's testimony as to the promises, rewards, or inducements Kelley was receiving for testifying.[717] As a result, Lerner was convicted of murder and conspiracy to murder.[718] The other defendants were convicted of conspiring to murder.[719]

It was not until 1983 that it was publicly revealed that Kelley and Rico testified falsely at the Lerner trial. In preparing for the trial of Manocchio for his role in the Marfeo/Melei murders, Assistant Attorney General for the State of Rhode Island David Leach looked at the Lerner trial transcript as a "script" for the Manocchio trial.[720] Knowing that Kelley would have to be called as the state's main witness,[721] Leach and Rhode Island Detective Urbano Prignano met with Kelley before he was called as a witness.[722] At that time, Kelley relayed to them that certain portions of his prior testimony at the Lerner trial were false and that Special Agent Rico had instructed him to commit perjury. When asked why he went along with Rico's suggestions, Kelley responded, "Well, my life was in their hands."[723]

At the Manocchio trial, Kelley testified that he had committed perjury during the Lerner trial in three aspects, all at the behest

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[711] Interview with Richard Israel, former Assistant Attorney General, Rhode Island (Sept. 26, 2001).

[712] *Id.*

[713] Docket Sheet, *State* v. *Lerner* (R.I. Super. Ct.) ["Lerner Docket Sheet"] (Exhibit 294). Kelley was granted immunity in exchange for his testimony. Order, *In re: Application of Attorney General under Chapter 54 of the Public Laws of 1969* (Exhibit 277).

[714] *Manocchio,* 496 A.2d at 931.

[715] *See* Lerner Trial Transcript at 1994 (Exhibit 296).

[716] Lerner Trial Transcript at 1994–2448 (Exhibit 296); *see also Patriarca,* 308 A.2d at 305–07; *Lerner* v. *Moran,* 542 A.2d 1089, 1090–91 (R.I. 1988).

[717] Lerner Trial Transcript at 2613–16, 2621–22, 2630–31, 2636 (Exhibit 302); *See also Moran,* 542 A.2d at 1090–91.

[718] Lerner Docket Sheet (Exhibit 306); *see also State* v. *Lerner,* 308 A.2d 324, 330 (R.I. 1973). Lerner was later sentenced on September 14, 1970, to consecutive life sentences on the murder charges and ten years on the conspiracy charge. See Application for Post-Conviction Relief (Exhibit 771). Patriarca was sentenced to a term of 10 years imprisonment for conspiracy to murder.

[719] Lerner Docket Sheet (Exhibit 306); *see also Lerner,* 308 A.2d at 330. Rico was praised for his "outstanding accomplishments in the development and handling" of Kelley and received an incentive award approved by Director Hoover. *See* FBI Airtel from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 30, 1970) (Exhibit 307); FBI Memorandum from J.H. Gale to Cartha DeLoach (Mar. 31, 1970) (Exhibit 308); Letter from J. Edgar Hoover, Director, FBI, to H. Paul Rico, Special Agent, Boston FBI Field Office (Apr. 1, 1970) (Exhibit 310).

[720] Interview with David Leach, former Assistant Attorney General for Rhode Island (Sept. 25, 2001).

[721] *Id.*

[722] *See* Sworn Statement of David H. Leach (May 24, 1983) (Exhibit 762); Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 762).

[723] Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763).

of Rico. First, Kelley testified at the Lerner trial that he cut down a shotgun for use in the murders.[724] However, at the Manocchio trial, Kelley admitted that his armorer actually "cut down" the weapon.[725] Kelley said Rico told him not to mention the armorer's role in the murders because the armorer was an important FBI informant who Rico wanted to keep on the streets in an effort to dismantle the Boston group of the Patriarca crime family.[726]

Second, Kelley testified at the Lerner trial that the gang had a key meeting with Patriarca prior to the murders at a particular restaurant.[727] However, at the Manocchio trial, Kelley admitted that the meeting did not take place at the restaurant he had previously named.[728] In fact, the previously named restaurant had been destroyed by fire by the time of the purported meeting.[729] Kelley stated that Rico wanted him to put the meeting at that particular restaurant to establish a connection between Patriarca and the owner of the restaurant, effectively assisting Rico in his investigation against the restaurant owner.[730] According to Kelley, the FBI had invested millions of dollars in trying to tie the owner of the restaurant to Patriarca, but, up to that point, their investigation had not been successful.[731] Rico apparently believed that Kelley's testimony about that particular restaurant would produce valuable circumstantial evidence against the restaurant owner.[732]

Third, Kelley testified at the Lerner trial that Rico promised him only immunity and protection for his family in exchange for his testimony and *did not* promise him income, a new identity, and relocation.[733] Rico under oath then corroborated Kelley's testimony regarding such promises.[734] However, at the Manocchio trial, Kelley testified that Rico did, in fact, promise Kelley income for the rest of his life, a new identity, and relocation.[735] This was buttressed by the state's filing of the Financial Report for Witness Protection Program participant Kelley. That report revealed that Kelley was a member of the witness protection program since May 1970 and that he was receiving alimentation payments in the form of subsistence, housing, medical, travel, documents, relocation, trial, mov-

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[724] *See Moran,* 542 A.2d at 1090.

[725] *See id. See also* Karen Ellsworth, *Sciarra Given Term for Contempt,* PROVIDENCE JOURNAL-BULLETIN, June 3, 1983 (Exhibit 765).

[726] *See Moran,* 542 A.2d at 1090. *See also* Karen Ellsworth, *Sciarra Given Term For Contempt,* PROVIDENCE JOURNAL-BULLETIN, June 3, 1983 (Exhibit 765).

[727] *See Moran,* 542 A.2d at 1090.

[728] *See id.;* Sworn Statement of David H. Leach (May 24, 1983) (Exhibit 762); Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763).

[729] Sworn Statement of David H. Leach (May 24, 1983) (Exhibit 762); Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763).

[730] *Moran,* 542 A.2d at 1090.

[731] *See Moran,* 542 A.2d at 1090; Sworn Statement of David H. Leach (May 24, 1983) (Exhibit 762); Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763).

[732] *See Moran,* 542 A.2d at 1090; Sworn Statement of David H. Leach (May 24, 1983) (Exhibit 762); Sworn Statement of Urbano Prignano (May 24, 1983) (Exhibit 763).

[733] Lerner Trial Transcript at 2274, 2275, 2278–81, 2300, 2306 (Exhibit 296); *Moran,* 542 A.2d at 1090.

[734] Lerner Trial Transcript at 2613–16, 2620–22, 2630–31, 2636 (Exhibit 302). Rico testified that he told Kelley that any cooperation Kelley gave to the United States Government would be brought to the attention of the proper authorities and that the United States Government had agreed to give him personal security. However, Rico testified that he never described to Kelley the kind of personal security and protection that he might expect to receive. Rico testified that he spoke with Theodore F. Harrington of the Justice Department regarding the personal security which Kelley would receive. Rico specifically denied that he told Kelley that he would be provided with a new identity and relocation. *Id.*

[735] Trial Transcript, *State* v. *Manocchio* (R.I. Super. Ct.) at 898, 899, 905–07, 910, 1042–48, 1059–61 ["Manocchio Trial Transcript"] (Exhibit 765).

ing, and miscellaneous expenses from 1971 to 1982.[736] He received no less than $114,848.06.[737] When asked why he had lied during Lerner's trial about the promises made to him, Kelley stated, "Agent Rico told me I shouldn't tell all of these things because it looked like I was being paid; that I should just do as he said, and everything would come out all right."[738] Shortly afterwards, the Boston FBI office sent a teletype to Washington, stating that Red Kelley testified that he committed perjury at the behest of Special Agent H. Paul Rico.[739]

Following the Manocchio trial, Lerner filed an application for post-conviction relief in Rhode Island Superior Court based on Kelley's perjurious testimony at his trial in 1970.[740] The Superior Court of Rhode Island denied Lerner's application for post conviction relief in January 1987, despite finding that "Kelley committed perjury in the 1970 [Lerner] trial."[741] However, on June 10, 1988, the Rhode Island Supreme Court vacated Lerner's conviction. The court held "that Kelley's perjury at Lerner's trial relating to the extent of promises made to Kelley by the FBI in exchange for his testimony and Special Agent Rico's corroboration of that perjury were material to Kelley's credibility and therefore to the issue of Lerner's guilt."[742] The court ruled that "Kelley's perjury, elicited by the FBI, constituted material exculpatory evidence withheld in violation of the applicant's due process rights."[743] In its decision, the court found that FBI Special Agent H. Paul Rico encouraged the state's main witness, "Red" Kelley, to lie under oath at the Lerner trial to protect an informant, to protect and further an ongoing FBI investigation, and to ensure the conviction of the defendants on trial. The court even found that Rico lied to corroborate portions of Kelley's perjury.[744]

Other Department of Justice officials may have known of the perjury at the time of the Lerner trial yet remained silent. When interviewed by Committee staff, Judge Edward Harrington, who at the time of the Lerner trial was Deputy Chief of the United States Department of Justice's Strike Force Against Organized Crime for New England, stated that he knew nothing about Rico's testimony at the Lerner trial and the Rhode Island Supreme Court's finding

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[736] *See* Financial Report for Witness Program Participant John "Red" Kelley (Exhibit 764). The report was generated on May 6, 1983, and signed by the Chief of the Witness Security Division of the U.S. Marshal's Service on May 10, 1983.

[737] Financial Report for Witness Program Participant John "Red" Kelley (Exhibit 764).

[738] Manocchio Trial Transcript at 907 (Exhibit 765). Notwithstanding Kelley's admissions of his prior perjury, Manocchio was found guilty on two charges of accessory before the fact and one charge of conspiracy to commit murder. *See Manocchio,* 496 A.2d at 931; Karen Ellsworth, *Manocchio Guilty on All Charges in Mob Murders,* PROVIDENCE JOURNAL-BULLETIN, June 14, 1983 (Exhibit 768). Manocchio's conviction was later reversed on other grounds. *Manocchio,* 496 A.2d at 931.

[739] Teletype from Boston FBI Field Office to J. Edgar Hoover, Director, FBI (June 2, 1983) (Exhibit 767). Notwithstanding the extensive coverage received by this testimony in New England, Edward Harrington told the Committee that he was unaware of Kelley's testimony regarding his and Rico's perjury.

[740] Application for Post-Conviction Relief (Exhibit 771).

[741] *Lerner* v. *Moran,* Civil No. PM833005 (R.I. Super. Ct. 1987) (Exhibit 805).

[742] *Moran,* 542 A.2d at 1091.

[743] *Id.*

[744] *Id.* at 1090–1093. At a hearing before this Committee, Rico denied committing perjury or suborning Kelley's perjury at the 1970 Lerner trial. "Investigation into Allegations of Justice Department Misconduct in New England," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 215 (May 3, 2001) (testimony of H. Paul Rico).

of perjury.[745] Harrington, when asked about the Rhode Island Supreme Court's finding that Rico committed perjury, said: "It's a stupid lie. Why would Rico tell him that? It's ludicrous."[746] However, Harrington held out with great pride that he "developed such significant accomplice witnesses as . . . 'Red' Kelley."[747] Rico also identified Harrington at the Lerner trial as being the one to whom Rico spoke in connection with providing personal security to Kelley.[748] Moreover, as Head of the Strike Force, Harrington was one of the individuals who decided what terms a witness would receive in exchange for his testimony and, in fact, was instrumental in arranging the terms for Joe "the Animal" Barboza's testimony in three trials.[749] Likewise, it is quite possible that Harrington decided Kelley's terms as well. In addition, employees of the U.S. Marshals Service and other Department of Justice officials may have known of the perjury due to their involvement with and protection of Kelley.[750]

In conclusion, Rico's interference with Rhode Island law enforcement interfered with the administration of justice and resulted in a considerable waste of government resources in opposing the appeals of guilty defendants. Furthermore, a convicted murderer was released from prison specifically because of the perjury committed by Red Kelley and encouraged by Special Agent Rico. The Rhode Island Supreme Court found that Rico did whatever it took to achieve the ends he desired, which included committing perjury and encouraging the state's main witness to commit perjury. This is just another unfortunate example of the FBI's interference with state law enforcement.

IV. The Use of James "Whitey" Bulger as An Informant Raised Questions About Whether the FBI Used its Authority to Advance or Protect former Massachusetts State Senate President William Bulger

The revelation that the FBI had used James "Whitey" Bulger as an informant raised serious questions for the Committee regarding whether former Special Agent John Connnolly or others used the authority of the FBI to advance or protect James "Whitey" Bulger's brother former Massachusetts State Senate President William Bulger. Accordingly, the Committee sought to take testimony from William Bulger regarding his knowledge of the relationship between the FBI and his brother.

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[745] *See* Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime and Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001).

[746] Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime and Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001).

[747] Letter from Edward Harrington, former Attorney in Charge, Organized Crime and Racketeering Section, Boston U.S. Dept. of Justice Field Office, to the Honorable Joseph Biden, United States Senator (Jan. 20, 1988) (Exhibit 813).

[748] Lerner Trial Transcript at 2621–22 (Exhibit 302).

[749] *See* Letter from Edward Harrington, former Attorney in Charge, Organized Crime and Racketeering Section, Boston U.S. Dept. of Justice Field Office, to the Honorable Joseph Biden, United States Senator (Jan. 20, 1988) (Exhibit 813); Interview with Edward F. Harrington, former Attorney in Charge, Organized Crime and Racketeering Section, Boston U.S. Dept. of Justice Field Office (Dec. 20, 2001).

[750] Financial Statement for Witness Program Participant John "Red" Kelley (May 6, 1983) (Exhibit 764). This document was prepared by the U.S. Marshal's Service of the United States Department of Justice and sets forth what Kelley was receiving as a witness in the Witness Protection Program.

On December 6, 2002, William Bulger appeared before the Committee and asserted his right under the Fifth Amendment to the Constitution not to be compelled to give testimony that may tend to incriminate him.[751] In response to this assertion, the Committee voted 30–1 on April 9, 2003 to grant Bulger immunity. On Thursday, June 19, 2003, the Committee on Government Reform held a public hearing entitled "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger." Massachusetts Representatives William Delahunt and Marty Meehan attended the hearing as guests of the Committee.

The Committee is concerned about the factual accuracy in two areas of William Bulger's testimony before the Committee. Specifically, William Bulger testified concerning the FBI's contacts with him regarding the whereabouts of his brother. William Bulger's testimony regarding contacts with the FBI[752] appeared to conflict with information provided to the press and Committee investigators by former Special Agent John Gamel. A full discussion of that testimony is set forth below.

Second, William Bulger testified that he had informed his lawyer about a telephone call from his brother shortly after his brother's flight and that his lawyer had informed law enforcement authorities. The Committee was unable to substantiate the communication by any lawyer retained by William Bulger. Three lawyers retained by William Bulger who are alive either were not told of the call at the time or if told, did not report it to law enforcement authorities. A fourth lawyer is deceased. A full discussion of this testimony is set forth below as well.

A. WILLIAM BULGER'S TESTIMONY BEFORE THE COMMITTEE

At the Committee hearing, Chairman Davis's first question was as follows:

> Did there come a time when you came to believe that the FBI had protected your brother and that John Connolly may have used his authority to protect you or advance your political career?[753]

William Bulger responded: "I never asked [Connolly] to interfere in any such procedures. Never." When asked if he was aware that Connolly may have interfered whether he asked him to or not, William Bulger responded, "No."[754]

When asked about the FBI's investigation and prosecution of former State Senate Majority Leader Joseph DiCarlo that resulted in William Bulger's rise to leadership in the Massachusetts State Senate,[755] he denied any knowledge of it other than public reports

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[751] "The Justice Department's Use of Informants in New England," *Hearing Before the Comm. on Govt. Reform,* 107th Cong. 406 (Dec. 6, 2002).

[752] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 5, 76–77, 84–85, 103 (June 19, 2003).

[753] *Id.* at 40.

[754] *Id.*

[755] J.M. Lawrence, *Panel Wanted Info on Bulger-extort link,* BOSTON HERALD, Dec. 10, 2002.

and rumors, and he testified that he had "no recollection of ever speaking of that matter with John Connolly." [756]

The remaining questioning of William Bulger can be categorized into six topics:

1. The FY82 Massachusetts state budget line item that, if passed, would have forced five State Police Officers into early retirement;
2. The 1985 loan William Bulger received from his law associate, Tom Finnerty, as part of Finnerty's 75 State Street real estate venture;
3. The circumstances surrounding Massachusetts State Police Trooper Billy Johnson's encounter with James "Whitey" Bulger at Boston's Logan International Airport in 1987 and William Bulger's subsequent involvement;
4. William Bulger's relationship with former FBI Special Agent and James "Whitey" Bulger's handler, John Connolly;
5. William Bulger's January 1995 telephone conversation with James "Whitey" Bulger; and
6. The FBI's contact with William Bulger and the Bulger family concerning James "Whitey" Bulger's whereabouts.

1. FY82 Massachusetts State Budget Line Item

Prior to 1974, the Public Safety Division of the Massachusetts State Police had two detective bureaus: the uniformed branch and Civil Service.[757] The difference between these bureaus was that the Civil Service Detectives were required to have previous law enforcement experience, pass a written exam, and were permitted to retire at age 65,[758] whereas, the uniformed branch officers were required to retire at age 50.[759] In 1974, the two branches were consolidated.[760] A grandfather clause was created to ensure that the former Civil Service Detectives would not be forced to retire until the age of 65.[761]

In 1981, a line item was added to the FY82 Massachusetts state budget that, if passed, would have imposed mandatory retirement or a reduction in grade at the age of 50 for all state police, both detectives and the uniformed branch.[762] No sponsor was attributed to the line item.[763] At the time, there were five state police officers who would have been affected by the line item: Lt. Col. John R. O'Donovan, bureau commander Maj. John F. Regan, and Captains Peter Agnes, William Nally, and Robert Zoulas.[764] In 1980, O'Donovan led the Lancaster Street garage investigation that targeted members of the Winter Hill Gang, including James "Whitey" Bulger.[765] Regan served as District Attorney William Delahunt's

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[756] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 41 (June 19, 2003).
[757] Frank Mahoney, *Budget Item Threatens Crime Intelligence Unit,* BOSTON GLOBE, July 10, 1981.
[758] *Id.*
[759] *Id.*
[760] *Id.*
[761] *Id.*
[762] *Id.*
[763] *Id.*
[764] *Id.*
[765] Interview with William Nally (July 22, 2003) (Exhibit 972).

chief detective.[766] Agnes, Nally, and Zoulas were not involved in the Lancaster Street garage investigation.[767] The line item was ultimately vetoed by the Governor.[768]

Committee Members questioned William Bulger on whether he used his power as the President of the Massachusetts State Senate to introduce the line item anonymously as a tool to penalize members of the state police who were investigating James "Whitey" Bulger. William Bulger testified that he did not recall the line item as part of the FY82 state budget and had no knowledge of its origins.[769] William Bulger further testified that he never discussed the Lancaster Street garage investigation with anyone, including former FBI Special Agent John Connolly.[770]

William Bulger entered affidavits from Nally and Agnes into the record.[771] Both affidavits exerted that they did not investigate James "Whitey" Bulger as part of the Lancaster Street garage investigation.[772] Nally's affidavit stated he knew "of no facts which support the comparatively recent allegations that the budget item was payback for an investigation of 'James "Whitey" Bulger . . . there was no payback message ever delivered to [him] by the Senate President."[773] Agnes' affidavit stated that Agnes "never believed William Bulger to be unfavorably disposed to [him]."[774]

2. 75 State Street Real Estate Venture

According to William Bulger's testimony at the hearing, in 1985, he received a $240,000 payment that he claimed was a loan against advanced fees, from his law associate, Tom Finnerty.[775] The loan money came from the same account into which Finnerty deposited $500,000 he received from Boston real estate developer, Harold Brown.[776] William Bulger testified that Brown later alleged that Finnerty extorted the $500,000 as part of the 75 State Street real estate venture.[777] William Bulger subsequently returned the loan to Finnerty.[778] The 75 State Street project was investigated by the federal government and Massachusetts state government.[779] All of the investigations concluded that there was no evidence of involvement by William Bulger in the 75 State Street project.[780]

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[766] *Id.*
[767] Affidavit of William C. Nally (June 14, 2003) (Exhibit 972); Affidavit of Peter W. Agnes (June 14, 2003) (Exhibit 973); Interview with Robert Zoulas (July 22, 2003).
[768] Frank Mahoney, *Budget Item Threatens Crime Intelligence Unit,* BOSTON GLOBE, July 10, 1981.
[769] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 47–48, 51–52, 108 (June 19, 2003) (testimony of William Bulger).
[770] *Id.* at 47, 51.
[771] *Id.* at 48.
[772] Affidavit of William C. Nally (June 14, 2003) (Exhibit 972); Affidavit of Peter W. Agnes (June 14, 2003) (Exhibit 973).
[773] Affidavit of William C. Nally (June 14, 2003) (Exhibit 972).
[774] Affidavit of Peter W. Agnes (June 14, 2003) (Exhibit 973).
[775] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 67–68 (June 19, 2003) (testimony of William Bulger).
[776] *Id.*
[777] *Id.* at 68.
[778] *Id.* at 68, 88–90, 93.
[779] See Statement of Attorney General Scott Harshbarger on the Investigation of the 75 State Street Project (Jan. 29, 1992)
[780] *Id.*

FBI Special Agent John Morris was the Supervisor of the Public Corruption Crime Unit during the 75 State Street investigation.[781] Morris formerly served as the Supervisor of the Boston Organized Crime Squad.[782] In April 1998, Morris testified under oath to taking gifts and money from James "Whitey" Bulger in 1982, 1984, and 1985.[783] Former Assistant United States Attorney Jonathan Chiel testified at the trial of former FBI Special Agent John Connolly that Connolly sought to gain inside information about the 75 State Street investigation.[784] The Committee Members voiced concern that Morris and Connolly's illegal relationship with James "Whitey" Bulger may have resulted in the FBI and the U.S. Attorney's Office turning a blind eye to William Bulger's involvement in the 75 State Street project.[785]

William Bulger testified that he and Finnerty were former law partners.[786] William Bulger represented brothers, Bruce and Robert Quirk, who had a dispute about property with National Semiconductor.[787] The case was ultimately settled and William Bulger was owed a $350,000 fee.[788] Finnerty advanced William Bulger $240,000 of the $350,000, as the fee was late.[789] When William Bulger discovered that the $240,000 came from Brown, William Bulger returned the money to Finnerty.[790] William Bulger testified that he knew Brown was in "some kind of trouble."[791] Therefore, William Bulger returned the money so that no one could misconstrue that a relationship existed between William Bulger and Brown.[792] After the money was returned, Finnerty brought suit against Brown.[793] In his defense, Brown alleged that Finnerty extorted $500,000.[794]

William Bulger testified that he did not recall ever meeting Morris or discussing 75 State Street with Connolly.[795] William Bulger entered an affidavit from Brown into the Committee record.[796] In the affidavit, Brown stated that William Bulger had "zero" involvement in the 75 State Street project.[797]

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[781] Dick Lehr, *FBI Ties Renew Questions on 75 State Street Scandal,* BOSTON GLOBE, June 14, 1998.
[782] *Id.*
[783] *Id.*
[784] J.M. Lawrence, *Trial: Agent Meddled in 75 State St. Case,* BOSTON HERALD, May 21, 2002.
[785] *See* "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 41–42, 68, 98–101 (June 19, 2003).
[786] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 67, 88 (June 19, 2003) (testimony of William Bulger).
[787] *Id.* at 67.
[788] *Id.*
[789] *Id.* at 67–68, 89, 90.
[790] *Id.* at 68, 88–89, 93.
[791] *Id.* at 68.
[792] *Id.*
[793] *Id.*
[794] *Id.*
[795] *Id.* at 41–42, 64, 68, 87, 100.
[796] *Id.* at 42.
[797] Affidavit of Harold Brown (June 16, 2003) (Exhibit 974).

3. Massachusetts State Police Trooper Billy Johnson's Encounter with James "Whitey" Bulger at Logan Airport

On September 8, 1987, James "Whitey" Bulger and his girlfriend, Teresa Stanley, were scheduled to fly from Boston to Montreal.[798] Screeners at Logan International Airport identified two bricks of $100 bills in James "Whitey" Bulger's carry on baggage.[799] It has been reported that the bag contained at least $50,000 in cash.[800] James "Whitey" Bulger refused to have the bag searched and gave the bag to Kevin Weeks.[801] Massachusetts State Police Trooper Billy Johnson arrived after Weeks fled the airport with the bag.[802] Johnson confiscated $9,923 from Stanley and released the couple.[803]

After his encounter with James "Whitey" Bulger, Johnson wrote an incident report.[804] Johnson later claimed that David Davis, the Executive Director of the Massachusetts Port Authority, requested a copy of the report on behalf of William Bulger.[805] Johnson, a decorated officer, was later demoted.[806] After an early retirement, Johnson committed suicide in 1998.[807]

The Committee Members' questions regarding Trooper Johnson again focused on the concern that William Bulger used his position as the President of the Massachusetts State Senate to penalize a law enforcement officer who may have investigated James "Whitey" Bulger.[808] William Bulger testified that his relationship with Davis was business in nature.[809] William Bulger further stated that he never spoke to Davis regarding the incident or the incident report or sought sanctions against Johnson.[810] William Bulger did not learn of the incident involving James "Whitey" Bulger and Johnson at Logan Airport until it was reported in the newspapers.[811] William Bulger testified that he never saw Johnson's incident report.[812]

William Bulger introduced an affidavit from Davis into the Committee record.[813] The affidavit stated that at no time did William Bulger, or anyone acting on William Bulger's behalf, contact Davis regarding the Johnson incident.[814] In addition, Davis never provided a copy of Johnson's report to William Bulger.[815] The affidavit

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[798] Peter Gelzinis, *Kin Await Vindication for Trooper who Crossed James "Whitey" Bulger,* BOSTON HERALD, June 19, 2003.
[799] *Id.*
[800] Peter Gelzinis, *James "Whitey" Bulger Leaves Surrogate Son Out of the $ $ $,* BOSTON HERALD, Dec. 14, 1999.
[801] Peter Gelzinis, *Kin Await Vindication for Trooper who Crossed James "Whitey" Bulger,* BOSTON HERALD, June 19, 2003.
[802] *Id.*
[803] *Id.*
[804] *Id.*
[805] *Id.*
[806] *Id.*
[807] *Id.*
[808] *See* "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 45, 47, 56, 114 (June 19, 2003).
[809] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 47 (June 19, 2003) (testimony of William Bulger).
[810] *Id.* at 45, 47, 56.
[811] *Id.* at 45.
[812] *Id.* at 108.
[813] *Id.* at 45.
[814] Affidavit of David Davis (June 16, 2003) (Exhibit 975).
[815] *Id.*

further stated that no form of sanction was imposed on Johnson regarding the incident with James "Whitey" Bulger.[816]

4. William Bulger's Relationship with Former FBI Special Agent and James "Whitey" Bulger's Handler, John Connolly

According to William Bulger's testimony, he and James "Whitey" Bulger grew up in the same South Boston neighborhood as former FBI Special Agent John Connolly.[817] As an adult, Connolly worked on William Bulger's district campaigns.[818] In 1975, Connolly recruited James "Whitey" Bulger as an FBI informant.[819] Connolly served as James "Whitey" Bulger's FBI handler until 1990, when Connolly retired from the FBI.[820] Connolly was subsequently hired as the head of security for Boston Edison Company.[821] After six years, Connolly took a position as a lobbyist for Boston Edison's government affairs position.[822]

On December 23, 1999, Connolly was indicted on charges of racketeering, racketeering conspiracy, conspiracy to obstruct justice, and obstruction of justice.[823] Connolly was accused of tipping off James "Whitey" Bulger, Stephen "the Rifleman" Flemmi, and Francis "Cadillac Frank" Salemme that they would be indicted on racketeering charges in January 1995.[824] Additionally, Connolly was accused of informing James "Whitey" Bulger and Flemmi of ongoing FBI investigations and failing to report James "Whitey" Bulger and Flemmi's participation in extortion, loansharking and gambling to FBI superiors.[825] Connolly pled innocent to the charges.[826] On May 28, 2002, Connolly was found guilty of obstructing justice, racketeering, and making a false statement.[827] Connolly was sentenced to ten years and one month in prison.[828]

Press reports have alleged that William Bulger used his political position, as well as his relationship with Connolly, to protect James "Whitey" Bulger from prosecution. At Connolly's trial, former mob hitman, John Martorano, testified that William Bulger asked Connolly to keep James "Whitey" Bulger out of trouble.[829] William Bulger testified that Connolly periodically stopped by his office with new FBI Agents assigned to Boston.[830] In addition, Connolly occasionally met James "Whitey" Bulger and Flemmi at the home

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[816] *Id.*

[817] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 54 (June 19, 2003) (testimony of William Bulger).

[818] *Id.* at 54, 64.

[819] Ralph Ranalli & Patrick Healy, *Hitman: Connolly Aided Bulger as Favor to Brother,* BOSTON GLOBE, May 14, 2002.

[820] *Id.*

[821] Jonathan Wells, *James "Whitey" Bulger's Ex-FBI Pal Leaves Job at Nstar,* BOSTON HERALD, Mar. 1, 2001.

[822] *Id.*

[823] Andrea Estes & Jack Sullivan, *Ex-agent Busted—Former FBI man Connolly Indicted for Racketeering,* BOSTON HERALD, Dec. 23, 1999.

[824] *Id.*

[825] *Id.*

[826] *Id.*

[827] Jose Martinez, *G-man's Ties to Bulger Began on Southie Streets,* BOSTON HERALD, May 29, 2002.

[828] Ralph Ranalli, *Sentence for Connolly Outstrips Others,* BOSTON GLOBE, Sept. 17, 2002.

[829] Ralph Ranalli & Patrick Healy, *Hitman: Connolly Aided Bulger as Favor to Brother,* BOSTON GLOBE, May 14, 2002.

[830] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 64, 72, 90, 97 (June 19, 2003) (testimony of William Bulger).

of Flemmi's mother.[831] Mrs. Flemmi lived next door to William Bulger.[832] James Ring, former Supervisor for the Organized Crime Squad, testified that William Bulger walked in on a dinner at Mrs. Flemmi's house.[833] The dinner was attended by Ring, Connolly, James "Whitey" Bulger, and Flemmi.[834]

William Bulger testified that he and Connolly were not close friends growing up, due to the seven-year age difference.[835] The two men were closer friends as adults.[836] Although he recalled that Connolly brought FBI agents who were new to Boston to the State House, William Bulger did not consider Connolly to be a frequent visitor or telephone caller to his office.[837]

William Bulger testified that he first learned that James "Whitey" Bulger might be an FBI informant from a Boston Globe article.[838] William Bulger stated that he never discussed James "Whitey" Bulger's possible role as an FBI informant or involvement in illegal activities with Connolly.[839] In addition, William Bulger never witnessed Connolly in the presence of James "Whitey" Bulger or Flemmi.[840] William Bulger denied ever being present at a dinner at Mrs. Flemmi's house at which James "Whitey" Bulger, Flemmi, Connolly, or any other FBI agents were in attendance.[841]

William Bulger denied asking Connolly or any law enforcement officer to use his or her position within law enforcement to keep James "Whitey" Bulger out of trouble.[842] William Bulger testified that the only discussion he had with Connolly regarding James "Whitey" Bulger occurred after reading a newspaper article that alleged James "Whitey" Bulger was involved with drugs.[843] William Bulger asked Connolly if he could find out if the report was valid.[844] According to William Bulger, Connolly informed William Bulger that the allegations were not true.[845]

William Bulger testified that he believed he sent a letter of recommendation on Connolly's behalf to Harvard's Kennedy School of Government.[846] Connolly was accepted by the Kennedy School and earned a master's degree in Public Administration.[847] William Bulger denied providing any assistance in securing Connolly a position outside the FBI, including at Boston Edison.[848] William Bulger

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[831] Dick Lehr, *FBI Ties Renew Questions on 75 State Street Scandal,* BOSTON GLOBE, June 14, 1998.

[832] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger." *Hearing before the Comm. on Govt. Reform,* 108th Cong. 112 (2003) (testimony of William Bulger).

[833] Dick Lehr, *FBI Ties Renew Questions on 75 State Street Scandal,* BOSTON GLOBE, June 14, 1998.

[834] *Id.*

[835] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 54 (2003) (testimony of William Bulger).

[836] *Id.* at 94.

[837] *Id.* at 72, 90, 97.

[838] *Id.* at 66, 73, 104–105.

[839] *Id.* at 55, 72–73, 91–92, 105.

[840] *Id.* at 66, 96, 109.

[841] *Id.* at 66, 96.

[842] *Id.* at 55, 57, 106–107.

[843] *Id.* at 91.

[844] *Id.*

[845] *Id.*

[846] *Id.* at 64.

[847] Affidavit of Carl Gustin (June 12, 2003) (Exhibit 976).

[848] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 64, 66, 70–71, 87–88 (June 19, 2003) (testimony of William Bulger).

submitted an affidavit signed by Carl Gustin, former Senior Vice President of Boston Edison, into the Committee record.[849] According to the affidavit, Gustin was responsible for hiring Connolly as a lobbyist for Boston Edison.[850] Gustin's affidavit further stated that Connolly was hired based upon his merits and that no external influences caused him to hire Connolly.[851]

5. William Bulger's January 1995 Telephone Conversation with James "Whitey" Bulger

James "Whitey" Bulger fled his January 10, 1995 indictments.[852] William Bulger has admitted to speaking with James "Whitey" Bulger on the telephone in January 1995 after he fled.[853] William Bulger took the telephone call from James "Whitey" Bulger at the home of Edward Phillips, who worked for William Bulger.[854] William Bulger did not personally notify authorities of the telephone call.[855] The phone call did not become public until William Bulger's grand jury testimony was leaked to the media.[856]

Committee Members expressed concern over William Bulger's decision to keep the telephone call with James "Whitey" Bulger a secret from law enforcement officials.[857] William Bulger stated that his telephone call with James "Whitey" Bulger was "brief" and lasted approximately three to four minutes.[858] William Bulger testified that James "Whitey" Bulger told him not to believe everything that was being said about him.[859] In addition, the two brothers did not discuss whether James "Whitey" Bulger should turn himself in and William Bulger did not recommend that James "Whitey" Bulger stay at-large.[860]

William Bulger testified that he "informed [his] attorney just about immediately" after the telephone call and "he [William Bulger's attorney], in turn, told the officials."[861] William Bulger testified to his belief that Massachusetts statute Chapter 274, Section 4 protected his sibling relationship with James "Whitey" Bulger and did not require William Bulger to personally notify law enforcement officials of the telephone call.[862] Furthermore, William Bulger denied taking the telephone call at Phillips' home as a way to avoid telephone taps that may have been placed on William Bulger's home telephone.[863]

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[849] *Id.* at 64.
[850] Affidavit of Carl Gustin (June 12, 2003) (Exhibit 976).
[851] *Id.*
[852] Ralph Ranalli & Patrick Healy, *Hitman: Connolly Aided Bulger as Favor to Brother,* BOSTON GLOBE, May 14, 2002.
[853] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 33, 58–59, 74, 79, 82–84, 88, 93–95 (June 19, 2003) (testimony of William Bulger).
[854] *Id.* at 83–84, 88.
[855] *Id.* at 58–59, 83,
[856] *Id.* at 33.
[857] *See* "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 59, 83 (June 19, 2003).
[858] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 33, 58, 79 (June 19, 2003) (testimony of William Bulger).
[859] *Id.* at 58.
[860] *Id.* at 33, 58, 79.
[861] *Id.* at 83.
[862] *Id.* at 59.
[863] *Id.* at 58, 74, 88, 104.

After the conclusion of the hearing, William Bulger provided the Committee with a personal affidavit.[864] In the affidavit, William Bulger stated that he informed four attorneys of his telephone conversation with James "Whitey" Bulger: Robert Popeo, Thomas Finnerty, Thomas Kiley, and William Homans, who is now deceased.[865] William Bulger further stated that the attorney to whom he referred during his testimony before the Committee was Popeo.[866]

Affidavits from Popeo, Finnerty, and Kiley were also provided to the Committee. Popeo stated that he did discuss the telephone call from James "Whitey" Bulger with William Bulger.[867] However, Popeo stated that he was not the attorney who contacted the United States Attorney's office regarding the telephone call between William Bulger and James "Whitey" Bulger.[868] Finnerty's affidavit stated that he was "told virtually immediately about the call."[869] Kiley's affidavit was silent as to William Bulger's communication with him about telephone call with James "Whitey" Bulger shortly after the call.[870]

6. FBI Contact with William Bulger and the Bulger Family Concerning James "Whitey" Bulger's Whereabouts

Committee members were interested as to whether the FBI used William Bulger as a source in locating James "Whitey" Bulger, after he fled his January 1995 indictments.[871] After establishing that James "Whitey" Bulger fled in 1995, Mr. Delahunt asked:

> So 8 years later the FBI gets around to inquiring of you and your wife, in your case some 6 years as to the whereabouts of your brother?

William Bulger responded: "That is the first direct effort, yes."[872] Mr. Shays questioned William Bulger as to whether the FBI or other law enforcement officers came to his home or office.[873]

> Rep. SHAYS: . . . I am asking whether you gave a signal to the FBI that you did not want to answer their questions, and that they should not ask you and that they should leave.
>
> Mr. BULGER: I don't recall meeting the FBI. I really don't recall it.
>
> Rep. SHAYS: Did the FBI ever come to your home?
>
> Mr. BULGER: I am told that they did, but I do not recall it.

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[864] Affidavit of William M. Bulger (July 22, 2003) (Exhibit 977).
[865] *Id.*
[866] *Id.*
[867] Affidavit of R. Robert Popeo (July 17, 2003) (Exhibit 978).
[868] *Id.*
[869] Affidavit of Thomas E. Finnerty (July 18, 2003) (Exhibit 979).
[870] Affidavit of Thomas R. Kiley (July 18, 2003) (Exhibit 980).
[871] *See* "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 5, 76–77, 84–85, 103 (June 19, 2003).
[872] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 77 (June 19, 2003) (testimony of William Bulger).
[873] *Id.* at 84–85.

Rep. SHAYS: Did the FBI ever come to your offices?

Mr. BULGER: No, I don't think so.

Rep. SHAYS: Did any other law enforcement people come to your home?

Mr. BULGER: I don't think so.

Rep. SHAYS: Did any law enforcement people come to your offices to ask you questions?

Mr. BULGER: I don't believe so.[874]

William Bulger testified that the first time he was asked of his telephone call with James "Whitey" Bulger was during his grand jury testimony in 2001.[875]

William Bulger testified that a week before the Committee hearing, two FBI agents, James Stover and J. Michael Doyle, came to his home.[876] The two agents talked to William Bulger's daughter.[877] William Bulger submitted his daughter's written account of her conversation with the agents into the Committee record.[878] This encounter, on June 10, 2003, was the first time William Bulger could recall the FBI visiting his home.[879]

On June 28, 2003, an article entitled "Retired FBI Agent Contradicts Bulger" appeared in the Boston Globe.[880] In the article, former FBI Special Agent John Gamel stated that he spoke to William Bulger regarding his brother James "Whitey" Bulger on January 9, 1995.[881] Gamel stated he paid an unannounced visit to the state house to speak with William Bulger, who was unavailable.[882] Later, Gamel and William Bulger spoke briefly on the telephone.[883]

In William Bulger's affidavit submitted after the Committee hearing, he further addressed his testimony as to whether the FBI contacted him after James "Whitey" Bulger disappeared.[884] William Bulger stated that his former attorney, Popeo, confirmed a January 9, 1995 conversation between the two regarding Gamel's visit to the state house.[885] Popeo's affidavit submitted after the Committee hearing, also confirmed that he and William Bulger discussed William Bulger's conversation with Gamel.[886]

B. SUBSEQUENT INVESTIGATION OF WILLIAM BULGER'S TESTIMONY

Following the testimony received from William Bulger at the June 19, 2003 Committee hearing entitled "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," Committee staff members traveled to Boston, Massachusetts to substantiate the information and affidavits that were submitted by William Bulger during the

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[874] *Id.*
[875] *Id.* at 84.
[876] *Id.* at 60–61.
[877] *Id.*
[878] *Id.* at 61–63.
[879] *Id.* at 76–77.
[880] Shelley Murphy, *Retired FBI Agent Contradicts Bulger,* BOSTON GLOBE, June 28, 2003.
[881] *Id.*
[882] *Id.*
[883] *Id.*
[884] Affidavit of William M. Bulger (July 22, 2003) (Exhibit 977).
[885] *Id.*
[886] Affidavit of R. Robert Popeo (July 17, 2003) (Exhibit 978).

Committee's hearing. Committee staff interviewed the following individuals:

(1) John Gamel, retired FBI Special Agent and case agent for James "Whitey" Bulger;
(2) Carl Gustin, former Senior Vice President for Boston Edison;
(3) Captain William Nally, retired Massachusetts State Police; and
(4) Captain Robert Zoulas, retired Massachusetts State Police.

The Committee also contacted Massachusetts State Police Lt. Col. John O'Donovan, and Lt. Col. Peter Agnes.

1. Interview of John Gamel

When asked at the Committee's hearing whether he had been "interviewed" by the FBI prior to 2001 regarding the whereabouts of his brother, William Bulger testified: "I don't believe I was." and "I don't think I was."[887] Later in the same questioning, after establishing that James "Whitey" Bulger fled in 1995, Mr. Delahunt asked:

> So 8 years later the FBI gets around to inquiring of you and your wife, in your case some 6 years as to the whereabouts of your brother?

Bulger responded: "That is the first direct effort, yes."[888] Similarly, when Mr. Shays asked whether the FBI had ever come to his office, he responded "No. I don't think so."[889] These answers certainly had the potential for leading the Committee to conclude wrongly that the FBI had never contacted William Bulger in its effort to find James "Whitey" Bulger. Several days later, Special Agent John Gamel, a retired FBI case agent who was assigned to investigate James "Whitey" Bulger from 1990 to 1995 appeared to contradict this testimony in an interview with the press.[890]

On July 21, 2003, Committee staff interviewed Special Agent Gamel about his contacts with William Bulger, and other Bulger family members. Assistant U.S. Attorney Joshua Levy was also present to monitor the interview on behalf of the Department of Justice. Gamel recalled the case started in July 1990, when Tim Connelly was referred to the FBI by Tom Riley, a private attorney.[891] Connelly was a mortgage broker who prepared fraudulent mortgage schemes for associates of James "Whitey" Bulger.[892] Connelly informed the FBI that James "Whitey" Bulger had personally extorted $50,000 from him and that he had been "shook down" in the backroom of a liquor store with a knife to his chest.[893]

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[887] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 76 (June 19, 2003) (statement of William Bulger).
[888] *Id.* at 77.
[889] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 84 (June 19, 2003) (statement of William Bulger).
[890] Shelley Murphy, *Retired FBI Agent Contradicts Bulger,* BOSTON GLOBE, June 28, 2003.
[891] Interview with John Gamel, retired FBI Special Agent (July 21, 2003).
[892] *Id.*
[893] *Id.*

At that time, Gamel was working for Richard Watson, head of FBI's Counter-Terrorism Unit in Boston.[894] According to Gamel, he was assigned to the case because Watson knew James "Whitey" Bulger was an FBI informant and wanted to isolate the case from James "Whitey" Bulger's involvement with the Organized Crime Squad.[895] In March 1992, Gamel was transferred to the Organized Crime Squad where he continued as the case agent for the James "Whitey" Bulger investigation.[896] After James "Whitey" Bulger was indicted on January 5, 1995 and became a fugitive, the case was transferred from the Organized Crime Unit to the Fugitive Squad.[897]

According to Gamel, on January 9, 1995, Gamel and Special Agent Joseph Hanigan went to the Massachusetts State House to speak with Senate President William Bulger regarding the whereabouts of his brother.[898] Gamel said the receptionist at the Senate President's Office told them that William Bulger was unavailable, and after a short wait, they provided their business cards and left.[899] Later that day, William Bulger called Gamel and they spoke for about forty-five seconds where he denied any recent contact with his brother.[900] According to Gamel's interview report, William Bulger also stated that he ". . . did not wish to be interviewed by the FBI, nor answer any questions posed to him by the interviewing Agent."[901]

In the summer of 1995, Assistant U.S. Attorney Richard Hoffman seized lottery winnings of James "Whitey" Bulger, valued at about $119,000 a year.[902] James "Whitey" Bulger's siblings filed a case with the Norfolk Probate Court to protect these lottery winnings.[903] As a result of the seizure and subsequent lawsuit, Gamel and Special Agent Walter Seffens attempted to contact all the Bulger siblings regarding the whereabouts of James "Whitey" Bulger.[904] Gamel and Seffens were only able to speak with John Bulger and Jean Bulger Holland.[905] John Bulger and Holland were informed of the Harboring Act.[906]

In response to questions, Gamel said the FBI had given him "carte blanche" to conduct his investigation and denied that anyone tried to hinder his efforts in locating James "Whitey" Bulger.[907] Gamel explained that he made a professional decision not to follow up on his efforts in reaching William Bulger because, in his experience, a family member would either immediately give up or never give up a fugitive.[908] Gamel stated that he was unaware of the

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[894] *Id.*
[895] *Id.*
[896] *Id.*
[897] *Id.*
[898] *Id.*
[899] *Id.*
[900] *Id.*
[901] Special Agent John Gamel, Interview Report, FBI Form 302 (Jan. 9, 1995) (Exhibit 981).
[902] Interview with John Gamel, retired FBI Special Agent (July 21, 2003).
[903] *Id.*
[904] *Id.*
[905] *Id.*
[906] *Id.*
[907] *Id.*
[908] *Id.*

January 1995 phone call between William Bulger and James "Whitey" Bulger until it became public knowledge.[909]

In January 1996, Gamel became the supervisor for the Organized Crime Unit and stopped being a case agent in the James "Whitey" Bulger investigation.[910] Subsequently, the investigation was worked on by Special Agents Jan Galbreath, Robert Walther, and Charles Gianturco.[911]

William Bulger's lawyer, Tom Kiley, sought to respond to the apparent inconsistency between William Bulger's testimony and Gamel's statements that the FBI had tried to talk to him about his brother on January 9, 1995. In an affidavit submitted to the Committee, he notes that Gamel's contact could not have been in furtherance of the fugitive investigation after the January 10, 1995 indictment but was a contact in furtherance of executing arrest warrants under the January 4, 1995 conspiracy complaint.[912] He asserts that he reviewed the criminal docket, recites the docket entries, notes that Judge Wolf wrote that the FBI opened a fugitive investigation of James "Whitey" Bulger after the January 10, 1995 indictment, and concludes that "When Agent Gamel and President Bulger spoke on January 9, 1995 (according to The Boston Globe reports quoting Gamel) the Agent had to have the same purpose, as the complaint was sealed and the superceding [sic] indictment had not yet been returned."[913]

Even if it is true that a fugitive investigation had not been opened, there is no evidence that William Bulger actually knew the information that Kiley researched or that he actually used that information in the course of his testimony to distinguish between the types of contacts. Indeed, Agent Gamel's interview report expressly states that William Bulger was expressly informed of the existence of a fugitive investigation: "Gamel advised [William Bulger] that his brother was the subject of a *Federal fugitive investigation* that would not end until he was captured."[914]

2. Interview of Carl Gustin

During the Committee hearing, William Bulger responded "No," when asked whether he helped former FBI Special Agent John Connolly get a job at Boston Edison.[915] William Bulger also submitted an affidavit signed by Carl Gustin, former Senior Vice President of Boston Edison, who hired Connolly as a lobbyist in 1995, from his position as head of security.[916] Gustin's affidavit stated that the rumors that former Senate President William Bulger got Connolly his job at Boston Edison were false and "When I tapped John Connolly for the government affairs position, there

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[909] *Id.*
[910] *Id.*
[911] *Id.*
[912] Affidavit of Thomas R. Kiley (July 18, 2003) (Exhibit 980).
[913] *Id.*
[914] Special Agent John Gamel, Interview Report, FBI Form 302 (Jan. 9, 1995) (emphasis supplied) (Exhibit 981).
[915] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 64, 66, 88 (June 19, 2003) (statement of William Bulger).
[916] *Id.* at 64.

was no intercession from William Bulger or anyone in his office."[917]

On July 21, 2003, Committee staff interviewed Gustin to determine the circumstance surround the hiring of Connolly at Boston Edison. Gustin stated that he did not know Connolly before he was hired as the head of security and did not play a role in his initial hiring in 1990.[918] Gustin said that John Higgins, Vice President for Human Resources, hired Connolly based upon a strong recommendation from Jack Keough, who was the outgoing head of security at Boston Edison.[919] Gustin understood that Keough had a prior relationship with Connolly and was familiar with his qualifications.[920] As head of security, Connolly's responsibilities included working with local public safety officials and protecting Boston Edison's facilities and the safety of its 4,000 employees.[921]

As part of a corporate restructuring in 1995, Gustin hired Connolly as a lobbyist for Boston Edison's Government Affairs Division.[922] Gustin asserted that he received no outside influence about hiring Connolly for the lobbyist position.[923] The policy then was to fill the position internally due to the extensive layoffs and downsizing of personnel.[924] Gustin said he discussed Connolly's qualifications with Higgins.[925] Gustin hired Connolly because he was the internal candidate with the most experience and maturity.[926] Connolly had a Masters in Public Administration from Harvard and was a highly decorated FBI agent.[927] In addition, Connolly was well known in Boston and had extensive contacts in the city and State legislature.[928] Gustin said he initiated the contact with Connolly about the position, he did not recall Connolly applying for the position.[929] Gustin believed Connolly was hired based on his merits and that no one had exerted external influences on him to hire Connolly.[930] Gustin added that the hiring was considered a lateral transfer and may have included a slight increase in salary.[931] Connolly managed a staff of five to six people who were assigned to oversee community relations at various towns around Boston.[932]

According to Gustin, he met with Connolly about every two weeks to discuss ongoing projects.[933] Gustin was aware that Connolly and William Bulger were friends and speculated that they would have shared information about activities at the State Senate.[934] Gustin recalled that Connolly and William Bulger had a

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[917] Affidavit of Carl Gustin (June 12, 2003) (Exhibit 976).
[918] Interview with Carl Gustin, former Senior Vice President of Boston Edison (July 21, 2003).
[919] *Id.*
[920] *Id.*
[921] *Id.*
[922] *Id.*
[923] *Id.*
[924] *Id.*
[925] *Id.*
[926] *Id.*
[927] *Id.*
[928] *Id.*
[929] *Id.*
[930] *Id.*
[931] *Id.*
[932] *Id.*
[933] *Id.*
[934] *Id.*

professional interaction during the electric utility restructuring.[935] In particular, Gustin remembered that Boston Edison was receiving environmental pressures about power plant emissions in South Boston.[936] Gustin said that Connolly participated in the efforts between Boston Edison and William Bulger in seeking a modification of an environmental order from EPA.[937]

Gustin never heard Connolly talk about James "Whitey" Bulger prior to the public disclosure of their relationship.[938] Gustin recalled that he had to field numerous press inquires before Connolly's indictment.[939] Although Connolly professed his innocence, he was forced to take a leave of absence.[940] Gustin was unsure if Connolly was ultimately fired or retired.[941] Gustin left Boston Edison at the end of 2000.[942]

According to Gustin, he spoke with Higgins after allegations began to surface that William Bulger interceded in Connolly's hiring at Boston Edison.[943] Higgins told Gustin that William Bulger had nothing to do with Connolly being hired.[944] According to Higgins, Connolly had numerous job opportunities after retiring from the FBI.[945] Higgins said he respected Keough's judgment and seriously considered his recommendation in hiring Connolly.[946] Finally, Gustin said he did not recall ever asking Jack Keough about the relationship between John Connolly and William Bulger.[947]

3. Interview of William Nally

During the Committee hearing, in response to questions regarding the introduction of FY82 Massachusetts State budget line item that, if passed, would have caused the early retirement or demotion of five Massachusetts State Police officers, William Bulger testified: "I have never sought to punish anyone who was in law enforcement and was in pursuit of my brother."[948] One of the five officers had participated in the Lancaster Street Garage investigation involving James "Whitey" Bulger and other leaders of the Boston mob.[949] William Bulger submitted an affidavit signed by retired Massachusetts State Police Major William Nally.[950] Nally, who was a Captain in 1981, would have been affected by the state budget line item.[951] Nally's affidavit stated that he played no role in the Lancaster Street garage matter and stated, "I know of no facts which

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[935] *Id.*
[936] *Id.*
[937] *Id.*
[938] *Id.*
[939] *Id.*
[940] *Id.*
[941] *Id.*
[942] *Id.*
[943] *Id.*
[944] *Id.*
[945] *Id.*
[946] *Id.*
[947] *Id.*
[948] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 52 (June 19, 2003) (testimony of William Bulger).
[949] Fox Butterfield, *Subpoena for UMass Leader Over Brothers Crime Role,* N.Y. TIMES, Nov. 30, 2002.
[950] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 48 (June 19, 2003) (testimony of William Bulger) (Exhibit 972).
[951] Affidavit of William Nally (June 14, 2003).

support the comparatively recent allegations that the budget item was payback for an investigation of 'Whitey' Bulger."[952]

On July 22, 2003, Committee staff interviewed Nally. He explained that in the 1960s, the Department of Public Safety had two competing branches of police detectives.[953] The state detectives were civil service employees with retirement at age 65.[954] The state uniformed officers were not civil service employees and retired at age 50.[955] The state detectives were paid a higher salary than the state uniform officers.[956] In order to become a state detective, an individual was required to obtain a rank of police sergeant, have ten years in the FBI or Secret Service, or pass a competitive law exam and physical.[957]

Nally said that in 1974, when the Department of Public Safety was reorganized, a division of state detectives and uniformed officers named CPacks was created to work in the District Attorneys' offices.[958] However, the uniformed officers had to retire from the CPacks at age 50 or return to the uniform division.[959] Around 1998 or 1999, the law was changed to give state detectives and uniformed officers equal status, which allowed uniformed officers to stay in CPacks as long as they desired.[960] Lt. Col. John O'Donovan was responsible for the uniformed officers within the CPacks.[961]

Nally said he first learned of the state budget line item from Major John Regan, a few days before the measure went to the Governor for signature.[962] Nally recalled Regan and O'Donovan were concerned about the budget line item. Nally doubted that the measure would ever be passed.[963]

Nally provided two possible motives for the budget line item. First, the union had sufficient influence to get the item introduced to equalize treatment of the uniformed officers and detectives—the union was concerned that uniformed officers had difficulty passing the state detective exam and could not otherwise escape the mandatory retirement at age 50.[964] Second, the District Attorneys also had enough influence to have used the budget line item as a means to retaliate against O'Donovan for the way he managed CPacks.[965]

Nally expressed doubt that William Bulger attempted to use the budget line item as a way to punish the officers who investigated Lancaster Street.[966] Nally said he never met William Bulger or investigated James "Whitey" Bulger.[967] Nally first learned of the Lancaster Street investigation when he questioned O'Donovan's overtime submissions.[968] At that time, the Lancaster Street inves-

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[952] *Id.*
[953] Interview with William Nally, retired Massachusetts State Police Major (July 22, 2003).
[954] *Id.*
[955] *Id.*
[956] *Id.*
[957] *Id.*
[958] *Id.*
[959] *Id.*
[960] *Id.*
[961] *Id.*
[962] *Id.*
[963] *Id.*
[964] *Id.*
[965] *Id.*
[966] *Id.*
[967] *Id.*
[968] *Id.*

tigation was already closed, and O'Donovan showed him the books and pictures regarding the investigation.[969]

4. Interview of Robert Zoulas

On July 22, 2003, Committee staff interviewed retired Massachusetts State Police Captain Robert Zoulas. Zoulas was a state detective who would have been affected by the FY82 Massachusetts State budget line item. Zoulas was not asked by William Bulger to sign an affidavit for the Committee hearing.

Zoulas stated that he first learned of the budget line item from Nally a few days before the Governor vetoed the measure.[970] Zoulas suggested three theories as to who was responsible for the budget line item. The first theory was that the union was responsible.[971] The union would benefit because five younger officers would advance into higher positions.[972] The second theory was that the District Attorneys were responsible because they were unhappy with the organizational setup within law enforcement.[973] The third theory, and in his mind the least credible, was that there was an ulterior motive to upset the State Police.[974] Zoulas stated he has no specific idea of who introduced the budget line item.[975]

Zoulas was not involved in the Lancaster Street investigation and never investigated James "Whitey" Bulger.[976] Zoulas did not recall any discussion that William Bulger was responsible for the budget line item.[977]

5. Contact with John O'Donovan

On July 21, 2003, Committee staff contacted retired Massachusetts State Police Lt. Col. John O'Donovan. O'Donovan would have been affected by the FY82 Massachusetts State budget line item. O'Donovan was not asked by William Bulger to sign an affidavit for the Committee hearing.

O'Donovan asked Committee staff to call back the next day so he could have time to consider the interview request.[978] On July 22, 2003, O'Donovan agreed to an interview but due to prior commitments, the Committee staff could not meet with him on that day.[979] O'Donovan then stated he would be available for a conference call the following week.[980]

On August 14, 2003, in a follow-up attempt to interview O'Donovan, he advised that he was a uniformed police officer and passed a civil service exam to become a Lieutenant Detective.[981] He stated that the budget line item never became law and therefore had no affect on his career.[982] O'Donovan said, however, the

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[969] *Id.*
[970] Interview with Robert Zoulas, retired Massachusetts State Police Captain (July 22, 2003).
[971] *Id.*
[972] *Id.*
[973] *Id.*
[974] *Id.*
[975] *Id.*
[976] *Id.*
[977] *Id.*
[978] Telephone call with John O'Donovan, retired Massachusetts State Police Lt. Col. (July 21, 2003).
[979] *Id.* (July 22, 2003).
[980] *Id.*
[981] *Id.* (Aug. 14, 2003).
[982] *Id.*

effort to reorganize the State Police that precipitated the budget line item had decimated his detective division.[983] He said he believes that he was a "target" of the state budget line item and claimed the Committee knows the identity of the "suspect" or instigator of the budget line item.[984]

6. Contact with Peter Agnes

During the Committee hearing, William Bulger submitted an affidavit signed by retired Massachusetts State Police Lt. Col. Peter Agnes, who would have been affected by the FY82 Massachusetts State budget line item.[985] Agnes's affidavit stated: "I am aware of the news stories and columns written some time later attributing the outside section which would have affected me to former Senate President William Bulger and suggesting that its insertion in the state budget was some form of retribution for the work of the state police in a surveillance effort related to his brother James 'Whitey' Bulger that focused on a Lancaster Street garage. I believe that this is inaccurate." [986]

On July 15, 2003, Committee staff contacted Agnes who referred them to Eileen Agnes, his attorney and daughter-in-law.[987] On July 16, 2003, Committee staff spoke with Ms. Agnes, who stated that she assisted Agnes in preparing his affidavit that was submitted to the Committee.[988] She stated that Agnes was assigned to the Massachusetts State Police's Homicide and Auto Theft Divisions and never investigated James "Whitey" Bulger.[989]

7. Research at Massachusetts State House and Library

In July 2003, Committee staff also visited the Massachusetts State House and Library. The purpose was to determine if William Bulger, as the Senate President, participated in the introduction of a budget line item to the 1982 Appropriations Bill that would have required Massachusetts civil service detectives, over 50 years of age, to take a demotion in grade or early retirement. The budget line item was identified as Section 99 in the House Bill(s) and as Section 108 in the Senate Bill(s). Both sections contained the following language:

> Section 6 of chapter 639 of the act of 1974, added by section 3 of chapter 389 of the acts of 1976, is hereby amended by inserting after the word "rights", in line 6, the words:- "provided, that no such person shall serve in a grade above detective lieutenant inspector in the office of investigation and intelligence or the bureau of investigative services upon attaining the age of fifty years.[990]

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[983] *Id.*
[984] *Id.*
[985] "The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger," *Hearing Before the Comm. on Govt. Reform,* 108th Cong. 48 (June 19, 2003) (testimony of William Bulger).
[986] Affidavit of Peter W. Agnes (June 14, 2003) (Exhibit 973).
[987] Telephone call with Peter Agnes, retired Massachusetts State Police Lt. Col. (July 16, 2003).
[988] Telephone call with Eileen Agnes, counsel to Peter Agnes (July 16, 2003).
[989] *Id.*
[990] S. Bill S2254, (Mass. 1981).

A search of the legislative history on the budget line item provided the following chronology:

June 4 and 5, 1981—Earliest record of the language as Section 99 was found in House Bill H6969 from the House Ways and Means Committee.[991] The record did not indicate when or who introduced the language, section and bill.

June 17, 1981—Earliest record of the language as Section 108 was found in Senate Bill S2222 from the Senate Ways and Means Committee.[992] The record did not indicate when or who introduced the language, section and bill.

June 17, 1981—The text of House Bill H6969 was inserted in place of Senate Bill S2222 upon recommendation by Mr. Atkin and Ms. Buckly from the Senate Ways and Means Committee.[993]

June 17, 1981—On motion of William Bulger, House Bill H6969 was ordered to be printed as amended.[994]

June 20, 1981—House Bill H6969 was enacted as Senate Bill S2254 by the Senate and House of Representatives in General Court assembled.[995] Senate Bill S2254 incorporated the language in House Section 99 as Senate Section 108.[996] The record did not indicate who voted on the enactment.

July 21, 1981—Governor King disapproved certain unidentified sections in the Appropriation Bill.[997] Subsequent House records indicated that House Section 99 was vetoed by the Governor.[998]

September 15, 1981—The House Journal indicated that "Section 99, which had been vetoed by the Governor, was considered as follows: . . . notwithstanding the objections of His Excellency the Governor, was determined by yeas and nays; and the roll call 0 members voted in the affirmative and 149 in the negative."[999]

Committee staff also contacted Massachusetts Representative Brad Jones, House Minority Leader, and his legal counsel Fred Van Magness, for their assistance in locating any information that would indicate who introduced the FY82 Massachusetts State budget line item. Representative Jones explained that the House Ways and Means Committee usually introduced the Appropriations Bill as House Bill No.1, sometimes in the month of May.[1000] The Committee staff and Representative Jones then reviewed the 1981 Bulletin of Committee Work and concluded that the original House Bill already contained Section 99 when it came out of the House

[991] H.R. Bill H6929, (Mass. 1981).
[992] S. Bill S2222, (Mass. 1981).
[993] Journal of the Senate, at 59, (Mass. 1981).
[994] *Id.* at 801.
[995] 1981 Mass. Acts 351.
[996] S. Bill S2254, (Mass. 1981).
[997] Journal of the House, at 2968, (Mass. 1981).
[998] *Id.* at 2970.
[999] Journal of the House, at 1383, (Mass. 1981).
[1000] Discussion with Massachusetts Representative Brad Jones, House Minority Leader (July 22, 2003).

Means and Ways Committee.[1001] Representatives Jones explained that any legislator could introduce the provision, even verbally, anywhere along the bill's progression with no recordation of who made the introduction.[1002]

On July 29, 2003, Van Magness said that after thorough research, the legislative history confirmed for him that the budget line item first appeared from House Bill H6969 in June 1981.[1003] He explained that a line item, unlike a bill, did not require a sponsor and any member could introduce the amendment without leaving a documented trail.[1004] He said the then leadership of the House Ways and Means Committee should have personal knowledge of who inserted the language into the bill.[1005] However, he doubted if after 20 years, anyone would recall the circumstances surrounding its introduction.[1006]

Committee staff contacted the Massachusetts House Clerk's office. The receptionist stated that the Clerk's office does not maintain any historical logs or journals and referred the Committee staff to the State Archive office. Similar responses were received from the Senate and House Ways and Means Committees.

After the Committee hearing, Thomas Kiley, counsel to William Bulger, provided an affidavit that was signed by him on July 18, 2003.[1007] The Committee reviewed the affidavit and found no inconsistencies regarding the subject matter. The affidavit in part contained the following statements:

* * *

> I have since researched the matter and concluded . . . the budget rider was inserted while the budget was in the Massachusetts House of Representatives in June of 1981.[1008]

* * *

> When the House engrossed House 6969 and sent the measure to the Senate, House Journal pp. 1060–1061 (1981), the supposedly offensive rider was clearly already part of the bill.[1009]

* * *

> When then Governor King signed the FY'82 budget into law on July 21, 1981, and it became Chapter 351 of the Acts of 1981, he vetoed section 99 . . . Section 99 was one of seventy seven sections in the general appropriation act disapproved by the Governor, prompting the House of Representatives, where most of the sections originated, to ask the Supreme Judicial Court of Massachusetts whether the

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[1001] *Id.*
[1002] *Id.*
[1003] Telephone call with Fred Van Magness, legal counsel to Massachusetts House Minority Leader (July 29, 2003).
[1004] *Id.*
[1005] *Id.*
[1006] *Id.*
[1007] Affidavit of Thomas R. Kiley (July 18, 2003) (Exhibit 980).
[1008] *Id.*
[1009] *Id.*

> Governor had the constitutional power to disapprove such items. Opinion of the Justices, 384 Mass. 820, 820 (1981) . . . The Court's affirmative answer was issued on September 2, 1981. On September 15, 1981, the House voted 149 to 0 to sustain the Governor's disapproval of Section 99. Supplement, No. 409 (1981). No Senate vote occurred concerning the veto. The story ends, or so it ought to.[1010]

V. INSTITUTIONAL RELUCTANCE TO ACCEPT OVERSIGHT

A. CONGRESSIONAL OVERSIGHT

It is hard to understand why it was so difficult to conduct a thorough investigation of the FBI's use of informants in New England. In hindsight, a statement made by a senior FBI official provides a glimpse of what may have been happening. In early 2001, just as the Committee was beginning to focus on the FBI's use of informants in New England, Charles Prouty—then the Special Agent in Charge of the Boston office—made the following statements about the Deegan case: "The FBI was forthcoming. We didn't conceal the information. We didn't attempt to frame anyone." [1011] In retrospect, Prouty's assertion appears ill-considered. Indeed, its contrast with a statement made by FBI Director Louis Freeh just a few months later is stark. Freeh stated that the case is "obviously a great travesty, a great failure, disgraceful to the extent that my agency or any other law enforcement agency contributed to that." [1012]

In support of his statement, Prouty cited a document created just after the Deegan murder was committed. A memorandum from the Director of the FBI to the Special Agent in Charge, dated just four days after the Deegan murder, states: "You should advise appropriate authorities of the identities of the possible perpetrators of the murders of Sacrimone and Deegan." [1013] A handwritten annotation on one copy of this document indicates that information regarding the Deegan murder was provided to "Renfrew Chelsea PD" on March 15, 1965.[1014]

The Committee has searched for other indications that the FBI provided exculpatory evidence to the Deegan prosecutors. Thus far, none has been located. Suffice it to say, however, that local prosecutors were never made aware of significant exculpatory information. For example:

- Local prosecutors were not aware that Joseph Barboza and Jimmy Flemmi went to Patriarca to request permission to murder Deegan just days before the crime occurred. Furthermore, they were not aware that the source of this information was microphone surveillance, a form of information more reliable than most informant information.

[1010] *Id.*

[1011] Shelley Murphy, *FBI Says Documents Clear It of Wrongdoing in '65 Case,* BOSTON GLOBE, Feb. 15, 2001.

[1012] *Hearing Before the House Appropriations Subcommittee on Commerce, Justice, State and Judiciary,* 107th Cong. 47 (testimony of Louis Freeh) (2001 WL 518397).

[1013] Airtel from J. Edgar Hoover, Director, FBI, to Special Agent in Charge, Boston FBI Field Office (Mar. 16, 1965) (Exhibit 83).

[1014] *Id.;* FBI Boston Gangland Murders Report by John F. Kehoe, Jr., Special Agent, Boston FBI Field Office (Jan. 14, 1966) (Exhibit 116); Memorandum from H. Paul Rico, Special Agent, to Special Agent in Charge, [Redacted] (Mar. 15, 1965) (Exhibit 82).

- Local prosecutors were not aware that the FBI had evidence that Jimmy Flemmi had a motive for killing Deegan, and that this motive conflicted with the motive Barboza provided in sworn testimony.
- Local prosecutors were not aware that Barboza had told federal law enforcement personnel that he would not provide information that would allow Jimmy Flemmi to "fry."
- Local prosecutors were not aware that both Jimmy Flemmi and Stephen Flemmi were government informants.

At a minimum, the FBI failed to provide exculpatory evidence in a death penalty case. More important, however, is the likelihood that the FBI shared information when there was no reason to keep it covered up, but, at a time when Barboza was readying himself to tell a story that benefited the goals of federal law enforcement, federal officials kept exculpatory information from state law enforcement officials.

At the outset of its investigation, the Committee requested that it be permitted to speak with the head of a Justice Department task force investigating many of the same matters of interest to the Committee. The stated purpose of this proposed line of communication was to ensure that Congress was receiving everything it was entitled to receive and to help the Committee refrain from taking steps that might harm ongoing criminal prosecutions. The Justice Department did not accede to this request. The Committee also made a request to speak to the Department about the identities of certain informants and the significance of information provided by these informants. It took well over one year for a meeting on this subject to be arranged. On December 2, 2002, almost two years into the Committee's investigation, the Justice Department did convene a meeting to address the Committee's request about informants. This meeting was of particular significance for three reasons. First, it became clear that critical documents had been withheld from Congress. Second, the Justice Department simply refused to provide Congress with essential information about informants, including information that had previously been made available to civil litigants during *U.S.* v. *Salemme.* Finally, the meeting confirmed the general sense that the Justice Department has failed to understand the seriousness of the Committee's investigation.

While it is true that the Department has assigned people of unimpeachable integrity to spearhead its own investigation, it also appears true that it has failed to understand that Congress has not only a legitimate right to investigate the matters covered in this report, but that Congress also has a right to expect the Justice Department to do everything in its power to ensure that Congress is able to discharge its own constitutional responsibilities.

Unfortunately, the relationship between the executive branch and the legislative branch—particularly where oversight is concerned—is often more adversarial than collegial. This has proved to be the case during the Committee's investigation of the Justice Department's use of informants in New England. Congress cannot discharge its responsibilities if information is not provided or dilatory tactics are employed.

Throughout the Committee's investigation, it encountered an institutional reluctance to accept oversight. Executive privilege was claimed over certain documents, redactions were used in such a way that it was difficult to understand the significance of information, and some categories of documents that should have been turned over to Congress were withheld. Indeed, the Committee was left with the general sense that the specter of a subpoena or the threat of compelled testimony was necessary to make any progress at all.

The following three examples provide a sense of why the Committee has concluded that the Justice Department failed to take its responsibilities to assist Congress as seriously as it should have.

1. The Patriarca Microphone Surveillance Logs

The single most important category of information needed by the Committee to conduct its investigation of the use of Joseph Barboza as a cooperating witness was that derived from microphone surveillance of Raymond Patriarca. On June 5, 2001, the Committee asked the Justice Department to produce "all audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Raymond Patriarca from January 1, 1962, to December 31, 1968." Because Barboza and Flemmi traveled to Rhode Island to get Patriarca's permission to kill Teddy Deegan, and because there was microphone surveillance capturing conversations, documents pertaining to this request were of paramount importance to the Committee. Indeed, the Justice Department was aware of the importance attributed by the Committee to these records. A few months after the initial request, the Justice Department indicated that the Committee had received all documents relevant to the Patriarca microphone surveillance. However, on December 2, 2002, one and a half years after the Committee's initial request, Task Force supervisor John Durham indicated that contemporaneous handwritten logs had been prepared by FBI Special Agents as conversations picked up by the microphone surveillance were monitored. These logs were finally produced to the Committee, although legible copies of the most important pages were not received until March 25, 2003. The handwritten logs contained significant information that had not previously been provided to Congress.

2. Documents Pertaining to Robert Daddeico

Robert Daddeico participated in a number of criminal activities in the 1960s. He was close to Stephen Flemmi and was used as a cooperating government witness in the car bombing of attorney John Fitzgerald. He also had first hand knowledge of the William Bennett murder.

The Committee requested documents pertaining to Daddeico on April 16, 2002. Four months later, on August 20, 2002, Committee staff were told that the Justice Department needed more information to be able to identify "Robert Daddeico" in Justice Department files. This statement was particularly curious. There are five clear reasons why the Justice Department should have had no trouble deciding which "Robert Daddeico" the Committee was interested in: (1) a Justice Department employee contacted Daddeico to inform

him that the Committee wanted to interview him;[1015] (2) a few days before the Committee interviewed Daddeico the FBI offered him a payment of $15,000;[1016] (3) a number of currently employed Justice Department personnel have personally interviewed Daddeico;[1017] (4) in the last few years Daddeico has been in personal contact with the FBI's former number two official;[1018] and, finally, (5) Daddeico has been living for 30 years under an assumed name known to the government and he had maintained frequent contact with FBI officials.[1019] It is hardly unreasonable for the Committee to expect prompt production of documents related to Robert Daddeico, and it is hard to believe, given all of these facts, that the Justice Department was uncertain which "Robert Daddeico" the Committee was interested in.[1020] The failure to produce this information in a timely fashion is inexcusable.

3. U.S. Attorney's Office Gangland Murder Summaries

On March 30, 2001, the Committee requested "all records relating to the March 12, 1965, murder of Edward 'Teddy' Deegan." On December 2, 2002, Justice Department Task Force Supervisor John Durham mentioned a January 14, 1966, memorandum which discusses gangland murders. This document was prepared for the Boston U.S. Attorney's Office and discusses the Deegan murder. It had not been provided to the Committee.

On December 9, 2002, Justice Department officials indicated that although the document was not responsive to Committee requests, it would be produced. Based on the description of the document provided by John Durham, it is difficult to understand how it was not responsive to a request for documents relating to the Deegan murder.

On December 16, 2002, the Justice Department finally produced this document to the Committee. The fact that this document was not provided to the Committee earlier is significant for a number of reasons. First, it could not be used in Committee hearings or most interviews. Second, it leads to the concern that there are other significant documents that have been withheld from the Committee. Additionally, this document is of particular interest because it is a document prepared for prosecutors, and it potentially shifts blame for what happened in the Deegan prosecution towards prosecutors.

Although the Justice Department has provided many documents from the files of the FBI, it has been reluctant to shed light on the possible misconduct of its prosecutors. This was first seen in the claim of executive privilege over prosecution memoranda, and it appears to have resurfaced with the gangland murders summary. It was also particularly apparent when the Committee staff asked for a list of Boston U.S. Attorneys from the 1960s until the present.

[1015] Robert Daddeico Agreement (Oct. 1, 2001) and Message (Sept. 13, 2001) (Exhibit 950).
[1016] *Id.*
[1017] Interview with Robert Daddeico (Oct. 17–18, 2001).
[1018] *Id.*
[1019] *Id.*
[1020] Daddeico also provided the Committee with a check from a local prosecutor for $500. This check, drawn on a personal bank account, was allegedly provided at a time when the FBI was contacting Daddeico to assist in an ongoing investigation. Daddeico claims that the individual who provided this check once attempted to coach him to provide false testimony in the trial for the car bombing of attorney John Fitzgerald.

Although a staff member of the Executive Office of United States Attorneys indicated the information was readily available, a list was never provided to the Committee.

B. INSTITUTIONAL OVERSIGHT

The FBI's office of Professional Responsibility ("OPR") conducted its own investigation of possible improper law enforcement conduct in 1997.[1021] This investigation "uncovered no evidence that any potentially criminal acts were part of a continuing crime which would bring the acts within the statute of limitations." [1022] Thus, former FBI Special Agent John Connolly—now serving a ten year sentence in federal prison—was given a free pass by internal investigators. The investigation did, however find "a number of violations of FBI rules and regulations which would have warranted administrative action if those employees were still employed by the FBI." [1023] The investigation also determined that "no current FBI employees . . . [were] in violation of FBI policies." [1024]

One conclusion reached by the OPR investigation, however, should be considered in light of information obtained by the Committee. The OPR report on its investigation states:

> We also looked for instances in which [James "Whitey"] Bulger and [Stephen] Flemmi were under investigation by a law enforcement agency and in which the USAO or DOJ exercised prosecutorial discretion in their favor due to the value of information provided by Bulger and Flemmi. There is no evidence that prosecutorial discretion was exercised on behalf of Bulger and/or Flemmi.[1025]

This conclusion is troubling in light of a document obtained by the Committee. After a protracted battle with the executive branch over specific documents—during which the President claimed executive privilege over the documents sought—the Committee ultimately was able to determine that prosecutorial discretion had been exercised on behalf of Bulger and Flemmi.

A memorandum dated January 29, 1979, from Boston federal prosecutor Gerald E. McDowell to supervisors in Washington, and also brought to the attention of then-United States Attorney Jeremiah O'Sullivan, recommends prosecution of 21 individuals for a major conspiracy to fix the outcomes of more than 200 horse racing contests, in over five states, with profits in excess of two million dollars.[1026] At the center of the criminal activity were both Stephen Flemmi and James "Whitey" Bulger.

[1021] FBI Office of Professional Responsibility Report by Joshua Hochberg and Charles S. Prouty (Aug. 13, 1997) (Appendix II).

[1022] *Id.* at 2; *see also* "Justice Department Misconduct in Boston: Are Legislative Solutions Required?," *Hearing Before the Comm. on Govt. Reform*, 107th Cong. 641–747 (Feb. 27, 2002) (discussing proposed changes to the statute of limitations).

[1023] FBI Office of Professional Responsibility Report by Joshua Hochberg and Charles S. Prouty (Aug. 13, 1997) at 2 (Exhibit 887).

[1024] *Id.*

[1025] *Id.* at 13. In reaching this conclusion, the OPR report states that "all reasonable and apparent leads have been covered." *Id.* at 3.

[1026] Gerald E. McDowell, Attorney in Charge, and Jeremiah T. O'Sullivan, Prosecutor, Organized Crime & Racketeering Section, Boston U.S. Dept. of Justice Field Office, to Gerald T. McGuire, Deputy Chief, Organized Crime & Racketeering Section, U.S. Dept. of Justice (Jan. 29, 1979) (document is retained by the Justice Department).

Notwithstanding the knowledge that Bulger and Flemmi were involved, and notwithstanding the fact that the government had a cooperating witness prepared to testify against Bulger and Flemmi, the memorandum specifically indicates that the two would not be prosecuted with 21 other co-conspirators. The memorandum indicates that Bulger and Flemmi would not be prosecuted because "the cases against them rest, in most instances, solely on the testimony of Anthony Ciulla." [1027]

Two points are worth noting. First, the use of the term "in most instances." A close reading of the memorandum indicates that there was other evidence against Bulger and Flemmi. Thus, it is inexplicable, given the details provided by the memorandum, that Bulger and Flemmi were not prosecuted, while others who were less involved in the criminal enterprise were prosecuted. Second, others were indicted solely on the testimony of Ciulla. For example, the memorandum states: "James L. Sims—The case against Sims rests solely on Ciulla's testimony." [1028] Sims was subsequently indicted and convicted. Thus, Bulger and Flemmi did receive preferential treatment.

When former U.S. Attorney Jeremiah O'Sullivan was asked specifically about whether Bulger and Flemmi benefited from prosecutorial discretion, he stated clearly that they had.[1029] It is, therefore, troubling that the FBI's OPR investigation failed to develop this information. Perhaps more troubling, however, is the concern that the Justice Department attempted to keep such an important piece of information from the Committee. Indeed, it appears that Justice Department investigators had failed to pursue this line of inquiry prior to the Committee's request. But for the Committee's perseverance, the final word on prosecutorial discretion pertaining to Stephen Flemmi and James Bulger would have been the incorrect 1997 OPR report.

C. THE CLAIM OF EXECUTIVE PRIVILEGE OVER KEY DOCUMENTS

The Committee's investigation was delayed for months by President Bush's assertion of executive privilege over a number of key documents. While the Committee was ultimately able to obtain access to the documents it needed, the President's privilege claim was regrettable and unnecessary.

1. The Committee's Request for the Documents

On September 6, 2001, the Committee issued a subpoena for a number of prosecution and declination memoranda relating to the Committee's investigation of the handling of confidential informants in New England.[1030] The Justice Department made it clear that it would not comply with the Committee's subpoena. Senior Administration personnel, including the White House Counsel, the Attorney General, and two Assistant Attorneys General, explained to the Chairman and Committee staff that the Administration

[1027] *Id.* at 62.
[1028] *Id.* at 55.
[1029] "The Justice Department's Use of Informants in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. 308, 335 (Dec. 5, 2002) (testimony of Jeremiah O'Sullivan).
[1030] Also included in this subpoena were requests related to the Committee's campaign finance investigation.

wished to establish an inflexible policy to withhold from Congress all deliberative prosecutorial documents. The Committee scheduled a hearing for September 13, 2001, and invited the Attorney General to testify at this hearing to explain his refusal to provide the subpoenaed documents to the Committee. Of course, just two days before the scheduled hearings, terrorists launched the September 11 attacks. The Committee canceled the hearing and postponed any discussion of the subpoena for several months.

2. The President's Claim of Executive Privilege

In December 2001, the Committee renewed its request for the subpoenaed documents, and called as a witness Michael Horowitz, the Chief of Staff for the Justice Department's Criminal Division. On December 12, 2001, the day before the Committee's hearing, President Bush invoked executive privilege over the subpoenaed documents. In a memorandum to Attorney General Ashcroft, President Bush stated that disclosure of the documents to Congress would:

> Inhibit the candor necessary to the effectiveness of the deliberative processes by which the Department makes prosecutorial decisions. Moreover, I am concerned that congressional access to prosecutorial decisionmaking documents of this kind threatens to politicize the criminal justice process. . . . Because I believe that congressional access to these documents would be contrary to the national interest, I have decided to assert executive privilege with respect to the documents and to instruct you not to release them or otherwise make them available to the Committee.[1031]

The President's claim of privilege was a surprise in that during the three months between the Committee's issuance of the subpoena for the prosecutorial memoranda and the President's claim of executive privilege, the Justice Department had never had a single discussion with the Committee regarding the Committee's need for the documents. Therefore, the claim could not have relied upon any consideration of the Committee's need for the documents. Given the Committee's previous discussions with the White House and Justice department officials and the assertion of privilege without consideration of the Committee's need for the documents, it was clear that the Administration sought to establish a new restrictive policy regarding prosecutorial documents and that no demonstration of need by the Committee would be sufficient for the Justice Department to produce the documents.

3. The Justice Department's Shifting Explanations

In the weeks following the President's claim of executive privilege, the Administration made a number of attempts to explain the President's actions to a skeptical Committee and public. In Committee hearings and in correspondence with the Committee, the Justice Department and the White House frequently distorted the facts to try to justify the President's claim of privilege. These state-

[1031] Memorandum from President George W. Bush to John Ashcroft, Attorney General, U.S. Dept. of Justice (Dec. 12, 2001) (Appendix I).

ments had the effect of prolonging the negotiations with the Committee and delaying the resolution of this dispute.

i. The Administration's Denial that it Was Creating an Inflexible Policy

Immediately after the President's claim of privilege, the Justice Department began to move away from its earlier assertions that it was attempting to implement an inflexible new policy regarding Congressional access to deliberative prosecutorial documents. Certainly, prior to the President's claim of privilege, this fact was plain enough. In separate meetings with Chairman Burton, Attorney General Ashcroft, and White House Counsel Gonzales announced such a policy. However, the Justice Department's witness at the first hearing regarding the claim of executive privilege, Michael Horowitz, denied that the Department was implementing such a policy at all. Rather, he claimed that the Department was using a case-by-case analysis which weighed the Congressional need for the documents against the Administration's need to keep the documents secret. However, as a number of members at the hearing pointed out, the claims of a case-by-case analysis were seriously undermined by the fact that the Justice Department had never had a discussion with the Committee about the Committee's need for the documents. If the Department did not understand the Committee's need for the documents, it could hardly weigh that need against the need to keep the documents secret.

ii. The Administration's Failure to Compromise with the Committee

A second and related point which was raised by the December 13, 2001, hearing was the failure of the Justice Department to engage in a reasonable process of compromise with the Committee. Before the Committee had even issued its subpoena for the Boston-related prosecution and declination memoranda, it was clear that the Justice Department was intent on establishing a restrictive new document policy. It was not until January—four months after the issuance of the subpoena—that the Administration even offered a compromise to the Committee. On January 10, 2002, White House Counsel Alberto Gonzales wrote to offer to have Justice Department staff brief the Committee staff regarding the contents of the deliberative memoranda. Chairman Burton responded to Judge Gonzales's offer by stating that he would be pleased to receive a briefing regarding the documents, but only in conjunction with a review of the documents by Committee staff. This offer was initially rejected by the Justice Department.

iii. The Administration's Misrepresentations Regarding Historical Precedent

The third issue which was raised at the December 13, 2001, hearing was the fact that there was little precedent for the President's decision to withhold the subpoenaed documents. Michael Horowitz asserted that the executive privilege claim was consistent with longstanding Justice Department policy, and in a letter shortly after the hearing, White House Counsel Alberto Gonzales made much the same claim:

> Absent unusual circumstances, the Executive Branch has traditionally protected those highly sensitive deliberative documents against public or congressional disclosure. This traditional Executive Branch practice is based on the compelling need to protect both the candor of the deliberative processes by which the Department of Justice decides to prosecute individuals and the privacy interests and reputations of uncharged individuals named in such documents.[1032]

Despite these and a number of other similar assertions, the President's claim of executive privilege was a drastic departure from the longstanding history of Congressional access to precisely the types of documents sought by the Committee. In fact, at a hearing of the Committee on February 6, 2002, Assistant Attorney General Dan Bryant acknowledged that Congress had been given access to these types of documents on multiple occasions. In one letter leading up to the February 6 hearing, Bryant stated that "the Department has often provided Congress with access to deliberative documents of one sort or another. Consequently, it would be impossible to catalogue all of the occasions in which that has occurred." [1033]

In short, over a period of six months, the Justice Department's position had retracted its claim that Congress had never received prosecution and declination memoranda prior to the Clinton Administration and replaced it with the claim that it happened so frequently that it is impossible to provide an accurate number. At the Committee's February 6, 2002, hearing, the Committee established that on dozens of occasions over the previous eighty years, Congress had received access to documents precisely like those sought by the Committee. It was also clear that the Committee's need for the documents under subpoena was at least as great as Congress's need for the documents in any of those other cases.

4. The Justice Department Finally Provided the Committee with Access to the Subpoenaed Documents

The five-month stalemate over the subpoenaed documents finally broke when the Committee scheduled a hearing to hear testimony from Judge Edward Harrington. When the Justice Department learned that Judge Harrington was scheduled to testify, Justice Department personnel informed the Committee that one of the documents sought by the Committee was a prosecution memorandum drafted by then-Assistant U.S. Attorney Harrington which contained information about the Deegan murder. Chairman Burton wrote to the Department and demanded access to the Harrington memorandum:

> Judge Harrington is testifying before the Committee on February 14, and the Committee has a great interest in knowing what Judge Harrington knew about the evidence in the Deegan murder case, including, but not limited to,

[1032] Letter from Alberto Gonzales, Counsel to the President, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Jan. 10, 2002) (Appendix I).

[1033] Letter from Daniel J. Bryant, Assistant Attorney General, U.S. Dept. of Justice, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Feb. 1, 2002) (Appendix I).

> the evidence in the case, the reliability of witnesses in the case, and whether key witnesses in the case were government informants. Perhaps as important, Judge Harrington was a prosecutor in a 1968 trial of Raymond Patriarca, and it is important to understand the facts pertaining to this prosecution as well. It appears that the Justice Department agrees that it is essential that the Committee receive the Harrington memorandum in advance of the February 14 hearing, and that the Committee can clearly meet even the high threshold of proof being demanded (inappropriately, in my view) by the Justice Department. If that is the case, please provide the Committee with access to the document now, without a briefing.
>
> While I appreciate the fact that the Justice Department has admitted that one of the 10 withheld documents has great relevance to the Committee's upcoming hearing, the Department's admission reveals the flaws with its approach to this entire matter. The Justice Department only recognized the importance of the Harrington document once the Committee announced that Judge Harrington was testifying at an upcoming hearing. The Department did not know that Committee staff interviewed Judge Harrington almost two months ago, and did not have the benefit of the Harrington memorandum for that interview. The other nine memoranda being withheld by the Justice Department likely have just as much relevance to the Committee's investigation as the Harrington memorandum, except that the Justice Department is unwilling to recognize that fact.
>
> I believe that the Committee's investigation of Justice Department corruption in Boston is far too important to be wasting time with procedural gamesmanship. Rather than seeing this as an opportunity to establish precedents to place roadblocks in the way of Congressional oversight, the Justice Department should see this case as an opportunity to come clean and right past wrongs. I hope you will agree, and that you will provide the Committee with access to the subpoenaed Boston documents.[1034]

The following day, Assistant Attorney General Bryant wrote that the Committee had "demonstrated a particular and critical need for access to the one Harrington memorandum sufficient to satisfy constitutional standards and we are prepared to meet with you and make it available for your review in advance of the hearing."[1035] Of course, the Committee did not provide any additional information to the Department which it had not provided months earlier. Informing the Justice Department that Judge Harrington had once been a federal prosecutor and that the Committee was requesting

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[1034] Letter from the Honorable Dan Burton, Chairman, Comm. on Govt. Reform, to John Ashcroft, Attorney General, U.S. Dept. of Justice (Feb. 12, 2002) (Appendix I).

[1035] Letter from Daniel J. Bryant, Assistant Attorney General, U.S. Dept. of Justice, to the Honorable Dan Burton, Chairman, Comm. on Govt. Reform (Feb. 13, 2002) (Appendix I).

his testimony at an upcoming hearing hardly constituted demonstration of "a particular and critical need."

On February 26, 2002, Committee staff met with Assistant Attorney General Michael Chertoff to discuss Committee access to the remaining memoranda being withheld under the President's claim of executive privilege. Assistant Attorney General Chertoff described the documents, and Committee staff agreed that four of the subpoenaed memoranda were not relevant to the Committee's investigation. Assistant Attorney General Chertoff agreed to provide the Committee with access to the remaining five memoranda. Committee staff reviewed the memoranda, took notes regarding their contents, and used the memoranda to question witnesses in interviews and public hearings.

5. The Documents Which Were Withheld Contained Vital Information

The documents withheld from the Committee for over five months contained vital information. The President's claim of executive privilege delayed the Committee's investigation, and distracted the Committee from pursuing a number of issues relating to the use of confidential informants. The following is a summary of some of the key information which was contained in the memoranda withheld from the Committee:

- The 1967 Marfeo prosecution memorandum contains information about the murder of Teddy Deegan. According to Judge Harrington's testimony, the information was deemed reliable and included in the memorandum to show that Joseph Barboza was a reliable witness because it proved his contention that he had access to Raymond Patriarca. This is significant because the following year, in a capital murder trial, Barboza did not provide the information that had been considered so important by federal prosecutors. This raises the possibility that federal prosecutors were aware that Barboza was committing perjury in the Deegan murder prosecution. Indeed, there are two fundamentally incompatible facts:

  1. Barboza's credibility in the eyes of federal personnel was bolstered by microphone surveillance evidence of the request made by Flemmi and Barboza to murder Teddy Deegan.

  2. Barboza was considered credible even though he omitted the evidence about the request to murder Deegan, and even though this was the foundation of his being considered credible in the first place.

  These two contradictory facts simply cannot be reconciled.

- The 1967 Marfeo prosecution memorandum states that the electronic surveillance of Barboza proves that "his testimony is true[,]" and this is "of special significance." Thus, federal prosecutors were convinced that the microphone surveillance provided accurate information. This weakens their claims that his Deegan testimony was unremarkable.

- The 1967 Marfeo prosecution memorandum states that "[Barboza's] testimony will be corroborated in certain parts by

Patrick Fabiano's testimony with respect to the fact that [Barboza] had been well acquainted with Tameleo prior to the offenses charged here and that both Tameleo and [Barboza] had conferred together on numerous occasions at the Ebb Tide Club in Revere, Massachusetts." This is potentially significant because three months earlier FBI Director Hoover's office had been informed that, in order to save himself, Barboza "may try to intimidate Fabiano into testifying to something he may not be a witness to."[1036] This information appears to have been left out of the prosecution memorandum.

- The 1979 Ciulla race-fixing prosecution memorandum provides extremely important information about how prosecutorial discretion was exercised to benefit FBI informants James "Whitey" Bulger and Stephen Flemmi. It demonstrates that former U.S. Attorney Jeremiah O'Sullivan's testimony before the Committee is subject to question. Perhaps more important, it shows that a 1997 FBI Office of Professional Responsibility conclusion that prosecutorial discretion had never been exercised by the federal government on behalf of James Bulger and Stephen Flemmi was not correct.

As these observations make clear, these documents have been very important to the Committee's investigation. It is regrettable that the Committee's good faith effort to investigate Justice Department corruption in New England was impeded by the Justice Department's refusal to negotiate over these documents.

VI. Conclusions and Recommendations

Democracy succeeds in the United States when the rule of law is respected. When the government strays from the rule of law, the harm outweighs the benefit. In Boston, this is what happened. As a result, men died in prison—and spent their lives in prison—for crimes they did not commit. A number of men were murdered because they came to the government with information incriminating informants. Government officials also became corrupted. The legacy of the Justice Department's use of informants in New England is a lack of confidence in those charged with administering our laws, families torn apart by a government that permitted murders and unjust prison terms, and exposure of the government to civil liability that could amount to billions of dollars.

The Committee on Government Reform is committed to ensuring that these abuses are not repeated. As a result of the Committee's investigation, the Committee has received numerous letters and other materials alleging misconduct by the FBI. The Committee intends to examine these allegations closely to determine whether the FBI handled them appropriately and to consider whether further investigation is warranted.

The Committee also recommends further review of the FBI's human source program. The Committee has been informed by the FBI that following the revelations regarding the misuse of informants, FBI Director Robert Mueller has undertaken re-engineering

[1036] Memorandum from Special Agent in Charge, Boston FBI Field Office, to J. Edgar Hoover, Director, FBI (Mar. 28, 1967) (Exhibit 134).

the administration and operation of human sources. This effort includes the centralization of the administration of all human sources, development of a "Risk Factor Model," and, for certain categories of human sources, implementation of a validation process. Each FBI Field office has at least one human source coordinator, and 34 offices have two coordinators. Inspections and on-site assessments are conducted. Files are reviewed by Supervisory Special Agents and Assistant Special Agents in Charge at least every 60 days, and in some cases every 90 days. The FBI has implemented significant new training requirements in connection with its informant program.

Other measures have been undertaken that may also prevent FBI misuse of informants. Director Mueller has undertaken a review of the Office of Professional Responsibility to ensure that the system of internal discipline is effective. The FBI is also seeking to enhance oversight and accountability of human source management in the wake of the revelations as a result of undertaking a new internal security program following the allegations against former Agent James Smith and his source Katrina Leung regarding the loss of classified information. In January 2001, the Department of Justice revised its Confidential Informant Guidelines that, among other things, established a Criminal Informant Review Committee consisting of senior FBI and Department officials. Finally, the Department of Justice's Inspector General now also has authority to investigate allegations of misconduct against employees of the FBI.

The Committee will examine these reforms to ensure that they are being implemented and to ensure that, as implemented, they are effective.

[The appendices referred to follow:]

APPENDICES

Appendix I.—Committee Correspondence

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS, VIRGINIA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
DAVE WELDON, FLORIDA
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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT
INDEPENDENT

March 30, 2001

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee the following items:

1. All records relating to Joseph Salvati; and

2. All records relating to the March 12, 1965, murder of Edward "Teddy" Deegan.

Please produce the requested items by April 14, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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May 10, 2001

The Honorable John Ashcroft
Attorney General of the United States
Department of Justice
900 Pennsylvania Avenue NW
Washington, DC 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is examining the FBI's handling of organized crime investigations in Boston and related matters. The Committee hereby requests certain records.

Please produce to the Committee all records relating to:

1. Commutation requests regarding Joseph Salvati;

2. Responses to commutation requests regarding Joseph Salvati;

3. Deliberations regarding commutation requests regarding Joseph Salvati; and

4. The parole of Joseph Salvati.

Please produce the requested items by May 23, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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.....

BERNARD SANDERS, VERMONT
INDEPENDENT

May 23, 2001

The Honorable John Ashcroft
Attorney General of the United States
Department of Justice
900 Pennsylvania Avenue NW
Washington, DC 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is examining the F.B.I.'s handling of organized crime investigations in Boston and related matters. The Committee hereby requests certain records.

Please produce to the Committee all records relating to:

1. Commutation requests regarding Peter Joseph Limone, Henry Tameleo, and Lewis Grieco (or Lewis Greco);

2. Responses to commutation requests regarding Peter Joseph Limone, Henry Tameleo, and Lewis Grieco (or Lewis Greco);

3. Deliberations regarding commutation requests regarding Peter Joseph Limone, Henry Tameleo, and Lewis Grieco (or Lewis Greco); and

4. The parole of Peter Joseph Limone.

Please produce the requested items by June 5, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

June 5, 2001

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records

Please produce the following items, in unredacted form, to the Committee:

1. All records relating to awards, commendations, or letters of recognition received by H. Paul Rico, Dennis Condon, John J. Connolly Jr., and John Morris;

2. All records concerning a November 3, 1983 meeting in Tulsa, Oklahoma relating to the investigation of the World Jai Alai organization and including employees of the U.S. Department of Justice, the Federal Bureau of Investigation (FBI), and state and local law enforcement officials from Connecticut, Massachusetts, Florida, and Oklahoma;

3. All audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Raymond Patriarca Sr. from January 1, 1962, to December 31, 1968;

4. All audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Gennaro "Jerry" Angiulo from January 1, 1962, to December 31, 1968;

5. All records, including reports and drafts of reports, relating to an investigation by the FBI's Office of Professional Responsibility of the FBI's relationship with James "Whitey" Bulger and Stephen Flemmi and other informants supervised by the Boston, Massachusetts FBI field office;

6. All records relating to H. Paul Rico's recall from retirement and subsequent involvement in the investigation of former U.S. District Court Judge Alcee Hastings.

7. All records relating to the involvement of the Department of Justice and the Federal Bureau of Investigation in *People of the State of California v. Joseph Bentley, a.k.a. Joseph Baron Barboza, a.k.a. Joseph Barboza Baron*, Criminal Action No. 6407-C, in the Superior Court of California, Sonoma County;

8. All records relating to contacts between the Federal Bureau of Investigation or its employees and the following individuals after their retirement from the Federal Bureau of Investigation:

   a. H. Paul Rico (retired in 1975);

   b. Dennis Condon (retired in 1977); and

   c. John J. Connolly Jr. (retired in 1990);

   Please exclude routine post-employment correspondence and information pertaining to pension arrangements.

9. All records, including audiotape recordings and transcripts, relating to the following individuals:

   a. Vincent James Flemmi (a.k.a. Vincent John Flemmi; a.k.a. Vincent Michael Flemmi; a.k.a. James J. Romano, a.k.a. James Flemi, a.k.a. Fred C. Napolitano);

   b. Stephen Joseph Flemmi (a.k.a. Stevie Flemmi) from 1960 to 1971;

   c. Joseph Barboza (a.k.a. Joseph Baron Barboza; a.k.a. Joseph Baron, a.k.a. Joe Bentley); and

   d. John S. Kelley;

10. All records relating to contacts between Joseph Barboza (a.k.a. Joseph Baron Barboza; a.k.a. Joseph Baron; a.k.a. Joe Bentley) and the following individuals:

   a. H. Paul Rico;

   b. Dennis Condon;

   c. Edward F. Harrington;

   d. John Doyle;

e. Frank L. Walsh;

f. Jack I. Zalkind;

g. William R. Geraway; and

h. Lawrence Patrick Hughes.

11. All records relating to contacts between the following individuals and any other individual regarding Joseph Barboza (a.k.a. Joseph Baron Barboza; a.k.a. Joseph Baron; a.k.a. Joe Bentley).

a. H. Paul Rico;

b. Dennis Condon;

c. Edward F. Harrington;

d. John Doyle;

e. Frank L. Walsh;

f. Jack I. Zalkind;

g. William R. Geraway; and

h. Lawrence Patrick Hughes;

12. All internal memoranda, policy statements, and U.S. Department of Justice and FBI guidelines relating to the Top Hoodlum Program and the Top Echelon Program and other past and present programs regarding the use of confidential informants.

13. Unredacted copies of all records which were provided in redacted form pursuant to the Committee's March 30, 2001, request.

Please produce the requested items by June 19, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

June 7, 2001

Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

Re: Request for Documents concerning Joseph Salvati, et al.

Dear Mr. Chairman:

This is in response to the House Government Reform Committee's request for FBI documents in connection with its examination of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. Specifically, by letter dated May 10, 2001 to Special Agent in Charge (SAC) Charles Prouty, FBI Boston, the Committee requested all records relating to commutation requests regarding Joseph Salvati; responses to commutation requests regarding Joseph Salvati; deliberations regarding commutation requests regarding Joseph Salvati; and the parole of Joseph Salvati. Similarly, by letter dated May 23, 2001 to SAC Prouty, the Committee requested all records relating to commutation requests regarding Peter Joseph Limone, Henry Tameleo, and Lewis Grieco (or Lewis Greco); responses to commutation requests regarding these individuals; deliberations regarding commutation requests regarding these individuals; and the parole of Peter Joseph Limone. The Committee also sent letters to the Attorney General requesting the same information.

In order to identify material responsive to the Committee's request, the FBI is undertaking a two step process. Initially, the FBI conducted manual and automated indices searches of the FBI's Boston and Headquarters files for information concerning these four individuals. After potentially responsive files are identified, the files are manually searched to retrieve information

FBI/DOJ

pertaining to the commutation issue. This two step process is necessary because documents responsive to the Committee's request do not fall within any of the FBI's investigative filing classifications. As a result, responsive documents cannot be readily identified based on an indices search and each potentially responsive record must be located and manually reviewed to determine if it relates to commutation or parole. Our indices searches revealed several hundred references that are potentially responsive to the Committee's requests. The FBI's search for and review of potentially responsive material is ongoing.

The enclosed documents are responsive to the Committee's request for information pertaining to commutation requests and related matters concerning Joseph Salvati, Peter Joseph Limone and Henry Tameleo. Specifically, enclosed is a copy of a Boston main file concerning an illegal gambling investigation of Salvati, Tameleo and other individuals while serving sentences in the Framingham Correctional Institution. Also enclosed are references from various Boston investigative files that concern the commutation requests of Salvati and Limone. Information has been redacted from these documents. An explanation sheet setting forth the basis for the redactions is also enclosed.

As set forth above, this is a preliminary release of information responsive to the Committee's request. We will supplement this production as additional responsive material is identified.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Enclosures (2)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 12, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters, dated May 10, 2001 and May 23, 2001, which requested documents relating to commutations requests of Joseph Salvati, Peter Limone, Henry Tameleo, and Lewis Greico.

Enclosed are the records provided by the Federal Bureau of Investigation in response to your request, including a cover letter signed by John Collingwood, Assistant Director in the FBI Office of Public and Congressional Affairs, which explains the Bureau's search procedure relating to your request.

I hope that this information is helpful. Please do not hesitate to contact me if you would like assistance regarding any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

RECEIVED
JUN 14 2001
HOUSE COMMITTEE ON
GOVERNMENT REFORM

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535
June 18, 2001

Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

Re: Request for Documents concerning Joseph Salvati, et al.

Dear Mr. Chairman:

The FBI has undertaken a review of documents in response to your letter dated June 5, 2001 to Attorney General Ashcroft. Specifically, the Committee requested certain records relating to organized crime investigations in Boston, Massachusetts as well as records concerning Joseph Barboza.

While working to identify material responsive to the Committee's request, the FBI located copies of documents that are responsive to the specific request for material relating to the wiretapping of Raymond Patriarca, Sr., from January 1, 1962 to December 31, 1996 (Item 3 in the Committee's June 5, 2001 letter). Enclosed are 12 volumes of documents reflecting summaries of information obtained as the result of the FBI's electronic surveillance of the offices of the National Cigarette Services at 168 Atwells Avenue, Providence, Rhode Island, between March 1962 and July 1965. The enclosed documents are copies of documents released to the Providence Journal under the Freedom of Information Act (FOIA) after the death of Raymond Patriarca Sr. and contain redactions made pursuant to the FOIA.[1] This material is being released to you with redactions as an interim measure in order to expedite the release of

[1] Please be advised, the disclosure of these documents was litigated both before and after the FBI's original release of this material in 1987. As a result of the original lawsuit, the First Circuit Court of Appeals upheld the withholding of material derived from pre-Title III electronic surveillance under the FOIA because production of such material would constitute an unwarranted invasion of personal privacy. Consistent with that holding and in settlement of a subsequent lawsuit, the FBI agreed to withhold statements to, by or about Raymond J. Patriarca (the son of Patriarca Sr.) in any subsequent releases of the processed material.

FBI-0004

Honorable Dan Burton

information requested by the Committee. We will undertake a review of the redacted material in order to release to the Committee additional information that was withheld from public disclosure in order to protect the privacy of individuals mentioned in the electronic surveillance reports. In addition, we continue to work to identify additional releasable material responsive to the Committee's pending request.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Enclosures (12)

RECEIVED
JUN 2 1 2001
HOUSE COMMITTEE ON
GOVERNMENT REFORM

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 17, 2001

Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, DC 20515

RE: REQUEST FOR DOCUMENTS

Dear Mr. Chairman:

This responds to your letter, dated June 5, 2001, which requested FBI documents in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters.

Enclosed is a copy of FBI file 92-HQ-9282. This file, comprised of three volumes, is captioned "Joseph Baron" and was opened in 1967 as an Anti-Racketeering investigation. Information contained in this file is responsive to several items requested in your letter, including records relating to the involvement of the Department of Justice and the FBI in a State of California criminal proceeding against Joseph Baron, (Item 7); records relating to Joseph Barboza (Item 9c); records relating to contacts between Joseph Barboza and specific individuals (Item 10); and records relating to contacts between specific individuals and any other individual regarding Joseph Barboza (Item 11). Information was redacted from these documents and an explanation sheet setting forth the basis for the redactions is included with each package. Please note, this file contains several pages indicating that documents from this file were removed and placed in other files. We are in the process of reviewing the other files to determine if they contain information responsive to the Committee's request.

By letter dated June 18, 2001, we provided twelve volumes of documents, responsive to your request for records pertaining to the FBI's electronic surveillance of the Raymond Patriarca, Sr. (Item 3), previously released to the Providence Journal under the Freedom of Information Act (FOIA). The FOIA release is being reviewed in order to provide the Committee with additional information that was withheld from public disclosure in order to protect the privacy of individuals mentioned in the electronic surveillance reports. Enclosed is one volume that has been reviewed and is appropriate for release in what will be a rolling production of this material.

RECEIVED

AUG 17 2001

HOUSE COMMITTEE ON
GOVERNMENT REFORM

Honorable Dan Burton

We continue to work to identify additional material responsive to the Committee's pending request and will supplement this production as releasable material becomes available.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

By: Elizabeth R. Bess
Special Counsel

Enclosures (4)

1 - Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, DC 20515

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Congress of the United States

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August 27, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an oversight investigation of the Federal Bureau of Investigation. This request for documents follows up on a telephone conversation of earlier today between my staff and Faith Burton of the Office of Legislative Affairs. Please provide the Committee with access to copies of records which were provided to the staff of the Senate Judiciary Committee in preparation for that Committee's July 18, 2001, hearing regarding oversight of the FBI.

Thank you for your cooperation with this request. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 27, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter, dated August 27, 2001, which requested access to records that were previously made available to staff for the Senate Judiciary Committee in connection with that Committee's hearing on July 18, 2001. We understand that your request is made in connection with your Committee's oversight investigation relating to the Federal Bureau of Investigations (FBI).

Our public disclosure of most of the requested documents would be prohibited by the Privacy Act, but we are making them available for your review in response to the Committee's oversight request and in accordance with 5 U.S.C. 552a(b)(9). The documents implicate significant individual privacy interests. They include allegations of misconduct, which have not been established and could be unfounded or were, in fact, found to be unsubstantiated. We are prepared to make the records available for review by your Committee's staff pursuant to your agreement that the documents and their contents will not be disclosed outside of the Committee. This agreement does not apply to the redacted version of documents packaged as item 4, which has been redacted to protect our relationship with other law enforcement agencies. There are no restrictions on the Committee's use of this redacted item 4, which is enclosed.

Committee staff have indicated that they would like to review the documents at the Department, pursuant to that agreement, on August 28, 2001 and we will be pleased to make them available at that time. I hope that this arrangement is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

/D.A.A.G

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 29, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

Over the past four years, the Committee on Government Reform has been one of the primary bodies conducting oversight of the Department of Justice. In the course of its oversight, the Committee has uncovered a number of troubling facts about the Justice Department's work. The Committee would not have been able to conduct vigorous oversight had it not obtained or reviewed a number of internal Justice Department documents. Indeed, I have repeatedly called Justice Department officials to public hearings, and the Committee even had to hold Attorney General Reno in contempt in order to vindicate the right of Congress to receive significant records.

The fundamental question now before us is relatively simple: how does Congress conduct oversight of investigations conducted by the Justice Department without access to deliberative material? An inflexible adherence to the position that Congress should never receive such material eviscerates a very important duty required of Congress by the Constitution. I do understand the underlying concerns of the Department of Justice. That is precisely why I attempted to reach an accommodation regarding the Committee's requests for the Conrad memorandum and two declination memoranda. Unfortunately, rather than meet me halfway -- as other Administrations have done and as you yourself have demanded in the past – you have elected to follow a course that makes Congress subservient to the Executive branch. This I cannot accept.

I have great confidence in the integrity and ability of you and your staff, and I am optimistic that the Department of Justice will not have the same problems which plagued it

during the tenure of Attorney General Reno.[1] However, my personal confidence in you does not diminish the responsibility of this Committee to conduct vigorous oversight of the Department of Justice. Similarly, it does not lessen the Committee's need to obtain records from the Department.

It is with great concern, therefore, that I address your refusal to produce records requested and subpoenaed by the Committee. On May 22, 2001, the Committee subpoenaed all declination memoranda relating to an investigation of former DEA Special Agent in Charge Ernest Howard.[2] On May 21, 2001, the Committee requested all declination memoranda relating to former Clinton White House aide Mark Middleton. In addition, I have brought to your attention my subpoena for the memoranda by former Campaign Financing Task Force Chief Robert Conrad regarding the decision to appoint a Special Counsel for various campaign fundraising abuses, and all related memoranda, which I originally subpoenaed on August 24, 2000.

In a meeting on July 18, 2001, Assistant Attorney General Michael Chertoff informed me that the Department would not produce any internal, deliberative materials to the Committee, and as a result, would not produce the Conrad memorandum, or the Howard or Middleton declination memoranda to the Committee.[3] His position was cast in absolute, inflexible terms. I know that the decision to withhold these documents was not an easy one for you, and I know that you have made it with the best of intentions. However, the decision to establish an inflexible policy to withhold deliberative materials from Congress is the wrong one, for both legal and prudential reasons. As I indicated earlier, it is unfortunate that we have not been able to reach an accommodation

The legal right of Congress to review declination memoranda, or other internal deliberative Justice Department materials like the Conrad, Freeh, or La Bella memoranda, cannot be seriously disputed. The Committee spent a great deal of time reviewing applicable legal precedent during its two-year long effort to obtain the Freeh and La Bella memoranda. The relevant cases made it clear that absent a valid claim of executive privilege,[4] Congress has a right to obtain these materials, a right which has been exercised frequently over the years. I have outlined these precedents in detail in both the Committee's August 1998 contempt report[5] as well

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[1] I hold this optimistic view despite public statements from individuals affiliated with the Bush Justice Department transition effort, who indicated that the new Administration would not follow up on investigations relating to the Clinton Administration. After James Riady was sentenced in January 2001, *The New York Times* reported that: "[I]t is unclear what might happen to the investigation of campaign finance abuses after George W. Bush becomes President on Jan. 20. Some advisers to the Bush transition team have said the new administration will let it come to a close." It was highly troubling that anyone associated with the Bush transition would suggest that the Administration should ignore evidence of illegal activity in the interest of "moving on." I would have objected if Al Gore's advisers had made this suggestion, and I object just as strongly when such suggestions are made by the current Administration or its advisers.

[2] While the Committee initially made a letter request for these documents, it was at your staff's suggestion that a subpoena was issued. It is, at a minimum, disturbing that your Department would suggest that Congress issue a subpoena and then deliberately fail to produce the subpoenaed material.

[3] Your staff has provided very helpful briefings on the declinations of the Howard and Middleton cases. However, your staff has refused to provide any access to the declination memoranda themselves

[4] No claim of Executive Privilege has been made over any of the three categories of records currently being sought by the Committee, nor could such a claim properly be made, given the nature of these records

[5] Attachment 1.

as in the Committee's December 2000 report regarding the Justice Department.[6] These cases, ranging from the Palmer Raids investigation in the 1920s to the Iran-Contra investigation in the 1980s, establish the right of Congress to receive internal deliberative materials from the Department of Justice. Indeed, you yourself understood this principle when you served in the United States Senate. In August 1998, you appeared on CNN Late Edition, and were asked if you thought that this Committee was right to hold Attorney General Reno in contempt over her refusal to provide the Committee with the Freeh and La Bella memoranda. An exchange between Wolf Blitzer and yourself on national television went as follows:

> Blitzer: You know that in the House of Representatives, Congressman Dan Burton and others are moving with contempt proceedings against Attorney General Janet Reno. For refusing to hand over certain FBI documents, and others involving allegations of Democratic campaign fund-raising abuses during the '96 campaign. Do you want to see this kind of contempt charge against Attorney General Janet Reno?
>
> Senator Ashcroft: No, I would like to see her deliver the documents, these are appropriately requested [and] there are only two reasons the House doesn't have a lot of options here in my judgment. [There are] only two reasons why a person can fail to respond to a subpoena from the House. One is that there is no jurisdiction in the committee, this committee clearly has jurisdiction here. Secondly, executive privilege would be asserted. Neither of those items has been raised by the Attorney General. The Attorney General has just learned from the President a technique we call stonewalling, and I don't think the House has much option. I think the House simply has to say, either our subpoenas are respected, or they are challenged on appropriate grounds. And if they are not, stonewalling won't do it, we have to say, contempt is the appropriate citation, it is regrettable, we need the information.

Your position in 1998 was unambiguous and it was correct. Thus, I am at a loss as to why you would take a contradictory position just a few years later.

As you probably also know, recent precedent also clearly confirms Congress' right to receive these materials. During the past six years alone, the Committee has received or reviewed 10 different declination memoranda. While the Committee has usually reached an accommodation with the Department whereby the memoranda are reviewed by Committee staff, rather than physically produced to the Committee, at least one declination memorandum has been produced to the Committee and published in a Committee report.[7] The precedent on other deliberative documents is just as clear. The Committee began its efforts to obtain the Freeh, La Bella, and other related memoranda in December 1997. In August 1998, the Committee held Attorney General Reno in contempt over this precise issue. Finally, in May 2000, the Committee received the memoranda which it had subpoenaed. All of these documents were subsequently made public. The Committee obtained these records from Attorney General Reno, who was

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[6] Attachment 2.

[7] This document was obtained and made public by Chairman Clinger during the 104th Congress.

widely recognized as one of the most recalcitrant Attorneys General in recent memory. You have now staked out a position that is even more restrictive than Attorney General Reno's.

At the same time that you are attempting to erect a restrictive new policy shielding deliberative Justice Department documents from Congressional scrutiny, you have already departed from that policy by providing deliberative Justice Department documents to the Senate Judiciary Committee. Indeed, you appear to have done so after the head of the Criminal Division provided me with a clear statement of the Justice Department's new policy. In July 2001, you provided staff of the Senate Judiciary Committee with access to records relating to Justice Department investigations of allegations relating to improper actions by FBI officials in the Ruby Ridge and Waco matters. Included in the materials which you provided to the Senate Judiciary Committee are internal, deliberative memoranda discussing investigations of Justice Department personnel. These memoranda are indistinguishable from the materials you are withholding from this Committee.[8] Obviously, I am concerned that you have embarked upon a course that sets different standards for different Congressional committees.

The practical concerns you have outlined regarding the Committee's access to deliberative documents like the Conrad memorandum or declination memoranda are serious, but they do not outweigh the need of the Committee to review this information. Again, this is why I have attempted to reach an accommodation. The only concern that you or your staff have articulated as a reason to withhold these records from Congress is that the production of the records will have a chilling effect on the ability of Department personnel to share their opinion with their superiors. When this argument was first made by Attorney General Reno, in response to the Committee's subpoenas for the Freeh and La Bella memoranda, the Committee examined it, and rejected it. The Department has never produced any evidence that Congressional review of deliberative documents has a chilling effect on Department personnel. Rather, there is every indication that Justice Department personnel have continued to offer their candid advice in written memoranda despite decades of Congressional oversight. This has certainly been the Committee's experience with documents relating to the campaign fundraising investigation. For example, despite the fact that the Committee subpoenaed the Freeh memorandum, several months later Charles La Bella drafted his lengthy memorandum regarding the appointment of an independent counsel. Then, despite the fact that the Committee subpoenaed the La Bella memorandum, and held the Attorney General in contempt over her refusal to provide it to the Committee, a number of Justice Department personnel wrote lengthy, candid memoranda expressing their advice regarding the appointment of an independent counsel.[9] Even after the

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[8] Some Justice Department staff claim that the internal deliberative memoranda relating to the Ruby Ridge and Waco matters can be made available to Congress because they relate to investigations by the Office of Professional Responsibility, not the Criminal Division. Such a distinction is meaningless. As some of the memoranda relating to Ruby Ridge and Waco make clear, FBI personnel were being investigated for serious matters, including altering 302s and intimidating potential witnesses. These actions could have resulted in criminal prosecution. Therefore, these memoranda regarding Ruby Ridge and Waco contain detailed deliberations regarding investigations that could result in criminal prosecution. As such, they are virtually identical to the Freeh, La Bella, and Conrad memoranda.

[9] In perhaps the best example of the hollowness of the Department's claims of a "chilling effect," on the same day that the Attorney General was held in contempt over her refusal to provide the Committee with the Freeh and La Bella memoranda, Lee Radek drafted a memorandum in which he clearly contemplated the public release of those memoranda, stating "[i]t is inexcusable, and I believe clearly calculated, that they [La Bella and Dr. Sarwal] have

Freeh, La Bella, and a number of other memoranda were provided to the Committee, and released publicly, Justice Department personnel like Campaign Fundraising Task Force Chief Robert Conrad have continued to offer their candid advice in memoranda. As the Committee found in its report regarding the Reno Justice Department:

> Indeed, the only practical consequence of the committee's release of the Freeh and La Bella memoranda is probably the message that one should not commit dishonest views to paper. The committee does not feel the need to protect malign advice.[10]

In addition, I believe that you should weigh against your concerns about Congressional access to these documents the substantial benefits that arise from Congressional oversight of the prosecutorial function. There are a number of troubling facts about the Justice Department that Congress would have never learned if it had not forced the Department to turn over the kinds of deliberative materials you are now trying to withhold:

- The public would never have learned that Charles La Bella, the lead prosecutor investigating the 1996 campaign fundraising scandal, believed that the Department created a double standard for investigating President Clinton: "[i]f these allegations involved anyone other than the President, Vice President, senior White House, or DNC and Clinton/Gore '96 officials, an appropriate investigation would have commenced months ago without hesitation." La Bella also concluded that "the contortions the Department has gone through to avoid investigating these allegations are apparent. . . . It is time to approach these issues head on, rather than beginning with a desired result and reasoning backwards."

- La Bella also wrote that "one could argue that the Department's treatment of the Common Cause allegations has been marked by gamesmanship rather than an even-handed analysis of the issues. That is to say, since a decision to investigate would inevitably lead to a triggering of the [Independent Counsel Act], those who are hostile to the triggering of the Act had to find a theory upon which we could avoid conducting an investigation." This is of particular consequence when put in the context of a Justice Department that was prepared to allow a senior official to denigrate the Independent Counsel Act in a widely circulated newspaper.[11]

- Steve Clark, another Justice Department attorney investigating the campaign fundraising matter wrote: "that, to date, we have been unable to investigate the Common Cause allegations in a straightforward way has been a great personal and professional disappointment. But, I believe the public has been most dis-served {sic} by the way in which the 'whether to investigate' issue has been approached, debated, and resolved. Never did I

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chosen to communicate their views about others within the Department in a memorandum that is the subject of such intense public interest, and is therefore likely to be leaked or become public through some other route."

[10] Janet Reno's Stewardship of the Justice Department: A Failure to Serve the Ends of Justice, 139. H. Rep. 106-1027 (2000). It was particularly important to learn from one of the memoranda that one senior Justice Department official made misrepresentations so severe that the then-Assistant Attorney General for the Office of Legal Counsel was compelled to write a memorandum which pointed out the misrepresentations. It is difficult for the Committee to understand why such communications should be cloaked in secrecy.

[11] *See* Jeffrey Goldberg, "The Mystery of Janet Reno: What is Janet Reno Thinking?" *The New York Times* (July 6, 1997)

dream that the Task Force's effort to air this issue would be met with so much behind-the-scenes maneuvering, personal animosity, distortions of fact, and contortions of law. . . . All this, not to forestall an ill-conceived indictment, not to foreclose a report making an independent counsel referral, but to prevent any investigation of a matter involving a potential loss of more than $180 million to the federal treasury."

- The Committee learned that each of the top investigators charged with investigating the 1996 campaign fundraising matter – Charles La Bella, his deputy Judy Feigin, Task Force Chief David Vicinanzo, FBI Director Louis Freeh, FBI General Counsel Larry Parkinson, Associate Deputy Attorney General Robert Litt, and even Public Integrity Section Chief Lee Radek – all recommended the appointment of an independent counsel at least once during the three-year debate within the Justice Department. Yet, the Attorney General ignored all of their advice and insisted on investigating the President and her own political party herself, with disastrous consequences.

You have publicly acknowledged that you are trying to restore public trust in the Justice Department and the Federal Bureau of Investigation. It is hard to believe that public confidence in our investigators and prosecutors can be restored by an inflexible policy that prevents Congress from discharging a constitutionally-mandated duty. Rather, Congress has a right to review and evaluate certain prosecutorial decisions, especially those that go to the core of public confidence in the integrity of the Justice Department. For example, this Committee is currently conducting an investigation of the Department's handling of informants in its organized crime investigations. The Committee recently heard testimony from Joseph Salvati, who was imprisoned for 30 years for a crime he did not commit. While Mr. Salvati sat in prison, the FBI had substantial information pointing to his innocence, yet the FBI continued to take steps to assist and protect the man whose testimony put Salvati in prison. The Committee's investigation of the Salvati matter, and a number of other equally disturbing matters, will require access to internal deliberative Department memoranda much like the Conrad memorandum. I fear that the policy you are so intent on establishing will act to prevent the Committee from learning the full truth about these matters. What the Committee has learned so far in its investigation shows that mistakes like the Salvati case are the result of a lack of accountability in the Department's decisionmaking. I fail to see how your new policy – which will cloak the Department's decisionmaking in even more secrecy – will improve the operation of the Department.

To summarize, the Committee asks only to receive the records it has received in the past. Specifically, the Committee has requested two declination memoranda relating to Ernest Howard and Mark Middleton, the Conrad memorandum regarding the need for a special counsel to investigate campaign fundraising abuses, and other related memoranda. There is no valid legal or practical reason why these records should be withheld from the Committee.

Attorney General Ashcroft, just three years ago, you agreed with my position, and you demanded that Attorney General Reno turn over the Freeh and La Bella memoranda. You said "I would like to see her [Attorney General Reno] deliver the documents . . . we need the information." I believe that your analysis of Attorney General Reno's actions was exactly right, and I am concerned that you have one standard for a Democrat Attorney General and another standard for yourself. This appears to be inexplicable. Therefore, I respectfully request that you

reconsider your position, and produce to the Committee the documents which I have requested. If you do not produce the requested records, I will have no choice but to ask you to appear before the Committee to explain your position publicly.

Sincerely,

Dan Burton
Chairman

cc: Members, Committee on Government Reform

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August 30, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

I write to request copies of documents recently reviewed by my staff. Please provide the Committee with the following:

SJC (7-10-01)/OPR 00076 through 00080
SJC (7-10-01)/USA 0001 through 0003

These documents are potentially relevant to the hearing scheduled for September 6, 2001, and I would appreciate receiving copies of these documents by Tuesday, September 4, 2001.

Sincerely,

Dan Burton

Dan Burton
Chairman

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D C 20535-0001

August 31, 2001

Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, DC 20515

RE: REQUEST FOR DOCUMENTS

Dear Mr. Chairman:

This responds to your letter, dated June 5, 2001, which requested FBI documents in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. The enclosed documents are provided in response to your request seeking, *inter alia*, all internal memoranda, policy statements and U.S. Department of Justice and FBI guidelines relating to the Top Hoodlum Program and other past and present programs regarding the use of confidential informants. (Item 12)

The enclosed records, consisting of four volumes of material, are from the FBI Headquarters control file for the "Top Hoodlum Program." From the its inception in 1953 through January 1958, documents concerning the program were maintained in FBI file 62-100008, which is comprised of nine sections. In January 1958, the file number was changed to 62-9. This file is comprised of 58 sections. In response to your request, these files were searched for documents concerning policy matters and guidelines relating to the management of the Top Hoodlum Program. This release, covering the time frame from 1958 through July 1960, includes all of the responsive material located in FBI file 62-100008, and responsive material located in sections 1 - 15 of FBI file 62-9. Responsive material located in the remaining sections of FBI file 62-9 will be provided to you as soon as it becomes available. Minimal redactions were made from these documents. An explanation sheet setting forth the basis for the redactions is included with those volumes containing redacted documents.

Also enclosed are copies of excerpts of trial transcripts from The People of the State of California v. Joseph Barbosa Baron dated December 3, 1971. This material is provided in response to your request for records relating to the involvement of the Department of Justice and the FBI in a State of California criminal proceeding against Joseph Baron. (Item 7). The

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HOUSE COMMITTEE ON
GOVERNMENT REFORM

Honorable Dan Burton

enclosed material includes transcript pages 2 - 296 containing testimony of Joseph Baron; transcript pages 297 - 300 and 307-308 containing testimony of Edward F. Harrington; transcript pages 301 - 303 containing testimony of former FBI Special Agent Dennis M. Condon; and transcript pages 304 - 306 containing testimony of former FBI Special Agent H. Paul Rico. Also enclosed is another transcript from this proceeding, dated December 10, 1971, entitled "Deposition of Paul I. Zalkind."

We continue to work to identify additional material responsive to the Committee's pending request and will supplement this production as releasable material becomes available.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Enclosures (5)

1 - Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, DC 20515

DAN BURTON, INDIANA
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INDEPENDENT

August 31, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The Need for Congressional Oversight of the Justice Department." The hearing is scheduled for September 13, 2001, in room 2154 of the Rayburn House Office Building at 1:00 p.m. I would like to invite you to testify at this hearing.

The Committee will inquire about the Justice Department's new policy to refuse to provide to Congress deliberative documents pertaining to criminal investigations. As I expressed to you in my August 29, 2001, letter, I believe that this new policy will, in some cases, make Congressional oversight of the Justice Department impossible. The Committee will ask you to provide further information regarding your new policy, including, but not limited to:

- What precedent exists for the Department's policy;
- Whether there is any legal or prudential support for your policy;
- Whether previous Administrations have reached accommodations with Congress over the types of documents under consideration; and
- What impact the policy will have on Congressional oversight of the Justice Department.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

SEP 04 2001

Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Reference is made to your letter, dated June 5, 2001, which requested FBI documents in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. Reference is also made to visits to FBI Headquarters made by Mr. James Wilson, Chief Counsel for the Committee, on August 16 and August 28, 2001 for the purpose of reviewing unredacted copies of FBI records provided by the Department of Justice pursuant to your March 30, 2001 request.

In connection with his visits, Mr. Wilson agreed that any notes taken by him would be reviewed by the FBI and law enforcement sensitive information would be redacted prior to release of the notes to him. Enclosed are redacted copies of Mr. Wilson's notes taken on August 16, 2001 and August 28, 2001.

In addition, during his review, Mr. Wilson identified seven pages of material contained in the March 30, 2001 release that were prioritized for re-review by the FBI in light of your expanded June 5, 2001 request. Enclosed are redacted copies of the seven pages identified by

RECEIVED

SEP 05 2001

HOUSE COMMITTEE ON
GOVERNMENT REFORM

Honorable Dan Burton

Mr. Wilson. Information contained on these pages derives from the FBI's electronic surveillance of the offices of the National Cigarette Services at 168 Atwells Avenue, Providence, Rhode Island, between March 1962 and July 1965 and is responsive to Item 3 of your June 5, 2001 request.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Enclosures (2)

1 - Honorable Henry A. Waxman (w/out Mr. Wilson's notes)
Ranking Minority Member
Committee on Government Reform
Washington, D.C. 20515

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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WASHINGTON, DC 20515–6143

Majority (202) 225-5074
Minority (202) 225-5051
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 6, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

Attached to this letter is a subpoena for a number of Justice Department documents, some of which were the subject of my August 29, 2001, letter to you. Specifically, I have subpoenaed: (1) the memorandum by Robert Conrad regarding the appointment of a special counsel to investigate campaign fundraising matters, as well as all related memoranda; (2) the declination memorandum for Mark Middleton; and (3) a number of memoranda relating to decisions to prosecute, or not to prosecute, a number of individuals involved in the Committee's investigation of the Justice Department's handling of organized crime investigations in New England.

I do not issue this subpoena lightly. As I indicated to you when you took office, I had hoped to obtain all necessary information from the Justice Department through letter requests, rather than subpoenas. For the most part, the Justice Department has been very cooperative and responsive to the Committee's requests for information. However, as I indicated in my August 29, 2001, letter, the Department has resisted producing deliberative documents to the Committee. The Department has now announced a policy that it will not produce any internal deliberative documents regarding criminal prosecutions to Congress. As I explained in my letter, I believe that the Department's policy is wrong, both legally and practically, and it will dramatically impact the ability of Congress to conduct effective oversight of the Justice Department.

My staff and I have negotiated with you, your staff, and White House staff for several months in an attempt to reach an accommodation over this issue. I have offered a number of different accommodations which would protect the Department's legitimate interests, while still allowing the Committee to conduct effective oversight. You have not accepted any of my offers. Therefore, I have announced a hearing on this matter, and invited you to testify at the hearing. I

am issuing the attached subpoena in advance of the hearing so that the Committee's demand for the documents is clear and legally enforceable.

The attached subpoena also calls for a number of deliberative records relating to the Committee's investigation of the Department's handling of its organized crime investigations in New England. The Committee has already received extensive information indicating that the Department has a deeply troubled past in its handling of a number of confidential informants who were providing the Department with misleading information, and who were also committing serious crimes while under Departmental protection. The records called for by the Committee's subpoena are central to the Committee's investigation of why the Department refrained from prosecuting these individuals for so long.

I remain hopeful that you will reconsider the Department's position and produce the subpoenaed documents before the Committee's hearing.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Members, Committee on Government Reform

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: Attorney General John Ashcroft

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on September 11, 2001, at the hour of 5:00 PM

To Danleigh Halfast or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 6th day of September, 19XX2001

Chairman.

Attest:

Clerk.

Subpoena for U.S. Department of Justice

Serve: Attorney General John Ashcroft

Tenth Street & Constitution Avenue N.W.

Washington, D.C. 20530

before the Committee on the

Government Reform

Served To Faith Burton

By: Danleigh Hafaad

by hand delivery

9/6/01 1:00 PM

Danleigh Hafaad

House of Representatives

GPO: 1998 51-315 (mss)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General John Ashcroft
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee the following records.

1. All records related to decisions either to prosecute, or refrain from prosecuting, Stephen Flemmi, including, but not limited to, records relating to decisions to prosecute, or refrain from prosecuting Flemmi for the bombing assualt on attorney John Fitzgerald. Please exclude all records drafted in anticipation of, or subsequent to, the 1995 indictment of Stephen Flemmi.

2. All records related to decisions either to prosecute, or refrain from prosecuting, James J. "Whitey" Bulger. Please exclude all records drafted in anticipation of, or subsequent to, the 1995 indictment of James J. "Whitey" Bulger.

3. All records related to decisions either to prosecute, or refrain from prosecuting, Joseph Barboza.

4. All records related to decisions either to prosecute, or refrain from prosecuting, Vincent J. "Jimmy the Bear" Flemmi.

5. All records related to decisions either to prosecute, or refrain from prosecuting, Raymond L. S. Patriarca.

6. All records related to decisions either to prosecute, or refrain from prosecuting, Gennaro Angiulo.

7. All records related to decisions either to prosecute, or refrain from prosecuting, Theodore J. Sharliss, a.k.a. James Chalmas.

8. All records related to decisions either to prosecute, or refrain from prosecuting, Joseph "J.R." Russo.

9. All records related to decisions either to prosecute, or refrain from prosecuting, H. Paul Rico. Please exclude all records prepared by the Justice Department Task Force led by John Durham.

10. All records related to decisions either to prosecute, or refrain from prosecuting, John Connolly, Jr. Please exclude all records prepared by the Justice Department Task Force led by John Durham.

11. All records related to decisions either to prosecute, or refrain from prosecuting, John Morris.

12. All records related to decisions to prosecute Francis P. Salemme for the bombing assault on attorney John Fitzgerald.

13. All records related to decisions to prosecute, or to refrain from prosecuting, Robert Daddeico.

14. Any report or memorandum by Robert Conrad recommending the appointment of a special counsel to investigate campaign fundraising matters, and all memoranda drafted in response to Mr. Conrad's memorandum, including any replies or rebuttals by Mr. Conrad.

15. All declination memoranda relating to Mark E. Middleton.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 6, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter, dated August 30, 2001, which requested copies of two documents in connection with the Committee's hearing on Department of Justice oversight that is now scheduled for September 13, 2001. One of the documents, SJC (7-10-01)/OPR-00076, a communication by Special Agent Patrick Kiernan of the FBI's Office of Professional Responsibility, reports factual information allegedly constituting misconduct, including retaliation against a whistleblower, by high-level FBI employees. The second document, SJC (7-10-01)/USA-00001, from an FBI inspector to an Assistant United States Attorney, recommends that information regarding possible misconduct developed during a criminal investigation be furnished to the Department's Office of Professional Responsibility.

In accordance with our conversations with Committee staff, we are providing the enclosed documents pursuant to your agreement that neither the documents nor their contents will be disclosed outside of the Committee and they will be returned to the Department after the hearing. This same confidentiality agreement was the basis upon which the Department previously made the documents available to you and the Senate Judiciary Committee. As indicated in our prior correspondence, the Department would not publicly disclose these materials although we have made them available in response to your oversight request and pursuant to 5 U.S.C. 552a(b)(9). We have entered into the confidentiality agreements regarding these and other documents because they implicate significant individual privacy interests.

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COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 3, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

I write in response to the December 19, 2001, letter from Assistant Attorney General Dan Bryant. I appreciate Mr. Bryant's effort to follow up on matters relating to the Committee's December 13, 2001, hearing. However, his letter did little to diminish the concerns that I and a number of the Committee's members have about the Justice Department's refusal to provide the Committee with access to subpoenaed records.

It appears that Mr. Bryant's letter was an attempt to explain the efforts the Justice Department has made to accommodate the Committee's interests. Mr. Bryant also stated that the Department "will be prepared to make a proposal as to how further to accommodate the Committee's needs as soon as you inform us in writing of the specific needs the Committee has for additional information." This is encouraging, but as I will explain, I have a number of concerns about your offer.

As you know, since Spring of 2001, this Committee has been negotiating with the Justice Department to obtain access to a number of Justice Department memoranda. In an effort to obtain access to those records, my staff and I have met with you, Deputy Attorney General Larry Thompson, White House Counsel Alberto Gonzales, Assistant Attorney General Michael Chertoff, Assistant Attorney General Dan Bryant, and a number of other Justice Department and White House staff. In the course of those discussions, my staff and I offered a number of compromises that would satisfy our needs as well as the Justice Department's interests. These offers were never even entertained by the Department. Indeed, before you even learned why the Committee was interested in reviewing the subpoenaed documents, you announced a blanket policy that Congress would never again have access to deliberative documents. While the statements you and Judge Gonzales made to me were modified by Mr. Horowitz during the December 13, 2001, hearing when he referred to a case-by-case analysis, it was quite clear that in no case would deliberative Justice Department documents be provided to Congress. Put simply, if you were prepared to advise the President to invoke executive privilege over the

Boston documents, there is little likelihood that you would ever permit Congress to receive deliberative memoranda.

Given the fact that you rebuffed any offers of compromise for the past eight months, you can see how I find the Department's current offers to accommodate the Committee curious. In fact, during a meeting with senior Justice Department and White House staff in September 2001, my staff noted that the Justice Department had never asked why the Committee was seeking the disputed deliberative memoranda. Your staff indicated that the Committee's articulation of its need was irrelevant to the Department's analysis. It appears that you continued to consider our need for the documents irrelevant, and even advised President Bush to claim executive privilege over the subpoenaed documents without a clear understanding of why the Committee needed them. I am unable to understand why you would do this, unless, of course, the needs of Congress are not relevant to your decisionmaking. I am surprised, and more than a little dismayed, that you would advise the President to claim executive privilege for the first time in his administration without even understanding why the Committee was seeking the records.

Given that you and your staff informed me earlier that the Justice Department was implementing a new blanket policy that Congress would no longer be provided with deliberative documents, I also find it strange that you are now asking for an articulation of the Committee's need for the Boston-related documents. If indeed there is a blanket policy in place, the Committee's needs for the documents are irrelevant to the Department. Of course, your prior articulation of a blanket policy was undermined at the December 13, 2001, hearing by Mr. Horowitz's representation that the Department conducted a case-by-case analysis of requests for deliberative documents. However, there is no indication that the Justice Department conducted any serious "case-by case" analysis in this instance, as the Department did not even seek input from the Committee prior to recommending that the President invoke executive privilege. Therefore, you can understand why I might conclude that the Justice Department is not truly interested in the Committee's needs for the subpoenaed documents, and has asked for an articulation of the Committee's needs only to make it appear as if the Department was engaged in negotiations with the Committee.

At any rate, in the interest of continuing my efforts to work with the Justice Department -- efforts which have been underway since Spring 2001 -- I will provide you with a brief summary of the Committee's needs for the subpoenaed documents. It is my hope that once you fully understand the Committee's needs for the documents, you will advise the President to withdraw his claim of executive privilege. In a general sense, in order to understand whether the Justice Department served the ends of justice, Congress must understand in certain situations why prosecutorial decisions are made. This requires a review of documents for two reasons: first, Congress cannot rely on a verbal briefing because the briefing may leave out material, intentionally or unintentionally, that is germane to the needs of Congress; and second, Congress cannot rely on a verbal briefing because there are times when the person providing the briefing will have a less developed sense of factual predicates than the individuals receiving the briefing. More specifically, the Committee subpoenaed documents pertaining to Justice Department misconduct in handling of informants because it is concerned that: (1) the Justice Department, including the FBI, was using its powers in a corrupt manner, and that this abuse led to the

imprisonment of Joseph Salvati for thirty years for a crime he did not commit, as well as a number of other equally horrific episodes, including murders; (2) Justice Department personnel may have covered up corrupt conduct over a course of many years; (3) until Judge Mark Wolf compelled the Justice Department to take this matter seriously, it did not appear eager to conduct, or capable of conducting, a review of its own past misdeeds; and (4) the fact that the Justice Department has constituted a task force to conduct a criminal investigation does not relieve Congress of its obligation to investigate the matter, and determine whether new legislation is needed to address the problems within the Justice Department.[1]

In his December 12, 2001, memorandum, President Bush stated that "I believe that congressional access to these documents would be contrary to the national interest[.]" It eludes me how it is in the national interest to cloak this dark chapter of the Justice Department's history in secrecy. Rather, I believe that once you understand the scope of Justice Department malfeasance in its handling of organized crime investigations in New England, it will become clear that Congress should receive access to these documents so that it can fully understand what mistakes were made, and enact appropriate remedies so that it never happens again.

With this in mind, I have a few observations about Mr. Bryant's letter. The letter makes it appear that some in the Department are more interested in a press strategy than serious negotiations with the Committee.

First, Mr. Bryant noted that "[w]e have not objected to the Committee's undertaking its own investigation[.]" It appears that Mr. Bryant made this statement to show how reasonable and accommodating the Department has been. However, it speaks volumes about the Justice Department's attitude regarding Congressional oversight that it believes that it has the right to "object" to the Committee undertaking an investigation. This is particularly puzzling when you will not permit Committee staff to speak with your task force supervisor. As you, of all people should know, Congress is an equal branch of government, with a power of inquiry the Supreme Court has described as "broad," and which "comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste." *Watkins v. United States*, 354 U.S. 178, 187 (1957). I am unaware of any objections raised by you when deliberative documents were sought during Senate investigations. Indeed, I can only speculate how you might have reacted if, when you served in the Senate, the Reno Justice Department had informed you or your former colleagues that it would not "object" to an oversight investigation of pressing national importance.

Second, Mr. Bryant wrote that the Department has provided "[m]ore than 3800 pages" in response to our request. In his hearing testimony on December 13, 2001, Criminal Division Chief of Staff Michael Horowitz also repeatedly invoked the number of pages provided to the Committee. The fixation of Justice Department staff on the number of pages provided in response to Committee requests is troubling. Of course, the Committee does not subpoena

[1] A detailed explanation of why the Committee is seeking the specific documents under subpoena can be found on the Committee's website, where it has been posted since September 2001. See http://www.house.gov/reform/newindex/subpoena_items.htm. Further explanation of the Committee's needs for the documents will be made at public hearings.

documents by the pound, and the number of documents provided by the Justice Department is irrelevant. It is my hope that your prosecutors and investigators do not accept similar representations from defendants and their lawyers who may seek to withhold documents from the Justice Department during criminal investigations. The fact is that the Committee is seeking a small universe of deliberative Department documents, and you are refusing to provide them.

Mr. Bryant's characterizations of past efforts to accommodate the Committee are also misleading. He indicates that the Committee's need for the Conrad memorandum was accommodated by the Committee's interview of Attorney General Reno on October 5, 2000. Neither you nor Mr. Bryant were present for the interview with Attorney General Reno, so you may not understand how her interview was less-than-satisfying for the Committee.[2] The fact that your staff holds up the Reno interview as an example of the folsome accommodation provided by the Justice Department shows why the Committee is skeptical of your offers.

Mr. Bryant or Mr. Horowitz could have assisted the Committee by following up on questions which were posed at the Committee's December 13, hearing, which were not answered. For example, Mr. Horowitz stated that he would inform the Committee "promptly" as to whether we would be receiving a privilege log for the records the Justice Department is withholding on the basis of privilege. Mr. Horowitz also informed Congressman Tierney that he would determine whether he could inform the Committee about who participated in the decision to advise President Bush to claim executive privilege in this matter. In addition, in a September 7, 2001, letter, I asked you a number of questions regarding the precedent for withholding this type of information from Congress. Those questions have not been answered. It is interesting that Mr. Bryant sent a four-page letter regarding the Department's efforts to accommodate the Committee without answering one single outstanding question from the Committee's hearing.

Unfortunately, Mr. Bryant's letter does little to further the process of accommodation Rather, it distracts from the key issues. Therefore, let me list the key issues facing us over the coming months.

- The Committee is conducting an important investigation relating to serious allegations of wrongdoing in the FBI. This investigation is being negatively impacted by the Justice Department's new policy of secrecy regarding deliberative documents. It has also been negatively impacted by liberal redactions in key documents and an absolute refusal to even entertain a meeting to discuss sensitive matters involving informants. Both Department and Committee investigations have been made more complex by the refusal of the Justice

[2] Ms. Reno explained that she had refused to appoint a campaign fundraising special counsel because she had concluded that "there is no reasonable possibility that further investigation could develop evidence that would support the filing of charges for making a willful false statement." She provided virtually no information beyond that statement to explain why she rejected Robert Conrad's recommendation to appoint a special counsel. When asked why she was refusing to provide the Conrad memorandum, she stated that it was "part of a pending investigation." Yet, when she was squarely asked "are the issues raised in [Conrad's] memo still under investigation," Attorney General Reno answered "I can't tell you that." So, not only did Attorney General Reno fail to provide any explanation of her decisionmaking, she refused to even state whether the Conrad memo dealt with open or closed cases.

Department to allow Task Force Supervisor John Durham even to have a conversation with Committee lawyers.

- The new Justice Department policy would effectively eliminate real Congressional oversight of the Department. There are times when Congress should be permitted access to all of the facts, not just some of the facts. The Department's focus on the number of pages provided to the Committee belies a belief that it is appropriate for Congress to learn some facts, but not all of the facts. It is impossible for the Congress to investigate wrongdoing in the Justice Department without access to the types of documents sought by the Committee. Yet, rather than engage the Committee in an process of compromise and accommodation, you have created a blanket policy of secrecy that will forever bar Congress from receiving deliberative Justice Department memoranda, regardless of how serious the allegations of wrongdoing.

- The Justice Department has lowered this iron veil of secrecy at the very time that it has received broad new powers to combat terrorism. While I am supportive of the new powers granted to the Justice Department, I believe that they must be subject to careful review by Congress. The policy you have created will make such oversight virtually impossible.

- The President's claim of executive privilege is surprisingly broad in its scope. Moreover, it is not supported by relevant caselaw.

- As you saw at the Committee's December 13, 2001, hearing, this Committee is united across party lines in opposition to the Justice Department's new policy. Moreover, this Committee is not the only concerned party:

> "Dan Burton, a Republican and chairman of the Government Reform Committee, and Henry Waxman, its ranking Democrat, do not agree on much. But both men feel strongly, as do we, that Mr. Bush should defuse the present constitutional clash by withdrawing his unwarranted privilege claim." "Misusing Executive Privilege," *The New York Times*, December 15, 2001.
>
> "President Bush sought to hoodwink the House Government Reform Committee and the American public last week when he invoked executive privilege to thwart a congressional investigation of abuses in the Boston FBI office. . . . The President is forcing a constitutional confrontation with Congress. Republicans and Democrats should join in the defense of accountable and transparent government, whether on the floors of Congress or in America's courtrooms." "Blinded Justice," *The Boston Globe*, December 18, 2001.
>
> "In a range of recent situations, the White House has had a choice between opening government to scrutiny or keeping the public in the dark. In each instance - from an investigation of the mob to the release of presidential papers, to secret military tribunals and secretive detention for terror suspects - George W. Bush has opted for the dark. That's unhealthy for any democracy." "Too Many Secrets Being Kept in Bush White House," *Newsday*, December 18, 2001.

> "[T]he President said release of documents sought by the committee would 'inhibit the candor' prosecutors need in discussions about actual and prospective cases. It's a mystery why he thinks so. No previous President has sought to withhold such records . . . Protection of institutional prerogatives can trump party loyalty. Cooperation with the committee is not only the right thing to do, it may avoid an unwinnable fight." "Privilege Shouldn't Cover Up This Mess," *Boston Herald*, December 17, 2001.

Given these facts, the Committee has no alternative but to hold further public hearings regarding this matter. Our next hearing will focus on precedent, or the lack thereof, for the Department's new policy, and will be held on January 24, 2002 at 10:00 a.m. I request that Assistant Attorney General Dan Bryant testify at this hearing. Mr. Bryant will be asked to testify regarding all previous times that the Justice Department has made deliberative documents available to Congress. Mr. Bryant will also be asked to answer the questions originally posed in my letter to you of September 7, 2001.

Sincerely,

Dan Burton
Chairman

cc: Members, Committee on Government Reform

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...
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BERNARD SANDERS, VERMONT,
INDEPENDENT

To:	The Honorable John Ashcroft	**From:**	Chairman Dan Burton
Fax:	514-4507	**Fax:**	(202) 225-5127
Phone:	514-2001	**Phone:**	(202) 225-5074
Pages:	7 (including cover sheet)	**Date:**	January 3, 2002

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To:	Carl Thorsen	**From:**	Chairman Dan Burton
Fax:	305-2643	**Fax:**	(202) 225-5127
Phone:	514-1653	**Phone:**	(202) 225-5074
Pages:	7 (including cover sheet)	**Date:**	January 3, 2002

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 4, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

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MAY 0 9 2002

GOVERNMENT REFORM
COMMITTEE

Dear Mr. Chairman:

This responds to your letter, dated December 18, 2001, which requested additional documents relating to the FBI's handling of informants in Boston.

Your request has been circulated to the FBI, the Department's Criminal Division, the Boston Strike Force and the Justice Task Force, all of which have begun to search for responsive records. Due to the holidays, however, we have not yet identified and processed responsive records and, consequently, we regret that we cannot provide records today as you requested. We will, of course, supplement this response as soon as we have responsive records available for the Committee.

Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

THE WHITE HOUSE

WASHINGTON

January 10, 2002

Dear Chairman Burton:

Thank you for your January 3 letter. I have reviewed that letter and your January 3 letter to Attorney General Ashcroft. I will respond to both letters on behalf of the Executive Branch.

Thank you as well for your comments regarding our conversation of December 13. I understand and respect both your strong interest in pursuing the objectives of your Committee and your institutional perspective on privilege matters.

In response to your letters, I initially want to correct a misimpression about the Executive Branch's overall position on deliberative documents. Your letter states that Attorney General Ashcroft and I articulated to you an Executive Branch "policy" that "henceforth Congress would never receive deliberative documents from a criminal investigation or prosecution." There is no such bright-line policy, nor did we intend to articulate any such policy. As a general matter, the Executive Branch will treat requests for Department of Justice deliberative documents from closed matters in the same way it treats requests for Executive Branch deliberative documents more generally: through a process of appropriate accommodation and negotiation to preserve the respective constitutional roles of the two Branches. No bright-line rule historically has governed, or now governs, responses to congressional requests for the general category of Executive Branch "deliberative documents."

Of course, the Committee's subpoenas in this matter sought a very narrow and particularly sensitive category of deliberative materials -- prosecution and declination memoranda -- as well as the closely related category of memoranda to the Attorney General regarding the appointment of a special prosecutor. Absent unusual circumstances, the Executive Branch has traditionally protected those highly sensitive deliberative documents against public or congressional disclosure. This traditional Executive Branch practice is based on the compelling need to protect both the candor of the deliberative processes by which the Department of Justice decides whether to prosecute individuals and the privacy interests and reputations of uncharged individuals named in such memoranda.

Moreover, with respect, congressional access to these kinds of sensitive prosecutorial decisionmaking documents would threaten to politicize the criminal justice process and thereby threaten individual liberty. The Executive Branch is appropriately concerned that the prospect of congressional review of prosecution or declination memoranda might lead prosecutors to err on the side of investigation or prosecution solely to avoid political criticism. This would, in turn, undermine public and judicial confidence in our law enforcement processes. In addition, prosecution and declination memoranda often require analyses and judgments of witness credibility, witness appearance, witness reputation, defense tactics, judicial quality, and strength of evidence; such sensitive analyses and judgments require confidentiality in order to ensure the

candor necessary for appropriate decisionmaking. For all of these reasons, the President's December 12 decision to assert executive privilege was entirely proper as a matter of constitutional law and practice.

It bears emphasis for purposes of this discussion, moreover, that laws *enacted by Congress* independently prevent the Executive Branch from disclosing significant portions of prosecution and declination memoranda -- *even to Congress*. In particular, Rule 6(e) of the Federal Rules of Criminal Procedure and the prohibitions contained in 18 U.S.C. 2510 *et seq.* (regarding wire and oral intercept information, generally referred to as Title III information) prohibit disclosure of grand jury and wiretap information.

In this matter, the Committee's subpoenas sought production of four categories of Department of Justice prosecutorial documents: those relating to (i) the potential appointment of a special counsel for the campaign financing investigation, (ii) the investigation of Mark Middleton, (iii) the investigation of Ernest Howard, and (iv) the investigation of certain individuals investigated and prosecuted by the Boston United States Attorney's Office. Your recent letters and statements in the press indicate that the Committee has now narrowed its focus to the fourth category of documents described above (the Boston documents). The Boston documents consist of ten prosecution memoranda. Significant portions of those memoranda cannot be disclosed lawfully due to the proscriptions of Rule 6(e) and Title III. And the traditional confidentiality and separation-of-powers principles outlined above also plainly apply to these memoranda.

However, the Executive Branch recognizes that in unusual circumstances like those present here, where the Executive Branch has filed criminal charges alleging corruption in the FBI investigative process, even the core principle of confidentiality applicable to prosecution and declination memoranda may appropriately give way, to the extent permitted by law, if Congress demonstrates a compelling and specific need for the memoranda. *See generally Senate Select Committee on Presidential Campaign Activities v. Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc) (congressional committee is required to demonstrate that the information sought is "demonstrably critical to the responsible fulfillment of the Committee's functions").

Before the President's assertion of privilege and the December 13 hearing, the Committee had explained the general nature of its inquiry into corruption in the FBI's handling of informants in Boston, but it had not explained why these prosecutorial memoranda were necessary to that inquiry or, for example, how they might reveal evidence of corruption in the charging process or otherwise should be differentiated from ordinary prosecution and declination memoranda. As of the Committee hearing on December 13, therefore, there was no reason for the Executive Branch to analyze or respond to the Committee's subpoena for these Boston prosecution memoranda any differently from the campaign financing, Howard, or Middleton memoranda. That was particularly true since the subpoena for these Boston prosecutorial memoranda, issued only a week before the September 13 hearing at which the Attorney General was initially scheduled to testify, was a very late addition to the series of Committee subpoenas and requests seeking the other prosecutorial memoranda. Indeed, for that same reason, we were

surprised that the Committee's hearing, which was subsequently rescheduled from September 13 to December 13, focused only on the Boston documents.

As you know, the President's memorandum of December 12 asserting executive privilege expressly directed that the Administration work "with the Committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers." Consistent with the President's directive and the statement of Committee interest that has been articulated since December 12, we are prepared to accommodate the Committee's interest in a manner that should both satisfy the Committee's legitimate needs and protect the principles of prosecutorial candor and confidentiality. Department of Justice attorneys will provide a confidential, oral description of the contents of the ten Boston documents to you and your staff and to the Ranking Member and his staff. The attorneys also will answer appropriate questions you may have about the documents. After the briefing, if you have additional requests, we will respond in a manner consistent with the President's December 12 directive, the requirements of law, and the longstanding practices of the Executive Branch.

I am hopeful that this proposed accommodation process will provide the Committee with the information it legitimately needs, while at the same time respecting and preserving the critical Executive Branch interest in the appropriate candor and confidentiality of prosecutorial decisionmaking. We look forward to concluding this matter appropriately and expeditiously in consultation with you and your staff.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Dan Burton, Chairman
Committee on Government Reform
United States House of Representatives
Rayburn House Office Building, Room 2157
Washington, DC 20515

cc: Members of Committee on Government Reform

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 11, 2002

The Honorable Dan Bryant
Assistant Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear Assistant Attorney General Bryant:

I write to request a copy of a document that I believe is in the possession of Special Attorney John Durham or his staff. It is a transcript of a hearing that was conducted before a Connecticut or Massachusetts Commission on Special Revenue in approximately May or April of 1976. The subject matter involved the Hartford Jai Alai and its compliance with applicable state law and regulations.

Please have Faith Burton contact me directly if you have any questions. I would appreciate a copy of this document, assuming it is easily located, by January 18, 2002.

Sincerely,

James C. Wilson
Chief Counsel

United States District Court

Boston, Massachusetts 02210

CHAMBERS OF
MARK L. WOLF
DISTRICT JUDGE

January 11, 2002

Honorable Dan Burton, Chairman
Committee on Government Reform
House of Representatives
2185 Rayburn HOB
Washington, DC 20515

Dear Congressman Burton:

Thank you for your December 17, 2001 letter. Before responding, I wanted to read the transcript of the December 13, 2001 hearing that evidently generated your request for "copies of all documents and materials ordered [by me] to be under seal in United States v. Salemme, 91 F. Supp. 2d 141 (D. Mass. 1999)."[1] I have recently done so.

I understand that the House of Representatives Committee on Government Reform (the "Committee"), which you chair, is seeking the requested documents in connection with the exercise of its constitutional responsibilities for overseeing the Executive Branch and for considering legislation to address the serious issues that have emerged from the Salemme case and related matters. Nevertheless, I do not believe that I can provide the requested documents to you at this time.

The documents that you request were produced to the parties and the court in the course of litigating several motions in the Salemme case, subject to protective orders that restrict their dissemination. See United States v. Salemme, 978 F. Supp. 386, 389-90 (D. Mass. 1997); United States v. Salemme, 1997 WL 810057 at *4 (D. Mass. Dec. 29, 1997). Therefore, neither the court nor the parties may provide the requested documents to the Committee unless and until those protective orders are modified.

[1] I am not certain whether you are seeking all of the documents produced in discovery pursuant to protective orders or only the sealed exhibits that I referenced in my September 15, 2001 Memorandum and Order. I assume for present purposes that you are requesting all of the documents.

In the past several years, I have decided other issues concerning the modification of the protective orders. Acting on motions by the government, I have amended the protective orders to permit the production of the requested documents in discovery in other criminal cases, on the condition that comparable protective orders restricting their use and dissemination be entered in those cases. However, the government opposed a motion by the estate of John McIntyre to intervene in the Salemme case and obtain the documents that you request, primarily on the ground that private, third-parties do not have standing to intervene in a criminal case. In June 2000, I denied that motion to intervene without prejudice. See enclosed June 28, 2000 Order and June 28, 2000 transcript. A hearing on a renewed motion by Mr. McIntyre's estate, which has now filed a civil suit for damages against the United States, will be held on January 22, 2002. The government also opposed a motion to intervene and obtain documents subject to the protective orders made by Peter Limone, who had been incarcerated for more than thirty years after being convicted of murdering Edward Deegan. I was compelled to deny that motion too. See enclosed Sept. 22, 2000 Order. At the same time, I stated that I might, upon request, modify my protective orders to permit documents to be produced in the state court litigation that later led to Mr. Limone's release. Id. I was not, however, asked to do so.

A subpoena or motion by a Committee of Congress, rather than by an individual, would present unique questions that have not been addressed previously in the Salemme case. I will give the interested parties in the Salemme case notice of your letter, as well as a copy of this response. I hope that representatives of the Committee and the Department of Justice will attempt to reach an agreement to resolve the issues raised by your request. I understand from reading the transcript of the December 13, 2001 hearing that your request to me may be based, at least in part, on the invocation by the Attorney General of a deliberative process privilege. Thus, the enclosed transcript of my December 14, 1998 decision addressing questions of deliberative process privilege that arose in the Salemme case may be of value to the Committee and the Attorney General. Also enclosed are the two referenced memoranda that I found were not subject to the balancing of interests that is required when the deliberative process privilege is properly invoked.

I hope that the Committee and the Department of Justice will reach agreement on the issues that evidently prompted your December 17, 2001 letter. If, however, the Committee issues a subpoena or files in the Salemme case a motion seeking the documents that you

have requested, I will, pursuant to my usual practice, conduct a hearing prior to deciding the merits of the matter.

Sincerely yours,

Mark L. Wolf

cc: Henry A. Waxman, Ranking Minority Member
House of Representatives Committee on Government Reform

Assistant United States Attorney James D. Herbert

Kenneth J. Fishman, Esq., Counsel for Stephen Flemmi

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Cr. No. 94-10287-MLW
	)	
v.	)	
	)	
STEPHEN FLEMMI	)	

ORDER

WOLF, D.J. March 12, 2002

The court has considered the Government's Motion to Limit Scope of Protective Order (the "Motion") to which, it is represented, defendant Stephen Flemmi assents. The Motion asks the court to modify the Protective Order included in paragraph 9 of the June 26, 1997 Order,[1] which was amended on December 29, 1997,[2] and related Orders concerning certain discovery[3] to remove any

[1]United States v. Salemme, 978 F.Supp. 386, 389-90 (D. Mass. 1997).

[2]United States v. Salemme, 1997 WL 810057, at *4 (D. Mass. Dec. 29, 1997).

[3]Orders directly relating to documents and information generated by the 1997 investigation by the Department of Justice and FBI include, but may not be limited to, a November 14, 1997 Order which is not under seal, the November 14, 1997 Order Disclosing Documents and Information to Defendants From Certain In Camera Submissions (Under Seal), and the November 14, 1997 Order Disclosing to Defendants Information From August 13, 1997 Executive Summary of Department of Justice Investigation (Under Seal). Each of the sealed November 14, 1997 Orders summarizes certain information relating to the 1997 investigation that was provided to the court. It is not clear to the court whether the government considered these sealed Orders when it prepared the Motion and, in any event, whether it seeks authority to disclose these Orders to the Committee. The government shall, by March 18, 2002, state whether it requests authorization to disclose the

impediment that those Orders impose to the production to the Committee on Government Reform of the United States House of Representatives (the "Committee") of any records or information relating to the 1997 investigation which was conducted by the Department of Justice and the Federal Bureau of Investigation (the "FBI") concerning allegations of government misconduct arising from this case. The government does not request that any impounded transcript be unsealed at this time. Rather, the government proposes that a motion be required if issues involving the unsealing of impounded transcripts arise.

In essence, the government proposes that the court remove any restraint on the government's production of documents prepared by the Department of Justice or FBI, while keeping control of the possible disclosure of sealed transcripts of court proceedings. This proposal is reasonable.

Accordingly, it is hereby ORDERED that:

1. The Protective Order included in paragraph 9 of the June 26, 1997 Order, as amended on December 29, 1997, and other Orders relating to documents and information generated by the 1997 Department of Justice and FBI investigation of allegations of misconduct relating to this case, including but not limited to the Orders listed in footnotes 1, 2 and 3 hereof, are amended to permit

---

sealed November 14, 1997 Orders to the Committee.

the government to disclose such information and produce such documents to the Committee, except as provided in paragraph 2 of this Order.

2. Paragraph 1 of this Order shall not operate to permit the production of any transcript, or part of a transcript, in this case that is under seal. The court will decide any motion to unseal any impounded transcript after giving the parties notice and an opportunity to be heard.

3. This Order shall be provided to the Committee as well as to the parties.

UNITED STATES DISTRICT JUDGE

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TO: Jim Wilson

FROM: Dennis Cheney

TOTAL NUMBER OF PAGES (including this page) 4

MESSAGE:

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Date Sent 3/12/02 Contact No. 617-748-9159

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 17, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The History of Congressional Access to Deliberative Justice Department Documents." The hearing is scheduled for January 23, 2002, in room 2154 of the Rayburn House Office Building at 1:00 p.m. I request that Assistant Attorney General Dan Bryant testify at this hearing.

The Justice Department is withholding from the Committee a number of deliberative Justice Department memoranda. In explaining the decision to withhold these documents from the Committee, both Department and White House personnel have suggested that there is a longstanding policy against the release of these types of memoranda, and that Congressional access to these documents would cause substantial public harm. To evaluate the accuracy of these claims, the Committee is attempting to develop a fuller understanding of the history of Congressional access to deliberative Justice Department records. On September 7, 2001, I sent a letter asking four specific questions and making a specific request for documents which would assist the Committee in developing this record. I have received no response from the Justice Department. Mr. Bryant will be asked to answer the questions listed in the September 7, 2001, letter, as well as other questions regarding the history of Congressional access to Justice Department records.

If Mr. Bryant wishes to make an opening statement, it is requested that he provide 100 copies of his written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, he should also provide a computer disk containing a copy of his written testimony. At the hearing, we will ask Mr. Bryant to summarize his testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives complies with the Americans with Disabilities Act. Persons requiring special accommodations should contact Committee Chief Clerk Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Thank you for your assistance in this matter, and we look forward to Mr. Bryant's testimony.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

January 18, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

RECEIVED
JAN 18 2002
HOUSE COMMITTEE ON
GOVERNMENT REFORM

Re: Request for Documents

Dear Mr. Chairman:

I am writing to provide a supplemental response to your letter, dated June 5, 2001, which requested FBI documents in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. The enclosed documents are provided in response to your request for specific material as follows.

Item 3 - All audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Raymond Patriarca Sr. from January 1, 1962 to December 31, 1968 Enclosed are thirteen volumes of records responsive to this request. This release supplements records provided to you previously, including twelve volumes of documents previously released to the Providence Journal under the Freedom of Information Act (FOIA), and concludes the processing of material pertaining to the Patriarca wiretaps.

Item 4 - All audiotape recordings, telephone wiretaps, other audio interceptions and transcripts relating to Gennaro "Jerry" Angiulo from January 1, 1962 to December 31, 1968. Enclosed are five volumes of documents reflecting summaries of information obtained as the result of the FBI's electronic surveillance of Jay's Lounge, 255 Tremont Street, Boston, Massachusetts. The device was installed in January 1963 and discontinued in July 1965. All responsive material is provided in this release

Item 6 - All records relating to H. Paul Rico's recall from retirement and subsequent involvement in the investigation of former U.S. District Court Judge Alcee Hastings. Enclosed are two packets of material derived from the FBI's five volume bribery investigation of Alcee Hastings. The enclosed material relates to the use of retired Special Agent H. Paul Rico as an undercover agent during this investigation that ultimately resulted in the acquittal of Judge Hastings Please be advised, at the direction of the Attorney General, the FBI also provided limited investigative assistance during a 1985 Federal Judicial investigation by the 11th Circuit,

Enclosures (26)

FBI/DOJ

Honorable Dan Burton

United States Court of Appeals into allegations of judicial impropriety by Judge Hastings. With the exception of serving subpoenas as requested by the judicial investigators, the FBI's limited investigative role in this case did not involve Mr. Rico. Therefore, material from this file was determined to be not responsive to your request.

Item 9c - All records, including audiotape recordings and transcripts, relating to Joseph Barboza. Enclosed is a copy of FBI file 183-HQ-1613. This file, comprised of two volumes, concerns the 1976 - 1979 investigation into the murder of Joseph Barboza Baron. Information contained in this file is also responsive to item 10 (records relating to contacts between Joseph Barboza and specific individuals) and item 11 (records relating to contacts between specific individuals and any other individual regarding Joseph Barboza).

Item 9d - All records, including audiotape recordings and transcripts, relating to John S. Kelley. Enclosed is a single document concerning retired Special Agent Paul Rico's handling of witness John "Red" Kelley. We believe this individual is identical to the subject of your request. We await additional identifying information from the Committee's Chief Counsel in order to assist in our review for additional responsive material.

Item 12 - All internal memoranda, policy statements, and U.S. Department of Justice and FBI guidelines relating to the Top Hoodlum Program and the Top Echelon Program and other past and present programs regarding the use of confidential informants. Enclosed are three volumes of material which cover the time period from 1970 through 1987. This concludes the processing of the material pertaining to the Top Hoodlum Program and successor programs.

Information was redacted from these documents and an explanation sheet setting forth the bases for the redactions is included with each package. We continue to work to identify additional material responsive to the Committee's pending request and will supplement this production as releasable material becomes available.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

1 - The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, D.C. 20515

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House of Representatives

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 25, 2002

David Ayres
Chief of Staff
Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear David:

I write to bring a matter to your attention that is of great importance to both the Committee and the Department of Justice. I reach out to you because it is my hope that the Attorney General will give his personal attention to this matter. I also write to you because, as you are aware, I have the utmost respect for your integrity.

Earlier this afternoon, at 3:52 p.m., I responded to a message from reporter Beverley Lumpkin. She told me that she had been told by the Justice Department that the Committee on Government Reform had been offered an opportunity to review selected passages from documents that are currently subject to a claim of executive privilege by President Bush. She also stated that she had been told that the Committee had rejected this offer. I told the reporter that the information provided to her by the Justice Department was false.

Concerned that someone may have been providing the media with inaccurate information, I immediately called Carl Thorsen at the Office of Legislative Affairs. The call was placed at 4:00 p.m. and Mr. Thorsen confirmed that the "offer" described to Ms. Lumpkin has never been made and that it would be false to say that the Committee had ever been offered a review of selected sections of the Boston documents. Mr. Thorsen indicated that he would look into this matter. I thanked him for his honesty and ended the conversation.

At 4:17 p.m. I received a call from Laurie Knight, who is a producer at the television program "60 Minutes." She informed me that she had earlier received a telephone call from Bryan Sierra, a Justice Department spokesman, and that Mr. Sierra had informed her that the Committee had been offered an opportunity to review selected

passages of the Boston documents that are under a claim of privilege by President Bush and that the Committee had declined the offer. As with Ms. Lumpkin, I told Ms. Knight that she had been lied to and that the information was completely inaccurate.

I am extremely concerned that the United States Department of Justice would permit a spokesman to engage in this type of behavior. Although Mr. Sierra attempted to speak with me at 5:16 p.m., I did not speak with him because I believed that it would be inappropriate to do so at that time. Subsequently, at approximately 5:41 p.m., Mr. Thorsen informed me that Mr. Sierra called both of the reporters who had been misinformed and corrected the record. Nevertheless, someone at the Justice Department should think long and hard about what happened. It is difficult to believe that this was an error. The state of negotiations between the Justice Department and the Committee are embodied in correspondence and are perfectly clear. They are also a matter of public record. The Justice Department has not offered the Committee a review of any documents subject to the President's claim of executive privilege. Indeed, the Committee requested such a review in its letter of January 11, 2002, and was told a few days later that the White House was not inclined to permit such a review. Therefore, I must conclude, absent clear evidence to the contrary, that Mr. Sierra's statements were deliberate attempts to distort the record, rather than simple mistakes. In addition, there has been a great deal of inaccurate information communicated recently about the Committee's request to review certain types of records. It is my hope that the Department will -- to the extent it has been involved in the communication of such inaccuracies -- make an effort to bring a close to this unfortunate chapter. We should consider these issues on the merits, and not allow inaccurate spin to cloud the facts.

It is my sincere hope that you will take my concerns seriously and make the appropriate inquiries about what has happened.

Sincerely,

James C. Wilson
Chief Counsel

cc: Hon. Timothy E. Flanigan, Deputy Counsel to the President

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

January 25, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is to confirm and further the conversation between the Committee's Chief Counsel Jim Wilson and FBI Special Counsel Beth Ifcers on January 9, 2002 regarding the status of our responses to your requests for documents relating to the oversight of the Bureau's handling of informants in Boston.

As a preliminary matter, Mr. Wilson confirmed that the Department has complied with the Committee's document requests dated March 30, May 10, and May 23, 2001. With regard to items requested in your letter dated June 5, 2001, our production of documents responsive to items 1 (Messrs. Rico, Condon, Connolly and Morris awards and similar documents) and 7 (records about DOJ involvement in State prosecution of Joseph Barboza) are complete.

We have not processed records responsive to item 2 of the June 5th letter because they relate to matters under investigation by the Justice Task Force. In addition, we have not produced material responsive to items 5 (FBI/OPR report on FBI's relationship with James Bulger, Stephen Flemmi and other Boston informants) or 9(b) (Stephen Flemmi, 1960-1971) because we believe that they are covered by the Protective Order entered by Judge Wolf in *United States v. Francis P. Salemme, et al.* (D. Mass. 1997). The FBI/OPR report also contains information relating to pending law enforcement matters.

We have completed our production of records responsive to item 3 (Patriarca wiretaps and overhears, January 1, 1962 to December 31, 1968) and item 12 (Top Hoodlum Program) and appreciated Mr. Wilson's clarification that, regarding item 12, you are not seeking AG Informant Guidelines. We also have completed our production of FBI records responsive to item 4 (Gennaro Angiulo wiretaps and overhears, January 1, 1962 to December 31, 1968) and item 6 (Mr. Rico's recall from retirement and subsequent involvement in investigation of former U.S. District Judge Alcee Hastings). We have not identified any documents responsive to item 8 (post-retirement contacts with Messrs. Rico, Condon, and Connolly) beyond those identified in response to items 1 and 6. We have not searched files pertaining to pending civil actions in which these individuals may be named as defendants.

We have also produced records responsive to item 9(c) (Joseph Barboza) and are continuing to review and process responsive records. As we advised Mr. Wilson, our search for and release of records responsive to items 10 and 11, regarding Mr. Barboza's contacts with listed individuals and contacts between listed individuals concerning Mr. Barboza, was conducted in conjunction with our processing of records responsive to item 9(c). Efforts to locate records responsive to 9(a) (Vincent Flemmi) have recently identified potentially responsive records maintained by the FBI's Boston office. Those records are being reviewed and responsive material will be processed and released. Mr. Wilson advised that he would provide additional information regarding item 9(d) (John S. Kelley) to assist the FBI in searching for records.

Please be advised, in responding to your request, we have not disclosed information which would reveal the identity of an FBI informant. In some instances, this has required the redaction of material contained in released documents and, in others, we have not produced entire informant files. The FBI advises that more specific information concerning the withheld material cannot be provided without jeopardizing the very information we are trying to protect. This issue was discussed with Mr. Wilson during his review of material responsive to item 13 (redacted text) in two visits to the FBI in August 2001. We are continuing to consider alternatives for accommodating the Committee's needs regarding this matter.

With regard to your letter dated December 18, 2001, I am advised that the FBI believes, based on a preliminary search for responsive material, that disclosure of documents responsive to items 1 and 2, regarding contacts between Frank Oreto and Joseph Salvati and Marie Salvati, respectively, if they exist, would be prohibited by Title III. We are conferring with Department attorneys about that question and will supplement this response as soon as possible. Mr. Wilson instructed that the Committee does not currently wish to receive documents responsive to items 3 (SA Rico's handling of John "Red" Kelley); 4 (SA Sheehan's handling of John "Red" Kelley); 5 (Strike Force Chief Edward Harrington's handling of John "Red" Kelley); 6 (re Rhode Island Supreme Court finding on suborination of perjury by SA Rico during 1970 trial of Maurice Lerner); and 7 (re Rhode Island Supreme Court finding of perjury by SA Rico during 1970 trial of Maurice Lerner). Lastly, the FBI advised that they have identified material concerning item 8 (Victor Garo), but it is not investigative in nature. Mr. Wilson said he is not interested in those records.

The Department is continuing to search for documents responsive to your requests and we will supplement this response when additional documents become available. I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman

01/25/02 FRI 18:47 FAX 202 514 0353 DOJ OLA 001

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General Washington, D.C. 20530

FAX COVER SHEET

DATE: 1/25/02

TO: Jim Wilson

PHONE NO.

FAX NO. 225-3974

2

FROM: FAITH BURTON

PHONE NO. 514-1653

FAX NO. 305-2643

NO. OF PAGES: ____ (EXCLUDING COVER)

COMMENTS:

U.S. Department of Justice

Criminal Division

Assistant Attorney General — Washington, D.C. 20530

January 25, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is to respond to requests articulated at the Committee's hearing on December 13, 2001 for a log of the documents relating to the Boston FBI matter that were subject to the President's claim of executive privilege.

Enclosed for your review is a log of those documents. I was going to provide this log to you at the meeting that was scheduled for January 10, 2002. Our expectation was that we would describe the documents to Committee staff and hear the staff's explanation of how the Committee's investigative needs relate to particular documents. We hope that this meeting will be rescheduled in the near future.

Sincerely,

Michael Chertoff
Assistant Attorney General

Enclosure

cc: The Honorable Henry Waxman
Ranking Minority Member

Boston Documents Subject to Executive Privilege Claim

1. Memorandum Re: Whether to Prosecute Raymond Patriarca, December 2, 1965.

2. Memorandum Re: Whether to Prosecute Raymond Patriarca and Two Additional Named Individuals, June 6, 1967.

3. Memorandum Re: Whether to Prosecute Raymond Patriarca and Six Additional Named Individuals, August 11, 1969.

4. Memorandum Re: Whether to Prosecute Howard Winter and Twenty Additional Named Individuals, January 29, 1979.

5. Memorandum Re: Whether to Prosecute Gennaro Angiulo and Six Additional Named Individuals, August 25, 1983.

6. Memorandum Re: Whether to Prosecute the First National Bank of Boston and One Additional Named Individual, December 11, 1984.

7. Memorandum Re: Whether to Prosecute the First National Bank of Boston, December 20, 1984

8. Memorandum Re: Whether to Prosecute the First National Bank of Boston, January 8, 1985.

9. Memorandum Re: Whether to Prosecute Robert Carrozza and Six Additional Named Individuals, September 18, 1989.

10. Memorandum Re: Whether to Prosecute Raymond Patriarca and Seven Additional Named Individuals, March 7, 1990.

01/25/02 FRI 18:48 FAX 001

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General — *Washington, D.C. 20530*

FAX COVER SHEET

DATE: 1/25/02

TO: Jim Wilson

PHONE NO.

FAX NO. 225-3974

FROM: FAITH BURTON

PHONE NO. 514-1653

FAX NO. 305-2641

NO. OF PAGES: ____ (EXCLUDING COVER)

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 29, 2002

The Honorable Daniel J. Bryant
Assistant Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear Assistant Attorney General Bryant:

Pursuant to Rules X and XI of the of the House of Representatives, the Committee on Government Reform is holding a hearing entitled, "The History of Congressional Access to Deliberative Justice Department Documents." The hearing is scheduled for 10:00 a.m., February 6, 2002, in Room 2154 of the Rayburn House Office Building. I request that you testify at this hearing.

In the course of its investigations of several matters, the Committee made requests for deliberative Justice Department memoranda. The Justice Department and the White House informed the Committee that Congress would no longer be provided with access to any deliberative Justice Department memoranda. Justice Department staff indicated that it was attempting to return to the "policy" of the Justice Department prior to Attorney General Reno, which was, purportedly, that the Justice Department did not provide Congress with deliberative documents.

In response to what was clearly intended to be an inflexible policy, and after considerable negotiation, the Committee issued a subpoena for the earlier requested documents.[1] The inflexible position of the Justice Department and the White House was modified when a Justice Department witness testified on December 13, 2001, that a case-by-case analysis would be conducted in order to respond to congressional subpoenas for deliberative documents. Unfortunately, the witness was not able to explain what specific factors led the President to claim executive privilege over subpoenaed documents that relate to the Committee's investigation of Justice Department corruption in Boston.

[1] One subpoena had already been issued in response to a Justice Department staff suggestion that a "friendly" subpoena would help to break the logjam in what were, as the time, ongoing negotiations.

I request that you provide the Committee with testimony regarding:

1) All prior occasions when Congress has been permitted access to Justice Department deliberative documents. This includes, but is not limited to, all situations where Congress -- either Members or staff -- has been permitted to review documents without taking possession of them.

2) How your research was conducted and with whom you or your staff spoke in order to prepare for your testimony. The Committee would like to ensure that you have made a diligent effort to learn about previous examples in order to provide the Committee with comprehensive testimony regarding relevant precedent.

3) What specific factors led to the decision to recommend that President Bush invoke executive privilege over the documents subpoenaed pursuant to the Committee's investigation of Justice Department corruption in Boston. The Justice Department claims that it conducts a case-by-case analysis to determine whether to provide deliberative Justice Department records to Congress. Yet, at the December 13, 2001, hearing, Mr. Horowitz was unable to articulate what specific factors led the Justice Department to recommend that the Boston documents be withheld from the Committee.

4) Please provide answers to the questions I posed to Attorney General Ashcroft in my letter of September 7, 2001.

The Committee understands that there has been opposition within the Department to providing deliberative documents to Congress in the past. However, I believe that access to such documents has been permitted on numerous occasions, including prior to the Clinton Administration. Your testimony will assist the committee in developing a fuller understanding of the history of congressional access to deliberative Justice Department records.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we will ask you to summarize your testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives complies with the Americans with Disabilities Act. Persons requiring special accommodations should contact Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about this hearing.

Sincerely,

Dan Burton
Chairman

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January 31, 2002

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Responses and Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain information regarding the enclosed document.

Please answer the following questions and produce the following requested items, in unredacted form, to the Committee:

1. Subsequent to the date of the enclosed document, June 2, 1983, did the Department of Justice or the Federal Bureau of Investigation's Office of Professional Responsibility conduct an investigation regarding John J. Kelley's allegation that Special Agent H. Paul Rico suborned perjury?

2. If the answer to question 1 is affirmative, please provide all documents relating to such investigation.

3. Subsequent to the date of the enclosed document, June 2, 1983, did the Criminal Investigative Division conduct an investigation regarding John J. Kelley's allegation that Special Agent H. Paul Rico suborned perjury?

4. If the answer to question 3 is affirmative, please provide all documents relating to such investigation.

5. Subsequent to the date of the enclosed document, June 2, 1983, did the Organized Crime Section conduct an investigation regarding John J. Kelley's allegation that Special Agent H. Paul Rico suborned perjury?

6. If the answer to question 5 is affirmative, please provide all documents relating to such investigation.

7. On page 1 of the enclosed document, there are written notations that resemble the letter "J." Please provide an indication of the author of these notations. The notations are located on the right side of the page.

Please provide answers to the above questions and, where appropriate, documents by February 7, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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HQ

BS

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BOSTON (183A-955)

DIRECTOR IMMEDIATE

NCLAS

TIENTION PUBLIC AFFAIRS OFFICE, OFFICE OF PROFESSIONAL

ESPONSIBILITY, OC SECTION.

UESE GIOVANNI MANOCCHIO, AKA LOUIS MANOCCHIO, "BABY SHANKS",

"SHANKS", RICO (A), CO:BOSTON.

REFERENCE ASAC LUDEMAN TELEPHONE CALL TO OPR AND PAO,

JUNE 2, 1983.

MANOCCHIO IS A KNOWN LCN MEMBER OF THE NEW ENGLAND CRGANIZED

CRIME FAMILY AND IS KNOWN TO BE ATTEMPTING TO REPLACE RAYMOND

L. S. PATRIARCA IN HIS LEADERSHIP ROLE. MANOCCHIO HAS BEEN A

TARGET OF CAPTIONED CASE SINCE MARCH, 1982.

MANOCCHIO, FBI NUMBER 116456A, HAS BEEN ON TRIAL, SUPERIOR

COURT, PROVIDENCE, RHODE ISLAND, FOR THE PAST TWO WEEKS. HE IS

BEING TRIED FOR THE 1968 GANG LAND MURDERS OF RUDOLPH GARFEO AND

GE TWO BS 183A-955 UNCLAS

THONEY MELEI, RAYMOND L. S. PATRIACA, RUDOLPH E. SCIARRA, URICE R. LEARNER, ROBERT E. FAIRBROTHERS AND JOHN ROSSI WERE L CONVICTED IN 1970 FOR THESE MURDERS OR ACCESSORY TO THESE IRDERS. MANOCCHIO BECAME A FUGITIVE AT THIS TIME AND REMAINED N THAT STATUS UNTIL HE SURRENDERED HIMSELF IN JULY, 1979. ANOCCHIO WAS INVESTIGATED UNDER BS FILE NUMBER 166-845 AND BU ILE NUMBER 166-4355.

JOHN J. KELLEY, AKA "RED", IS THE MAIN WITNESS AGAINST ANOCCHIO. KELLEY TESTIFIED AGAINST THOSE ALREADY PROSECUTED. ELLEY BECAME A COOPERATING WITNESS IN THIS CASE AFTER HE WAS NDICTED FOR HIS INVOLVEMENT IN THE ROSBERY OF A BRINKS TRUCK N MASSACHUSETTS. [redacted] H

URING PRIOR TESTIMONY REGARDING THESE MURDERS, KELLEY ESTIFIED HIS INVOLVEMENT IN THE PLANNING OF THESE MURDERS WITH THOSE MENTIONED ABOVE. HOWEVER, IN THE CURRENT TRIAL AGAINST MANOCCHIO, KELLEY TESTIFIED ON MAY 31, 1983 AND JUNE 1, 1983 AND HAS ALTERED HIS TESTIMONY COMPARED TO THAT GIVEN PRIOR. KELLEY HAD TESTIFIED IN PRIOR TRIALS THAT HE MET WITH PATRIACA AND OTHERS TO DISCUSS THE MURDERS OUTSIDE THE GAS LIGHT LOUNGE IN

[redacted]

PAGE THREE BS 183A-955 UNCLAS

PROVIDENCE, RHODE ISLAND. THIS HAS BEEN A POINT OF CONTENTION BECAUSE THE DEFENSE HAS REPLIED THAT THE GAS LIGHT, WHICH IS KNOWN TO HAVE BURNT DOWN, WAS BURNT PRIOR TO THE PERIOD KELLEY GIVES FOR THE MEETINGS. KELLEY TESTIFIED ON JUNE 1, 1983 THAT HE LIED AT THE PRIOR TRIALS AND PROCEEDINGS ABOUT THE LOCATION OF THE MEETINGS AT THE SUGGESTION OF FORMER FBI SPECIAL AGENT PAUL RICO. KELLEY CONTENDS THAT THE MEETINGS ALL OCCURED BUT AT A LOCATION THAT HE NOW CAN NOT RECALL. KELLEY ALSO TESTIFIED THAT RICO INSTRUCTED HIM NOT TO DISCLOSE IN PREVIOUS TRIALS THAT HE WAS BEING PAID A MONTHLY ALLOWANCE [redacted].

SUBSTANTIAL NEWS MEDIA ATTENTION IS BEING GIVEN TO THE ANDOSCNIO TRIAL, TO INCLUDE KELLEY'S TESTIMONY IN WHICH HE SAYS HE LIED IN PRIOR TRIALS AT THE REQUEST OF THE FBI, PARTICULARLY RICO.

UACB ATTEMPTS WILL BE MADE TO INTERVIEW KELLEY REGARDING HIS ALLEGATIONS TOWARD FORMER SA RICO AND THE REASON FOR HIS CHANGE OF TESTIMONY.

ABOVE IS PROVIDED TO FBIHQ FOR INFORMATION PURPOSES AND

PAGE FOUR BS 183A-955 UNCLAS

POSSIBLE NEWS MEDIA INQUIRY.

BT

Boston Documents Subject to Executive Privilege Claim

1. Memorandum Re: Whether to Prosecute Raymond Patriarca, December 2, 1965.

2. Memorandum Re: Whether to Prosecute Raymond Patriarca and Two Additional Named Individuals, June 6, 1967.

3. Memorandum Re: Whether to Prosecute Raymond Patriarca and Six Additional Named Individuals, August 11, 1969.

4. Memorandum Re: Whether to Prosecute Howard Winter and Twenty Additional Named Individuals, January 29, 1979.

5. Memorandum Re: Whether to Prosecute Gennaro Angiulo and Six Additional Named Individuals, August 25, 1983.

6. Memorandum Re: Whether to Prosecute the First National Bank of Boston and One Additional Named Individual, December 11, 1984.

7. Memorandum Re: Whether to Prosecute the First National Bank of Boston, December 20, 1984.

8. Memorandum Re: Whether to Prosecute the First National Bank of Boston, January 8, 1985.

9. Memorandum Re: Whether to Prosecute Robert Carrozza and Six Additional Named Individuals, September 18, 1989.

10. Memorandum Re: Whether to Prosecute Raymond Patriarca and Seven Additional Named Individuals, March 7, 1990.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 1, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters, dated January 29, 2002 and September 7, 2001, in connection with the Committee hearing that is now scheduled for February 6, 2002.

In advance of the hearing, I want to correct the apparent misunderstanding regarding the Administration's position on deliberative documents generally and deliberative prosecutorial documents in particular. We have no policy that bars congressional access to all deliberative documents. As Judge Gonzales's letter, dated January 10, 2002, stated:

> As a general matter, the Executive Branch will treat requests for Department of Justice deliberative documents from closed matters in the same way it treats requests for Executive Branch deliberative documents more generally: through a process of appropriate accommodation and negotiation to preserve the respective constitutional roles of the two Branches.

Our particular concern in the current controversy pertains to the narrow and especially sensitive categories of advice memoranda to the Attorney General and deliberative documents making recommendation regarding whether or not to bring criminal charges against individuals. We believe that the public interest in avoiding the politicization of the criminal justice process requires greater protection for those documents which, in turn, influences the accommodation process. This is not an "inflexible position," but rather a statement of a principled interest in ensuring the integrity of prosecutorial decision-making.

We remain prepared to work with the Committee to reach an appropriate accommodation regarding the Boston documents and hope that a meeting between Committee and Department representatives can be re-scheduled as soon as possible, and preferably before the February 6 hearing. We believe that substantial progress can be made at such a meeting in resolving the issues relating to the Committee's interest in these documents.

Turning now to the first of the numbered paragraphs of your January 29, 2002 letter: As you know, the Department has often provided Congress with access to deliberative documents of one sort or another. Consequently, it would be impossible to catalogue all of the occasions in which that has occurred. Deliberative documents take many forms and many are not particularly sensitive once a case is closed. In some instances, such materials have not been segregated from other case-related materials that are provided to congressional oversight committees. Consequently, the Department keeps no records of deliberative documents, per se, that are disclosed to congressional committees in conjunction with factual records.

Your second and third numbered paragraphs appear to seek information about the Department's internal deliberations relating to the preparation of our testimony before your Committee and the President's assertion of executive privilege. In preparing the testimony, I have consulted with Departmental components with expertise in the matters before us and, particularly with appropriate attorneys in those components. As head of the Criminal Division, Assistant Attorney General Michael Chertoff has primary responsibility for Department policies relating to criminal investigations and prosecutorial decision-making. He is best equipped to lead the Department's participation with you in an accommodation process, which we believe is the appropriate course for resolving the issues relating to these prosecutorial documents. As you recall, we asked the Committee to schedule its last hearing on this matter so that he could testify. While that did not occur, Mr. Chertoff is available next week and, as we have advised Committee staff, the Attorney General has determined that he would like Mr. Chertoff to participate as a witness at this hearing.

In response to your question about the factors that led to the recommendation to the President regarding the subpoenaed documents, the Department has concluded that the disclosure outside of the executive branch of these types of core deliberative prosecutorial documents would undermine the integrity of the prosecutorial function. We are concerned that such disclosures would chill the candid exchange of views that is essential to the criminal justice process and make it more difficult for the Attorney General and other high-level decision-makers to obtain full and frank advice from their colleagues and subordinates.

In response to your letter dated September 7, 2001, which is referenced in the fourth numbered paragraph of your January 29 letter, we have developed information relating to the numbered items in the letter. We are not in a position to provide comprehensive information about requests for deliberative prosecutorial documents prior to the Clinton Administration because the Department does not maintain records of such precedents in any readily retrievable form, but the following summaries may be helpful. We would, of course, appreciate receiving from you information about any additional precedents that you believe are relevant to your request and especially those that should be considered as we prepare for the February 6 hearing.

. In 1992, the House Science, Space, and Technology Subcommittee on Investigations and Oversight initiated an inquiry into the Department's plea agreement with Rockwell International

Corporation, which related to criminal violations of environmental laws at the Rocky Flats nuclear weapons facility, outside of Denver. The Subcommittee wanted information about the Department's decision not to prosecute individuals and asked to interview the line prosecutors about those decisions. The Department made an exception to the established policy against making such individuals available to Congress with regard to two prosecutors who had answered questions from the media at a press conference on the Rocky Flats settlement. Our position, however, remained that the prosecutors could not disclose information about internal deliberations leading up to the declination decisions. When other issues regarding the Subcommittee staff interviews could not be resolved, the attorneys were subpoenaed to testify before a closed Subcommittee hearing. They provided extensive testimony but declined to answer questions seeking deliberative information.

Thereafter, Chairman Wolpe sent a letter to the President demanding that he either assert executive privilege regarding the deliberative process information or direct the Department to permit its witnesses to answer those outstanding hearing questions. When the Department did not agree to this ultimatum, the Chairman advised that he would defer contempt proceedings if the United States Attorney from Denver would testify before the Subcommittee on October 5, 1992. The United States Attorney had a long-standing family commitment on that date, which he felt obligated to fulfill, although he offered to attend on any date after October 6. The Chairman refused to reschedule the hearing, the Department determined not to seek an assertion of executive privilege, and the parties returned to the accommodation process. They finally agreed that in staff interviews, the Department attorney witnesses could disclose information about their deliberations pursuant to an agreement whereby the interviews were transcribed and transcripts could be used publicly only to refresh recollection or impeach the testimony of a witness. The deliberative prosecutorial documents were made available for use at the interviews and while staff could take notes on the documents, they could not disclose the notes publicly and the deliberative documents were returned to the Department at the conclusion of each interview. The limitations on disclosure of the interview transcripts also applied to any transcript references to the deliberative documents.

In 1980, a special Senate Judiciary Subcommittee conducted an inquiry about the Department's investigation and conclusions regarding alleged violations of the Foreign Agents Registration Act by the President's brother, Billy Carter. It appears that, while the matter was pending, then Attorney General Civiletti discussed Mr. Carter's failure to register under the Act with the President, which underscored the Committee's interest in the Department's process leading up to the declination. We understand that the Subcommittee records indicate that deliberative prosecutorial memoranda, as well as factual investigative records, were disclosed. We have not located any information indicating that the Department expressed concerns about the disclosure of the deliberative prosecutorial documents or otherwise sought an accommodation, let alone any assertion of executive privilege.

Our information regarding the General Dynamics matter, which was the subject of the Senate inquiry in 1984 that is referenced in item 5 of your September 7 letter, indicates that

deliberative prosecutorial memoranda were provided to Congress. The circumstances and terms of this disclosure are unclear and I do not know whether the Department considered its implications as we have in the instant matter.

In response to the third item of your September 7 request, we have identified two instances that may be helpful. In 1909, President Theodore Roosevelt withheld information of precisely the same nature as that at issue today--information surrounding a decision whether or not to take action against the target of an investigation. The Attorney General had conducted an investigation of the U.S. Steel Corporation's acquisition of the Tennessee Coal and Iron Company two years earlier, and had declined to institute legal action against U.S. Steel. The Senate requested information regarding the reasons for his decision and any opinions written by the Attorney General or under his authority on the matter. President Roosevelt refused to provide documents regarding the Attorney General's decision not to take legal action. Roosevelt explained:

> I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant, on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

In a second matter, beginning in 1957, the House Judiciary Subcommittee on Antitrust conducted an investigation regarding the Department's enforcement of consent decrees. The Department refused to make available any of its files relating to the American Telephone and Telegraph consent decree, including memoranda and recommendations from Antitrust Division staff. In refusing to disclose the documents, Deputy Attorney General William Rogers explicitly referred to President Eisenhower's rationale for asserting executive privilege with respect to Defense Department deliberations during the course of the McCarthy investigations in 1954. President Eisenhower had justified this assertion of the privilege on the grounds that "it is essential to efficient and effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters," and he had also stressed that it was necessary "to maintain the proper separation of powers between the Executive and Legislative Branches of the Government in accordance with my responsibilities and duties under the Constitution." Deputy Attorney General Rogers also stated that "the essential process of full and flexible exchange might be seriously endangered were staff members hampered by the knowledge they might at some later date be forced to explain before Congress intermediate positions taken." Three Department representatives eventually testified before the Subcommittee, but they reaffirmed the Department's policy of withholding internal deliberative documents, but

the documents which were never disclosed in this matter.

The foregoing summary is by no means exhaustive, but I believe it illustrates how previous administrations have responded differently to congressional requests for deliberative prosecutorial information. Each Department has surely pursued the course it deemed necessary and appropriate in the particular circumstances it faced, as we have done in the instant matter. Based upon the circumstances surrounding this subpoena, the President concluded that his assertion of executive privilege was the appropriate course to protect the integrity of the criminal justice process and in invoking the privilege, he requested that the Department "remain willing to work informally with the Committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers." It remains our hope that you will agree to meet with us in order to engage in that informal process with regard to the Boston documents.

Lastly, in response to the fourth item in your September 7 letter, we have compiled the enclosed records, which we hope will be helpful to you. They include a published 1986 opinion of Office of Legal Counsel (OLC) Assistant Attorney General Charles Cooper, a published 1989 opinion of OLC Assistant Attorney General William Barr, a 1991 letter from Office of Legislative Affairs (OLA) Assistant Attorney General Lee Rawls to Senator Metzenbaum, and a January 27, 2000 letter from OLA Assistant Attorney General Robert Raben to Chairman John Linder of the House Rules Subcommittee on Rules and Organization of the House. These documents have informed the Department's responses to requests for deliberative prosecutorial documents and our approach to the accommodation process. We are not identifying unpublished confidential advice memoranda from OLC to the Attorney General or other executive branch officials.

I hope that this information is helpful to you. Please do not hesitate to contact me if you would like additional assistance about this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act

With one narrow exception, the Attorney General may not disclose to Congress the contents of any application or report filed with the court pursuant to the Independent Counsel Act unless the court agrees.

All congressional requests for information about a decision regarding the appointment of an independent counsel must be supported by a legitimate legislative purpose. In addition, before such disclosures are made other considerations, such as whether or not to assert executive privilege, whether the information is covered by the attorney-client privilege, and whether the information must be kept confidential to preserve the integrity of the prosecutorial function, must be reviewed.

Congress may not, as a matter of statutory or constitutional law, invoke the criminal contempt of Congress procedure against the head of an Executive agency acting on the President's instructions to assert executive privilege in response to a congressional subpoena.

An assertion of executive privilege must be based upon an evaluation of the Executive Branch's interest in keeping the requested information confidential, the strength of Congress' need for the information, and whether those needs can be accommodated in some other way.

April 28, 1986

MEMORANDUM OPINION FOR THE ATTORNEY GENERAL

I. Introduction and Summary

You have asked this Office to review the legal principles that should inform the Department's response to congressional inquiries about any decision regarding appointment of an independent counsel under the Independent Counsel Act, 28 U.S.C. §§ 591 *et seq.* (Act). The scope and nature of any such response would, of course, depend on the facts of the particular situation, including the scope and nature of the request, the congressional interests at stake, the status of the investigation and/or decision-making process within the Department, and your judgment as to the particular harm that would result from release of the requested information. To some extent the decision whether or how to respond to such congressional requests must weigh factors, such as political constraints that affect the Department's position vis-a-vis Congress, which are beyond our expertise. Our discussion here is therefore necessarily quite general and is limited to those constitutional and legal considerations that should be

reflected in the Department's response to possible congressional inquiries into decisions made under the Act. As we discuss below, we believe that the Department's response to any such inquiry must take account of: (1) the provisions of the Independent Counsel Act requiring that memoranda, reports, and other documents filed with the special division of the court remain confidential unless otherwise authorized by the court; (2) the scope of Congress' legitimate interest in obtaining the information; and (3) the Justice Department's responsibility to protect the integrity of ongoing criminal investigations and of prosecutorial decision-making. These considerations, which flow largely from the constitutionally mandated principle of separation of powers, would also shape any formal Presidential claim of executive privilege, in the unlikely event such a claim proves necessary to resist a congressional subpoena.

In addition to our discussion of the substantive legal principles, we outline below the procedural steps that would be involved if Congress pursued its requests through a subpoena, and possible defenses that could be raised to any such subpoena.

II. Confidentiality Requirements of the Independent Counsel Act

The Independent Counsel Act itself contains strict confidentiality requirements. Section 592(d)(2) broadly provides:

> No application or any other documents, materials, or memorandums supplied to the division of the court . . . shall be revealed to any individual outside the division of the court or the Department of Justice without leave of the division of the court.

28 U.S.C. § 592(d)(2).

Other, narrower provisions limit the disclosure of any report finding no grounds for appointment of an independent counsel,[1] as well as the report required to be filed by the independent counsel at the completion of his investigation.[2] Even the name and prosecutorial jurisdiction of any independent counsel appointed by the court remain confidential until an indictment is returned or a criminal information is filed, unless the Attorney General requests public disclosure prior to that time or the court determines "that disclosure of the identity and prosecutorial jurisdiction of such independent counsel would be in the best interests of justice." 28 U.S.C. § 593(b).

[1] If the Attorney General notifies the court under § 592(b)(1) that "there are no reasonable grounds to believe that further investigation or prosecution is warranted," the memorandum filed with the court summarizing the Department's investigation "shall not be revealed to any individual outside the division of the court or the Department of Justice without leave of the division of the court." 28 U.S.C. § 592(b)(1).

[2] The independent counsel must file a report with the court describing "fully and completely . . . the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel which was not prosecuted." The court may release this report "to the Congress, the public, or to any appropriate person," subject to "such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution." 28 U.S.C. § 595(b)(2), (3).

The confidentiality provisions were regarded as "crucial to the general scheme" of the Act. S. Rep. No. 170, 95th Cong., 2d Sess. 58 (1978). Congress recognized that "[j]ust because a person holds a high level position does not justify making unsubstantiated allegations of criminal conduct public, nor[] does it justify publicly announcing the initiation of a criminal investigation at a very early stage of the investigation." *Id.* In fact, Congress contemplated that there would be situations in which an independent counsel would be appointed "when the public is not at all aware that a criminal investigation is underway." Assuming that the independent counsel's investigation does not result in prosecution, "[i]t is conceivable that this whole process could take place without the public even knowing that there were serious allegations against such a high level official." *Id.*

In cases in which there has already been considerable publicity about the allegations and the requirements of the Independent Counsel Act, Congress recognized that "there does not appear to be any purpose to keeping the fact that application for a special prosecutor has been made confidential." S. Rep. No. 170, *supra*, at 58. However, even if the court agrees to disclose that an application has been made or to announce the identity and jurisdiction of an independent counsel, "there may still be justification for keeping the contents of an application for a special prosecutor . . . confidential because of unsubstantiated allegations and other information which may be contained in the application for appointment." *Id.*

The language of the Act's confidentiality provisions that the documents "shall not be revealed to any individual outside the division of the court or the Department of Justice" is carefully drafted, and on its face prohibits disclosures to Congress no less than disclosures to the public. The legislative history of the Act supports this interpretation of the statute's unambiguous language. "The contents of the report by the Attorney General after a preliminary finding of some impropriety is to remain secret, available only to the court and I presume, to the special prosecutor, but may not be released to the public *or to Congress* without of special leave of this new court." 124 Cong. Rec. 3462 (1978) (remarks of Rep. Wiggins) (emphasis added).[3]

In general, then, the Act restricts the Attorney General's ability to of disclose to Congress the contents of any application or report filed with of the court, unless and until the court agrees. This blanket confidentiality requirement, however, is subject to a narrow exception triggered when Congress requests under § 595(e)[4] that the Attorney General apply for an independent counsel. If the Attorney General receives such a request, he is required to "provide written notification of any action . . . taken in response to such request and, if no

[3] Although the language of the confidentiality provisions refers only to documents initially filed with the court, the provisions obviously cannot lawfully be circumvented by disclosing the contents of the documents. *See* 124 Cong. Rec. at 3462 ("The contents of the report . . . [are] to remain secret. . . ."); S. Rep. No. 170, *supra*, at 58.

[4] Section 595(c) of the Act authorizes "[a] majority of majority party members or a majority of all nonmajority party members of the Committee on the Judiciary of either House of the Congress" to request the Attorney General to apply for the appointment of an independent counsel. 28 U.S.C. § 595(c).

application has been made to the division of the court, why such notification was not made." 28 U.S.C. § 595(e). Because such a notification must necessarily disclose at least some information that is included in the confidential report filed with the court, § 595(e) appears to create a narrow exception to the general rule of confidentiality.[5]

The legislative history of this provision suggests, however, that the scope of the required notification is very limited; disclosure of particular details of the investigatory findings and the prosecutorial decision is not contemplated:

> [T]he Attorney General might respond that he had already applied for the appointment of a special prosecutor or he might respond that upon the conclusion of a preliminary investigation, he made a finding and filed the requisite memorandum indicating that the matter was so unsubstantiated as to not warrant further investigation or prosecution. If no application for the appointment of a special prosecutor has been made to the division of the court, the Attorney General is required to explain the specific reasons why a special prosecutor is not required under the standard set forth in § 592(c). *If the reason for not appointing a special prosecutor is the fact that the matter is so unsubstantiated as to not warrant further investigation or prosecution, the Attorney General's explanation under this subsection need only state that fact. The Committee does not intend that the Attorney General go into any detail with regard to the basis for the decision made in the exercise of his prosecutorial discretion that a matter simply did not warrant any further investigation or prosecution after the conclusion of a preliminary investigation.*

S. Rep. No. 170, *supra*, at 72 (emphasis added). That history also makes clear that Congress contemplated that the names of implicated individuals would be included in the required notification.[6]

Based on this legislative history and the overriding concern reflected in the Act with preserving confidentiality, we believe that, unless the court has approved disclosure, the notification required by § 595(e) need (and may) encompass only a statement that an application for an independent counsel has been filed as to a particular individual or individuals, or that after investigation the Attorney General determined that the allegations against particular individuals did not warrant further investigation. Obviously, if the Attorney General determined, on some ground other than the sufficiency and credibility of the evidence, that he need not apply for an independent counsel — for example,

[5] Disclosure is not authorized to the public, although the committee may, either "on its own initiative or upon the request of the Attorney General, make public such portion or portions of such notification as will not in the committee's judgment prejudice the rights of any individual." 28 U.S.C. § 595(e).

[6] In discussing cases in which the information contained in the notification should be kept confidential by Congress, the Senate Report specifically notes that "the Committee . . . may decide to delete the names of individuals mentioned in the notification especially if those individuals are not the subject of the alleged criminal activity." S. Rep. No. 170, *supra*, at 73.

if he determined that the facts, if true, would nonetheless not constitute a non-petty criminal offense or that the individual is not covered by the Act — the notification to Congress would set forth that rationale.[7]

The Act also contemplates that the independent counsel will provide "from time to time" reports to Congress and to the public containing "such information as [the] independent counsel deems appropriate," 28 U.S.C. § 595(a), and that the independent counsel "shall advise the House of Representatives of any substantial and credible information which such independent counsel receives that may constitute grounds for an impeachment." *Id.* § 595(c). Oversight jurisdiction "with respect to the official conduct of any independent counsel" is given to the "appropriate committees of Congress" and the independent counsel "shall have the duty to cooperate with the exercise of such oversight jurisdiction." *Id.* § 595(d). The legislative history of these provisions governing disclosures by the independent counsel is sparse and provides little guidance as to what extent the independent counsel would be bound by the Act's confidentiality restrictions when making such disclosures.

III. Protecting the Integrity of Criminal Investigations

A separate consideration is how disclosure of information about any independent counsel decision would affect the Attorney General's responsibilities as the Nation's chief law enforcement officer and the ability of the Department to investigate and prosecute criminal offenses.[8] There are a number of factors, arising out of the separation of powers between the executive and legislative branches, that should be weighed in making that determination.

A. Constitutional Division of Responsibilities

Article II of the Constitution places the power to enforce the laws solely in the Executive Branch of government. The executive therefore has the exclusive authority to enforce the laws adopted by Congress, and neither the judicial nor legislative branches may directly interfere with the prosecutorial discretion of the Executive Branch by directing the executive to prosecute particular individuals.[9] *United States v. Nixon*, 418 U.S. 683, 693 (1974); *Confiscation*

[7] Similarly, if the Attorney General applies for an independent counsel for an individual not named in § 591(b), because investigation by the Department "may result in a personal, financial, or political conflict of interest," 28 U.S.C. § 591(c), he would have to provide some specific description of the facts giving rise to the conflict.

[8] Obviously, to the extent the confidentiality provisions of the Independent Counsel Act bar disclosure, the above generalized considerations we outline here need not be considered. However, there may be some information such as details of the deliberative process that are not encompassed by the confidentiality restrictions of the Act, or are not reflected in the report filed with the court. Moreover, at some point the court might authorize disclosure of some or all information contained in the report, which would remove any statutory bar to further disclosures.

[9] For this reason the executive branch has expressed constitutional qualms about the Act itself, which allows an individual not appointed by the President or an officer of the executive branch nonetheless to carry out prosecutorial functions. Despite these doubts, the Department of Justice has done its best to inform the position

Continued

Cases, 74 U.S. (7 Wall.) 454, 457 (1869); *Smith v. United States*, 375 F.2d 243, 247 (5th Cir.), *cert. denied*, 389 U.S. 841 (1967); *United States v. Samango*, 607 F.2d 877, 881 (9th Cir. 1979); *accord Newman v. United States*, 382 F.2d 479, 480 (D.C. Cir. 1967). The Framers intended that Congress not be involved in such prosecutorial decisions or in questions regarding the criminal liability of specific individuals. *See United States v. Lovett*, 328 U.S. 303, 317 (1946); *INS v. Chadha*, 462 U.S. 919, 961–62 (1983) (Powell, J., concurring).[10] "'When the legislative and executive powers are united in the same person or body,' says [Montesquieu] 'there can be no liberty, because apprehensions may arise lest *the same* monarch or senate should *enact* tyrannical laws to *execute* them in a tyrannical manner.'" *The Federalist* No. 47, at 303 (J. Madison) (C. Rossiter ed. 1961) (emphasis in original).

The constitutional role of Congress is to adopt general legislation that will be implemented — "executed" — by the Executive Branch. "It is the peculiar province of the legislature to prescribe general rules for the government of society; the application of those rules to individuals in society would seem to be the duty of other departments." *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87, 136 (1810). The courts have recognized that this general legislative interest gives Congress broad rein to investigate. Both Houses of Congress have broad power, "through their own process, to compel a private individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution." *McGrain v. Daugherty*, 273 U.S. 135, 160 (1927). The issuance of subpoenas in aid of this function "has long been held to be a legitimate use by Congress of its power to investigate." *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 504 (1975), provided that the investigation is "related to, and in furtherance of, a legitimate task of the Congress." *Watkins v. United States*, 354 U.S. 178, 187 (1957). *See also McGrain v. Daugherty*, 273 U.S. at 177 (inquiry must pertain to a subject "on which legislation could be had"). This sphere of legitimate legislative activity "is as penetrating and far reaching as the potential power to enact and appropriate under the Constitution." *Barenblatt v. United States*, 360 U.S. 109, 111 (1959). *See also Watkins v. United States*, 354 U.S. at 187. The power of investigation can be delegated by either House of Congress to committees, subcommittees, or even individual legislators, *see Eastland v. United States Servicemen's Fund*, 421 U.S. at 505; *Watkins v. United States*, 354 U.S. at 200–01, as long as "the instructions to an

[9] (. . . continued)

that it will abide by the provisions of the Independent Counsel Act. *See* Letter to Michael Davidson, Senate Legal Counsel from William French Smith, Attorney General (Apr. 17, 1981), *reprinted in Hearings on the Ethics in Government Act Amendments of 1982 before the Subcomm. on Oversight of Government Management of the Senate Comm. on Governmental Affairs*, 97th Cong., 2d Sess. 115 (1982).

[10] In fact, the Constitution specifically excludes Congress from the decision whether to prosecute particular cases. A legislative effort to require prosecution of a specific individual has many of the attributes of a bill of attainder and would seem to be inconsistent with many of the policies upon which the Constitution's prohibition against bills of attainder was based. *See Selective Service System v. Minnesota Public Interest Research Group*, 468 U.S. 841, 852–54 (1984); *United States v. Brown*, 381 U.S. 437, 442 (1965); *United States v. Lovett*, 328 U.S. at 315.

investigating committee spell out that group's jurisdiction and purpose with sufficient particularity." *Id.* at 201. The scope of judicial inquiry on these matters is narrow, and "'should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province.'" *Eastland v. United States Servicemen's Fund*, 421 U.S. at 506 (quoting *Tenny v. Brandhove*, 341 U.S. 367, 378 (1951)).

Nonetheless, the investigative power of Congress is not unlimited. Congress cannot, for example, inquire into matters "which are within the exclusive province of one of the other branches of Government . . . . Neither can it supplant the Executive in what exclusively belongs to the Executive." *Barenblatt v. United States*, 360 U.S. at 111; *see also Kilbourn v. Thompson*, 103 U.S. 168, 192 (1881) (Congress cannot exercise judicial authority). Congress must be able to articulate a legitimate legislative purpose for its inquiry: if Congress lacks constitutional authority to legislate on the subject (or to authorize and appropriate funds), arguably Congress has no jurisdiction to inquire into the matter.[11]

Accordingly, a threshold inquiry that should be made upon receipt of any congressional request for information is whether the request is supported by any legitimate legislative purpose.[12] The clearest application of this constraint on congressional requests for information is with respect to matters that are vested exclusively in the President (such as the removal of executive officers).[13] Given the breadth of Congress' legislative jurisdiction, particularly its authority regarding the appropriation of funds, it may be difficult to articulate more precise limits. With respect to decisions made by the Attorney General under the Independent Counsel Act, we believe that Congress could not justify an investigation based on its disagreement with the prosecutorial decision regarding appointment of an independent counsel for a particular individual. Congress simply cannot constitutionally second-guess that decision. Congress does, however, have a legitimate legislative interest in overseeing the Department's enforcement of the Independent Counsel Act and relevant criminal statutes and in determining whether legislative revisions to the Act should be made. Given the general judicial reluctance to look behind congressional assertions of legislative purpose, such an assertion would likely be deemed sufficient to meet the threshold requirement for congressional inquiry.

[11] Moreover, there must be a subject matter for the inquiry, the investigation must be authorized by Congress, there must be a valid legislative purpose, the witness must be accorded certain constitutional protections, and the information demanded must be pertinent to the inquiry. *See Quinn v. United States*, 349 U.S. 702, 704–05, 714 (1966); *Watkins v. United States*, 345 U.S. 399, 408–09 (1961); *Barenblatt v. United States*, 360 U.S. at 111; *Watkins v. United States*, 354 U.S. at 187; *United States v. Rumely*, 345 U.S. 41, 44–46 (1953); *McGrain v. Daugherty*, 273 U.S. at 175, 176; *Kilbourn v. Thompson*, 103 U.S. at 193.

[12] The relevance of this inquiry is not limited to the question whether the Department should respond, but affects also how it should respond. If Congress' legitimate legislative interest is relatively narrow, the Department may be able to satisfy the inquiry without disclosing confidential information.

[13] For example, the Director of the Office of Personnel Management recently refused to answer questions asked by a congressional subcommittee concerning the removal of the Deputy Director of OPM, on the ground that the removal was a judgment that rested exclusively with the President. The appointment of officials presents a somewhat more difficult problem, at least for those officers who must be appointed with the advice and consent of the Senate. In such cases, the Senate can claim a legitimate interest in obtaining information about the nominee.

B. Executive Privilege

Assuming that Congress has a legitimate legislative purpose for its inquiry, the Executive Branch's interest in keeping the information confidential must be assessed. That interest is usually discussed in terms of "executive privilege," and we will use that convention here. The question, however, is not strictly speaking just one of executive privilege. Although the considerations that support the concept and assertion of executive privilege apply to any congressional request for information, the privilege itself need not be claimed formally vis-a-vis Congress except in response to a lawful subpoena; in responding to an informal congressional request for information, the Executive Branch is not necessarily bound by the limits of executive privilege.

1. Constitutional Basis of Executive Privilege

The Constitution nowhere states that the President, or the Executive Branch generally, enjoys a privilege against disclosing information requested by the courts, the public, or the legislative branch. The existence of such a privilege, however, is a necessary corollary of the executive function vested in the President by Article II of the Constitution, has been asserted by numerous Presidents from the earliest days of our Nation, and has been explicitly recognized by the Supreme Court. *United States v. Nixon*, 418 U.S. at 705–06.

2. Protection of Law Enforcement Files

Although the principle of executive privilege is well established, there are few clear guidelines regarding its practical application. The privilege has most frequently been asserted in the areas of foreign affairs and military and domestic secrets, but it has also been invoked in a variety of other contexts. In 1954, President Eisenhower asserted that the privilege extends to deliberative communications within the Executive Branch. In a letter to the Secretary of Defense, he stated:

> Because it is essential to effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations or communications or any documents or reproductions concerning such advice be disclosed, you will instruct employees of your Department that in all of their appearances before the Subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions . . . .

1954 *Pub. Papers* 483–84 (May 17, 1954).

Moreover, the policy of the Executive Branch throughout our Nation's history has generally been to decline to provide committees of Congress with access to, or copies of, open law enforcement files except in extraordinary circumstances. This policy with respect to Executive Branch investigations was first expressed by President Washington and has been reaffirmed by or on behalf of most of our Presidents, including Presidents Jefferson, Jackson, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and Eisenhower. No President, to our knowledge, has departed from this position affirming the confidentiality and privileged nature of open law enforcement files. *See* "History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress" (Part I), 6 Op. O.L.C. 751 (1982).

This policy is grounded primarily on the need to protect the government's ability to prosecute fully and fairly. Attorney General Robert H. Jackson articulated the basic position over forty years ago:

> It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest.
>
> Disclosure of the reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Att'y Gen. 45, 46 (1941). Similarly, this Office has explained that "the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation." Memorandum for Edward L. Morgan, Deputy Counsel to the President from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel (Dec. 19, 1969). Other grounds for objecting to the disclosure of law enforcement files include the potential damage to proper law enforcement that would be caused by the revelation of sensitive techniques, methods, or strategy; concern over the safety of confidential informants and the chilling effect on other sources of information; sensitivity to the rights of innocent individuals who may be identified in law enforcement files but who may not be guilty of any violation of law; and well-founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

Quite apart from the concern that disclosure would prejudice particular prosecution prompting congressional inquiry is the purely internal concern that disclosure might hamper prosecutorial decision-making in *future* cases. *Cf. United States* v. *Nixon*, 418 U.S. at 708. Employees of the Department would likely be reluctant to express candidly their views and recommendations on controversial and sensitive matters if those views could be exposed to public scrutiny by Congress upon request.

In addition, potential targets of enforcement actions are entitled to protection from premature disclosure of investigative information. It has been held that there is "no difference between prejudicial publicity instigated by the United States through its executive arm and prejudicial publicity instigated by the United States through its legislative arm." *Delaney* v. *United States*, 199 F.2d 107, 114 (1st Cir. 1952). Pretrial publicity originating in Congress, therefore, can be attributed to the government as a whole and can require postponement or other modification of the prosecution on due process grounds. *Id.* Moreover, a person who is ultimately not prosecuted may be subjected to unfair and prejudicial publicity — and thus suffer substantial and lasting damage to his professional and community standing — based on unfounded allegations.[14]

There are, of course, circumstances in which the Attorney General may decide to disclose to Congress information about his prosecutorial decisions. Once an investigation has been closed without further prosecution, many of the considerations previously discussed lose some of their force. Access by Congress to details of closed investigations does not pose as substantial a risk that Congress will be a partner in the investigation and prosecution or will otherwise seek to influence the outcome of the prosecution; likewise, if no prosecution will result, concerns about the effects of undue pretrial publicity on a jury would disappear. Still, such records should not automatically be disclosed to Congress. Obviously, much of the information in a closed criminal enforcement file, such as unpublished details of allegations against particular individuals and details that would reveal confidential sources, and investigative techniques and methods, would continue to need protection (which may or may not be adequately afforded by a confidentiality agreement with Congress). In addition, the Department and the Executive Branch have a long-term institutional interest in maintaining the integrity of the prosecutorial decision-making process. The Supreme Court has recognized that "[h]uman experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." *United States* v. *Nixon*, 418 U.S. at 705. It therefore is important to weigh the potential "chilling effect" of a disclosure of details of the deliberative process against the immediate needs of

[14] Department of Justice officials, as attorneys, are directed to observe the Code of Professional Responsibility to the extent it does not prevent their loyal service to the United States. *See* 28 C.F.R. § 45.735-1. The Code prohibits a lawyer who is associated with an investigation from making or participating in making "an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration" already public or highly speculative information about the matter. Model Code of Professional Responsibility, DR 7-107(A) (1979).

Congress of the Department. After assessing all of these factors, on occasion the Department has briefed Congress on prosecutorial decisions and has disclosed some details of the underlying investigation, once the investigation has been closed.

3. Attorney-Client Communications

Some of the communications relevant to an Independent Counsel Act decision could conceivably fall within the scope of the common law evidentiary privilege for attorney-client communications.[15] Although the attorney-client privilege may be invoked by the government in litigation and under the Freedom of Information Act separately from any "deliberative process" privilege,[16] it is not generally considered to be distinct from the executive privilege in any dispute between the executive and legislative branches. The interests implicated under common law by the attorney-client privilege generally are subsumed by the constitutional considerations that shape executive privilege, and therefore it is not usually considered to constitute a separate basis for resisting congressional demands for information. As this Office has previously noted, for the purpose of responding to congressional requests, communications between the Attorney General, his staff, and other Executive Branch "clients" that might otherwise fall within the common law attorney-client privilege should be analyzed in the same fashion as any other intra-Executive Branch communications. *See* "Confidentiality of the Attorney General's Communications in Counseling the President," 6 Op. O.L.C. 481, 490 & n.17, 494 & n.24 (1982).[17]

Nonetheless, when the Attorney General is acting in his role as the President's chief legal adviser, his communications to the President may warrant greater confidentiality than those of some other Cabinet advisers because of the nature of the Attorney General's responsibilities to the executive and his special areas of expertise, *e.g.*, legal advice and law enforcement. This Office has previously emphasized the particular importance of protecting the President's ability to receive candid legal advice:

> [T]he reasons for the constitutional privilege against compelled disclosure of executive branch deliberations have special force when legal advice is involved. None of the President's obligations is more solemn than his duty to obey the law. The Constitution itself places this responsibility on him, in his oath of office and in the requirement of article II, section 3 that "he shall take Care that the Laws be faithfully executed." Because this obligation is imposed by the Constitution itself, Congress cannot lawfully undermine the President's ability to carry it out. Moreover, legal matters are likely to be among those on which high government officials most need, and should be encouraged to seek, objective, expert advice. As crucial as frank debate on policy matters is, it is even more important that legal advice be "candid, objective, and even blunt or harsh," *see United States v. Nixon*, 418 U.S. 683, 708 (1974), where necessary. Any other approach would jeopardize not just particular policies and programs but the principle that the government must obey the law. For these reasons, it is critical that the President and his advisers be able to seek, and give, candid legal advice and opinions free of the fear of compelled disclosure.

Memorandum for the Attorney General from John M. Harmon, Assistant Attorney General, Office of Legal Counsel 26 (Jan. 13, 1981).

4. Independent Counsel Act Decisions

We believe that these considerations we have outlined apply to decisions whether to recommend appointment of an independent counsel no less than they apply to any other prosecutorial decision made by this Department. Although the ultimate decision whether to prosecute a particular individual rests with the independent counsel, the threshold decisions whether to investigate and whether to recommend appointment of an independent counsel are critical steps in that ultimate prosecutorial judgment. The decision whether "there are reasonable grounds to believe that further investigation or prosecution is warranted" is quintessentially a prosecutorial decision, akin to those made every day in the course of the Department's enforcement of the criminal laws. In fact, the Act specifically recognizes that the Attorney General's decision whether to seek appointment of an independent counsel is unreviewable by the courts, like any other exercise of prosecutorial discretion.[18]

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[15] The attorney-client privilege generally encircles confidential disclosures of a client to his attorney, made in order to obtain legal assistance and not for the purpose of committing a crime or tort. 8 Wigmore, *Evidence* § 2290 (McNaughton rev. 1961). In order to prevent inadvertent disclosures, either directly or by implication, of information which the client had previously confided to the attorney, or well as to foster the attorney's ability to give sound and informed professional advice, the privilege has generally been extended to include an attorney's communications to his client. *Mead Data Central v. Department of the Air Force*, 566 F.2d 242, 252–55 (D.C. Cir. 1977).

[16] *See, e.g., Brinton v. Department of State*, 636 F.2d 600, 603 (D.C. Cir. 1980), *cert. denied*, 452 U.S. 905 (1981); *Mead Data Central, Inc. v. Department of the Air Force*, 566 F.2d at 252; *Coastal States Gas Corp. v. DOE*, 617 F.2d 854, 865 (D.C. Cir. 1980); 5 U.S.C. § 552(b)(5) (documents exempted from mandatory disclosure under the Freedom of Information Act include those "which would not be available by law to a party . . . in litigation with the agency").

[17] Likewise, communications that would be protected in litigation or under the Freedom of Information Act by the work product privilege would generally be considered part of the government's deliberative process, and therefore submitted under executive privilege, for the purpose of responding to congressional requests for information. *See generally* 6 Op. O.L.C. at 497–98 n.32.

[18] The Act provides that the Attorney General's decision to apply for appointment of an independent counsel "shall not be reviewable in any court." 28 U.S.C. § 592(f). The unreviewability provision applicable to the Attorney General's decision not to seek appointment is phrased in somewhat different terms. Under § 592(b)(1), if the Attorney General reports to the court that "there are no reasonable grounds to believe that further investigation or prosecution is warranted," the court "shall have no power to appoint an independent

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A decision not to apply for an independent counsel could be treated as a closed investigation, in accordance with the Department's practice. If the Attorney General seeks appointment of an independent counsel, however, the investigation would be very much alive, as the independent counsel would step into the Department's shoes and continue the investigation into the allegations of wrongdoing.[19] In fact, the Department could still be quite involved in assisting the independent counsel, including providing information, personnel, and other resources. *See* 28 U.S.C. § 594(d). It seems clear, therefore, that all the considerations that counsel against disclosure of information relevant to open investigations being conducted by the Department itself apply equally when the investigation is being conducted by the independent counsel.

The more difficult question is whether any distinction between "closed" and "open" investigations could or should be drawn in a case in which the Attorney General determines that the evidence warrants further investigation of some, but not all, of those individuals against whom allegations have been directed. That determination would rest in large part on the facts and documents at issue and would in most cases probably require a particularized judgment as to whether some information relating to "closed" cases could be reasonably segregated and disclosed to Congress without undue risk of prejudicing the independent counsel's "open" investigation. We are obviously not in a position to make that judgment, and would defer to the Criminal Division. It seems to us, however, that in many, perhaps most, cases the evidence may be so intertwined that no separation is possible. In other cases, especially those of a simple nature in which the allegations against particular individuals are only marginally related, separation may be feasible.

In addition, because the Attorney General's decision not to seek an independent counsel for particular individuals must be based on his determination that "there are no reasonable grounds to believe that further investigation or prosecution is warranted, "the interests of those individuals in continued confidentiality would seem particularly strong. Moreover, even though the decision by the Attorney General not to seek appointment of an independent counsel is nonreviewable, in an interrelated investigation the possibility always exists that the independent counsel's investigation may uncover new information that will result in further investigation.[20]

[19] (. . . continued)
counsel." *Id.* § 592(b)(1). In *Bangkaf* v. *Smith*, 737 F.2d 1167, 1169 (D.C. Cir. 1984), the Court of Appeals held that this provision was intended by Congress to bar any "judicial review, at the behest of members of the public, of the Attorney General's decisions not to investigate particular allegations and not to seek appointment of independent counsel."

[20] It could be argued that even if the Attorney General applies to the court for appointment of an independent counsel, the Department's investigations may technically be considered "closed," because § 597(a) requires the Department to "suspend all investigations and proceedings regarding [a] matter [within the prosecutorial discretion of an independent counsel]" unless the independent counsel "agrees in writing that such investigation or proceedings may be continued by the Department of Justice." For the reasons set forth above, we believe this argument is without merit.

[21] The independent counsel's jurisdiction is, of course, limited to that specified by the court, based on the application filed by the Attorney General. *See* 28 U.S.C. §§ 592(d)(1), 593(b), 594(a). Although the language

Continued

Thus, we believe there are strong constitutional and policy considerations, flowing from the doctrine of separation of powers, the obligation to preserve the integrity of the prosecutorial function, and the need to protect the rights of those who are the target of criminal investigations, that should inform and guide the Department's response to a congressional request for information about independent counsel decisions. It may be that any such request could be accommodated through a process of negotiation with Congress. Only rarely do congressional requests for information result in a subpoena of an Executive Branch official or in any congressional action. In most cases the informal process of negotiation and accommodation mandated by President Reagan in his November 4, 1982, Memorandum for the Heads of Executive Departments and Agencies on "Procedures Governing Responses to Congressional Requests for Information" is sufficient to resolve any dispute.[21] On occasion, however, the process breaks down, and a subpoena is issued by a congressional committee or subcommittee. At that point, it would be necessary to consider what procedures and defenses are available to the Executive Branch.

We outline below some of the issues that would be raised if Congress subpoenaed the Attorney General in connection with a congressional request for information about an independent counsel decision. Our particular focus here is on the House of Representatives, because it is far more likely that such action would be taken by the House than by the Senate.

IV. Subpoena Authority of the House of Representatives

A. Basis of Subpoena Authority

As previously noted, Congress has a broad, but not unlimited, investigative authority. *See McGrain* v. *Daugherty*, 273 U.S. at 174. This investigative

[22] (. . . continued)
of the Act, see 28 U.S.C. §§ 592(d)(1), 593(b), and its legislative history, see S. Rep. No. 170, supra, at 64, suggest that the court may have some flexibility in defining the independent counsel's jurisdiction, we do not believe that the court can grant the independent counsel — or that the independent counsel can assume — any jurisdiction in excess of that recommended by the Attorney General. Any other interpretation would completely circumvent the clear congressional judgment that the Attorney General's decision whether to seek an independent counsel be unreviewable. In addition, the Act itself provides several avenues by which the jurisdiction of the independent counsel could be expanded, all of which require the participation of the Attorney General. For example, if the Attorney General receives additional information "sufficient to constitute grounds to investigate about the matter to which such memorandum related," his obligation to investigate and report is renewed, see 28 U.S.C. § 592(c)(2); the Attorney General may ask the independent counsel "to accept referral of a matter that relates to a matter within that independent counsel's prosecutorial jurisdiction." *Id.* § 592(e); and the independent counsel himself may ask the Attorney General or the court to "refer matters related to [his] prosecutorial jurisdiction" or "may accept referral of a matter by the Attorney General," see *Id.* § 594(e). Finally, our constitutional qualms about the role of the independent counsel would be considerably exacerbated if the critical decision as to what individuals and offenses may be prosecuted were taken completely out of the hands of the Attorney General.

[23] That memorandum states that "[i]ts policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch . . . [E]xecutive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that exception of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches."

authority p[illegible]arily presupposes some means of compelling the cooperation of contuma[illegible]a witnesses:

> A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information . . . recourse must be had to others who do possess it. Experience has taught that mere requests for such information are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed.

Id. at 175. Because the subpoena power is regarded as inherent in Congress' Article I power, it does not require enactment of a statute. Nonetheless, the exercise of subpoena power must be authorized by the relevant House. *See, e.g., Reed* v. *County Commissioners*, 277 U.S. 376, 389 (1928); *McGrain* v. *Daugherty*, 273 U.S. at 158.

Since 1974, the House Rules have given standing committees and subcommittees the authority to authorize and issue subpoenas.[32] House Rule XI(m)(1)(B) authorizes any committee or subcommittee "to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary." Subpoenas may be issued by a committee or subcommittee "only when authorized by a majority of the members voting, a majority being present," except that " the power to authorize and issue subpoenas . . . may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe." House Rule XI(m)(2)(A). Any authorized subpoena must be signed by the chairman of the committee or by a member designated by the chairman. *Id.* The rules of each standing committee flesh out somewhat the requirements for issuance of a subpoena, specifying in particular if, or under what circumstances, the chairman of the full committee may issue a subpoena without a vote of the committee.

B. Enforcement of Subpoenas

If a subpoenaed witness refuses to respond fully to a subpoena, the subcommittee or committee, as the case may be, can vote to hold the witness in contempt of Congress. As a matter of consistent historical practice, a contempt of Congress vote by a subcommittee is referred to the full committee, although there appears to be no technical requirement to interpose committee approval

[32] Prior to adoption of the House proposals in 1974, subpoena authority was granted only on a case-by-case basis. *See* Congressional Quarterly, *Guide to the Congress* 164 (1982).

between a subcommittee contempt resolution and referra[illegible]the full House.[33]

By operation of House Rule XI(m)(2)(B), any action to enforce compliance with a committee or subcommittee subpoena must be approved by and the House. *See In re Beef Industry Antitrust Litigation*, 589 F.2d 786, 790 (5th Cir. 1979) (House approval required for intervention in private antitrust suit to gain access to documents subpoenaed by subcommittee from a party to the litigation); *see generally Wilson* v. *United States*, 369 F.2d 198, 201 (D.C. Cir. 1966) (suggesting that referrals under 2 U.S.C. §§ 192–194 require a vote of the full House or Senate, except during adjournments).

The House would have three alternatives available to enforce the subpoena: (1) referral to the United States Attorney for prosecution under 2 U.S.C. §§ 192–194; (2) arrest by the Sergeant-at-Arms; or (3) a civil suit seeking declaratory enforcement of the subpoena. The first two of these alternatives may well be foreclosed by advice previously rendered by this Office.

1. Referral Under 2 U.S.C. §§ 192–194

The criminal contempt of Congress statute contains two principal sections, 2 U.S.C. §§ 192 and 194.[34] Section 192, which sets forth the criminal offense of contempt of Congress, provides in pertinent part:

> Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, . . . or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than 1 month nor more than 12 months.[35]

[33] The courts have underscored the importance of the procedural safeguards built into the contempt of Congress process and, in particular, the multiple steps of review that must take place before a contempt of Congress prosecution is brought. *See Wilson* v. *United States*, 369 F.2d 198, 202 (D.C. Cir. 1966); *see also United States Fund* v. *Eastland*, 488 F.2d 1252, 1260 (D.C. Cir. 1973), *rev'd on other grounds*, 421 U.S. 491 (1975); *Sanders* v. *McClellan*, 463 F.2d 894 (D.C. Cir. 1972); *Amaro* v. *Eastland*, 442 F.2d 731, 734 (D.C. Cir. 1971). It could therefore be argued that committee consideration of a subcommittee contempt resolution would be necessary in order to provide an additional check upon the contempt of Congress process. No court, however, has so held, and we have not found any requirement in the House or any committee rules for referral to the full committee. Neither have we found any instance in which a subcommittee referred a contempt resolution directly to the House, without seeking approval from the full committee. For example, the contempt resolution voted by the Subcommittee on Oversight and Investigations of the House Committee on Public Works and Transportation against EPA Administrator Burford was referred to the full Committee, and reported by that Committee to the House.

[34] A third provision, 2 U.S.C. § 193, denies the assistance of any testimonial privilege for a witness to refuse to testify on the ground that his testimony would disgrace him.

[35] This statute has been found constitutionally valid as a positive supplement to Congress' inherent coercive power to imprison for contempt. *See, e.g., United States* v. *Fort*, 443 U.S. 670, 677 (D.C. Cir. 1970), *cert. denied*, 402 U.S. 942 (1971).

Section 192 imposes certain responsibilities on the Speaker of the House or the President of the Senate, as the case may be, and on the United States Attorney to take actions leading to the prosecution of persons certified by a House of Congress to have failed to produce information in response to a subpoena. It provides:

> Whenever a witness summoned as mentioned in section 192 of this title fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House . . . or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session or when Congress is not in session, a statement of fact constituting such failure is reported and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States Attorney, whose duty it shall be to bring the matter before the Grand Jury for its action.

Under this provision, the committee would refer a resolution of contempt to the House, which would then have to approve the resolution and instruct the Speaker to certify the contempt to the United States Attorney for presentation to the grand jury.[26]

The contempt of Congress procedure has been used only once against an Executive Branch official who refused to comply with a subpoena on executive privilege grounds. In 1982, EPA Administrator Burford, acting at the President's direction, refused to release certain enforcement sensitive documents in response to a subpoena from the Subcommittee on Oversight and Investigations of the House Committee on Public Works and Transportation. The Subcommittee and subsequently the full Committee approved a contempt of Congress resolution, and on December 16, 1982, the full House adopted the resolution. On December 17, Speaker O'Neill certified the contempt to the United States Attorney for the District of Columbia for prosecution under § 192. The United States Attorney declined to refer the contempt citation to the grand jury, pending resolution of a lawsuit filed by the Executive Branch to block enforcement of the subpoena[27] and completion of negotiations between the executive and legislative branches to reach a compromise settlement.[28]

[26] By its terms, § 194 would permit the Speaker (or President *pro tempore*) to certify a contempt without the approval of the House, if the Money were not in session. This option, however, would appear to be foreclosed by the House rules, which clearly require full House approval for any enforcement action.

[27] *United States v. House of Representatives*, 556 F. Supp. 150 (D.D.C. 1983).

[28] These negotiations eventually resulted in an agreement and withdrawal of the contempt citation.

During the EPA matter, this Office rendered advice to the Attorney General, since memorialized in a memorandum, on the applicability of §§ 192 and 194 to Executive Branch officials who assert claims of executive privilege on behalf of the President.[29] In brief, we concluded that a United States Attorney is not required to refer a contempt citation to a grand jury or otherwise to prosecute an Executive Branch official who is carrying out the President's instruction to assert executive privilege. Our conclusion rested partly on the need to preserve traditional prosecutorial discretion, *i.e.*, that Congress may not direct the executive to prosecute a particular individual without leaving any discretion in the executive to determine whether a violation of the law has occurred. We also concluded more broadly, however, that the contempt of Congress statute simply was not intended to apply and could not constitutionally be applied to an Executive Branch official who asserts the President's claim of executive privilege. We noted that neither the legislative history nor the subsequent implementation of §§ 192 and 194 suggest that Congress intended the statute to apply to executive officials who carry out a Presidential assertion of executive privilege. Moreover, as a matter of constitutional law, we concluded that the threat of criminal prosecution would unduly chill the President's ability to protect presumptively privileged Executive Branch deliberations:

> The President's exercise of this privilege, particularly when based upon the written legal advice of the Attorney General, is presumptively valid. Because many of the documents over which the President may wish to assert a privilege are in the custody of a department head, a claim of privilege over those documents can be perfected only with the assistance of that official. If one House of Congress could make it a crime simply to assert the President's presumptively valid claim, even if a court subsequently were to agree that the privilege claim were valid, the exercise of the privilege would be so burdened as to be nullified. Because Congress has other methods available to test the validity of a privilege claim and to obtain the documents that it seeks, even the threat of a criminal prosecution for asserting the claim is an unreasonable, unwarranted, and therefore intolerable burden on the exercise by the President of his functions under the Constitution.

8 Op. O.L.C. at 102. Therefore, Congress could not, as a matter of statutory or constitutional law, invoke the criminal contempt of Congress procedure set out in 2 U.S.C. §§ 192 and 194 against the head of an Executive Branch agency, if he acted on the instructions of the President to assert executive privilege in response to a congressional subpoena.

[29] See "Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege," 6 Op. O.L.C. 101 (1984).

2. ...nt Contempt Power of Congress

The second alternative is for the House to instruct the Sergeant-at-Arms to arrest the Executive Branch official and detain him in the Capitol guardrooms. The arrest could then be challenged by application for a writ of habeas corpus. 28 U.S.C. §§ 2241 *et seq.*

The Supreme Court has ruled in the past that Congress has the inherent constitutional authority to imprison individuals for contempt. *See Jurney* v. *MacCracken*, 294 U.S. 125 (1935); *Anderson* v. *Dunn*, 19 U.S. (6 Wheat.) 204 (1821). The authority is one of self preservation and is accordingly limited to "the least possible power adequate to the end proposed." *Id.* at 231.

Although the authority has been cited by a court as recently as 1970, *see United States* v. *Fort*, 443 F.2d at 676, Congress has not attempted to use it for approximately 50 years[30] and it seems most unlikely that Congress would dispatch the Sergeant-at-Arms to arrest and imprison an Executive Branch official who claimed executive privilege. Moreover, while Supreme Court precedents support the right of Congress to imprison individuals for contempt, there is some question whether such authority would continue to be upheld. In recent years the Supreme Court has been more wary of Congress' exercising judicial authority:

> Those who wrote our Constitution well knew the danger inherent in special legislative acts which take away the life, liberty, or property of particular named persons, because the legislature thinks them guilty of conduct which deserves punishment.

United States v. *Lovett*, 328 U.S. at 317; *see also United States* v. *Brown*, 381 U.S. 437 (1965); *INS* v. *Chadha*, 462 U.S. at 962, 966 (Powell, *J.*, concurring). The Court has also been careful in recent cases to restrict Congress to its legislative functions and not to permit it to exercise authority belonging to another branch. *See INS* v. *Chadha*, *supra*; *Buckley* v. *Valeo*, 424 U.S. 1 (1976). The current Court therefore may not afford Congress the same latitude with respect to its inherent contempt power that was provided during the 19th and early 20th centuries. *See* Memorandum for the Deputy Attorney General from Robert B. Shanks, Deputy Assistant Attorney General, Office of Legal Counsel (Oct. 18, 1984).

In any event, the same considerations that inform the analysis of the applicability of §§ 192 and 194 to Executive Branch officials are relevant to an exercise of Congress' inherent contempt power. In our 1984 memorandum to the Attorney General discussing §§ 192 and 194, we noted that the reach of the criminal contempt statute was intended to be coextensive with Congress' inherent civil contempt powers (except with respect the penalties imposed), and concluded that "the same reasoning that suggests that the statute could not constitutionally be applied against a Presidential assertion of privilege applies to Congress' inherent contempt powers as well." 8 Op. O.L.C. at 140 n.42.

[30] *See Marshall* v. *Gordon*, 243 U.S. 521 (1917); Congressional Quarterly, *Guide to the Congress* 161 (1982).

3. Civil Suit for Enforcement of a Subpoena

The most likely route for Congress to take would be to file a civil action seeking enforcement of the subpoena. There is no statute that expressly grants the federal courts jurisdiction over such suits.[31] There are, however, at least two precedents for bringing such civil suits under the grant of federal question jurisdiction in 28 U.S.C. § 1331. In 1973, the Senate Select Committee on Presidential Campaign Finances sought civil enforcement of its subpoena for tapes and documents; the Committee urged, *inter alia*, that § 1331 provided subject matter jurisdiction. The district court found that the $10,000 jurisdictional amount in controversy requirement was not met and held that jurisdiction was therefore lacking under section 1331. The court did not be suggest that there was any other basis for denying federal question jurisdiction. *Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, 366 F. Supp. 51, 59–61 (D.D.C. 1973). Legislation was subsequently enacted to authorize jurisdiction over that particular suit. *See Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, 498 F.2d 725, 727 (D.C. Cir. 1974). Section 1331 has since been amended to be eliminate the $10,000 amount in controversy limitation in actions brought against the United States. Pub. L. No. 96–486, § 2(a), 94 Stat. 2369 (1980).

General federal question jurisdiction was also used as a basis for the be civil suit filed by the Department of Justice against the House in the EPA matter. *See United States* v. *House of Representatives*, C.A. No. 82–3583 (D.D.C. 1983). The Department took the position in that case that the controversy arose under the Constitution and laws of the United States, because resolution "depend[ed] directly on construction of the Constitution [and the] Court has consistently held such suits are authorized by [section 1331]." *Powell* v. *McCormack*, 395 U.S. 486, 516 (1969). Relying upon the decision in *United States* v. *AT&T Co.*, 551 F.2d 384 (D.C. Cir. 1976), which held that an action brought by the United States to block a response by a third party to a congressional subpoena met the threshold jurisdictional requirements of section 1331, the Department argued

[31] Under 2 U.S.C. § 288d, the Senate Legal Counsel "[u]pon directed to do so *[by the Senate]* . . . shall bring a civil action . . . in addition, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpoena or order issued by the Senate or a committee or a subcommittee of the Senate authorized to issue a subpoena or order." The United States District Court for the District of Columbia has jurisdiction over such actions, but its jurisdiction does not extend to any actions brought "to enforce, or secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity." 28 U.S.C. § 1364(a).

The argument could be made that this authority provides the exclusive route for either House to bring a civil action to enforce its subpoenas, and thus, that no courts exists for civil enforcement against an executive branch officer. The legislative history of these statutes, however, counsels against that conclusion. The legislative history specifically notes that the jurisdictional exception for executive branch subpoenas "is not intended to be a Congressional finding that the Federal courts do not now have the authority to hear a civil action to enforce a subpoena against an officer or employee of the Federal Government," but rather was inserted specifically to provide the Senate with a less drastic remedy than criminal contempt for refusals by private citizens to comply with subpoenas, and to avoid reliance on the Department of Justice to enforce such subpoenas. *See* S. Rep. No. 170, 95th Cong., 1st Sess. 66–67 (1977).

that ( ) matter jurisdiction similarly exists in a suit to halt enforcement of a subpoena addressed directly to the Executive Branch.[22] The rationale used by the Department in that suit would appear to apply equally to suits filed by a House of Congress seeking enforcement of its subpoena against executive privilege claims.

In addition, the courts may be willing to entertain a civil suit brought by the House in order to avoid any question about the possible applicability of the criminal contempt provisions of §§ 192 and 194. When a possible impairment of the President's constitutional prerogatives is involved, the courts are particularly careful to construe statutes to avoid a constitutional confrontation. In *United States* v. *Nixon*, for example, the Court construed the limitation in 28 U.S.C. § 1291 (that appeals be taken only from "final" decisions of a district court) to permit the President to appeal an adverse ruling on his claim of executive privilege without having to place himself in contempt of court:

> [T]he traditional contempt avenue to immediate appeal is peculiarly inappropriate due to the unique setting in which the question arises. To require a President of the United States to place himself in the posture of disobeying an order of a court merely to trigger the procedural mechanism for review of the ruling would be unseemly, and would present an unnecessary occasion for constitutional confrontation between two branches of the Government.

418 U.S. at 691–92. The U.S. Court of Appeals for the District of Columbia has stated on several occasions that criminal contempt proceedings are an inappropriate means for resolving document disputes, especially when they involve another governmental entity. *See Tobin* v. *United States*, 306 F.2d 270 (D.C. Cir.), *cert. denied*, 371 U.S. 902 (1962); *see also United States* v. *Fort*, 443 F.2d at 677–78. The Fifth Circuit appears to have held that no government official need subject himself to contempt in order to obtain review of his claim that the government is privileged to refuse to comply with a court's demand for documents. *See Cataz* v. *LTV Aerospace Corp.*, 480 F.2d 620, 622 (5th Cir. 1973); *Carr* v. *Monroe Manufacturing Co.*, 431 F.2d 384, 387 (5th Cir. 1970), *cert. denied*, 400 U.S. 1000 (1971); *but see In re the Attorney General*, 596 F.2d 58, 62 (2d Cir.), *cert. denied*, 444 U.S. 903 (1979). Thus, although the civil enforcement route has not been tried by the House, it would appear to be a viable option.[23]

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[22] The decision of the district court in *United States* v. *House of Representatives* does not directly address the jurisdictional question, although it casts considerable doubt on whether the Executive Branch can seek review in a civil action, when the legislative branch has chosen to use the criminal contempt provisions. 556 F. Supp. at 153. Nonetheless, the court did not foreclose any civil actions by the House.

Judicial resolution of this constitutional claim, however, will never become necessary unless Administrator Gorsuch becomes a defendant in either a criminal contempt proceeding or other legal action taken by Congress.

Id. (emphasis added).

[23] Any action that the courts may not or should not review such disputes is dispelled by *United States* v. *Nixon*, 418 U.S. at 703–05, in which the Court clearly asserted its role as ultimate arbiter of executive

Continued

[23] It is also possible that Congress might attempt to invoke the provisions of the Independent Counsel Act, which require the Attorney General to conduct an investigation "whenever he receives information sufficient to constitute grounds to investigate" that any of the enumerated Executive Branch officials "has committed a violation of any Federal criminal law other than a violation constituting a petty offense." 28 U.S.C. § 591. The crime of contempt of Congress is a non-petty criminal offense. *See* 2 U.S.C. § 192; 18 U.S.C. § 1. Thus a contempt citation against a covered official would arguably trigger the Attorney General's obligation under the Act. Invocation of the Act would not, however, necessarily require the Attorney General to apply for the appointment of an independent counsel. As this Office has advised on prior occasions, the Attorney General retains a certain measure of discretion with respect to whether to apply for an independent counsel.

B. Defenses to Congressional Subpoenas

1. Lack of Jurisdiction

As we discussed above, Congress' investigative power, while broad, is not unlimited. Thus, short of asserting executive privilege, there may be other lines of defense against a subpoena. The most promising line is that the subcommittee has no jurisdiction to request the information, either because Congress as a whole has no authority to inquire into the matter, or because Congress has not given the committee the requisite authority.

a. Scope of Congress' Jurisdiction

The Supreme Court has not articulated with precision whether there are particular limits to the jurisdiction of Congress to request information from the Executive Branch. Nonetheless, as we have previously set forth, Congress must at a minimum be able to articulate a legitimate legislative purpose for its inquiry. We will not repeat that discussion here, except to say that if the matter either falls exclusively within the province of another branch, *see Kilbourn* v. *Thompson*, 103 U.S. at 192, or Congress cannot point to some rational nexus between the inquiry and its legislative power, *see Barenblatt* v. *United States*, 360 U.S. at 111, we believe the subpoena would be held invalid for lack of authority, and could be challenged on that basis.

b. Scope of Committee's Jurisdiction

Not only must the investigation fall within Congress' jurisdiction, but the committee or subcommittee must also have been specifically authorized by the

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[23] (... continued)

privilege questions. The need for judicial review in fact was emphasized by the Department in the *United States* v. *House of Representatives* litigation as a basis for the court to entertain the suit. The Department argued that, in some circumstances, only judicial intervention can prevent a stalemate between the other two branches that could result in a partial paralysis of government operations.

select[illegible]ouse to conduct the investigation. Since defiance of a subpoena raises the possibility of criminal prosecution, "a clear chain of authority from the House to the questioning body is an essential element of the offense." *Gojack* v. *United States*, 384 U.S. at 716. It "must appear that Congress empowered the Committee to act, and further that at the time the witness allegedly defied its authority the Committee was acting within the power granted to it."[34] *Id.* (quoting *United States* v. *Lamont*, 18 F.R.D. 27 (S.D.N.Y. 1955), *aff'd*, 236 F.2d 312 (2d Cir. 1956)). *See also Watkins* v. *United States*, 354 U.S. at 204–05, 214–15; *Eastland* v. *United States Servicemen's Fund*, 421 U.S. at 503–06. Thus, a witness cannot be compelled to answer questions that fall outside of the investigative jurisdiction of a committee or subcommittee. *See United States* v. *Rumely*, 345 U.S. at 44–45; *Bergman* v. *Senate Select Committee on Aging*, 389 F. Supp. 1127, 1130 (S.D.N.Y. 1975); *United States* v. *Cuestra*, 208 F. Supp. 401, 406 (D.P.R. 1962).

Although this general principle is well recognized by the courts, in practice they have given considerable deference to a committee's definition of its jurisdiction. In cases in which the courts have refused to enforce a subpoena because the inquiry fell outside of the committee's jurisdiction, the primary defect was that the investigative authority given to the committee was simply so broad and ill-defined that it gave the witness no fair notice of the scope of the inquiry. *See, e.g.*, *Watkins* v. *United States*, 354 U.S. at 204; *United States* v. *Rumely*, 345 U.S. at 43. In many cases, the courts have considered the "legislative history" of the committee's investigation (e.g., the language and background of the authorizing resolution, remarks made by the chairman or members of the committee to outline the scope of the investigation, the existence and scope of similar investigations) to determine whether a particular matter falls within a committee's jurisdiction. "Just as legislation is often given meaning by the gloss of legislative reports, administrative interpretation and long usage, so the proper meaning of an authorization to a congressional committee is not to be derived alone from its abstract terms unrelated to the definite content furnished them by the course of congressional actions." *Barenblatt* v. *United States*, 360 U.S. at 117. *See also Wilkinson* v. *United States*, 365 U.S. at 408; *Tobin* v. *United States*, 306 F.2d at 275–76; *United States* v. *Fort*, 443 F.2d at 682. This analysis, of course, cuts both ways. If a committee has historically exercised investigative jurisdiction over a particular subject, and makes the nexus between its investigative jurisdiction and the particular subject matter clear, the courts may hesitate to second guess to that judgment. *See, e.g.*, *Barenblatt* v. *United States*, 360 U.S. at 119–20. On the other hand, if the committee has not previously asserted investigative jurisdiction over the subject matter, and the subject matter to is not clearly linked to the committee's jurisdiction, the courts may lean to in favor of protecting the

[34] Because the legality of the committee's action is judged as of the time the witness defies the subpoena, a subsequent vote by the full House to authorize the subpoena (through contempt or otherwise) will not cure any jurisdictional defect. *Gojack*, 384 U.S. at 173 n.12.

witness' prerogative to refuse to testify, particularly if constitutional interests are implicated.[35] *See Tobin* v. *United States*, 306 F.2d at 275–76.

The courts have also suggested that the power of either the witness or the court to define for itself the scope of a committee's jurisdiction is limited. In *Barenblatt*, 360 U.S. at 124, the Court noted that it "goes without saying that the scope of the Committee's authority was for the House, not a witness, to determine, subject to the ultimate reviewing responsibility of this Court." Similarly, "it is appropriate to observe that just as the Constitution forbids the Congress to enter fields reserved to the Executive and Judiciary, it imposes on the Judiciary the reciprocal duty of not lightly interfering with Congress' exercise of its legitimate powers." *Hutcheson* v. *United States*, 369 U.S. 599, 622 (1962). *See also McSurely* v. *McClellan*, 521 F.2d 1024, 1038 (D.C. Cir. 1975) (prerogative of the judiciary to determine whether the investigation is within the jurisdiction of a particular committee is "extremely limited").

Nevertheless, it is clear that a witness may refuse to answer on the ground that the inquiry has not been authorized by the relevant House. Particularly where constitutional concerns are raised by compelled testimony, courts may be reluctant to countenance a far-ranging inquiry by a particular committee or subcommittee that does not appear to fall within the jurisdiction granted by Congress.

2. Executive Privilege

Finally, the subpoena could be resisted on the ground that the information requested is protected by the executive privilege. It is important to remember, however, that assertion of the privilege does not just involve an evaluation of the Executive Branch's interest in keeping the information confidential; it also involves an evaluation of the strength of Congress' need for that information, and whether those needs can be accommodated in some other way.

Thus, Congress must be able to articulate its need for the particular materials — to "point[ ] to . . . specific legislative decisions that cannot responsibly be made without access to materials uniquely contained" in the presumptively privileged documents (or testimony) it has requested, and to show that the material "is demonstrably critical to the responsible fulfillment of the Committee's functions." *Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, 498 F.2d at 731, 733. In *Senate Select Committee*, for example, the court held that the committee had not made a sufficient showing of need for copies of the Presidential tape recordings, given that the President had already released transcripts of the recordings. The committee argued that it

[35] The judicial decisions dealing with Congress' subpoena authority have for the most part involved refusals by private individuals to testify, in those cases the courts have been sensitive to Fifth, Fourth, and First Amendment concerns raised by the defendants, and have weighed those interests in the balance in determining how specific Congress must be in authorizing a committee's investigation. *See, e.g.*, *United States* v. *Rumely*, 345 U.S. at 43; *Watkins* v. *United States*, 354 U.S. at 204–05. Although the constitutional interests implicated by a subpoena of an executive branch official arise from Articles I and II, rather than the Bill of Rights, a court should be equally sensitive to those constitutional concerns.

needed — tape recordings "in order to verify the accuracy of" the transcripts, to supply the deleted portions, and to gain an understanding that could be acquired only by hearing the inflection and tone of voice of the speakers. But the court answered that in order to legislate a committee of Congress seldom needs a "precise reconstruction of past events." *Id.* at 732. "The Committee has . . . shown no more than that the materials deleted from the transcripts may possibly have some arguable relevance to the subjects it has investigated and to the areas to which it may propose legislation. It points to no specific legislative decisions that cannot responsibly be made without access to materials uniquely contained in the tapes or without resolution of the ambiguities that the transcripts may contain." *Id.* at 733. For this reason, the court stated, "the need demonstrated by the Select Committee . . . is too attenuated and too tangential to its functions" to override the President's constitutional privilege. *Id.*

Moreover, in cases in which Congress has a legitimate need for information that will help it legislate and the Executive Branch has a legitimate, constitutionally recognized need to keep information confidential, the courts have referred to the obligation of each branch to accommodate the legitimate needs of the other. *See United States* v. *AT&T Co.*, 567 F.2d 121, 130 (D.C. Cir. 1977).

Here, the considerations outlined above — particularly the need to preserve the position of the Executive Branch as the sole entity that enforces the criminal laws — would weigh strongly in favor of nondisclosure by the Executive Branch. Ultimately it would be those interests in maintaining confidentiality that must be balanced against Congress' interest in gaining access to particular information for legitimate legislative purposes. As noted above, it is difficult for us to speculate as to what legitimate interests Congress would have in gaining access to the details of a prosecutorial decision made by the Attorney General — a decision that Congress constitutionally could not alter or interfere with. The decision to assert executive privilege in response to a congressional subpoena, however, is the President's to make. Under the terms of the Reagan Memorandum, executive privilege cannot be asserted vis-a-vis Congress without specific authorization by the President, based on recommendations made to him by the concerned department head, the Attorney General, and the Counsel to the President. That decision must be based on the specific facts of the situation, and therefore it is impossible to predict in advance whether executive privilege could or should be claimed as to any particular types of documents or information.

CHARLES J. COOPER
Assistant Attorney General
Office of Legal Counsel

Legislative Proposal to Nullify Criminal Convictions Obtained Under the Ethics in Government Act

A proposed bill would have the effect of nullifying all criminal convictions obtained under the Ethics in Government Act since that Act was passed in 1978. Under the Pardon Clause of the Constitution, U.S. Const. art. II, § 2, cl. 1, the President has broad power to take action to relieve individuals who have violated federal laws. By contrast, the Constitution gives Congress no authority to legislate a pardon for any particular individual or class of individuals. Therefore, the proposed bill exceeds Congress' power to legislate and would be an unconstitutional infringement on the President's pardon power.

June 3, 1986

MEMORANDUM OPINION TO THE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

We have reviewed the provisions of S. 2214, "A bill to clarify that a civil penalty is the exclusive penalty for violations of the ethics in government act." We defer to other components of the Department on the desirability as a policy matter of making civil penalties the exclusive remedy for enforcing the provisions of the Ethics Act. However, we have serious objections to the provision of the bill that purports to make it effective "on the date of enactment of the Ethics in Government Act." We understand that this provision is intended by the sponsors of S. 2214 to have the effect, *inter alia*, of nullifying all criminal convictions under the Act since its passage in 1978.[1] We believe that Congress has no authority to enact such a measure, and in addition, that it would be an unconstitutional intrusion on the President's constitutional power to pardon.

Under Article II of the Constitution, the President has the power to "grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." U.S. Const. art. II, § 2, cl. 1. The President's constitutional pardon power is derived from, and has been interpreted in light of, the English Crown authority to alter and reduce punishments as it existed in 1787. *See generally Schick* v. *Reed*, 419 U.S. 256 (1974). The Presidential pardon power is multifaceted, and embraces a wide variety of acts that may relieve individu-

[1] We assume that the bill's "effective date" provision is also intended to affect the dismissal of all pending criminal investigations and prosecutions, as well as to annul any future ones. Our analysis here focuses only on the attempted legislative enumeration of persons convicted by judicial process of a crime under the Act.

Of course, if S. 2214 is intended to apply only where no governmental prosecution has been commenced, and not where an investigation or prosecution has been initiated or a conviction obtained, as a policy matter it would raise a serious question of disparate treatment.

U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

June 19, 1989

MEMORANDUM

TO: General Counsels' Consultative Group

FROM: William P. Barr
Assistant Attorney General
Office of Legal Counsel

RE: Congressional Requests for
Confidential Executive Branch Information

This memorandum summarizes the principles and practices governing congressional requests for confidential Executive Branch information. As discussed below, the Executive Branch's general practice has been to attempt to accommodate whatever legitimate interests Congress may have in obtaining the information, while, at the same time, preserving Executive Branch interests in maintaining essential confidentiality. Only when the accommodation process fails to resolve a dispute and a subpoena is issued does it become necessary for the President to consider asserting executive privilege.

I. Congress' Oversight Authority

The constitutional role of Congress is to adopt general legislation that will be implemented -- "executed" -- by the Executive Branch. The courts have recognized that this general legislative interest gives Congress investigatory authority. Both Houses of Congress have power, "through [their] own process, to compel a private individual to appear before it or one of its committees and give testimony needed to enable it efficiently to exercise a legislative function belonging to it under the Constitution." McGrain v. Daugherty, 273 U.S. 135, 160 (1927). The issuance of subpoenas in aid of this function "has long been held to be a legitimate use by Congress of its power to investigate," Eastland v. United States Servicemen's Fund, 421 U.S. 491, 504 (1975), provided that the investigation is "related to, and in furtherance of, a legitimate task of the Congress." Watkins v. United States, 354 U.S. 178, 187 (1957). The inquiry must pertain to subjects "on which legislation could be had." McGrain v. Daugherty, 273 U.S. at 177. Thus, Congress' oversight authority

> is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution. Broad as it is, the power is not, however, without

> limitations. Since Congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the Government.

Barenblatt v. United States, 360 U.S. 109, 111-12 (1959).

II. Executive Privilege

If it is established that Congress has a legitimate legislative purpose for its oversight inquiry, the Executive Branch's interest in keeping the information confidential must be assessed. This subject is usually discussed in terms of "executive privilege," and that convention is used here. The question, however, is not strictly speaking just one of executive privilege. While the considerations that support the concept and assertion of executive privilege apply to any congressional request for information, the privilege itself need not be claimed formally vis-a-vis Congress except in response to a lawful subpoena; in responding to a congressional request for information, the Executive Branch is not necessarily bound by the limits of executive privilege.

Executive privilege is constitutionally based. To be sure, the Constitution nowhere expressly states that the President, or the Executive Branch generally, enjoys a privilege against disclosing information requested by the courts, the public, or the Legislative Branch. The existence of such a privilege, however, is a necessary corollary of the executive function vested in the President by Article II of the Constitution.[1] It has been asserted by numerous Presidents from the earliest days of our Nation, and it was explicitly recognized by the Supreme Court in United States v. Nixon, 418 U.S. 683, 705-06 (1974).

There are at least three generally-recognized components of executive privilege: state secrets, law enforcement, and deliberative process. Since most disputes with Congress in this area in recent years have concerned the privilege for Executive Branch deliberations, this memorandum will focus on that component. See generally Memorandum for the Attorney General from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, Re:

[1] The privilege to withhold information is implicit in the scheme of Article II and particularly in the provisions that "[t]he executive Power shall be vested in a President of the United States of America," art. II, sec. 1, cl. 1, and that the President shall "take Care that the Laws be faithfully executed," art. II, sec. 3.

Confidentiality of the Attorney General's Communications in Counseling the President, 6 Op. O.L.C. 481, 484-90 (1982).

The first congressional request for information from the Executive Branch occurred in 1792, in the course of a congressional investigation into the failure of an expedition under the command of one General St. Clair. President Washington called his Cabinet together to consider his response, stating that he could conceive that there might be papers of so secret a nature that they ought not be given up. The President and his Cabinet concluded "that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public . . . ." 1 Writings of Thomas Jefferson 304 (1903) (emphasis added). While President Washington ultimately determined in the St. Clair case that the papers requested could be furnished without injury to the public, he refused four years later to comply with a House committee's request for copies of instructions and other documents employed in connection with the negotiation of a treaty with Great Britain.

The practice of refusing congressional requests for information, on the ground that the national interest would be harmed by the disclosure, was employed by many Presidents in the ensuing years. See generally History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, Part I - Presidential Invocations of Executive Privilege Vis-a-Vis Congress, 6 Op. O.L.C. 751 (1982). The privilege was most frequently asserted in the areas of foreign affairs and military and national security secrets; it was also invoked in a variety of other contexts, including Executive Branch investigations. In 1954, in instructing the Secretary of Defense concerning a Senate investigation, President Eisenhower asserted that the privilege extends to deliberative communications within the Executive Branch:

> Because it is essential to efficient and effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations or communications, or any documents or reproductions, concerning such advice be disclosed, you will instruct employees of your Department that in all of their appearances before the Subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions.

Public Papers of Dwight D. Eisenhower 483-84 (1954).

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

(Rev. 10-01-1999)

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY Date: 12/15/2000

To: Director's Office Attn: Office of Professional Responsibility

From: Office of Professional Responsibility
Contact: Patrick J. Kiernan, ext. 4-5775

Approved By: DeFeo, Michael A

Drafted By: Kiernan Patrick J:pjk

Case ID #: 263-HQ-New (Pending)

Title: CONTACTS WITH THE
OFFICE OF SPECIAL COUNSEL (OSC) -
WACO INQUIRY;
OPR REFERRALS;
THOMAS B. LOCKE, DEPUTY ASSISTANT DIRECTOR (DAD),
INSPECTION DIVISION (INSD);
ALLYSON A. SIMONS, DAD, LABORATORY DIVISION (LAB)

Synopsis: The purpose of this Electronic Communication (EC) is to summarize instances of misconduct by FBI employees Thomas B. Locke, DAD, INSD, and Allyson A. Simons, DAD, LAB which recently occurred during the course of the OSC Waco inquiry.

Enclosure(s): Enclosed with this EC are the following Memorandum of Interviews (MOIs) from the OSC: Unit Chief (UC) James J. Cadigan dated August 28, 2000; DAD Thomas B. Locke dated August 29, 2000; DAD Allyson A. Simons dated August 30, 2000; Deputy Director (DD) Thomas J. Pickard dated September 1, 2000; Two MOIs from Assistant Director (AD) Donald Kerr, LAB, dated May 30, 2000 and September 1, 2000 respectively; and Section Chief (SC) Robert Sibert, LAB, dated October 5, 2000. Also enclosed are copies of FBI Job Posting #20000587 advertising for the position of Adjudication Unit Chief, OPR; SSA Patrick J. Kiernan's Performance Appraisal Report (PAR), dated 7/31/00, as rated by Assistant Director (AD) Wiley D. Thompson, III and reviewed by Director Louis J. Freeh; and Division Head Comments, dated 9/05/2000, as submitted by Acting AD Thomas B. Locke commenting on SSA Kiernan's qualifications for the above position.

Details: Approximately one thousand interviews were conducted and several million documents were reviewed by the OSC. Over the last year, SSA Kiernan has been made aware of certain inappropriate conduct, which may fall under the realm of potential OPR violations. Accordingly, SSA Kiernan is obligated to report such conduct. SSA Kiernan has some first-hand

knowledge of a few of the incidents. Many of these incidents have been documented by the OSC during the course of their investigation. Investigators from the OSC are available for interview regarding any of the interviews they conducted.

In their formal report to the Deputy Attorney General, the OSC decided to only set forth instances of FBI misconduct if they directly related to the five central questions they were asked to resolve by Attorney General Janet Reno. Other instances of misconduct, brought to light as a result of their inquiry, may be contained within the MOIs written by the appropriate investigator. It is recommended that these MOIs be reviewed for potential misconduct issues, as the OSC intends to turn them over to the Department of Justice (DOJ), for eventual release to the National Archives and the general public. The FBI should assess these formal interviews before a public release is made. Because of the close association SSA Kiernan had with the OSC over the course of their investigation, some of those instances of misconduct were made known to SSA Kiernan. The following information describes one such incident and its aftereffects, which SSA Kiernan is aware, and is being referred to OPR for appropriate investigation:

Deputy Assistant Director (DAD) Thomas B. Locke, INSD
Unauthorized Disclosure;
Poor Judgement;
Unprofessional Conduct;
Reprisal/Retaliation

Deputy Assistant Director (DAD) Allyson A. Simons, LAB
Unauthorized Disclosure
Poor Judgement

During the course of the OSC inquiry, SSA Kiernan has been assigned to the Inspection Division and reported directly to the AD Wiley D. Thompson, III. On July 31, 2000, AD Thompson retired and Deputy Assistant Director (DAD) Thomas B. Locke became Acting AD. During this time period, the OSC was in the middle of trying to determine what had happened to the three missing M651 military tear gas rounds at the crime scene. There were some very intense interviews occurring of FBI crime scene supervisory personnel, UC James (Jim) J. Cadigan, Firearms and Toolmarks Unit, LAB, and SA Richard (Rick) Crum, Richmond Division, Winchester RA.

On August 25, 2000, Acting AD Locke was contacted by DAD Allison A. Simons, LAB, who was calling on behalf of her

employee, UC Jim Cadigan. UC Cadigan had been asked by the OSC to take a polygraph regarding his statements to the OSC. DAD Simons wanted to know if the FBI was allowing it's employees to take polygraphs in regard to the OSC investigation. Acting AD Locke did not know and did not call SSA Kiernan to inquire, even though this issue had already come up before and been resolved. Instead, Acting AD Locke called Deputy General Counsel (DGC) Thomas A. Kelley, Office of General Counsel (OGC), who had been recused from all OSC matters since January 2000 (which Acting AD Locke knew), and asked him what the FBI policy/position would be in this regard. DGC Kelley provided Acting AD Locke the proper advice that the polygraph was voluntary and it was the employee's decision whether they wanted to take it or not.

Acting AD Locke then contacted DD Thomas J. Pickard to inform him of the OSC's attempt to polygraph UC Cadigan. During the conversation with DD Pickard, DD Pickard advised Acting AD Locke that SA Rick Crum had already been polygraphed by the OSC and did not do very well. As a result, DD Pickard was assisting in finding him an attorney.

Acting AD Locke subsequently contacted DAD Simons and advised her of DGC Kelley's opinion on the polygraph as well as his conversation with DD Pickard, particularly with reference to SA Rick Crum having taken a polygraph and not doing well. According to UC Cadigan's subsequent interview, DAD Simons learned of SA Crum's polygraph troubles and advised UC Cadigan that another agent in Virginia had taken a polygraph and the results were not good. In her interview with the OSC, DAD Simons admitted to telling UC Cadigan (before his polygraph) that SA Crum had already taken a polygraph and it did not go well.

A short time later, UC Cadigan contacted Acting AD Locke concerning his dilemma of taking a polygraph for the OSC. Acting AD Locke and UC Cadigan have been friends throughout their FBI careers and were classmates during their initial FBI training. When UC Cadigan asked for advice on the matter, Acting AD Locke counseled UC Cadigan to take the polygraph since he was telling the truth. Unfortunately, Acting AD Locke also specifically told UC Cadigan that SA Crum had already taken a polygraph for the OSC and he did not do very well. Acting AD Locke later admitted to SSA Kiernan that he knew as soon as he made this statement, he probably should not have said it.

On August 29, 2000, DAD Locke was formally interviewed by the OSC and admitted this mistake. DD Pickard and DAD Simons were also interviewed and they admitted their conversations with Acting AD Locke. AD Donald Kerr, LAB, and Section Chief Robert

Sibert, LAB, were also interviewed for any knowledge regarding the events in question. Acting AD Locke also verbally admitted this entire scenario to SSA Kiernan, AD John Collingwood, Office of Public and Congressional Affairs (OPCA), and Special Assistant Roberto Iraola, OGC, on August 29, 2000 shortly after returning from his interview at the OSC. SSA Kiernan, who knew nothing about this incident until after Acting AD Locke's formal OSC interview, also confirmed it with OSC Assistant Special Counsel (ASC) Stuart Levey and US Postal Investigator Keith Thompson. The OSC advised they did not say anything to SSA Kiernan because of the difficult position it would place SSA Kiernan in.

During this time period, Acting AD Locke was under strong consideration for promotion to the permanent AD INSD position. Acting AD Locke was not chosen for the position, which decision was made after the OSC notified DD Tom Pickard on September 1, 2000 of Acting AD Locke's actions in regard to this polygraph matter. DD Pickard commented to the ASC Levey about Acting AD Locke's promotion being on his desk, but his (Locke's) career now turning in another direction. The OSC requested to DD Pickard that Acting AD Locke no longer be allowed to have supervision over SSA Kiernan as the FBI's liaison to the OSC. After DD Pickard discussed the matter with Director Freeh, the supervision of SSA Kiernan was taken away from Acting AD Locke and INSD and given to AD Michael A. DeFeo, OPR, on September 7, 2000.

On August 29, 2000 at the exact time when SSA Kiernan was in Acting AD Locke's office asking Acting AD Locke for a recommendation on a FD-638 for a promotion, Acting AD Locke received a call to immediately come to the OSC office for an interview. Acting AD Locke asked SSA Kiernan what the situation was about, but SSA Kiernan had no idea. Acting AD Locke came back later that morning and admitted his misconduct as noted above.

When asking for the above promotional recommendation, SSA Kiernan provided to Acting AD Locke a copy of SSA Kiernan's latest Performance Appraisal Report (PAR) dated 7/31/00, rated by former AD Wiley D. Thompson, III and reviewed by Director Louis J. Freeh (attached). This PAR was very detailed and reflected an exceptional rating in every Critical Element rated. Acting AD Locke was given the PAR, as he had only taken over the supervision of SSA Kiernan on August 1, 2000 after AD Thompson retired. The Division Head Comments (attached) on the FD-638, dated 09/05/2000, for promotion to Adjudication Unit Chief, OPR, subsequently submitted and signed by Acting AD Locke, did not even address the qualifications of the position, as requested in

the advertisement (attached). This omission was specifically noted in the local career board comments regarding SSA Kiernan. SSA Kiernan was ultimately ranked third out of six candidates at the local FBI OPR career board.

Another INSD employee, SSA Brian Fortin, who also put in for the same position, is suspected to have a much more detailed and favorable recommendation. A comparison of his Division Head Comments would easily resolve this issue. Furthermore, SSA Fortin has three years less experience in the FBI than SSA Kiernan and no OPR experience. DAD Locke sat in on the SAMMS board deliberations for this promotional position on November 21, 2000 and is suspected of favoring or promoting SSA Fortin over SSA Kiernan, despite SSA Kiernan having more qualifications for the position, as requested in the advertisement. A review of the SAMMS Board tape recording will reflect any comments made by DAD Locke regarding both SSA Kiernan and SSA Fortin. SSA Kiernan was advised by career board personnel that the discussion of this promotion was very "lively and spirited" that day. SSA Fortin received the promotion to UC, OPR. SSA Kiernan has heard that even SSA Fortin was shocked to learn he was chosen for the position, as he was not even in the final package that was presented to the SAMMS board. It is believed that DAD Locke was retaliating against SSA Kiernan for the loss of the AD position and potential OPR investigation caused by his own misconduct, in regard to the OSC Waco investigation. At a minimum, DAD Locke should have recused himself from the FD-638 Division Head Comments, as well as the SAMMS board deliberations because of these incidents.

◆◆

107GL F.06

AUSA ROBERT GOLDMAN 7/29/97

INSPECTOR JOHN E. ROBERTS

RUBY RIDGE INVESTIGATION

Reference the "FBI HEADQUARTERS RUBY RIDGE COVER-UP INVESTIGATION - EVIDENCE AND RECOMMENDATION REGARDING LARRY A. POTTS AND DANNY O. COULSON REPORT TO THE ATTORNEY GENERAL JUNE 16, 1997".

As you are aware from our previous discussions, this investigation has surfaced numerous instances of misconduct by FBI employees, some of which are very serious. Although the focus of this investigation was criminal, we, through our interviews of FBI personnel, uncovered numerous instances of misconduct.

We have reviewed all of the FD-302s, Memoranda of Interviews (MOIs) and memoranda which document misconduct issues and have redacted any reference to grand jury material. These documents are available for immediate release to the personnel charged with the administrative adjudication of this matter.

I believe we should either furnish to OPR/DOJ a list of the misconduct issues we uncovered during our investigation or furnish to the OPR/DOJ all of the redacted FD-302s, MOIs and memoranda which document the misconduct issues. It would be most efficient to inform OPR/DOJ of the misconduct issues, but if that avenue is unacceptable we should provide OPR/DOJ with the FD-302s, MOIs and memoranda so they can review the material and determine how, or if, they want to address the misconduct.

The results of our investigation indicate misconduct issues were known to Inspectors Robert Walsh and Van Harp and went unaddressed. Our investigation also developed information suggesting that Associate Special Agent-in-Charge (A-SAC) Charles Mathews was aware of misconduct issues which he failed to address and that A-SAC Mathews was involved in misconduct in late 1994 when he was in charge of adjudicating the Ruby Ridge matter.

1 - AUSA Goldman
1 - Mr. Roberts
1 - 74-HQ-1142791
JER:jer
(9)

The following are the more serious examples of misconduct identified through this investigation:

1. ASAC Anthony Betz, while a Special Agent assigned to the HRT, was shot once or possibly twice during an HRT training exercise. Neither Danny O. Coulson, then ASAC of the HRT, nor SA Betz reported the shooting;

2. Inspector Van Harp instructed a subordinate (SSA John Lewis) to change FD-302 reports of interviews during the Inspector Walsh investigation of the Ruby Ridge matter. These changes were substantive and were in direct conflict with the original notes taken during the interview;

3. SSA John Lewis, during his interview in this investigation, cautioned the interviewers (SSAs Timothy McCants and Scott Salter) that they should remember who they work for when conducting this investigation. SSA Lewis is now the ASAC in the Houston Division. His comment, I believe, was an attempt to intimidate the interviewers.

4. After Danny O. Coulson was placed on administrative leave and advised to have no contact with the office, he instructed his ASAC, James Adams, to remove from the Dallas Division the file containing information on the Ruby Ridge crisis and deliver the file to him (Coulson);

5. Thomas Kelley's comment to Inspector Roberts that his (Inspector Roberts') involvement in the Ruby Ridge investigation will not be good for him in the end;

6. SA Michael Pullano's written instructions to a HRT sniper to not provide information about the sniper shots at Ruby Ridge that conflicts with Lon Horiuchi's version;

7. SA Jon Uda's lack of candor during his interview and subsequent polygraph interview;

8. Inspector Robert Walsh's comments to Michael Kahoe about being able to control the Ruby Ridge investigation which he supervised; and

9. SAC William Gore's conduct at the Ruby Ridge crisis site as reported by SAs under his command.

I believe this investigative team will be subjected to a great deal of criticism if we do not provide allegations of misconduct immediately. My concern is that administrative action may be taken by the DOJ without them having the benefit of all the relevant documentation of misconduct. Should such actions be taken and later OPR/DOC or the Congress determines there was

additional information which was not made available, we will not have a defensible position.

I recall the Congress, during earlier hearings, being quite critical of the FBI's ability to accurately report FD-302 interviews. Now we have evidence that FD-302s were changed substantively to remove an interviewee's opinions and to remove inflammatory information during the Inspector Walsh investigation.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 7, 2001

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

Your staff has indicated that at the Committee's September 13, 2001, hearing, on behalf of President Bush, you will invoke executive privilege with respect to the documents sought by the Committee's September 6, 2001, subpoena. The Committee has an interest in determining relevant precedent pertaining to the decision made by the Justice Department and the President. The Committee also has an interest in determining if this type of information has been subject to Congressional review under previous Administrations. Therefore, please provide the Committee with the following information:

1. A description of all situations prior to the Clinton Administration when the Justice Department permitted Congress to review records or receive testimony containing deliberative prosecutorial information.

2. A description of all situations prior to the Clinton Administration when the Justice Department permitted Congress to review the types of documents currently being sought by the Committee, specifically, prosecution memoranda, declination memoranda, or memoranda to the Attorney General making recommendations regarding a specific criminal case.

3. A listing of all cases prior to the Clinton Administration when the President or his designee invoked executive privilege over records or testimony containing deliberative prosecutorial information. In addition, please specify cases when executive privilege was claimed over the types of records currently being sought

by the Committee. Please specify the outcome of the claim of executive privilege.

4. A listing of all memoranda or opinions of the Office of Legal Counsel which provide specific support for the position being taken by the Administration.

5. Copies of all deliberative materials provided to the Subcommittee on International Trade, Finance, and Security Economics of the Joint Economic Committee or the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee in the course of the investigation discussed in 8 U.S. Op. Off. Legal Counsel 252 (1984).

As these matters are of central importance to the Committee's hearing, please provide the requested information by 5:00 p.m. on Wednesday, September 12, 2001.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

THE WHITE HOUSE

WASHINGTON

December 12, 2001

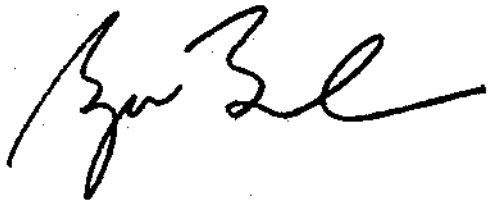
MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: CONGRESSIONAL SUBPOENA FOR EXECUTIVE BRANCH DOCUMENTS

I have been advised that the Committee on Government Reform of the House of Representatives has subpoenaed confidential Department of Justice documents. The documents consist of memoranda from the Chief of the Campaign Financing Task Force to former Attorney General Janet Reno recommending that a Special Counsel be appointed to investigate a matter under review by the Task Force, memoranda written in response to those memoranda, and deliberative memoranda from other investigations containing advice and recommendations concerning whether particular criminal prosecutions should be brought. I understand that, among other accommodations the Department has provided the Committee concerning the matters that are the subject of these documents, the Department has provided briefings with explanations of the reasons for the prosecutorial decisions, and is willing to provide further briefings. I also understand that you believe it would be inconsistent with the constitutional doctrine of separation of powers and the Department's law enforcement responsibilities to release these documents to the Committee or to make them available for review by Committee representatives.

It is my decision that you should not release these documents or otherwise make them available to the Committee. Disclosure to Congress of confidential advice to the Attorney General regarding the appointment of a Special Counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative processes by which the Department makes prosecutorial decisions. Moreover, I am concerned that congressional access to prosecutorial decisionmaking documents of this kind threatens to politicize the criminal justice process. The Founders' fundamental purpose in establishing the separation of powers in the Constitution was to protect individual liberty. Congressional pressure on executive branch prosecutorial decisionmaking is inconsistent with separation of powers and threatens individual liberty. Because I believe that congressional access to these documents would be contrary to the national interest, I have decided to assert executive privilege with respect to the documents and to instruct you not to release them or otherwise make them available to the Committee.

I request that you advise the Committee of my decision. I also request that the Department remain willing to work informally with the Committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers.



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BERNARD SANDERS, VERMONT,
INDEPENDENT

December 17, 2001

The Honorable George Tenant
Director of Central Intelligence
Central Intelligence Agency
Washington, DC 20505

Re: Request for Documents

Dear Director Tenant:

The Committee on Government Reform is conducting an inquiry into the Federal Bureau of Investigation's handling of confidential informants and government witnesses in Boston, MA. To assist in our inquiry, the Committee requests certain records and information.

Please produce to the Committee, in unredacted form, all records and reports, including, but not limited to, audiotape or videotape recordings, telephone wiretaps, other audio and video interceptions and transcripts concerning the involvement of Stephen Joseph "The Rifleman" Flemmi, James J. "Whitey" Bulger, Kevin Weeks, Patrick Nee, John L. McIntyre, Joe Murray, Michael Murray, in the international trafficking of weapons, explosives, and other contraband by means of the United States fishing trawler "Valhalla" and the Irish fishing trawler "Marita Ann." In addition, please provide any information in your control concerning Stephen Joseph "The Rifleman" Flemmi and James J. "Whitey" Bulger.

It is requested that Committee staff be provided a background briefing regarding this matter as soon as possible. Please produce the requested items by January 11, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

December 17, 2001

Major General Michael V. Hayden, USAF
Director
National Security Agency/Central Security Service
Fort George G. Meade, MD 20755-6000

Re: Request for Documents

Dear General Hayden:

The Committee on Government Reform is conducting an inquiry into the Federal Bureau of Investigation's handling of confidential informants and government witnesses in Boston, MA. To assist in our inquiry, the Committee requests certain records and information.

Please produce to the Committee, in unredacted form, all records and reports, including, but not limited to, audiotape or videotape recordings, telephone wiretaps, other audio and video interceptions and transcripts concerning the involvement of Stephen Joseph "The Rifleman" Flemmi, James J. "Whitey" Bulger, Kevin Weeks, Patrick Nee, John L. McIntyre, Joe Murray, Michael Murray, in the international trafficking of weapons, explosives, and other contraband by means of the United States fishing trawler "Valhalla" and the Irish fishing trawler "Marita Ann." In addition, please provide any information in your control concerning Stephen Joseph "The Rifleman" Flemmi and James J. "Whitey" Bulger.

It is requested that Committee staff be provided a background briefing regarding this matter as soon as possible. Please produce the requested items by January 11, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 18, 2001

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Please produce the following items, in unredacted form, to the Committee:

1. All records relating to contacts between Frank Oreto and Joseph Salvati;

2. All records relating to contacts between Frank Oreto and Marie Salvati;

3. All records relating to then-FBI Special Agent H. Paul Rico's handling of witness John "Red" Kelley;

4. All records relating to then-FBI Special Agent Robert E. Sheehan's handling of witness John "Red" Kelley;

5. All records relating to then-Attorney-in-Charge, Strike Force Against Organized Crime, Edward F. Harrington's handling of witness John "Red" Kelley;

6. All records relating to the Rhode Island Supreme Court's finding that FBI Special Agent H. Paul Rico suborned perjurious testimony during the 1970 trial of Maurice R. "Pro" Lerner. *See Lerner v. Moran*, 542 A.2d 1089 (R.I. 1988);

7. All records relating to the Rhode Island Supreme Court's finding that FBI Special Agent H. Paul Rico committed perjury during the 1970 trial of Maurice R. "Pro" Lerner. *See Lerner v. Moran*, 542 A.2d 1089 (R.I. 1988);

8. All investigative files relating to Victor J. Garo.

Please produce the requested items by January 4, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 19, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to follow up regarding the Committee's subpoenas seeking prosecutorial decisionmaking memoranda in connection with the Committee's investigations of campaign finance matters, alleged false statements by an individual (Ernest Howard) in a separate investigation, and the FBI's handling of informants in Boston. The Department stands ready to work with the Committee to seek to accommodate the legitimate needs that the Committee may have for information regarding these matters.

The Department has a strong confidentiality interest in the extremely sensitive prosecutorial decisionmaking documents called for by the subpoenas. The Attorney General and other Department decisionmakers must have the benefit of candid and confidential advice and recommendations in making investigative and prosecutorial decisions. Consistent with the longstanding position of the executive branch with respect to these kinds of highly sensitive memoranda, the President has therefore asserted executive privilege with respect to the subpoenaed documents. At the same time, he has requested that the Department remain willing to work with the Committee to provide such information as the Department can, consistent with his instructions and without violating the constitutional doctrine of separation of powers.

Pursuant to longstanding executive branch policy, in responding to congressional requests for confidential information, the Department seeks in all cases to engage in an accommodation process in an effort to satisfy legitimate congressional needs while protecting executive branch confidentiality interests. The Department has already accommodated the Committee's information needs with respect to the prosecutorial memoranda relating to campaign finance and the Howard matter. We have provided briefings on the reasons for the decisions to decline prosecutions for Ernest Howard and Mark Middleton, which your August 30, 2001, letter indicated were very helpful. With regard to the Conrad collection of memoranda, on August 23, 2000, then Attorney General Reno publicly stated the reasons for her decision not to appoint a Special Counsel and, on October 5, 2000, you questioned her about that decision in an interview

on the record. Prior to these explanations, the Department had provided the underlying factual records relating to each matter, to the extent permissible under the grand jury secrecy requirements of Rule 6(e) of the Federal Rules of Criminal Procedure. In the October 2000 meeting, some information also could not be provided because of its relevance to then pending investigations.

As to the Boston matter, we believe that the Department and the Committee can work together to provide the Committee additional information without compromising the principles maintained by the executive branch. We will be prepared to make a proposal as to how further to accommodate the Committee's needs as soon as you inform us in writing of the specific needs the Committee has for additional information. See United States v. American Tel. & Tel. Co., 567 F.2d 121, 127 (D.C. Cir. 1977); Senate Select Committee on Presidential Campaign Activities v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc).

The Department has been providing an extensive body of other materials to the Committee since April 27, 2001, when we provided approximately 1178 pages in response to your request of March 30, 2001 for documents about the murder of Mr. Edward Deegan, for which Mr. Joseph Salvati and six others were convicted. Since the crime was not prosecuted federally, the FBI does not have a discrete file on the subject. Hence, the responsive documents were found in other files and some information was redacted because it pertained to other matters outside the scope of the Committee's request. In August 2001, Committee counsel reviewed unredacted copies of these documents and some pages were re-processed to restore information that was responsive to your June 5 request for documents on other Boston matters. More than 3800 pages have been produced in response to that request and the FBI is still processing responsive documents regarding the FBI's handling of informants in Boston. We expect to provide documents regarding the FBI's Top Hoodlum Program this week and to produce additional documents after the Holiday recess.

The document production process for the Boston matters has thus been proceeding since March of this year. We note, moreover, that the Committee's March and June requests did not indicate any interest in the prosecutorial decision-making memoranda and the Committee did not even request them until it subpoenaed them on September 6. The Committee then immediately scheduled for September 13 a hearing regarding its demand for these documents. When that hearing was postponed due to the events of September 11, the Department was advised that the matter would be deferred until a later time. We first learned that the Committee was renewing the matter during the week following Thanksgiving when the hearing was re-scheduled for December 6. It was postponed to December 13 at the Department's request so that Assistant Attorney General Michael Chertoff could testify, but his obligations relating to the September 11 investigation made that appearance impossible and the Chairman refused the Attorney General's request that the hearing be postponed to the week of December 17.

The Department fully respects the Committee's interest in reviewing allegations of misconduct by government employees, and we have provided, and will continue to provide, investigative records, judicial filings, and other records responsive to your requests, consistent with the accommodation process. Of course, we cannot provide grand jury information covered by Rule 6(e), electronic surveillance information subject to Title III, or information that would identify confidential informants.

Finally, as the Committee is aware, the Department is fully committed to addressing corruption in the handling of informants by the FBI in Boston and has dedicated extensive resources to that purpose. In 1999, the Justice Task Force was established to investigate law enforcement corruption relating to Messrs. James Bulger and Stephen Flemmi. The Task Force has expanded the scope of the inquiry to include allegations that FBI agents and prosecutors allowed a witness to frame Mr. Salvati and others for the Deegan murder while permitting that witness to protect another individual, who was central to the murder conspiracy. It was the Task Force that located exculpatory documents, which led to the release of Peter Limone and the dismissal of charges against Mr. Salvati and Mr. Limone. The Task Force also has obtained the indictment of former FBI Special Agent John Connolly, which is expected to go to trial early in 2002. Additionally, the United States Attorney's Office in Boston obtained indictments against Messrs. Bulger and Flemmi in 1995 and in 2000, charging them with 19 and 10 murders, respectively. The ongoing work of the Task Force and the United States Attorney's Office is dedicated to investigating and prosecuting corruption by FBI agents and prosecutors relating to the handling of informants, as well as any underlying crimes that may have been committed by those individuals. As these efforts proceed, it will be important to ensure that they are based only on the evidence and the law, free from any political influence or coercion.

We have not objected to the Committee's undertaking its own investigation and we understand that Committee staff have conducted interviews and may have undertaken other investigative steps in Boston and elsewhere. We ask that the Committee provide us with information that it believes may be relevant to potential violations of federal criminal law. We understand the Committee's interest in not deferring its own inquiry while our criminal investigations continue, and we trust that the two can continue independently, as has often happened historically.

The Department looks forward to a continued dialogue with the Committee so we can accommodate your legitimate oversight needs for information in a manner that is consistent with

our law enforcement responsibilities. We would like to resume such a constructive conversation as soon as possible.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Members of Committee on Government Reform

The Supreme Court has recognized that the Constitution gives the President the power to protect the confidentiality of Executive Branch deliberations. See generally Nixon v. Administrator of General Services, 433 U.S. 425, 446-455 (1977). This power is independent of the President's power over foreign affairs, national security, or law enforcement; it is rooted instead in "the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking." United States v. Nixon, 418 U.S. at 708.

It necessarily follows -- and the Supreme Court so held in United States v. Nixon -- that communications among the President and his advisers enjoy "a presumptive privilege" against disclosure in court. Id.[2] The reasons for this privilege, the Nixon Court explained, are "plain". "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." Id. at 705. Often, an adviser's remarks can be fully understood only in the context of a particular debate and of the positions others have taken. Advisers change their views, or make mistakes which others correct; this is indeed the purpose of internal debate. The result is that advisers are likely to be inhibited if they must anticipate that their remarks will be disclosed to others, not party to the debate, who may misunderstand the significance of a particular statement or discussion taken out of context. Some advisers may hesitate -- out of self-interest -- to make remarks that might later be used against their colleagues or superiors. As the Court stated, "[a] President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately." Id. at 708.

These reasons for the constitutional privilege have at least as much force when it is Congress, instead of a court, that is

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[2] The Nixon Court explained that the privilege is constitutionally based:

> [T]he privilege can be said to derive from the supremacy of each branch within its own assigned area of constitutional duties. Certain powers and privileges flow from the nature of enumerated powers; the protection of the confidentiality of Presidential communications has similar constitutional underpinnings.

418 U.S. at 705-06 (footnote omitted). The Court also acknowledged that the privilege stems from the principle of separation of powers: "The privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution." Id. at 708.

seeking information. The possibility that deliberations will be disclosed to Congress is, if anything, more likely to chill internal debate among Executive Branch advisers. When the Supreme Court held that the need for presidential communications in the criminal trial of President Nixon's close aides outweighed the constitutional privilege, an important premise of its decision was that it did not believe that "advisers will be moved to temper the candor of their remarks by the infrequent occasions of disclosure because of the possibility that such conversations will be called for in the context of a criminal prosecution." Id. at 712. By contrast, congressional requests for Executive Branch deliberative information are anything but infrequent. Moreover, compared to a criminal prosecution, a congressional investigation is usually sweeping; its issues are seldom narrowly defined, and the inquiry is not restricted by the rules of evidence. Finally, when Congress is investigating, it is by its own account often in an adversarial position to the Executive Branch. Its interest, generally, is in checking the Executive Branch and initiating action to override judgments made by the Executive Branch. This increases the likelihood that candid advice from Executive Branch advisers will be taken out of context or misconstrued. For all these reasons, the constitutional privilege that protects Executive Branch deliberations against judicial subpoenas must also apply, perhaps even with greater force, to Congress' demands for information.

The United States Court of Appeals for the District of Columbia Circuit has explicitly held that the privilege protects presidential communications against congressional demands. During the Watergate investigation the court of appeals rejected a Senate committee's efforts to obtain tape recordings of conversations in President Nixon's offices. The court held that the tapes were constitutionally privileged and that the committee had not made a strong enough showing to overcome the privilege. Senate Select Committee on Presidential Campaign Activities v. Nixon, 498 F.2d 725 (D.C. Cir. 1974) (en banc). Indeed, the court held that the committee was not entitled to the recordings unless it showed that "the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's functions." Id. at 731 (emphasis added).[3]

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[3] The Supreme Court has assumed that the constitutional privilege protects Executive Branch deliberations against Congress to some degree. See United States v. Nixon, 418 U.S. at 712 n.19. Moreover, the Court held in Administrator of General Services, supra, that the constitutional privilege protects Executive Branch deliberations from disclosure to members of the same branch in a later administration; the Court rejected the specific claim of privilege in that case not because the privilege was inapplicable but because the intrusion was

(continued...)

Finally, history is replete with examples of the Executive's assertion of privilege in the face of congressional requests for deliberative process information. We have previously recounted the incidents in which Presidents, beginning with President Washington, have withheld from Congress documents that reflected deliberations within the Executive Branch. History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, Part II - Invocations of Executive Privilege by Executive Officials, 6 Op. O.L.C. 782 (1982).

III. Accommodation Process

Where Congress has a legitimate need for information that will help it legislate, and the Executive Branch has a legitimate, constitutionally recognized need to keep certain information confidential, at least one court has referred to the obligation of each Branch to accommodate the legitimate needs of the other. This duty to accommodate was described by the D.C. Circuit in a case involving a House committee's request to a private party for information which the Executive Branch believed should not be disclosed. The court said:

> The framers . . . expect[ed] that where conflicts in scope of authority arose between the coordinate branches, a spirit of dynamic compromise would promote resolution of the dispute in the manner most likely to result in efficient and effective functioning of our governmental system. Under this view, the coordinate branches do not exist in an exclusively adversary relationship to one another when a conflict in authority arises. Rather, each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.
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> * * *
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> [Because] it was a deliberate feature of the constitutional scheme to leave the allocation of powers unclear in certain situations, the resolution of conflict between the coordinate branches in these situations must be regarded as an opportunity for a constructive

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[3](...continued)
limited and the interests justifying the intrusion were strong and nearly unique. See 433 U.S. at 446-455. Since the Court has held that the privilege protects Executive Branch communications against compelled disclosure to the Judicial Branch and to later members of the Executive Branch, there is every reason to believe that the Court would hold that it protects against compelled disclosure to Congress.

> modus vivendi, which positively promotes the functioning of our system. The Constitution contemplates such accommodation. Negotiation between the two branches should thus be viewed as a dynamic process affirmatively furthering the constitutional scheme.

United States v. American Tel. & Tel. Co., 567 F.2d 121, 127, 130 (D.C. Cir. 1977) (footnotes omitted).

In an opinion he issued in connection with a 1981 executive privilege dispute involving a committee of the House of Representatives and the Department of Interior, Attorney General William French Smith captured the essence of the accommodation process:

> The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch.

Opinion of the Attorney General for the President, Assertion of Executive Privilege in Response to a Congressional Subpoena, 5 Op. O.L.C. 27, 31 (1981) (Smith Opinion).

The process of accommodation requires that each Branch explain to the other why it believes its needs to be legitimate. Without such an explanation, it may be difficult or impossible to assess the needs of one Branch and relate them to those of the other. At the same time, requiring such an explanation imposes no great burden on either Branch. If either Branch has a reason for needing to obtain or withhold information, it should be able to express it.

The duty of Congress to justify its requests not only arises directly from the logic of accommodation between the two Branches, but it is established in the case law as well. In United States v. Nixon, the Supreme Court emphasized that the need for evidence was articulated and specific. 418 U.S. at 700-702, 713. Even more to the point is Senate Select Committee on Presidential Campaign Activities. In that case, the D.C. Circuit stated that the sole question was "whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's functions." 498 F.2d at 731. The court held that the Committee had not made a sufficient showing. It pointed out that the President had already released transcripts of the conversations of which the Committee was seeking recordings. The Committee argued that it needed the tape recordings "in order to verify the accuracy of" the transcripts, to supply the deleted portions, and to gain an understanding that could be acquired only by hearing the inflection and tone of voice of the speakers. But the court answered that, in order to legislate, a committee

of Congress seldom needs a "precise reconstruction of past events." Id. at 732. The court concluded:

> The Committee has . . . shown no more than that the materials deleted from the transcripts may possibly have some arguable relevance to the subjects it has investigated and to the areas in which it may propose legislation. It points to no specific legislative decisions that cannot responsibly be made without access to materials uniquely contained in the tapes or without resolution of the ambiguities that the transcripts may contain.

Id. at 733. For this reason, the court stated, "the need demonstrated by the Select Committee . . . is too attenuated and too tangential to its functions" to override the President's constitutional privilege. Id.

Senate Select Committee thus establishes Congress' duty to articulate its need for particular materials -- to "point[] to . . . specific legislative decisions that cannot responsibly be made without access to materials uniquely contained in" the privileged document it has requested. Moreover, this case suggests that Congress will seldom have any legitimate legislative interest in knowing the precise predecisional positions and statements of particular Executive Branch officials. When Congress demands such information, it must explain its need carefully and convincingly.

It is difficult to generalize about the kind of accommodation with respect to deliberative process information that may be appropriate in particular cases. Whether to adhere to the consistent general policy of confidentiality for such information will depend on the facts of the specific situation. Certain general principles do apply, however. As Attorney General Smith explained in advising President Reagan:

> [T]he interest of Congress in obtaining information for oversight purposes is . . . considerably weaker than its interest when specific legislative proposals are in question. At the stage of oversight, the congressional interest is a generalized one of ensuring that the laws are well and faithfully executed and of proposing remedial legislation if they are not. The information requested is usually broad in scope and the reasons for the request correspondingly general and vague. In contrast, when Congress is examining specific proposals for legislation, the information which Congress needs to enable it to legislate effectively is usually quite narrow in scope and the reasons for obtaining that information correspondingly specific. A specific, articulated need for information will weigh substan-

> tially more heavily in the constitutional balancing than a generalized interest in obtaining information.

Smith Opinion, 5 Op. O.L.C. at 30. Moreover, Attorney General Smith explained, information concerning ongoing deliberations need rarely be disclosed:

> [T]he congressional oversight interest will support a demand for predecisional, deliberative documents in the possession of the Executive Branch only in the most unusual circumstances. It is important to stress that congressional oversight of Executive Branch actions is justifiable only as a means of facilitating the legislative task of enacting, amending, or repealing laws. When such "oversight" is used as a means of participating directly in an ongoing process of decisionmaking within the Executive Branch, it oversteps the bounds of the proper legislative function. Restricted to its proper sphere, the congressional oversight function can almost always be properly conducted with reference to information concerning decisions which the Executive Branch has already reached. Congress will have a legitimate need to know the preliminary positions taken by Executive Branch officials during internal deliberations only in the rarest of circumstances. Congressional demands, under the guise of oversight, for such preliminary positions and deliberative statements raise at least the possibility that the Congress has begun to go beyond the legitimate oversight function and has impermissibly intruded on the Executive Branch's function of executing the law. At the same time, the interference with the President's ability to execute the law is greatest while the decisionmaking process is ongoing.

Id. at 30-31.

IV. Procedures

President Reagan's November 4, 1982 Memorandum for the Heads of Executive Departments and Agencies on "Procedures Governing Responses to Congressional Requests for Information" (the Reagan Memorandum) sets forth the long-standing Executive Branch policy in this area:

> The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch . . . [E]xecutive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary.

> Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.

The Reagan Memorandum also sets forth the procedures for asserting executive privilege in response to a congressional request for information. Under the terms of the Memorandum, an agency must notify and consult with the Attorney General, through the Assistant Attorney General for the Office of Legal Counsel, as soon as it determines that compliance with the request raises a "substantial question of executive privilege." The Memorandum further provides that executive privilege cannot be asserted without specific authorization by the President, based on recommendations made to him by the concerned agency head, the Attorney General, and the Counsel to the President.

In practice, disputes with Congress in this area typically commence with an informal oral or written request from a congressional committee or subcommittee for information in the possession of the Executive Branch. Most such requests are honored promptly; in some cases, however, the Executive Branch official may resist supplying some or all of the requested information either because of the burden of compliance or because the information is of a sensitive nature. The Executive Branch agency and the committee staff will typically negotiate during this period to see if the dispute can be settled in a manner acceptable to both sides. In most cases this accommodation process is sufficient to resolve any dispute. On occasion, however, the process breaks down, and a subpoena is issued. At that point, if further negotiation is unavailing, it is necessary to consider asking the President to assert executive privilege.

If after assertion of executive privilege the committee remains unsatisfied with the agency's response, it may vote to hold the agency head in contempt of Congress. If the full Senate or House of Representatives then votes to hold the official in contempt, it might attempt to impose sanctions by one of three methods. First, it might refer the matter to a United States Attorney for reference to a grand jury. See 2 U.S.C. §§ 192, 194. Second, the Sergeant-at-Arms theoretically could be dispatched to arrest the official and detain him in the Capitol; if this unlikely event did occur, the official would be able to test the legality of his detention through a habeas corpus petition, thereby placing in issue the legitimacy of his actions in refusing to disclose the subpoenaed information. Third, and the most likely option due to legal and practical difficulties associated with the first two options, the Senate or House might bring an action in court to obtain a judicial order requiring compliance with the subpoena and contempt of court enforcement orders if the court's order is defied.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 1, 1991

The Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20510

Dear Senator Metzenbaum:

This letter is in response to your letter of June 6, 1991, to the Attorney General relating to Michael Luttig's views concerning the applicability of executive privilege to intra-departmental communications. In particular, you have inquired as to the role, if any, that Mr. Luttig has played in formulating an Administration position that executive privilege extends to such communications. As explained in greater detail below, Mr. Luttig has not formulated or advanced a position on the applicability of the privilege to intra-departmental communications that is new or different from that taken by past Administrations of both parties for many years. Nor has the Office of Legal Counsel under his direction departed from its longstanding position on the scope of the privilege -- a position that is supported by historical practice, scholarly commentary and caselaw.

The Executive has long taken the position that executive privilege extends not only to communications to and from the President, but to deliberative communications between the President's subordinates and those who, in turn, advise them. Indeed, we are not aware of any Administration, Republican or Democratic, that has taken a contrary position. Presidents from George Washington through President Bush have asserted a right of executive privilege. We have enclosed for your review a representative group of documents reflecting this fact.

The doctrine of executive privilege was recognized as early as the Presidency of George Washington. In 1792, a House Committee requested letters and instructions from Secretary of War Knox pertaining to a failed military expedition led by General St. Clair. The President and his Cabinet concluded that "the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of

which would injure the public . . . ." 1 The Writings of Thomas Jefferson 303-04 (Lipscomb ed. 1905). The documents were ultimately delivered to the Committee after an accommodation was reached.

The principles articulated by President Washington have been consistently applied by more contemporary Presidents in the context of deliberations among lower-level Executive branch officials. During the so-called Army-McCarthy hearings in 1954, President Eisenhower sent a letter to the Secretary of Defense, directing that executive privilege be claimed for communications not involving the President himself, citing the need for "employees of the Executive Branch [to] be in a position to be completely candid in advising with each other on official matters . . . ." The Public Papers of the Presidents, Dwight D. Eisenhower, 1954, at 483 (emphasis added).

President Kennedy reaffirmed the applicability of executive privilege to communications not involving the President by asserting executive privilege in response to a request from Senator Thurmond asking for the names of government employees who had recommended changes in speeches prepared by lower-level Department of Defense employees for delivery by military personnel. A letter from the President to Secretary of Defense Robert McNamara, dated February 8, 1962, made plain that the assertion of privilege covered communications that did not personally involve the President or his close advisors:

> [I]t would not be possible for you to maintain an orderly Department and receive the candid advice . . . of your subordinates if they, instead of you and your senior associates, are to be individually answerable to the Congress, as well as to you, for their internal acts and advice.

Military Cold War Education and Speech Review Policies: Hearings Before the Special Preparedness Subcomm. of the Senate Comm. on Armed Services, 87th Cong., 2d Sess. 508 (1962). Chairman Stennis sustained the claim of executive privilege, and the Subcommittee upheld his ruling. See History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, 6 Op. Off. Legal Counsel 751, 777 (1982).

In 1980, President Carter authorized the assertion of executive privilege to protect Executive branch deliberative documents concerning the decision to impose a conservation fee on imports of crude oil and gasoline. The documents being withheld included not only documents reflecting the presidential deliberative process on that decision, but also documents relating solely to the internal deliberative process of the Department of Energy. See History of Refusals by Executive

Branch Officials to Provide Information Demanded by Congress, 6 Op. Off. Legal Counsel 751, 779-80 (1982).

And, in 1981, President Reagan asserted executive privilege and directed the Secretary of Interior to withhold certain documents requested by the Subcommittee on Oversight and Investigations of the Energy and Commerce Committee of the House of Representatives. Although some of the documents concerned communications from foreign officials or deliberations of the President's Cabinet, the bulk of the documents

> reflect[ed] internal deliberations within the Department of the Interior . . . . Some of these documents [were] staff level advice to policymakers containing recommendations regarding decisions which ha[d] not yet become final. Others contain[ed] internal Interior Department deliberations regarding its participation in [Cabinet deliberations]. Still other documents reflect[ed] tentative legal judgments . . . . In addition, the subpoena encompasse[d] preliminary drafts of congressional testimony by the Secretary of the Interior. These latter documents, although generated at levels below that of the Cabinet and subcabinet, [were] of a highly deliberative nature and involve[d] an ongoing decisional process of considerable sensitivity.

Assertion of Executive Privilege in Response to a Congressional Subpoena, 5 Op. Off. Legal Counsel 27, 28-29 (1981).

The Department of Justice has long asserted this position on behalf of the Executive branch, either through the Attorney General or through the Office of Legal Counsel. President Carter's Assistant Attorney General for the Office of Legal Counsel, John M. Harmon, for example, opined that executive privilege extends

> to communications containing the policy deliberations of executive officials at a level below that of the President. The need to protect deliberative communications derives from the need for candor and objectivity in the policymaking decisions of the Government. See, United States v. Nixon, supra, at 705-6. This need exists not only at the Presidential level, but also at other levels in the Government. In other contexts the courts have long recognized the importance of protecting the confidentiality of lower executive officials' deliberative communications, and so too has Congress.

Memorandum Opinion for the General Counsel of the Department of Commerce, 1 Op. Off. Legal Counsel 269, 271-72 (1977).

Assistant Attorney General Harmon's opinion was supported by numerous prior opinions and statements of the Office of Legal Counsel. For example, in 1971 William H. Rehnquist, then Assistant Attorney General for the Office of Legal Counsel, testified on the subject of executive privilege before the Senate Subcommittee on Separation of Powers of the Committee on the Judiciary. Mr. Rehnquist stated that "Congress has recognized the validity of claims of executive privilege" as applied to "intragovernmental discussions," and observed that such claims have extended not only to conversations with the President, but to the confidentiality of the "process of decision-making at a high governmental level" because of "the necessity of safeguarding frank internal advice within the executive branch." Statement of William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel on Executive Privilege and S. 1125 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary, 92nd Cong., 1st Sess. 11, 15 (Aug. 4, 1971). We have enclosed copies of the Harmon opinion and the Rehnquist testimony, and two other memoranda of the Office of Legal Counsel that include detailed summaries of the Executive's invocation of executive privilege.

This longstanding view of the scope of the privilege discussed above is widely recognized among scholars and commentators. The Committee on Civil Rights of the Association of the Bar of the City of New York, for example, has expressed its

> strong opinion that <u>any</u> advice given by <u>any agency employee as to any legitimate governmental functions or activities must be protected against disclosure</u> if the agency is to be able to count on the candid and forthright advice it requires for its proper functioning and the employee is not to be subjected to the danger of harassment or punishment based on the advice given.

Committee on Civil Rights, <u>Executive Privilege: Analysis and Recommendations for Congressional Legislation</u> 27 (1974) (second emphasis added).

Professor Laurence Tribe similarly acknowledges a "generic privilege for internal deliberations" within the Executive branch and explains that the privilege "encourag[es] candid intragovernmental communications and honor[s] the justified expectations of privacy of governmental advisors and decisionmakers." He observes: "[t]hat an enforceable promise of secrecy may well be the cost of candor has been recognized by the Supreme Court: 'Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process.'" L. Tribe, <u>American</u>

Constitutional Law 276 (2d ed. 1988) (footnotes omitted) (quoting United States v. Nixon, 418 U.S. 683, 705 (1974)).

Other commentators also have said that the privilege extends to communications among lower-level government officials, even as against requests from Congress:

> The disclosure of [intragovernmental communications] is considered to be contrary to the public interest because the nation has an overriding interest in the ability of Government officials below the decision-making level to discuss matters freely among themselves and with their superiors, and because this objective is not likely to be achieved if these inferior officials must anticipate that some day their discussions, comments, and advice would be disclosed, and that then they would have to justify them before Congress.

Kramer & Marcuse, Executive Privilege -- A Study of the Period 1953-1960, 29 Geo. Wash. L. Rev. 827, 912 (1961) (footnote omitted). These commentators have recognized that executive privilege is broad in scope because it arises from the constitutional functions of the Executive:

> The same logic which holds that Congress has the power to investigate so that it may effectively exercise its legislative functions, supports the proposition that the President has the power to withhold information when the use of the power is necessary to exercise his Executive functions effectively, i.e., where it is required . . . generally, for the furtherance of the efficiency and integrity of the Executive branch, such as the safeguarding of frank internal advice and discussion . . . .

Id. at 899 (emphasis added).

The caselaw that exists on the subject of executive privilege fully supports the position historically taken by the Executive. Most significantly, the Supreme Court's unanimous decision in United States v. Nixon recognized "the valid need for protection of communications between high Government officials and those who advise and assist them in the performance of their manifold duties; the importance of this confidentiality is too plain to require further discussion." 418 U.S. 683, 705 (1974) (emphasis added). See also id. at 706 (recognizing "the need for confidentiality of high-level communications"). Courts have recognized the need for confidential Executive branch communications, even in the face of congressional requests for such communications. See Senate Select Committee v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc) ("[t]he presumption against any judicially compelled intrusion into presidential confidentiality, and the showing requisite to its defeat, hold

with at least equal force" in the context of a subpoena from a Congressional committee); see also United States v. AT&T, 567 F.2d 121, 129 (D.C. Cir. 1977) (the Executive branch may assert executive privilege against a legislative subpoena even where a third party corporation has possession of the subpoenaed documents). In fact, in recognizing the validity of an executive privilege to protect the deliberative process, the courts have drawn analogies to the deliberative privileges afforded members of Congress and their aides and to the privileges among judges and between judges and their law clerks. See Nixon v. Sirica, 487 F.2d 700, 717 (D.C. Cir. 1973) (en banc) (per curiam); Senate Select Committee, 498 F.2d at 729.

In sum, Mr. Luttig has not formulated any new legal position or policy on the applicability of executive privilege to intra-departmental communications. The Office of Legal Counsel, under his direction, has provided to the Executive departments and agencies the same advice on this issue that has been provided by that Office for years and consistently by the Department of Justice throughout our history.

It bears emphasis that during Mr. Luttig's service at OLC, the Office has adhered to the longstanding policy of this and past Administrations of complying with congressional requests for information to the fullest extent possible, consistent with the constitutional and statutory responsibilities of the Executive. The Office has never viewed the privilege as it relates to intra-departmental communications as absolute and, as required by existing caselaw, see generally United States v. AT&T, 567 F.2d 121, it has counseled all departments and agencies to accommodate Congress' needs and interests to the fullest extent possible, even when the most confidential communications are sought. As you no doubt are aware, President Bush has not asserted executive privilege with respect to any congressional request for information.

Because the Executive branch position on the applicability of executive privilege to intra-departmental communications is so well developed, there has been little new thinking on the subject in recent years. For example, the request in your letter is focused on documents prepared by Mr. Luttig or at his request or direction. Mr. Luttig has not authored any formal or informal opinions or memoranda of law on the subject of the application of executive privilege to intra-departmental communications. Nor have any such opinions or memoranda been prepared by any OLC attorney acting at Mr. Luttig's request or instruction, or by anyone outside of the Office of Legal Counsel acting at Mr. Luttig's request or instruction.

Advice on this subject has been rendered by Mr. Luttig and by attorneys acting at his direction during the relevant time period, but that advice has been provided orally, or in such

forms as suggested inserts for correspondence or draft memoranda, to be sent by others within the Executive branch. This was the case, for example, with respect to the recently resolved dispute between the House Subcommittee on Human Resources and Intergovernmental Relations and the Department of Education to which your letter makes reference. There was no written opinion or memorandum of law -- formal or informal -- prepared by Mr. Luttig or any attorney acting at his direction during the course of that dispute.

At various times throughout the pendency of that dispute, OLC drafted text for possible or proposed letters, memoranda, and talking points, all of which merely reiterated or applied the longstanding Executive branch view of executive privilege set forth above. As it relates to the subject you have inquired about, however, that language -- all of which was in draft form -- said nothing more in substance (and rarely more in terms) than that executive privilege extends to communications between and among high government officials and those who advise and assist them. Indeed, the most extensive language proposed by OLC during that entire dispute that concerned the application of executive privilege to intra-departmental communications was adopted by the Education Department and appeared, together with a series of historical examples also provided by OLC, in the following passage of the May 22, 1991, letter from that Department to Chairman Weiss: "The Supreme Court has recognized a constitutional privilege for confidential 'communications between high Government officials and those who advise and assist them in the performance of their manifold duties.' 418 U.S. 683, 705 (1974). That language recognizes the longstanding practice of the Executive Branch." A copy of that letter is enclosed for your review.

Your letter, we recognize, requests all "documents" or "materials" prepared by Mr. Luttig or by anyone acting at his request or instruction, which relate to the application or assertion of executive privilege in response to congressional requests for intra-departmental communications. The Office of Legal Counsel is charged with assisting all of the Executive agencies and departments in responding to congressional requests, which the Office does when asked to do so by the recipient of a request. Thus, from March 1989 to the present, the Office provided advice with respect to many such requests. Almost all of this advice was provided by staff attorneys within the Office, without either the knowledge or involvement of Mr. Luttig. Moreover, almost all of this advice was provided orally by the staff.

By its terms, your request could be construed to extend to every note, proposed or contemplated draft letter or memorandum, and all other draft and working materials. The personal files of the individual attorneys who handled particular requests for

assistance and perhaps general correspondence files would contain such attorney notes, draft memoranda, draft letters or inserts, scheduling information for meetings, correspondence and other miscellaneous working materials that would relate at least tangentially to the applicability of the privilege in the context of the particular disputes, and would arguably be responsive to your request because they were prepared at least technically under Mr. Luttig's supervision. We have not undertaken a review of all of these files for such miscellaneous working materials, however, because of the volume involved and because we are certain these materials would not include or reflect any view of Mr. Luttig's different in substance from that set forth above, if indeed they reflected or bore upon Mr. Luttig's personal view of the applicability of executive privilege to intra-departmental communications at all. Should you wish, we would undertake a search of all such files for any possibly responsive documents, even including informal notes and draft materials of the kind that we have described. We trust, however, that the foregoing is responsive to your concern as to whether Mr. Luttig, during his tenure at OLC, has formulated a new theory on the applicability of executive privilege to intra-departmental communications.

In response to Mr. Harvie's oral request as to whether we might provide an example of a document that recites general Executive privilege principles that could relate to intra-departmental communications (even one not written by Mr. Luttig), we have included for your information a copy of a June 1989 memorandum from William P. Barr to the General Counsels' Consultative Group on the deliberative process privilege in general. As we informed Mr. Harvie, Mr. Luttig did not author this memorandum, direct its preparation or participate in its preparation. Nor does the memorandum discuss intra-departmental communications in particular. However, the memorandum does provide a broad overview of the legal principles underlying application of Executive privilege to the deliberative process.

We look forward to working with you and the other Members of the Judiciary Committee. Please let us know if we can be of any further assistance.

Respectfully,

W. Lee Rawls
Assistant Attorney General

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 27, 2000

The Honorable John Linder
Chairman, Subcommittee on Rules and
Organization of the House
Committee on Rules
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We have carefully reviewed the testimony presented to the Subcommittee on Rules and Organization of the House at its hearing on July 15, 1999, on "Cooperation, Comity, and Confrontation: Congressional Oversight of the Executive Branch." The Department of Justice appreciates the Subcommittee's interest in this area, and we would like to take this opportunity to present in this letter, for the benefit of both Members of Congress and the public at large, the approach we take to the issues raised at the hearing. As always, we are committed to cooperating with your Subcommittee, and all committees of Congress, with respect to the oversight process.

The testimony presented at the hearing suggests to us that there is a need for improved communication and sensitivity between the Executive and Legislative Branches regarding our respective institutional needs and interests. It also suggests that there is considerable misunderstanding about the principles that govern the Department's longstanding positions and practices on responding to congressional oversight requests. We hope that this discussion of those governing principles will be helpful to the Committee and foster an improved understanding of the Department's interests in responding to oversight requests.

General Approach

The oversight process is, of course, an important underpinning of the legislative process. Congressional committees need to gather information about how statutes are applied and funds are spent so that they can assess whether additional legislation is necessary either to rectify practical problems in current law or to address problems not covered by current law. By helping Congress be better informed when it makes legislative decisions, oversight promotes the accountability of government. The information that committees gather in this oversight capacity is also important for the Executive Branch in the future implementation of the law and its participation in the legislative process. We have found that the oversight process can shed

valuable light on Department operations and assist our leadership in addressing problems that might not otherwise have been clear.

President Reagan's November 4, 1982 Memorandum for the Heads of Executive Departments and Agencies on "Procedures Governing Responses to Congressional Requests for Information" sets forth the longstanding Executive Branch policy on cooperating with Congressional oversight:

> The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch . . . [E]xecutive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.

The D.C. Circuit Court of Appeals has recognized the obligations of Congress and the Executive Branch to seek to accommodate the legitimate needs of the other:

> The framers . . . expect[ed] that where conflicts in scope of authority arose between the coordinate branches, a spirit of dynamic compromise would promote resolution of the dispute in the manner most likely to result in efficient and effective functioning of our governmental system. Under this view, the coordinate branches do not exist in an exclusively adversary relationship to one another when a conflict in authority arises. Rather, each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.

United States v. American Tel. & Tel. Co., 567 F.2d 121, 127 (D.C. Cir. 1977). Attorney General William French Smith captured the essence of the accommodation process in a 1981 opinion: "The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch." Opinion of the Attorney General for the President, Assertion of Executive Privilege in Response to a Congressional Subpoena, 5 Op. O.L.C. 27, 31 (1981).

In implementing the longstanding policy of the Executive Branch to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch, the Department's goal in all cases is to satisfy legitimate legislative interests while protecting Executive Branch confidentiality interests. Examples of confidential information include national security information, materials that are

protected by law (such as grand jury information pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure and taxpayer information pursuant to 26 U.S.C. § 6103); information the disclosure of which might compromise open criminal investigations or prosecutions or civil cases or constitute an unwarranted invasion of personal privacy; and predecisional deliberative communications (such as internal advice and preliminary positions and recommendations).

We believe that it must be the Department's efforts to safeguard these important Executive Branch institutional interests that have led to the frustrations expressed during the Subcommittee's hearing. We hope that we can reduce those frustrations in the future by setting forth here our perspective on some of the more important institutional interests that are implicated during the course of Congressional oversight.

Open Matters

Much of the testimony at the hearing addressed oversight of ongoing Department investigations and litigation. Although Congress has a clearly legitimate interest in determining how the Department enforces statutes, Congressional inquiries during the pendency of a matter pose an inherent threat to the integrity of the Department's law enforcement and litigation functions. Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries also often seek records and other information that our responsibilities for these matters preclude us from disclosing. Consequently, we have sought whenever possible to provide information about closed, rather than open, matters. This enables Congress to analyze and evaluate how statutory programs are handled and the Department conducts its business, while avoiding the potential interference that inquiries into open matters entail.

The open matters concern is especially significant with respect to ongoing law enforcement investigations. The Department's longstanding policy is to decline to provide Congressional committees with access to open law enforcement files. Almost 60 years ago, Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . . .

40 Op. Att'y. Gen. 45, 46 (1941). Attorney General Jackson's position was not new. His letter cited prior Attorney General letters taking the same position dating back to the beginning of the 20th century (id. at 47-48).

The rationale for this policy is set forth in a published opinion of the Office of Legal Counsel issued by Charles J. Cooper, Assistant Attorney General for the Office of Legal Counsel

during part of the Reagan Administration. See Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76-77 (1986). Mr. Cooper noted that providing a Congressional committee with confidential information about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecution of criminal cases. Id. at 76. Congress would become, "in a sense, a partner in the investigation," id., and could thereby attempt to second-guess tactical and strategic decisions, question witness interview schedules, debate conflicting internal recommendations, and generally attempt to influence the outcome of the criminal investigation. Such a practice would significantly damage law enforcement efforts and shake public and judicial confidence in the criminal justice system. Id. at 76-77.

Decisions about the course of an investigation must be made without reference to political considerations. As one Justice Department official noted 30 years ago, "the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation." Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969).

In addition to the problem of Congressional pressure and the appearance of such pressure, the disclosure of documents from our open files could also provide a "road map" of the Department's ongoing investigations. The documents, or information that they contain, could come into the possession of the targets of the investigation through inadvertence or a deliberate act on the part of someone having access to them. The investigation would be seriously prejudiced by the revelation of the direction of the investigation, information about the evidence that the prosecutors have obtained, and assessments of the strengths and weaknesses of various aspects of the investigation. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Atty. Gen. at 46. The Department has similar interests in the confidentiality of internal documents relating to its representation of the United States in civil litigation. Our litigation files usually contain confidential correspondence with client agencies as well as the work product of our attorneys in suits that frequently seek millions of tax dollars. They also contain "road maps" of our litigation plans and preparations, as well as confidential reports from experts and consultants. Those plans could be seriously jeopardized and our positions in litigation compromised if we are obliged to disclose our internal deliberations including, but not limited to,

our assessments of the strengths and weaknesses of evidence or the law, before they are presented in court. That may result in an unfair advantage to those who seek public funds and deprive the taxpayers of confidential representation enjoyed by other litigants.

In addition, the reputations of individuals mentioned in internal law enforcement and litigation documents could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution or other legal action. The Department takes very seriously its responsibility to respect the privacy interests of individuals about whom information is developed during the law enforcement process or litigation.

Internal Department Deliberations

With respect to oversight on closed matters, the Department has a broad confidentiality interest in materials that reflect its internal deliberative process. In particular, we have sought to ensure that all law enforcement and litigation decisions are products of open, frank and independent assessments of the pertinent law and facts -- uninhibited by political and improper influences that may be present outside the Department. We have long been concerned about the chilling effect that would ripple throughout government if prosecutors, policy advisors at all levels and line attorneys believed that their honest opinion -- be it "good" or "bad" -- may be the topic of debate in Congressional hearings or floor debates. These include assessments of evidence and law, candid advice on strengths and weaknesses of legal arguments, and recommendations to take or not to take legal action against individuals and corporate entities.

The Department must seek to protect this give-and-take process so that the participants in the process can vigorously debate issues before them and remain able to provide decisionmakers with complete and honest counsel regarding the conduct of the Department's business. If each participant's contribution can be dissected by Congress in a public forum, then the free and candid flow of ideas and recommendations would certainly be jeopardized. The Supreme Court has recognized the legitimacy of this "chilling effect" concern: "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." United States v. Nixon, 418 U.S. 683, 705 (1974). Our experience indicates that the Department can develop accommodations with Congressional committees that satisfy their needs for information that may be contained in deliberative material while at the same time protecting the Department's interest in avoiding a chill on the candor of future deliberations.

The foregoing concerns apply with special force to Congressional requests for prosecution and declination memoranda and similar documents. These are extremely sensitive law enforcement materials. The Department's attorneys are asked to render unbiased, professional judgments about the merits of potential criminal and civil law enforcement cases. If their deliberative documents were made subject to Congressional challenge and scrutiny, we would face a grave danger that they would be chilled from providing the candid and independent analysis essential to just and effective law enforcement or, just as troubling, that

they might err on the side of prosecution simply to avoid public second-guessing. This in turn would undermine public and judicial confidence in our law enforcement processes, untoward consequences we are confident that Congress, like the Department, wishes to avoid.

Privacy

In addition to these concerns, disclosure of declination memoranda would implicate significant individual privacy interests as well. Such documents discuss the possibility of bringing charges against individuals who are investigated but not prosecuted, and often contain unflattering personal information as well as assessments of witness credibility and legal positions. The disclosure of the contents of these documents could be devastating to the individuals they discuss. We try to accommodate Congressional needs for information about declinations whenever possible by making appropriate Department officials available to brief Committee Members and staff. This affords us an opportunity to answer their questions, which can be helpful because it can include the context and process that accompanied the decision. Hence, the discussion with staff may provide useful information and minimize the intrusion on individual privacy and the chill on our attorneys' preparation of future deliberative documents.

Line Attorneys

The Department also has a strong institutional interest in ensuring that appropriate supervisory personnel, rather than line attorneys and agents, answer Congressional questions about Department actions. This is based in part upon our view that supervisory personnel, not line employees, make the decisions that are the subjects of congressional review, and therefore they should be the ones to explain the decisions. More fundamentally, however, we need to ensure that our attorneys and agents can exercise the independent judgment essential to the integrity of law enforcement and litigation functions and to public confidence in those decisions. Senator Orrin Hatch has recognized the legitimacy of the Department's practice in this area, observing that Congressional examination of line attorneys "could chill career Department of Justice lawyers in the exercise of their daily duties." See Letter to Attorney General Janet Reno from Senator Orrin Hatch, dated September 21, 1993. Representative Henry Hyde has likewise opposed Congressional interviews of line prosecutors. See Letter of Representative Hyde to Representative Carlos Moorhead, dated September 7, 1993. By questioning supervisors and ultimately the Department's Senate-confirmed leadership, Congress can fulfill its oversight responsibilities without undermining the independence of line attorneys and agents.

* * *

In sum, the Department recognizes that the process of Congressional oversight is an important part of our system of government. We are committed to cooperating with oversight requests to the fullest extent consistent with our constitutional and statutory responsibilities.

We welcome your suggestions about how we should work together to accommodate the needs of our respective branches of government. Please do not hesitate to contact me if you would like to discuss these matters further. I intend at all times to work diligently with you toward satisfying the respective needs of our coordinate branches.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Tony Hall
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General — *Washington, D.C. 20530*

February 1, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This supplements our prior responses to your letter, dated June 5, 2001, which requested documents in connection with the Committee's oversight investigation about the FBI's handling of informants in Boston.

Enclosed are four documents from the files of the Department's Criminal Division in response to your request. We have redacted information about third parties from one multi-subject document. We will supplement this response if we locate additional documents responsive to your request.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

T-J/17/69
123-66
[redacted]:WTB:DED

Honorable Randolph W. Thrower
Commissioner
Internal Revenue Service
Washington, D. C.

July 30, 1969

Dear Mr. Thrower:

There is attached a list of persons from Massachusetts, Rhode Island and Connecticut who are alleged to be involved in organized criminal activities.

WTB

We have already initiated income tax investigations with respect to many of these individuals. We also have under consideration opening additional cases at some future date. Accordingly, we are furnishing at this time a complete list of the individuals who should come within the Federal Organized Crime Drive.

WSL JOK

In order for this office to coordinate these investigations, we request that you furnish this office with the backgrounds thus far gathered and send us future periodic progress reports. It is further requested that your National Office Coordinator and the field agents investigating these cases be permitted to discuss the details of the inquiries with personnel assigned from the Organized Crime and Racketeering Section of the Criminal Division.

WW CWS

Access to information and documents, on a need-to-know basis, will be limited to those attorneys or employees of my office who are actively engaged in the investigations or subsequent litigations, or other Federal employees assisting us in the investigations. Persons having access to these documents will be cautioned as to the confidentiality of the information contained therein and of the penalty provisions of Section 7213 of the Internal Revenue Code and Section 1905, Title 18, United States Code, regarding the unauthorized disclosure of such information.

Sincerely,

WILL WILSON
Assistant Attorney General

DC:
Kennedy
Chron
Lynch
Barnes
Wilson
Willse

Attachment

[redacted]

FBI/DOS-CRM-00001

MASSACHUSETTS

Flemmi, Vincent James — Boston, Massachusetts

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

73A 1023

EFH:ded #77

TO : James J. Featherstone, Deputy Chief
Organized Crime & Racketeering Section

DATE: November 29, 1971

EFH FROM : Edward F. Harrington, Attorney in Charge
Boston Field Office, Organized Crime
& Racketeering Section

SUBJECT: Testimony of Government Agents and Attorney in the Case of State of California v. Joseph Baron

I will testify as to the names of the underworld figures against whom Joseph Baron testified on behalf of the United States Government and on behalf of the Commonwealth of Massachusetts, namely, Raymond Patriarca, Henry Tameleo and Ronald Cassesso in the federal case; and Henry Tameleo, Peter Limone, Louis Grieco, John Silvati, Roy French and Ronald Cassesso in the state prosecution.

I will also testify that during the period that Baron was awaiting to testify in the trial of these cases he was maintained in protective custody by the federal government at Thatcher's Island, off the Massachusetts Coast, and at an estate in Gloucester, Massachusetts; and that subsequent to his testimony he was relocated by the federal government to Fort Knox, Kentucky, in protective custody, and then permanently relocated to the Santa Rosa, California area under the name of Joseph Bentley. I will also testify that the government, in order to secure Baron's personal safety, changed Baron's name to Bentley and aided him in securing a position as a student in a cooking school in the Santa Rosa, California area. I will also be asked to testify that during the time that Baron was in Santa Rosa he requested, on several occasions, to carry a gun for his own protection which request was denied by me on the ground that I had no authority to permit him to carry a weapon.

123-66

DEPARTMENT OF JUSTICE
DEC 1 1971
CRIMINAL DIVISION

Special Agents Rico and Condon of the Federal Bureau of Investigation will testify that they both advised the witness Baron during the period that he was in protective custody in Massachusetts awaiting to testify for the federal and state governments that they had received information from underworld sources that the LCN in the Boston-Providence area was attempting to locate Baron's whereabouts so that they could kill him prior to his testifying. Special Agent Rico will testify that on or about February 3, 1970 he personally advised Joseph Baron in Massachusetts that the LCN in this area was aware that Baron was in the area and Baron was told by Rico that two individuals were here to do a "hit" on an unknown individual, who could be Baron, and that Baron, therefore, should immediately leave the

Massachusetts area and return to California.

Special Agent Condon will testify that in January, 1970 two well known "hit men" from the Boston area, Harry Johnson and Allan Fidler, traveled to the San Francisco area, and according to informants of the Boston Office of the Federal Bureau of Investigation were supposed to be making the trip to harm someone in the San Francisco area. Investigation determined that these individuals traveled extensively in the Northern California area. Local police stopped these individuals and ascertained that they had assumed false identities and they were ordered to leave San Francisco and they returned to the Boston area. A search by the police department, prior to their detention, disclosed that these individuals had two hand weapons that were stolen and a supply of ammunition. Johnson and Fidler were detained in an area in close proximity to the then whereabouts of Joseph Baron. Baron was advised by Special Agent Condon as to these facts and was urged to be careful as these individuals might be traveling to kill Baron.

Special Agents Condon and Rico will testify as to State of California witness Gerawsy's reputation in the Massachusetts community for truth and veracity. Gerawsy, who is presently serving a life sentence for murder at Walpole Correctional Institution, is considered by law enforcement authorities as a congenital liar.

It is requested that the authority to testify for Rico, Condon and me cover all the areas of testimony related to above in the event that one of the witnesses' testimony is delved into on the cross-examination of the other.

Form DJ-36
(Rev. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

EFH:ded

TO : James J. Featherstone, Deputy Chief
Organized Crime & Racketeering Section

DATE: 11/15/71

RECEIVED
NOV 16 1971
CRIMINAL DIVISION

FROM : Edward F. Harrington, Attorney in Charge
Boston Field Office, Organized Crime
and Racketeering Section

SUBJECT: Subpoenaes Directed to Special Attorney Harrington and Special Agents Rico and Condon to Appear on Behalf of Defendant Joseph Baron

This is in response to your telephonic request of November 12, 1971 to set forth the testimony expected from Special Agents Rico and Condon and me on behalf of the defendant in the case of California v. Joseph Baron.

It is my judgment that the federal officials involved should respond to Baron's subpoena as it is essential that the government should fulfill its commitment to Baron to do all within its power to insure that he suffers no harm as a result of his cooperation with the federal government. (See my memoranda to you dated March 23, 1971 and October 12, 1971.)

Greg Evans, Chief Investigator, Sonoma County Public Defender's Office, has advised me that the defense wishes me to testify in substance to the extent of Baron's cooperation with the federal government, the names and stature of the individuals convicted as a result of his testimony and the steps taken by the federal government to insure his personal security from retaliation by the underworld, namely, relocation to Sonoma County, California, change of identity, and the obtaining of a job.

DEPARTMENT OF JUSTICE
NOV 16 1971
R.A.O.
CRIMINAL DIVISION

The defense wishes Special Agent Condon to testify in substance as an expert witness regarding organized crime in the New England area, about certain clandestine movements undertaken by the underworld during the Spring and Summer of 1970, whose purpose was to "set Baron up for" extermination.

The defense wishes Special Agent Rico to testify as an expert in organized crime in the New England area, about information he received in the period from the Spring of 1969 through the Winter of 1969 concerning underworld plans and movements, whose purpose was to exterminate Baron, which information was conveyed by Rico to Baron in order to preserve his personal safety.

FBI/BOS-CRM-00005

It is requested that Special Attorney Albert F. Cullen, Jr., who is intimately cognizant of all details relating to the Baron situation, be authorized to accompany Special Agents Rico and Condon and myself to California to insure that the interests of the government are preserved.

[redacted]

Office of the District Attorney
County of Sonoma
HALL OF JUSTICE
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401

KIERNAN R. HYLAND
DISTRICT ATTORNEY

JOHN W. HAWKES
ASSISTANT DISTRICT ATTORNEY

October 26, 1971

John Mitchell, U.S. Attorney General
United States Department of Justice
Washington, D.C.

Attention: Director of Organized Crime Division

Dear Sir:

The Sonoma County District Attorney's Office is in the process of prosecuting one Joseph "Baron" Barbosa for a murder. The Baron, as he is known, was an enforcer for the Mafia in the Boston area and worked under Patriarca there. He later split with Patriarca and testified against him.

The enclosed copy of a news article which appeared in our local Sunday paper indicates that the defense intends to call Francis Harrington, attorney in charge of the U.S. Crime task force, as a witness for the Baron. This is disconcerting for the prosecution because it presents a picture of a house divided against itself. The murder for which we are prosecuting the Baron has nothing to do with his Mafia connections.

When and if Mr. Harrington testifies as a defense witness, it would be appreciated if he would do me the courtesy of contacting me first and allowing me to interview him concerning his possible testimony.

Very truly yours,

KIERNAN R. HYLAND
District Attorney

KRH:hn
Enclosure

FBI/BOS-CRM-00007

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Congress of the United States

House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 4, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

I write in response to the February 1, 2002, letter from Assistant Attorney General Dan Bryant. I appreciate Mr. Bryant's efforts to clarify the Justice Department's position in its dispute with the Committee. The Justice Department now appears to take the position that it does not have any policy barring the production of deliberative Justice Department documents to Congress. Rather, as explained by Mr. Bryant, some cases are particularly sensitive, and require greater protection from Congress. Mr. Bryant further states that "[t]his is not an 'inflexible position.'"

While Mr. Bryant's explanation of the Department's policy sounds very reasonable, there are several factors which give me pause. First, it deviates dramatically from the inflexible policy which the Department initially announced to me, and which in fact brought us to the current impasse. Second, the newly-articulated case-by-case analysis appears to be a smokescreen to effect the initial inflexible policy.

When I met with the Attorney General, White House Counsel Gonzales, and Justice Department staff in the Summer of 2001, we were informed that the Department would no longer produce deliberative prosecutorial documents to Congress. No exceptions were enunciated, and no "narrow and especially sensitive categories" of documents were identified. When my staff proposed a number of generous compromises with Department staff, they were rebuffed. Because the Justice Department had articulated an inflexible policy, and had expressed no interest in accommodating the Committee's need to review the documents at issue, or even discuss why the Committee wanted to review the documents, it was clear that Congress' ability to conduct effective oversight was threatened. Therefore, I issued a subpoena.

Regarding the "case-by-case" analysis, for all of the claims that the Department is engaged in accommodation with the Committee, there is no evidence that this is the case. Despite the claim that the Department will review documents on a case-by-case basis to see if they can be provided to the Committee, there is every reason to believe that the Department, in

reality, will withhold all deliberative documents from Congress in the future. Indeed, it is difficult to think of a stronger case for Congressional access to deliberative documents than the Boston case, as there is extensive evidence of Justice Department wrongdoing, and the documents at issue are an average of 22 years old. If the Department does not provide Congress with access to the Boston documents, it is clear that the Department will not provide access to deliberative documents in any case. As of today, the Department continues to refuse to allow the Committee to even review those documents. Thus, the case-by-case analysis articulated by the Justice Department on December 13, 2001, appears to be a canard.

With respect to the issue presented by the Committee's February 6, 2002, hearing, it appears that the Department's basic position is that Congressional access to deliberative Justice Department documents is so common that it would be impossible to catalogue all of the cases in which it has occurred. This position squarely contradicts statements which have been made by a number of Justice Department and White House staff over the past several months that they are simply trying to reverse bad precedents set during the Clinton Administration, and are attempting to return to the policy of the Reagan Administration. For example, when he met with me on July 18, 2001, Assistant Attorney General Michael Chertoff stated that before 1993, the Justice Department did not provide deliberative materials to Congress. When this assertion was disputed, Mr. Chertoff stated that the articulated position prior to the Clinton Administration was that the Department could not turn over deliberative memos, and conceded only that there "may have been some slippage" from that policy.

Now it appears that the Justice Department concedes that Congress has obtained access to deliberative Justice Department records, including prosecution and declination memoranda, well before the Clinton Administration. This is an important concession, as it demonstrates that the Justice Department and White House are attempting to create a new policy which reverses the clear historical record going back to the Teapot Dome scandal. Moreover, the cases cited by Mr. Bryant show that there has not been any policy against providing deliberative documents, and in fact, such documents have been provided to Congress without any objection from the Justice Department. In the Billy Carter case cited by Mr. Bryant, the Justice Department did not make any effort to resist turning over the records. In the General Dynamics case cited by Mr. Bryant, the Reagan Justice Department provided extensive deliberative documents to Congress after a cursory objection. It is difficult to dismiss the General Dynamics case by suggesting, as Mr. Bryant does, that the Reagan Administration may not have "considered its implications as we have in the instant manner." Rather, the Reagan Administration fully understood the implications of providing deliberative documents to Congress, and did so on numerous occasions.

Nevertheless, I am concerned by the apparent lack of effort made by the Department in attempting to locate relevant precedent. There are a number of other cases documented in public records where the Department apparently provided deliberative prosecutorial records to Congress. Moreover, as you likely know, in a number of cases, deliberative documents have been shared with Congress, and there is no Committee hearing or report which documents the fact that access was provided. In these cases, the fact of Congressional access is kept confidential, usually at the request of the Justice Department. I hoped that Mr. Bryant would

make an effort to speak to prior Assistant Attorneys General for Legislative Affairs to learn of such cases, and include them in his testimony.

While the Department was only able to locate three relevant cases where deliberative documents were provided to Congress, it cited two cases as examples in which executive privilege was claimed over deliberative prosecutorial documents. Neither appears to be very relevant to the issue before the Committee. While President Theodore Roosevelt did refuse to provide documents to the Senate, I hope that the Justice Department is not relying on President Roosevelt's claim as support for the action it is taking now. First, a substantial body of caselaw regarding executive privilege has developed in the last 93 years which limits the President's ability to withhold records from Congress. Second, President Roosevelt's position would deny Congress not only deliberative documents, but also any explanation from the Justice Department for its actions. This rules out any possibility of accommodation. The other case cited by the Department was not a claim of executive privilege at all. Rather, in a 1957 antitrust investigation by the House Judiciary Committee, the Justice Department simply declined to provide the records requested by the Committee. The President did not claim executive privilege.

I believe that at the conclusion of the February 6 hearing, it will be clear that there have been a substantial number of cases in which Congress has received access to deliberative prosecutorial Justice Department records, and no modern cases where such records were withheld on the basis of executive privilege. If indeed that is the case, I think it will be clear that the Administration is creating an unprecedented policy to restrict Congressional oversight of the Justice Department.

You have also requested that Mr. Chertoff testify together with Mr. Bryant at the February 6 hearing. I am not inclined to grant your request. I believe that Mr. Bryant is the Justice Department official best suited to respond to the Committee's inquiry. The February 6 hearing will focus narrowly on the question of the history of Congressional access to deliberative Justice Department records. This is an issue which primarily concerns the Office of Legislative Affairs. Indeed, staff from the Office of Legislative Affairs have been discussing this precise issue with my staff for many months. In previous administrations, staff from Mr. Bryant's office were frequently responsible for providing access to the types of documents currently under dispute. There will, however, be an occasion in the future when I will request that Mr. Chertoff and the Attorney General testify about the Justice Department's concerns.

In his February 1, 2002, letter, Mr. Bryant also asked that a meeting between Committee and Justice Department staff take place before the February 6 hearing. I would welcome such a meeting. As you know, my staff and I have met or spoken with Justice Department staff dozens of times trying to resolve this issue. I would be pleased to continue discussions in an effort to

resolve this disagreement. However, my position is unchanged – the Committee must have access to the Boston documents it has subpoenaed.

Sincerely,

Dan Burton
Chairman

cc: Members, Committee on Government Reform

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 8, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is to reiterate again the Department's request to meet with you about the Boston documents that are responsive to the Committee's subpoena of September 6, 2001.

As I indicated at the hearing on February 6, a meeting would provide an opportunity for Department officials to describe each document to you and learn more about the Committee's particularized needs. We believe that such an exchange of information would be helpful to resolving the dispute regarding these documents.

We also believe that a meeting would be helpful to your preparations for the Committee's hearing on February 14. Your web site indicates that Judge Edward Harrington is scheduled to appear at the hearing. One of the documents we have offered to discuss with you was prepared by then Assistant United States Attorney Harrington and contains some information concerning the Deegan matter. Accordingly, I want to reiterate our request to meet with you about the subpoenaed Boston documents so that we can discuss whether the Committee has a particularized need regarding this document in advance of the February 14 hearing.

Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Carl P. Thorsen / DAAG
for DJB

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Members of the Committee

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 11, 2002

The Honorable Daniel J. Bryant
Assistant Attorney General
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Dan:

Thank you for your letter of February 8, 2002. I appreciate your assurances that miscommunications by Justice Department staff on January 25, 2002, regarding the status of negotiations between the Committee and Department were clarified that day and that "Department staff ensured that reports about the negotiations contained no inaccurate information."

As you may know, an article on the ABC website by Beverley Lumpkin entitled "Draping History" (attached) contained the following statement: "[a]ccording to sources familiar with the situation, Justice had decided to offer a compromise. It would make relevant portions of the Boston documents available for the committee's perusal. It would not provide copies, however." I would appreciate your clarification as to whether this report is accurate. As you know, this offer was never communicated to the Committee, which leaves one of three possibilities: (1) the Justice Department did make such a decision, never communicated it to the Committee, and did communicate it to Ms. Lumpkin; (2) the Justice Department never made such a decision, and Justice Department personnel misinformed Ms. Lumpkin; or (3) Ms. Lumpkin simply made an error (although she informs me that she did not).

Thank you for your attention to this matter.

Sincerely,

James C. Wilson
Chief Counsel

cc: David Ayres, Chief of Staff to the Attorney General

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Attorney General John Ashcroft appears under the Spirit of Justice statue. (Joe Marquette/AP Photo)

Draping History

Halls of Justice: A Weekly Look Inside the Justice Department

By Beverley Lumpkin
ABCNEWS.com

WASHINGTON, Jan. 25 — About three weeks ago, I received a tip. The attorney general was fed up with having his picture taken during events in the Great Hall in front of semi-nude statues.

STORY HIGHLIGHTS

New Agent Bonanza Other FBI Tidbits Justice Attorney Diversity Burton Re-Re-Redux

HALLS OF JUSTICE

He had ordered massive drapenes to conceal the offending figures. But initially not only could the story not be confirmed — it was strongly denied.

As some of you may know the Justice Department building was constructed during the 1930s as a WPA project, completed in 1934. The artwork and fittings were strongly influenced by the Art Deco movement. Much of the ornamentation in the building is made of aluminum, apparently a big Art Deco feature.

The Great Hall is basically what it sounds like — a large, even grand, two-story room used for department events and ceremonies. The formal entrance up a winding stairway is adorned with murals depicting great figures in the history of law, including Moses, Hammurabi, and John Marshall.

At the opposite end of the hall, on either side of the stage, are two enormous and stylized but largely naked aluminum statues. On the left, the female figure represents the Spirit of Justice; the male on the right is the Majesty of Law. The male is clad in only a cloth draped over his essential parts; the female wears a sort of toga-style garment, but one breast is entirely exposed. She's been fondly referred to for years by at least some as "Minnie Lou."

And she's the one the photographers seek out. The most famous pictures of all were shot when former U.S. Attorney General Edwin Meese proudly released the final report of his commission on pornography. No one in the Great Hall that day could ever forget the spectacle of the still photographers writhing on the floor, flat on their backs, in order to grab the shot of Meese holding up the porn report with Minnie Lou's breast over his shoulder.

So there were some who wondered how Attorney General John Ashcroft, known as a strongly religious and conservative man, would get along with the figures once he

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became attorney general.

For a long time he didn't seem to mind. But last November he and Deputy Attorney General Larry Thompson staged a major event in the Great Hall, to announce their plans for restructuring the Justice Department to address the new challenge of fighting terrorism. Many papers the next day used a photo of the attorney general with — you guessed it — Minnie Lou and that breast right over his shoulder.

According to my original tipster, that was the final straw for Ashcroft, and he ordered that the statues henceforth be draped.

Public affairs people however denied any such thing. They stoutly maintained that the attorney general had never complained and that no draperies had been ordered. They pointed out that periodically, through different administrations, draperies were sometimes rented for particular events.

They noted that former spokeswoman Mindy Tucker always hated the statues; Mindy told me Thursday it was her view that half the women in the department were offended by them and the other half considered them art.

Well, I guess this is a lot of background to get to the point; the draperies have in fact been ordered. Minnie Lou and her mate now can only be imagined. The draperies installed last week at a cost of just over $8,000.

And it turns out that they were indeed ordered by someone in the attorney general's office, who delivered the request to the Justice Management Division and asserted it was the attorney general's desire. I'm told she was the only person in the attorney general's office who knew about it. She's his advance person, and she said it was done for "aesthetic purposes" — she just thought it would look better when staging events in the Great Hall.

So now it appears that rather than making an occasional appearance, the draperies are here to stay -- unless and until someone has the temerity to request an event without them. ▲

New Agent Bonanza

This week the FBI announced what it is calling its "most aggressive hiring campaign in recent years." With the new counter-terrorism enhancements in its budget, the Bureau is doubling or even tripling the number of agents it will hire this fiscal year compared to the last several years; the plan is to bring in 967 new agents by Sept. 30.

The first new class began Dec. 31; the second Jan. 14. In order to reach the goal, they will have to start a new class of 45-50 spanking new agents every two weeks until the end of the fiscal year.

Along with the new emphasis on counter-terrorism is a focus on recruiting those with "certain critical skills deemed essential" for the new FBI: computer science and info tech; engineering; physical sciences; foreign language — particularly Arabic, Farsi, Pashtu, Urdu, Chinese, Japanese, Korean, Russian, Spanish and Vietnamese; foreign counterintelligence; law enforcement or other investigative work; counter-terrorism; and military intelligence experience.

Of course, anyone with those skills must also meet basic qualifications, including a four-year degree and three years of professional experience. He or she must be a US citizen between the ages of 23 and 36 and possess a valid driver's license; must pass a background investigation including drug and polygraph exams; be willing to carry a firearm, and to relocate to any FBI field office.

New agents receive a starting salary when they show up for training at the Academy in Quantico of $43,705 and after graduation that rises to a range of $53,743 to $58,335

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Several officials pointed out they have no problem getting applications — it's a question of getting the people they want. Right now there are 60,000 applications in the database of people who've met the basic qualifications. But the bureau is looking for (you guessed it) the "Best and Brightest."

And it is very competitive, even though virtually everyone who joins ends up taking a pay cut. One official pointed out, for example, that lawyers earning six-figure salaries become fed up with law firm drudgery, want to serve their country, or just long for more interesting work. ▲

Other FBI Tidbits

There is serious consideration being given to re-opening the immensely popular FBI tour, closed since Sept. 11. They are looking at a re-opening by spring, but it is not yet clear if the tour will, like the White House one just recently reinstated, be limited to school groups, or whether it will be open for all. New tour guides will have to be found; they're usually students and other part-time workers so the previous ones were all let go after the terrorist attacks.

Several groups of FBI agents, from the field offices in Washington, D.C., New York City and Miami have gone to Guantanamo Bay, Cuba, to help question the battlefield detainees. One agent asserted there had been "dozens and dozens" of volunteers from within the bureau for this assignment, explaining it's "a unique opportunity" to participate in something both important and historic. ▲

Justice Attorney Diversity

Last week a Justice Department announcement that it had awarded a contract to KPMG Consulting to conduct an analysis of Justice's attorney workforce brought virtually no attention. But I found it rather curious.

No lawsuits had been filed, no complaints heard, from any groups asserting there are problems with diversity. Nevertheless, the study was commissioned by the Strategic Management Council (fondly called the Strategery Council by the pressroom), which is chaired by Deputy Attorney General Thompson. The study will focus on the components with the largest numbers of lawyers, and should be completed by this spring.

But as if prefiguring the study's conclusions, the press release said that the consultant "will develop a strategy for improving diversity in the Justice attorney workforce over the next two years."

At this writing no one from the current lineup has been able to explain the background and genesis of this study. But a former senior aide to former Attorney General Janet Reno shed some light on the question. He said the issue of attorney diversity had been "absolutely bubbling below the surface." But he suggested that those who were concerned had not wanted to cause trouble for fellow Democrats. Further, it was clear that Reno at least focused on the subject quite a bit.

This official recalled that Reno while exhorting her staff to hire only the best, also strongly urged them to engage in outreach to women and minorities. Nevertheless, he said, Reno fretted throughout her term that her staff were still not recruiting enough in minority areas; that there was still too much of a tendency to hire "the friend of a friend or the son of a friend."

There were two additional problems facing Justice officials trying to recruit qualified minorities: the best were in high demand from private law firms, and Justice salaries could not be competitive; and African-Americans just out of school had much higher student loan burdens, so they were less likely to be able to afford a Justice starting salary of $40,000 compared to law firms' starting range of $120,000 to $140,000.

This official speculated — after carefully apologizing if he sounded "crass" — that it's entirely possible Thompson and the department might feel far more vulnerable to complaints about the lack of diversity in a Republican administration. ▲

Burton Re-Re-Redux

A new clash between the Justice Department and Dan Burton, chairman of the House Government Reform Committee, was avoided at least in public this week when Burton postponed a hearing scheduled for Wednesday. But behind the scenes, positions were hardening.

The latest contretemps began when President Bush, at the recommendation of Justice, asserted executive privilege for certain internal Justice documents craved by Burton and his counsel.

They fall into two groups: first, those dealing with the scandalous behavior of the FBI in Boston over a 30-year period during which it protected two mobsters who had secretly become informants. That protection allegedly included covering up murders and allowing an innocent man to serve many years in prison.

Not only would many of the relevant documents be 30 years old, but also Justice and FBI officials have acknowledged there was corruption; they have indicted former FBI agents along with the mobsters they allegedly coddled.

However, the second set of documents relate to the Bill Clinton fundraising investigation. They include the briefly notorious "Conrad memo" (the then-head of the campaign finance task force wanted to pursue an investigation against Vice President Al Gore but everyone else at Justice disagreed) and other so-called "declination" memos — in which officials set forth their reasons for declining to pursue an investigation.

According to sources familiar with the situation, Justice had decided to offer a compromise. It would make relevant portions of the Boston documents available for the committee's perusal. It would not provide copies, however. And Justice remained adamant that the fund-raising documents absolutely would not be made available.

Assistant Attorney General Mike Chertoff, during a busy week when as two sources pointed out he should have been spending all his time fighting terrorists, climbed into a car and personally set off for Capitol Hill to discuss the offer. But during the brief journey he received a phone call from the committee staff telling him not to bother; the committee still wanted the Boston documents.

Chertoff was far from amused; I'm told steam was almost visibly coming from his ears. Subsequently some of his aides favored just telling the committee to pound sand. But calmer voices may prevail, and there are plans afoot to try again to propose the compromise.

Meanwhile, Burton announced a new set of hearings, beginning Feb. 6, with Assistant Attorney General for Legislative Affairs Dan Bryant in the hot seat. Counsel James Wilson said the situation is highly complex and it's unfair to suggest Burton is being unreasonable. Wilson said they would never ask for grand jury material or information about open cases. But, he pointed out, "there are times when Congress does need access to these kinds of documents." Stay tuned. ▲

Beverley Lumpkin has covered the Justice Department for 16 years for ABCNEWS. Halls of Justice appears every Saturday.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 11, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?" The hearing is scheduled for February 13 and 14, 2002, in Room 2154 of the Rayburn House Office Building at 10:00 a.m. each day. As my staff indicated in a telephone discussion with Justice Department staff earlier today, I request that the Justice Department provide a witness for each day of the hearing.

The Committee's hearing will focus on the 1971 murder trial of Joe Barboza in California, in which a senior Justice Department official and two agents of the Federal Bureau of Investigation appeared on Barboza's behalf. I ask that the Justice Department witness attend both full days of hearings, and be prepared to provide the Department's response to the testimony and address any issues relating to the Department's continued refusal to provide the Committee access to the subpoenaed Boston documents.

If the Justice Department witness wishes to make an opening statement, it is requested that he provide 100 copies of his written testimony to the Committee no later than 24 hours prior to the time of the hearing. To facilitate printing of the hearing record, he should also provide a computer disk containing a copy of his written testimony. At the hearing, we will ask the Justice Department witness to summarize his testimony in five minutes to allow the maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives complies with the Americans with Disabilities Act. Persons requiring special accommodations should contact Committee Chief Clerk Robert Briggs at (202) 225-5074 at least four days prior to the hearing.

Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 12, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

I am writing in response to the February 8, 2002, letter from Assistant Attorney General Dan Bryant. In his letter, Mr. Bryant repeated his request that the Committee receive a Justice Department briefing regarding the subpoenaed Boston documents. Mr. Bryant then explains that one of the subpoenaed Boston documents was authored by Edward Harrington, who is scheduled to testify at the Committee's hearing on February 14, 2002, and contains information about the Deegan murder case.

As I have explained on a number of occasions, I will accept a briefing about the Boston documents only in conjunction with a contemporaneous review of those documents by Committee staff. I believe that a briefing alone would pose a number of problems, both for the Committee and the Justice Department. First, I am concerned that the Justice Department is trying to force the Committee to accept a faulty legal framework governing access to deliberative prosecutorial documents. Justice Department personnel have claimed that the Committee must show that the subpoenaed documents are "demonstrably critical to the responsible fulfillment of the Committee's functions" before it can receive access to the documents. This standard is overly burdensome, and for a number of reasons, should not govern the documents at issue. Second, on a more practical note, I believe that a briefing is inadequate in this case because the Justice Department staff providing the briefing will likely understand less about the Boston case than the staff receiving the briefing, and therefore, are likely to omit significant facts from the briefing. Finally, the Justice Department was willing to advise the President to claim executive privilege before it had attempted to understand why Congress wanted the subpoenaed documents. On a practical level, this indicated to the Committee that accommodation was not important to the Justice Department. Thus, the Committee has real concerns about the Department's offer to provide a briefing in lieu of a review of the actual evidence.

I also want to address the specific document discussed by Mr. Bryant in his February 8 letter. Based on the description in Mr. Bryant's letter, the document drafted by Judge Harrington has great relevance to the Committee's hearing. Judge Harrington is testifying before the

Committee on February 14, and the committee has a great interest in knowing what Judge Harrington knew about the evidence in the Deegan murder case, including, but not limited to, the evidence in the case, the reliability of witnesses in the case, and whether key witnesses in the case were government informants. Perhaps as important, Judge Harrington was a prosecutor in a 1968 trial of Raymond Patriarca, and it is important to understand the facts pertaining to this prosecution as well. It appears that the Justice Department agrees that it is essential that the Committee receive the Harrington memorandum in advance of the February 14 hearing, and that the Committee can clearly meet even the high threshold of proof being demanded (inappropriately, in my view) by the Justice Department. If that is the case, please provide the Committee with access to the document now, without a briefing.

While I appreciate the fact that the Justice Department has admitted that one of the 10 withheld documents has great relevance to the Committee's upcoming hearing, the Department's admission reveals the flaws with its approach to this entire matter. The Justice Department only recognized the importance of the Harrington document once the Committee announced that Judge Harrington was testifying at an upcoming hearing. The Department did not know that Committee staff interviewed Judge Harrington almost two months ago, and did not have the benefit of the Harrington memorandum for that interview. The other nine memoranda being withheld by the Justice Department likely have just as much relevance to the Committee's investigation as the Harrington memorandum, except that the Justice Department is unwilling to recognize that fact.

I believe that the Committee's investigation of Justice Department corruption in Boston is far too important to be wasting time with procedural gamesmanship. Rather than seeing this as an opportunity to establish precedents to place roadblocks in the way of Congressional oversight, the Justice Department should see this case as an opportunity to come clean and right past wrongs. I hope you will agree, and that you will provide the Committee with access to the subpoenaed Boston documents.

Sincerely,

Dan Burton
Chairman

cc: Members, Committee on Government Reform

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 13, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter, dated February 12, 2002, regarding the Committee's hearing on February 14, 2002, which will include testimony from Judge Edward Harrington. Judge Harrington was an Assistant United States Attorney in 1967 when he prepared a memorandum that we have identified as one of those responsive to the Committee's subpoena of September 6, 2001.

The Committee has subpoenaed four categories of Department of Justice prosecutorial documents: those relating to (i) the potential appointment of a special counsel for the campaign financing investigation; (ii) the investigation of Mark Middleton; (iii) the investigation of Ernest Howard; and, (iv) the investigation of certain individuals investigated and prosecuted by the Boston United States Attorney's Office (i.e., the Boston matter). In light of the particular facts and circumstances that existed at the time of the Committee's hearing on December 13, including the Committee's articulation of its informational needs and the information already provided by the Department to the Committee, and consistent with long-standing constitutional principles applicable to these extraordinarily sensitive Executive Branch documents, the President on December 12 asserted executive privilege as to those four categories of documents. The President also directed that the Department work with the Committee to continue to accommodate the Committee's informational needs to the extent appropriate and consistent with the constitutional separation of powers.

Since the President's assertion of privilege, the Committee has challenged the privilege assertion with respect to the fourth category, the ten Boston documents. As Judge Gonzales indicated in his January 10 letter, the Boston documents should be assessed in light of the unusual circumstances present here, where the Executive Branch has filed criminal charges alleging corruption in the FBI investigative process. Further, we appreciate the Committee's interest, as articulated in your letter, in learning what information Judge Harrington knew about the Deegan matter, including the evidence and the reliability of witnesses.

Based upon your February 12 letter, other Committee correspondence, and additional information provided by the Committee, the Committee has now demonstrated a particular and

critical need for access to the one Harrington memorandum sufficient to satisfy constitutional standards and we are prepared to meet with you and make it available for your review in advance of the hearing. Please note that much of the relevant underlying factual information contained in this memorandum has already been provided to the Committee pursuant to other document requests. I am advised that there are legally-mandated redactions in the Harrington memorandum relating to Rule 6(e) of the Federal Rules of Criminal Procedure.

We will contact Committee staff to discuss a convenient time for your review of the Harrington memorandum. In addition, we have previously offered to meet with the Committee to discuss all of the Boston documents, and we reiterate that offer here. It is our hope that we can continue to work with the Committee to meet its informational needs consistent with your interests and ours.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: Attorney General John Ashcro

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 1, 2002, at the hour of 5:00 PM

To Nick Mutton or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 19th day of February, 2002

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

By Jeanmos C. Vaus
Asst. to the Clerk

Subpoena for U.S. Department of Justice

Serve: Attorney General John Ashcroft

Tenth Street & Constitution Avenue, N.W.

Washington, D.C. 20530

before the Committee on the

Government Reform

Served To: Carl Thorsen
By: Nick Mutton
by Facsimile
2/19/02 5:00pm
N.D. Mutton

House of Representatives

GPO: 1998 51-015 (rev.)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General John Ashcroft
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee all records, including reports and draft reports, relating to an FBI Office of Professional Responsibility investigation supervised by Charles Prouty, and focusing on allegations of FBI mishandling of confidential informants.

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Congress of the United States

House of Representatives

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 20, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Ashcroft:

I am writing to request that the Justice Department provide the Committee with a copy of the June 1967 prosecution memorandum drafted by Edward Harrington. My staff made an oral request for this document earlier today, and it was refused.

This document and a number of others were subpoenaed by the Committee in September 2001. Last week, the Justice Department allowed Committee staff to review the memorandum. The Committee's investigative needs require the Committee to have possession of a copy of the Harrington memorandum. Tomorrow and Friday, Committee staff will be in Boston interviewing Dennis Condon, a former FBI agent who is a central figure in the Committee's investigation. It is necessary for Committee staff to show the memorandum to Mr. Condon and ask him questions about it. I also expect that Committee staff will be interviewing other witnesses in the coming weeks who will be questioned about the Harrington memorandum.

The Committee's need for possession of the Harrington memorandum cannot be seriously questioned. As you may know, your own investigators showed the Harrington memorandum to Judge Harrington while interviewing him recently. I believe that Committee staff should have the same opportunity to question witnesses about relevant documents, and that witnesses should have the right to review those documents about which they are questioned.

As my staff will be conducting the interview on February 21 and 22, 2002, I request that you provide a copy of the memorandum to the Committee by 10:00 a.m. on February 21, 2002.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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APR 0 1 2002
GOVERNMENT REFORM
COMMITTEE

U.S. Department of Justice
Office of Legislative Affairs

Washington, D.C. 20530

February 22, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This confirms the agreement reached by Committee staff with Department representatives today concerning the use of a particular document in the deposition of former FBI agent Dennis Condon today.

The document, which has been redacted in accordance with Fed. R. Crim. P. 6(e), is a memorandum, dated June 6, 1967, by Walter T. Barnes and Assistant United States Attorney Edward Harrington, regarding a prosecution of Raymond Patriarca and others. As part of the accommodation process, Committee staff previously reviewed the document on a confidential basis in light of your particularized need in advance of your February 14, 2002 hearing, at which Judge Harrington testified.

In furtherance of that accommodation process, we have agreed that the redacted document may again be reviewed by the Committee staff for the limited purpose of Mr. Condon's deposition and pursuant to your agreement that it will not be publicly disclosed, no copies will be made, and it will be returned to the Department at the end of the deposition. At the deposition, it also may be shown to Mr. Condon and his counsel. This agreement is based, again, on our efforts to accommodate the Committee's particularized need for access to the document in the deposition and should not be considered as a precedent regarding other Boston documents.

I hope that this further accommodation is helpful to the Committee. We look forward to conferring with Committee staff on February 25, 2002 to discuss other Boston documents.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 25, 2002

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear General Ashcroft:

This letter follows earlier verbal requests to meet with Justice Department officials to discuss evidence held under seal in *United States v. Salemme*. As your staff is aware, I asked Judge Wolf for access to information held under seal and he replied on January 11, 2002. Shortly thereafter, my staff made verbal requests to the Office of Legislative Affairs to arrange for a meeting to discuss the Department's position regarding sealed material from the *Salemme* Case. Unfortunately, there has been no response to date. I write today to request your assistance in arranging a meeting to discuss this matter.

Sincerely,

Dan Burton
Chairman

cc: Judge Mark Wolf
United States District Court

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 12, 2002

RECEIVED

MAR 13 2002

HOUSE COMMITTEE ON GOVERNMENT REFORM

Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, DC 20515

RE: REQUEST FOR RESPONSES AND DOCUMENTS

Dear Mr. Chairman:

This responds to your letter, dated January 31, 2002, seeking information in connection with your oversight investigation of the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. Specifically, you requested information concerning any investigation of allegations that retired Special Agent H. Paul Rico suborned perjury. In connection with your inquiry, you submitted a copy of an FBI document which provides details concerning these allegations made by John J. Kelley during testimony given in the murder trial of Louis Manocchio.

As reflected in the document enclosed with your letter, at the time these allegations were made, H. Paul Rico was retired from the FBI. No investigation was undertaken by the FBI's Office of Professional Responsibility (OPR), which has jurisdiction to investigate allegations of serious misconduct or criminal activity on the part of on board FBI employees. The Department of Justice Office of Professional Responsibility has advised that they have found no record of an investigation of Mr. Rico in connection with these allegations. Furthermore, a search of FBI indices has not uncovered any criminal investigative files which suggest that an investigation was undertaken by the FBI's Criminal Investigative Division, which includes the Organized Crime Section, in response to Mr. Kelley's allegations.

Honorable Dan Burton

In response to your query concerning the handwritten notations that appear on the right side of the document and that resemble the letter "J," we believe, based on non-scientific comparisons, the initial that appears next to the handwritten notations is that of Special Agent David Flanders, an inspector assigned to OPR in 1983. Please be advised, Mr. Flanders retired from the FBI in 1994.

Please let me know if we can be of additional assistance to the Committee.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

1 - Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
Washington, DC 20515

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 8, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your subpoena, dated February 19, 2002, for the records relating to the FBI Office of Professional Responsibility (OPR) investigation supervised by Charles Prouty and focusing on allegations of FBI mishandling of confidential informants.

As we have advised Committee staff, the Report was subject to protective orders in U.S. District Court in Massachusetts, but we have moved for modifications to those orders so that we could make the Report available to you. The orders have now been modified by the courts and the Report has been reviewed to determine whether any of the redacted information could be restored in light of public disclosures since the Report was initially prepared. That process is now completed and, as a result, additional information has been restored in the enclosed version. While our public disclosure of the Report might be prohibited by the Privacy Act, we are providing it to the Committee in response to your oversight request. We note, however, that the Report continues to implicate individual privacy interests and request that you treat it with appropriate sensitivity.

We hope that these materials will satisfy the Committee's needs for information about this matter and will look forward to working with you if you need additional information.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 12, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Re: Request for Document

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests the following document.

Please produce the following item to the Committee:

1. An unredacted copy of the enclosed Federal Bureau of Investigation document numbered 183B-NK-1832.

Please produce the requested item by April 19, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

DBK/dbk

[redacted]
ET AL;
RICO;
OO: NK
183B-NK-1832

On Ma 2, 1991 [redacted] advised SA [redacted], as follows

Source learned [redacted] that [redacted] during the time of the CRAPORATTA murder, TACETTA [redacted] is that he was [redacted] the [redacted] of the murder [redacted] (phonetic) [redacted] in either [redacted] or [redacted] Source related TACETTA [redacted] the murder in a [redacted] after it had occurred. Those persent at the murder of CRAPORATTA were [redacted] and [redacted] (Note: [redacted] it was recorded that MARTIN TACETTA was also present at the murder of CRAPORATTA. This was an error by the contacting agent. [redacted] regarding MARTIN TACETTA being present at the CRAPORATTA murder and source stated that TACETTA [redacted]

Regarding [redacted] source related [redacted] is [redacted] who is presently doing some work at [redacted] is an associate of [redacted] who source beleives was influential in obtaining the work for [redacted]

(SOURCE WILL NOT TESTIFY TO ANY OF THE INFORMATION CONTAINED HEREIN OUT OF FEAR OF REPRISALS BY THE NAMED INDIVIDUALS. NOTE OF THIS INFORMATION SHOULD BE DISSEMINATED OUTSIDE THE FBI WITHOUT INITIALLY ADVISING THE CONTACTING AGENT.)

183B-NK-67130-92

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DAN BURTON, INDIANA
CHAIRMAN

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 16, 2002

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Please produce the following items, in unredacted form, to the Committee:

1. All records relating to Peter Poulos;

2. All records relating to Anthony Stathopoulos;

3. All records relating to Robert Daddeico;

4. All records relating to John E. Fitzgerald;

5. All records created by the Federal Bureau of Investigation relating to Ronald G. MacKenzie;

6. All records created by the Federal Bureau of Investigation relating to Joseph C. DiCarlo;

7. All records relating to the electronic surveillance of the Piranha Finance Company;

8. All records relating to the FBI stenographer referred to on page 34 of the 1997 Office of Professional Responsibility investigation supervised by Charles Prouty that focused on allegations of FBI mishandling of confidential informants;

9. All records relating to testimony provided by William Geraway against Stephen J. Flemmi.

Please produce the requested items by April 30, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 25, 2002

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Please produce the following items, in unredacted form, to the Committee:

1. All documents from the files of the following government informants that were produced to defendants in any trial, prior to 1995, pursuant to discovery requirements:

   a. BS-955-TE or BS–955–C-TE
   b. BS-1544-TE or BS-1544-C-TE
   c. BS-919-PC
   d. BS-868-C

2. Testimony provided to grand jury proceedings by James Vincent Flemmi pertaining to the murder of Edward Deegan.

3. All documents produced by the Department of Justice during *U.S. v. Salemme* that were sealed pursuant to orders of Judge Mark Wolf.

In addition, please answer the following questions:

a. When were documents subject to a claim of executive privilege by President Bush pursuant to the Committee on Government Reform's September 6, 2002, subpoena first produced to Judge Mark Wolf or parties in *U.S. v. Salemme*?

b. When were documents subject to a claim of executive privilege by President Bush pursuant to the Committee on Government Reform's September 6, 2002, subpoena first obtained by Assistant United States Attorney John Durham?

Please also arrange for Committee staff to receive a briefing regarding the purpose and execution of the Office of Professional Responsibility investigation conducted in 1997 that focused on possible misconduct relating to law enforcement activities in the New England region.

Please produce the requested items by May 15, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Thank you in advance for attending to this request.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 8, 2002

RECEIVED

MAY 0 9 2002

GOVERNMENT REFORM COMMITTEE

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20510

Dear Mr. Chairman:

This follows up on our recent conversations with the Committee's Chief Counsel, Mr. James C. Wilson, about the Committee's interest in using two prosecution memoranda, which were subject to the President's assertion of executive privilege, at a hearing in Boston on May 11, relating to the Committee's investigation into the FBI's handling of informants in Boston.

As we have advised Mr. Wilson, the Department has significant concerns about the potentially adverse effect of this hearing on our prosecution of former FBI Special Agent John Connolly, the trial of which began in U.S. District Court in Boston on May 6. Specifically, we are concerned that the hearing publicity could lead to a defense motion for a mistrial based upon grounds that it improperly influenced the jury and jeopardized the defendant's right to a fair trial. While we recognize the Committee's legitimate interest in the FBI's handling of informants in Boston, we want to apprize you of the potential risks presented by the May 11th hearing and request that you limit the publicity that could adversely impact the criminal justice proceedings. We appreciate Mr. Wilson's report today that the appearance of one witness, former Assistant United States Attorney Jeremiah O'Sullivan, has been postponed in order to limit the publicity at the hearing.

We also have conferred with Mr. Wilson about your interest in using two of the prosecution memoranda, which we have previously made available for review by Committee staff pursuant to a confidentiality agreement that we reached with the Committee in February. We are now advised that the Committee does not seek to use the first memorandum, dated January 29, 1979, which was written by Mr. O'Sullivan, because he is not now scheduled to testify at the hearing. The memorandum pertains to the prosecution of twenty-one individuals for their participation in a horse race fixing scheme, not including Messrs. Bulger and Flemmi, who have been identified in other records as FBI informants. We understand the Committee's interest in providing the memorandum to Mr. O'Sullivan and questioning him about it, and we will agree to the Committee's use of the document for those limited purposes at a future time. This agreement is based on the Committee's articulation of a particularized need to question Mr. O'Sullivan about his memorandum and should not be considered as a precedent regarding other

Boston documents. The agreement is consistent with the accommodations we have previously made on the Boston prosecution memoranda based on the unusual circumstances surrounding this matter, where the Department has filed criminal charges alleging corruption in the FBI investigative process. Based on our conversations with Mr. Wilson, we understand that when the memorandum is used to question Mr. O'Sullivan, it will not be publicly disclosed, no copies will be made, and it will be returned to the Department's representative at the close of the questioning. We will advise Mr. O'Sullivan's counsel of this agreement.

The second memorandum, dated June 6, 1967, concerns the prosecution of Raymond Patriarca and others for actions relating to a conspiracy to murder a Mr. Willie Marfeo. We understand that you would like to show this memorandum to former Suffolk County prosecutor Jack Zalkind and question him at the May 11th hearing about information in the memorandum relative to the 1965 murder of Mr. Teddy Deegan. That information, which is set forth in two paragraphs, is derived from the Patriarca wiretap log recorded in FBI documents dated March 12, 1965 and May 7, 1965. While both of these documents have been previously provided to the Committee, copies are enclosed for your convenience. The Committee is free to use both of these documents at the hearing and we believe this accommodation is preferable to any further disclosure of the 1967 memorandum, in which we have continuing confidentiality interests.

In a further effort to accommodate the Committee's interests, we also have reviewed some of the FBI documents and local court records available to the Committee in response to your particular interests regarding what information was provided to local law enforcement authorities and the defendants in connection with the Deegan murder prosecution. A memorandum by Special Agent Paul Rico, dated March 15, 1965, indicates that information regarding the participants in the Deegan murder, including Jimmy Flemmi, had been provided by the FBI to the Police Department in Chelsea, Mass. (See Committee Exhibit 14, February 14, 2002 hearing.) A second FBI document, dated March 19, 1965, reiterates that the information about Jimmy Flemmi's reported involvement in the Deegan murder had been provided to the Chelsea Police Department and describes the investigative steps that the Police Department was taking based upon that information. We have enclosed copies of the relevant documents, which were previously provided to the Committee, for your convenience. The Committee is free to use these documents at the hearing without restriction.

The Department also has received information which indicates that two of the defense lawyers in the Deegan murder trial - Joseph Balliro and Ronald Chisholm - previously had access to the Patriarca wiretap logs which detailed Jimmy Flemmi's participation in Deegan's murder. Several months before Deegan's murder, Messrs. Balliro and Chisholm represented two individuals who became defendants in that state case in a separate federal criminal case in Boston, United States v. Raymond Patriarca, Henry Tameleo and Ronald Cassesso (No. 67-193-F Crim.). On September 18, 1967, the judge in that case directed that Messrs. Balliro and Chisholm be given access to the Patriarca wiretap logs and subsequent hearing transcripts indicate these attorneys did in fact review the logs. (See attached copies of the Judge's order and docket sheet for that date plus the transcript for an October 10, 1967 hearing.) Finally, the 1968

edition of Martindale-Hubbell indicates that, at the time of the Deegan murder trial, Mr. Balliro shared his office with Chester C. Paris, the lawyer for Joseph L. Salvati in that case. A copy of the relevant attorney entries is enclosed.

We appreciate Mr. Wilson's sensitivity to our interests in following the President's guidance in connection with his assertion of executive privilege regarding these documents and in avoiding any action that would interfere with our ongoing law enforcement efforts, particularly the trial of former Special Agent Connolly. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 10, 2002

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MAY 13 2002

GOVERNMENT REFORM
COMMITTEE

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20510

Dear Mr. Chairman:

This confirms our conversations over with last two days with the Committee's Chief Counsel, Mr. James C. Wilson, about the Committee's interest in using a prosecution memorandum, which was subject to the President's assertion of executive privilege, at a hearing in Boston on May 11, relating to the Committee's investigation into the FBI's handling of informants in Boston. The memorandum, dated June 6, 1967, pertains to the prosecution of Raymond Patriarca and others for actions relating to a conspiracy to murder a Mr. Willie Marfeo.

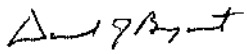
We understand that you would like to show this memorandum to former Suffolk County prosecutor Jack Zalkind on a confidential basis and question him in a closed portion of the May 11th hearing about information in the memorandum relative to the 1965 murder of Mr. Teddy Deegan. Based upon our conversations with Mr. Wilson, we understand that the memorandum would not be placed in the hearing record or otherwise publicly disclosed, nor would the transcript relating to the closed portion of the hearing regarding the memorandum be publicly disclosed, and all copies of the memorandum would be returned to the Department at the close of the hearing.

After careful consideration of your offer, Mr. Wilson's indication that the Department will be subpoenaed to provide a witness at the hearing if we do not accept the offer, and our responsibilities relating to the ongoing trial of former FBI agent John Connolly, we agree to the Committee's use of the memorandum on these terms. As indicated in my letter of May 8, 2002, the Department continues to have questions about the Committee's need to use the memorandum at the hearing and significant concerns about the impact that publicity relating to the Committee's hearing could have on the Connolly trial, which began on May 6, 2002. These concerns are exacerbated by the prospect of testimony from a Department witness, albeit compelled by a Committee subpoena, which might be perceived as inconsistent with our ethical obligations, including those set forth in the Massachusetts Rules of Professional Conduct, and the Department's long-standing policies. We have concluded that accepting Mr. Wilson's offer is the only certain way to avoid these unacceptable risks to our ongoing law enforcement efforts.

We will make arrangements to provide the memorandum to Mr. Wilson, Mr. Zalkind, and Minority Counsel Mr. Michael Yeager in advance of the hearing tomorrow morning if you provide us with appropriate facsimile numbers for each of those individuals. All copies of the memorandum should be returned to the Department through a representative from the United States Attorney's Office in Boston who will be available at the close of the hearing. Mr. Wilson previously advised that the hearing will occur in the Ceremonial Courtroom on the fifteenth floor of the JW McCormack Federal Building in Boston, beginning at 10:00 a.m. on May 11th. Please advise me as soon as possible today if there are any changes in the time or place.

We appreciate your cooperation in resolving these issues and hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,



Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

MAY-21-2002 17:15 DOJ CONGRESS & CORRESP. 202 305 7995 P.02/03

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 21, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters, dated April 16 and 25, 2002, which requested information and documents in connection with the Committee's investigation about the FBI's handling of informants in Boston. Based upon conversations with the Committee's Chief Counsel, Mr. James Wilson, we understand that these documents requests are limited to FBI records.

With regard to the April 16th letter, we have informally advised Mr. Wilson that a search of Bureau indices indicates a large volume of potentially responsive records. On April 30, Mr. Wilson advised that, in light of that information, he would supply additional information to identify the Committee's priorities and to assist the Bureau in identifying responsive records, particularly as to Peter Poulos (item number one). Mr. Wilson further withdrew the Committee's request with regard to an FBI stenographer (item number eight). While he also advised that the Geraway testimony against Steven Flemmi (item number nine) may have occurred in a Florida case during the 1960s, the Bureau requested additional information in order to identify responsive records if, in fact, they exist in Bureau files.

The FBI also has conducted a search for records responsive to the April 25th letter. With regard to the first item, which requested documents from certain government informant files that were produced to defendants in any trial prior to 1995, the Bureau advises that it does not routinely archive separate copies of documents produced in criminal discovery. In an effort to identify documents responsive to the first item, the FBI is searching the informant files for the identified symbol numbers for any indication that such disclosures were made. Bureau records on BS-955-TE/BS-955-C-TE and BS-1544-TE/BS-1544-C-TE (items 1.a and b, respectively) reviewed to date indicate only that records or information were provided to prosecutors, but not whether records were subsequently produced to defendants. Bureau records contain no indication that documents regarding BS-919-PC (item 1.c) were disclosed to prosecutors or defendants, although both Headquarters and Boston Field Office files have been provided to the Committee. We will supplement this response when additional information regarding this request becomes available.

The FBI has not located any records of grand jury testimony by Vincent James Flemmi pertaining to the murder of Edward Deegan. Since this crime was prosecuted by local law enforcement officials, it is not likely that the Bureau would have such records. The Department would, of course, be prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure from disclosing any federal grand jury testimony.

We have advised Mr. Wilson of our substantial concerns about the task implicated by the third item in your April 25th letter, which seeks copies of all documents produced by the Department during *U.S. v. Salemme* that were sealed by the Court. During the prosecution, the Court issued a number of protective orders, some of which were subsequently lifted, covering a large number of documents. FBI records are not maintained in a way that would permit ready identification of the universe of documents which remain under seal. Hence, the process of identifying those documents would be very time-consuming and, once accomplished, would necessarily require the filing of appropriate motions to unseal those documents in which we do not have continuing confidentiality interests. Since we would like to accommodate your information needs as efficiently as possible, we request that you identify the Committee's particular interests with as much specificity as possible so that our efforts can focus on those materials.

In response to your questions about the documents subject to the President's assertion of executive privilege, I am advised that those documents have not been produced by the Department to Judge Wolf or the parties in *U.S. v. Salemme*. Additionally, the Department requests that you inform us if the Committee has information indicating that any of those documents were produced by anyone to Judge Wolf or parties in *U.S. v. Salemme*. We are unclear about the Committee's interest in the date on which Assistant United States Attorney John Durham first obtained any of those documents and Mr. Durham has advised that he did not maintain a record of such information.

Lastly, your April 25th letter asked that we arrange a briefing about the purpose and execution of the 1997 Office of Professional Responsibility investigation that focused on possible misconduct by FBI officials in Boston. As you know, a copy of the Report of that investigation has been furnished to the Committee. We will be pleased to schedule that briefing at a mutually convenient time during the week of May 20, 2002. Please advise us if there is any particular information that you would like to be included in that briefing.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General — Washington, D.C. 20530

FAX TRANSMISSION

DATE: May 21, 2002

ATTENTION: The Honorable Dan Burton (Jim Wilson)
The Honorable Henry Waxman (Michael Yeager)

FAX NO: 225-3974 ; 226-3348

PHONE NO: _____

FROM: Faith Burton, Special Counsel

PHONE NO: 202/514-1653

FAX NO: 202/305-2643

PAGES: 3 (Including Cover Sheet)

COMMENTS: _____

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June 5, 2002

The Honorable Dan Bryant
Assistant Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear Assistant Attorney General Bryant:

This is a follow-up to our request for documents dated April 16, 2002. The Department has indicated that it is having difficulty with a certain portion of that request, namely producing all records relating to Peter Poulos and the electronic surveillance of the Piranha Finance Company. Please find below information to assist the Department in its effort in producing that request.

First, Peter J. Poulos was indicted, along with Francis P. Salemme and Stephen J. Flemmi, on September 11, 1969, for the murder of William Bennett. Frank Salemme and Steve Flemmi allegedly murdered Peter Poulos, in the desert outside of Las Vegas on September 29, 1969, and his body was subsequently discovered on October 10, 1969. Murder warrants were later issued against Flemmi and Salemme for the Poulos murder. Poulos' FBI number is 759-071 D.

Second, there is reference made to the electronic surveillance of the Piranha Finance Company on page sixteen of the June 6, 1967, prosecution memorandum from Walter T. Barnes and Asst. U.S. Attorney Edward F. Harrington to Henry Petersen, Chief Organized Crime and Racketeering Section. That memorandum states that the Piranha Finance Company was located at 85 State Street, Boston, Massachusetts, and surveillance was conducted there from May 7, 1964, through July 12, 1965. The memorandum further states that the overheard conversations are reflected in logs, memoranda and airtels

Please have your staff contact me directly if you have any questions.

Sincerely,

James C. Wilson
Chief Counsel

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 18, 2002

The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Please produce the following items, in unredacted form, to the Committee:

1. All personnel records for H. Paul Rico, Dennis Condon, John J. Connolly Jr. and John Morris, including but not limited to any records of censure or discipline. Please do not include records relating to awards, commendations or letters of recognition received by the aforementioned individuals as those records have already been produced to the Committee.

Please produce the requested items by July 2, 2002. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 1, 2002

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter, dated June 18, 2002, which requested personnel records for four former FBI Special Agents in connection with the Committee's oversight investigation regarding the Bureau's handling of informants in Boston.

Enclosed are the FBI personnel records of former Special Agents H. Paul Rico, John J. Connolly, Jr., and John Morris. While the Department's public disclosure of these records might be prohibited by the Privacy Act, we are providing them to the Committee in response to your oversight request. See 5 U.S.C. 552a(b)(9). Nonetheless, these records implicate individual privacy interests and we request that you treat them with appropriate sensitivity. They have been provided to litigants in pending civil litigation pursuant to protective orders. An FBI deletion code sheet explaining the redactions is enclosed with each volume.

The FBI has advised that additional records responsive to your requests, including the personnel file of former Special Agent Dennis Condon, should become available in the near future. I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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PANKING MINORITY MEM
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MAJOR R. OWENS, NEW YO
EDOLPHUS TOWNS, NEW Y
PAUL E. KANJORSKI, PENN
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NE
ELEANOR HOLMES NORTO
DISTRICT OF COLUMBIA
ELIJAH E. CUMMINGS, MAR
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLI
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSAC
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY,
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFO
STEPHEN F. LYNCH, MASS

BERNARD SANDERS, VERM
INDEPENDENT

November 4, 2002

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Washington, DC 20530

Dear General Ashcroft:

The Committee on Government Reform has been conducting an investigation of the Justice Department's use of informants in New England over a forty year period. In order for the Committee to complete its investigation of the use of Joseph Barboza as a cooperating witness in the 1968 trial for the murder of Edward "Teddy" Deegan, I request that you provide the Committee with information about certain confidential informants employed by the FBI during the 1960s. I realize that this is a request that will cause some concern. Nevertheless, I believe that the only way to complete any investigation of the Deegan prosecution, and to bring at least some appropriate closure to this matter, is for all relevant facts to be made available to Congress. Certainly, once Congress is privy to the information requested, we will be able to have productive discussions about whether these facts should be released to the public.

As you are aware, the Justice Department's use of Joseph "The Animal" Barboza as a cooperating witness, the miscarriage of justice that resulted from the Deegan murder prosecution, and the protection of the Flemmi brothers and James "Whitey" Bulger are significant events in the history of criminal law enforcement in the United States. I have called what happened in New England the greatest failure in the annals of federal law enforcement, and I believe the facts support this opinion. I will not restate all my concerns in this letter. Nevertheless, there is compelling evidence that:

- The federal government had information that Joseph Barboza intended to commit perjury, and did commit perjury, in a capital murder case. Four men were sentenced to death, and two received sentences of life imprisonment.

- At the time of his testimony during the Deegan murder prosecution, Joseph Barboza was protecting Vincent James Flemmi, a personal friend and co-conspirator in several murders, including the Deegan murder. Vincent James

- Flemmi was also an important government informant at the time that Deegan was murdered. Vincent James Flemmi also appears to have been protected from prosecution for the murder of Deegan by Department of Justice personnel.

- FBI Director J. Edgar Hoover wanted to use Vincent James Flemmi as an informant even after he had been informed that Flemmi would continue to commit murders. More specifically, there is evidence that Vincent James Flemmi was to be used as an informant after the FBI was aware that he murdered Edward "Teddy" Deegan.

- At the same time that Barboza was testifying that Vincent James Flemmi was not involved in the Deegan murder, Vincent James Flemmi's brother, Stephen "The Rifleman" Flemmi, was being recruited as a Top Echelon federal informant.

- Vincent James Flemmi and Stephen Flemmi appear to have committed a large number of homicides during their service as Justice Department informants. The Justice Department had information that Vincent James Flemmi had killed at least seven individuals, and yet it decided to put him on its informant payroll notwithstanding a belief that he would continue to commit murder. The Justice Department has also recently taken the position that at least one of its employees was aware that Stephen Flemmi committed homicides while serving as a Justice Department informant.

As should be obvious to everyone, a conspiracy by Justice Department personnel to facilitate perjury in a capital case, and the subsequent protection of men who were committing numerous homicides, should not be covered up in any manner. Nor should the Justice Department permit a perception that this matter is being covered up.

As you are aware, there are currently over two billion dollars in civil claims against the federal government that flow from the Justice Department's use of the two Flemmi brothers as informants. Until the relevant facts are made public, and the Justice Department demonstrates that it is not withholding significant information regarding the use of the Flemmi brothers as informants, there will be widespread concern that the federal government does not want the truth to be known. More important, Congress will not be able to discharge its responsibilities. I respectfully request that, when you consider this matter, you take into account the damage to people's perceptions of the rule of law that would follow a decision to refuse Congress access to the information requested.

Please provide information, in the form of a briefing or documents, regarding the following:

Document 1

A memorandum prepared by FBI Special Agent Dennis Condon states that an individual whose name was redacted was contacted on May 22, 1964, and provided information that Vincent James Flemmi "told him that all he wants to do now is kill people, and that it is

better than hitting banks." The same informant indicated that Flemmi "feels he can now be the top hit man in the area and intends to be." The Committee requests the identity of the informant. This information is potentially significant because it goes to the credibility of Dennis Condon's representations to the Committee, and because it might shed significant light on later representations made by informants.

Document 2

A memorandum prepared by Dennis Condon states that an informant provided information that Joseph Barboza told the informant that he heard that Vincent James Flemmi killed Frank Benjamin and cut off his head. The Committee requests the identity of the informant. This information is potentially significant because it goes to the credibility of Dennis Condon's representations to the Committee, and because it might shed significant light on later representations made by informants.

Document 3

A memorandum prepared by FBI Special Agent H. Paul Rico indicates that an informant said that Vincent James Flemmi wanted to be considered the best hit men in the area. The Committee requests the identity of the informant. This information is potentially significant because it might shed significant light on later representations made by informants.

Document 4

The FBI learns from an informant that Vincent James Flemmi wants to kill Edward "Teddy" Deegan. The Committee requests the identity of the informant. This information is potentially significant because it may shed additional light on the extent of Barboza's perjury at the Deegan trial. It may also shed additional light on whether Barboza's testimony was known to be perjurious, and whether investigative steps were taken to preserve Barboza's viability as a potential witness in the Deegan trial.

Document 5

A memorandum from H. Paul Rico indicates that an informant provided information that Vincent James Flemmi said that Raymond Patriarca "has put out the word that Edward "Teddy" Deegan is to be "hit" and that a dry run has already been made[.]" The Committee requests the identity of the informant. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 6

A report prepared by Charles Reppucci states: "BS 837-C* advised on 3/9/65 that James Flemmi and Joseph Barboza requested permission from Patriarca to kill Edward "Teddy" Deegan, as they are having a problem with him. Patriarca ultimately furnished this 'OK'." Please confirm that BS 837-C* refers to microphone surveillance of Raymond Patriarca.

Document 7

A memorandum prepared by H. Paul Rico indicates that an informant provided specific information on the perpetrators and details of the Deegan murder. The informant purportedly received the information provided to Rico directly from Vincent James Flemmi, and the information implicates Vincent James Flemmi in the murder. The Committee requests the identity of the informant. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 8

FBI Director Hoover is told that "[i]nformants report that . . .Vincent James Flemmi, and Joseph Barboza . . . were responsible for the [Deegan] killing." The Committee requests the identity of the informants. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 9

An FBI memorandum refers to a "PCI" who provided information about the Deegan murder. The Committee requests the identity of the informant. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 10

A memorandum to FBI Director J. Edgar Hoover provides information from an informant about the Deegan murder that corroborates the information about the Deegan murder obtained by microphone surveillance of Raymond Patriarca's place of business. The Committee requests the identity of the informant. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 11

A memorandum to FBI Director J. Edgar Hoover recommending that H. Paul Rico and Dennis Condon receive salary increases states: "BS 955 C-TE was developed by these agents and via imaginative direction and professional ingenuity utilized said source in connection with interviews of Joseph Baron, a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in this area to be the most dangerous individual known. SAs Rico and Condon contacted Baron in an effort to convince him he should testify against the LCN. Baron initially declined to testify but through utilization of BS 955 C-TE the agents were able to convey to Baron that his present incarceration and potential for continued incarceration for the rest of his life, was wholly attributable to LCN efforts directed by Gennaro J. Angiulo, LCN Boston head. As a result of this information received by Baron from BS 955 C-TE, said individual said he would testify against the LCN members." Please confirm that BS 955 C-TE is Stephen Flemmi. In addition, please provide an unredacted copy of this document to the Committee.

Document 12

In discussions with FBI Special Agent H. Paul Rico, FBI informant "BS 955-CTE" indicates that "he will, when talking to Flemmi, point out to him that Barboza could end up seriously hurting him, Jimmy Flemmi, if he, Flemmi, did anything to attempt to discredit Barboza." Please confirm that the informant described as BS 955-CTE is Stephen Flemmi. This information is important because it would stand for the proposition that Stephen Flemmi discussed with Justice Department personnel that Barboza had the ability to hurt his brother, Vincent James Flemmi, if Vincent James Flemmi attempted to discredit Barboza.

Document 13

A memorandum to FBI Director J. Edgar Hoover states that FBI Special Agent H. Paul Rico developed four Top Echelon informants. The memorandum indicates that these informants were instrumental in developing the testimony of Joseph Barboza, the government's cooperating witness in the Deegan prosecution. The Committee requests the identity of the informants. This information is critical to an understanding of what happened in the Deegan murder prosecution.

Document 14

A memorandum that appears to be to FBI Director J. Edgar Hoover with Dennis Condon's initials at the bottom indicates that "subject is being designated a target under" the Top Echelon Criminal Informant Program. Is the subject referred to in this memorandum Joseph Barboza?

It is important for you to understand that it does not necessarily follow that the information I have requested will be disclosed to the public. Only where there is a compelling need would I consider making such information public. However, just as the Justice Department shared the Vincent James Flemmi informant file with Congress, I believe that there are extremely strong reasons, in this case, for providing Congress with the information requested in this letter.

Thank you in advance for taking the time to consider this request.

Sincerely

Dan Burton
Chairman

Enclosures

cc: Hon. Henry A. Waxman
Hon. Robert S. Mueller, III

Tab 1

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F.B

Memo of SA Dennis H. Condon 5/25/64 captioned:

b [redacted] was contacted on 5/22/64, advised that within the last few days he was in contact with [redacted] and JAMES FLEMMI. FLEMMI told him that all he wants to do now is to kill people, and that it is better than hitting banks. FLEMMI said that [redacted] have taken money for about six contract hits which they have not fulfilled. They spent the money for these hits drinking.

Informant said, FLEMMI said that he feels he can now be the top hit man in this area and intends to be.

[redacted]

FLEMMI told the informant that there was a big piece of money that came out of the hit on [redacted] and the informant gathered from FLEMMI's talk that he, FLEMMI, had made the hit.

[redacted] F.B

Boston letter to Director & SAC, Newark 5/25/64 captioned: [redacted]

[redacted] Informant stated that it appears that JAMES FLEMMI, a Roxbury, Mass. hoodlum, will probably become the "contract man" in the Boston area.

[redacted]

Boston letter to Director 6/4/64 captioned: [redacted]

1b This letter sets out information to the Bureau on [redacted] Under the heading CRIMINAL ASSOCIATES the following information appears concerning JAMES FLEMMI.

The informant is presently associated with [redacted] and JAMES FLEMMI. FLEMMI

Tab 2

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted]-313 (Cont'd)

had heard the same thing about Barboza.

[redacted] stated that FLEMMI is extremely conscientious for "stool pigeons."

Informant said that from his contact with FLEMMI he gets the definite indication that George Mc Laughlin is not around the Boston area.

[redacted]-314 F

Memo of [redacted] 9/9/64 captioned: [redacted]

Informant [redacted] advised on [redacted] that JAMES FLEMMI had shot himself by accident and it had nothing to do with gang war. B

Informant advised on night of [redacted] that within one hour of the shooting that [redacted] had been killed in a gangland war.

[redacted]-315

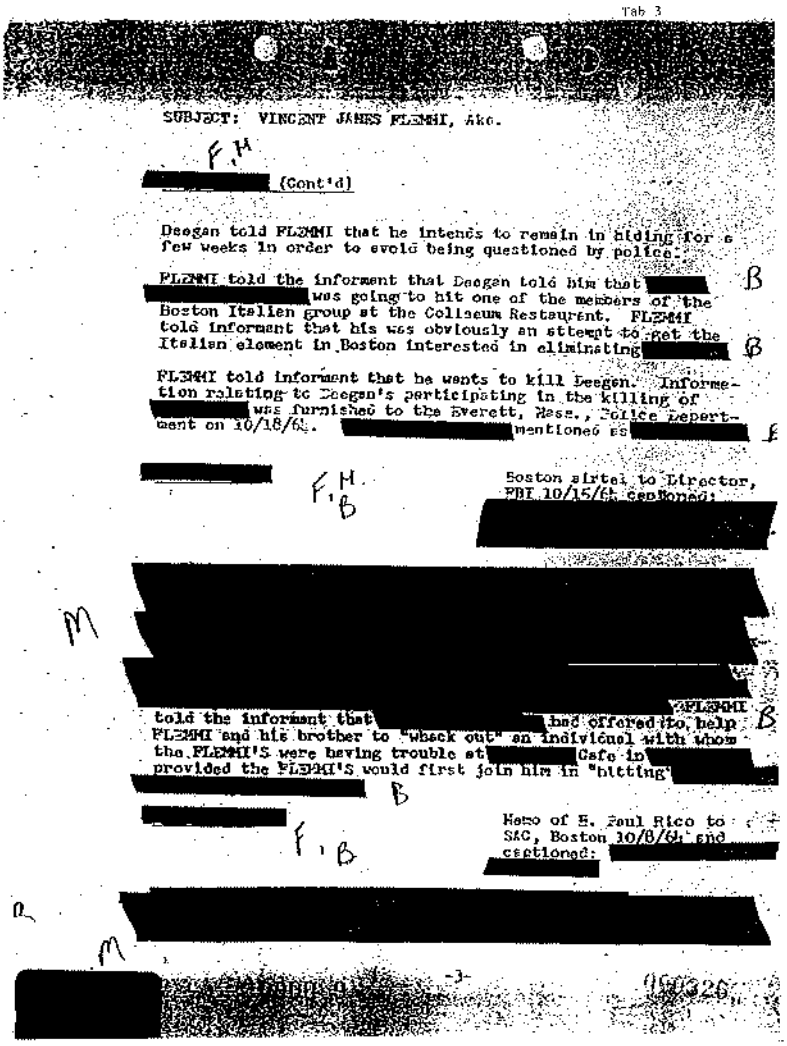
Memo of [redacted] 9/22/64 captioned: [redacted]

The informant advised on [redacted] that he had heard that [redacted] has a couple of bullet wounds [redacted] as a result of [redacted] and his gun battle with [redacted] He said that any assistance with [redacted] would get would more than likely co[illegible] from JAMES VINCENT FLEMMI, but that [redacted] might give [redacted] some help. B

F [redacted]-323

Memo of [redacted] 10/29/64 entitled: [redacted]

Informant contacted [redacted] advised that from his contact with JAMES FLEMMI [redacted] he is of the opinion that [redacted] He plans to maintain close contact with FLEMMI to obtain information relative to [redacted] B



Tab 3

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F, H

[redacted] (Cont'd)

Deegan told FLEMMI that he intends to remain in hiding for a few weeks in order to avoid being questioned by police.

FLEMMI told the informant that Deegan told him that [redacted] was going to hit one of the members of the Boston Italian group at the Colisaum Restaurant. FLEMMI told informant that his was obviously an attempt to get the Italian element in Boston interested in eliminating [redacted] B

FLEMMI told informant that he wants to kill Deegan. Information relating to Deegan's participating in the killing of [redacted] was furnished to the Everett, Mass., Police Department on 10/18/64. [redacted] mentioned as [redacted] B

[redacted] F, H, B

Boston airtel to Director, FBI 10/15/64 captioned: [redacted]

M

[redacted] FLEMMI told the informant that [redacted] had offered to help FLEMMI and his brother to "whack out" an individual with whom the FLEMMI'S were having trouble at [redacted] Cafe in [redacted] provided the FLEMMI'S would first join him in "hitting" [redacted] B

[redacted] F, B

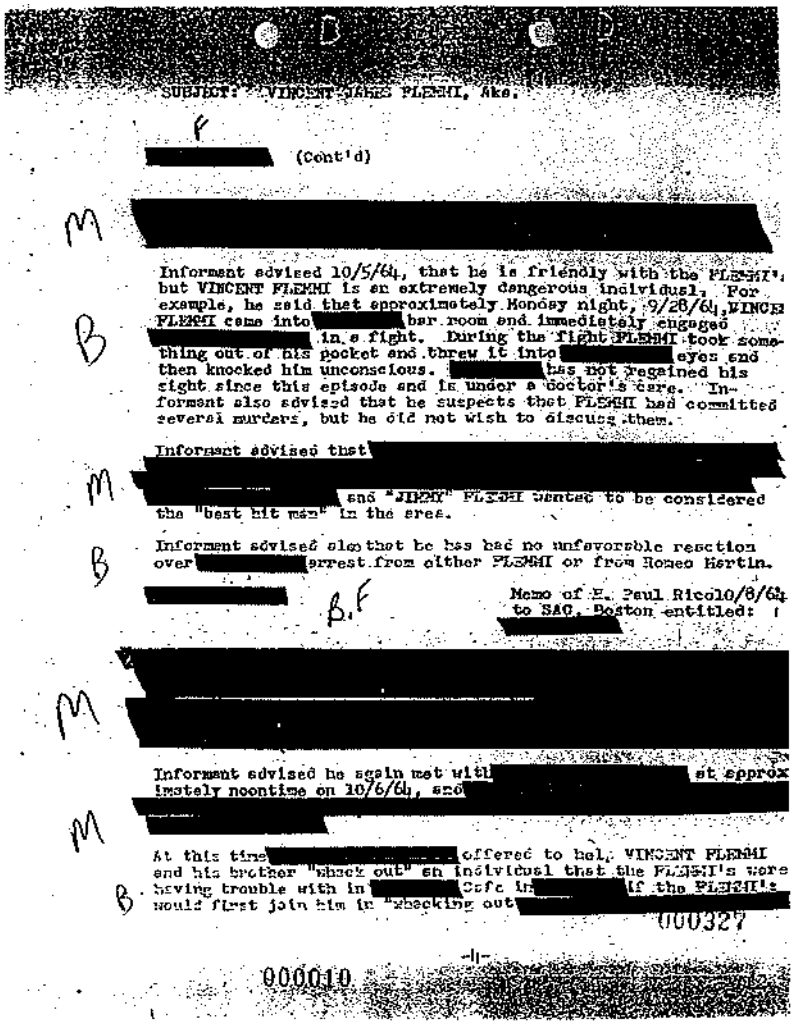
Memo of E. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]

R

[redacted]

M

[redacted] -3- 050326



SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual. For example, he said that approximately Monday night, 9/28/64, VINCE FLEMMI came into [redacted] bar room and immediately engaged [redacted] in a fight. During the fight FLEMMI took something out of his pocket and threw it into [redacted] eyes and then knocked him unconscious. [redacted] has not regained his sight since this episode and is under a doctor's care. Informant also advised that he suspects that FLEMMI had committed several murders, but he did not wish to discuss them.

B

Informant advised that [redacted]

M [redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit man" in the area.

B Informant advised also that he has had no unfavorable reaction over [redacted] arrest from either FLEMMI or from Romeo Martin.

[redacted] B.F

Memo of E. Paul Ricolo/8/64 to SAC, Boston entitled: [redacted]

M [redacted]

Informant advised he again met with [redacted] at approximately noontime on 10/6/64, and [redacted]

M [redacted]

At this time [redacted] offered to help VINCENT FLEMMI and his brother "whack out" an individual that the FLEMMI's were having trouble with in [redacted] Cafe in [redacted] if the FLEMMI's would first join him in "whacking out [redacted]

B

000327

-11-

000010

Tab 4

UNITED STATES GOVERNMENT

Memorandum

[redacted]

TO : SAC [redacted] F

DATE: 10/19/64

☒ CI ☐ SI

☐ PCI ☐ PSI

FROM : SA H. PAUL RICO

SUBJECT: [redacted] B

Dates of Contact

10/18/64

Titles and File as on which contacted

[redacted]

Purpose and results of contact

☐ NEGATIVE

☒ POSITIVE

Informant advised he got a telephone call from JAMES FLEMMI the previous evening and FLEMMI told him that he had been with EDWARD "TEDDY" DEEGAN and an individual referred to as "TONY" at the West End Social Club Saturday morning. Informant said that ANTHONY SACRIMONE's name came up in the conversation and that DEEGAN had said something concerning SACRIMONE, but FLEMMI could not recall what it was.

FLEMMI said that he definitely knows that DEEGAN, later that morning, murdered ANTHONY SACRIMONE and he was very concerned about leaving his prints in the car; that DEEGAN is going to lay low for a couple of weeks until he finds out what, if anything, the police have on him to tie him in to this murder.

FLEMMI told the informant that DEEGAN has been knocking him (the informant) in indicating to the Italian element that the informant was going to "hit" someone from the

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage

92'a

Personal Data

[redacted] F

F

[redacted]

1- [redacted] (Everett PD)

HPR:po'b

(5)

[redacted]

[redacted]

000747

[redacted] F
[redacted] -270

Coliseum Restaurant. FLEMMI told the informant this obviously was just an attempt to get the Italian element interested in eliminating the informant.

FLEMMI advised that DEEGAN owes FLEMMI's brother, STEVIE, some money, and that he told him once to get the money up. He has not gotten the money up, and FLEMMI wants to kill DEEGAN and wanted the informant to go with him on the "hit."

b/4 [redacted]

The information concerning DEEGAN perpetrating this killing was disseminated telephonically to Det. HENRY DOHERTY of the Everett, Mass. PD on 10/18/64.

Det. DOHERTY recontacted this office on 10/19/64 and advised that he believes the information concerning DEEGAN is correct but that they have been unable to come up with any fingerprints in the car that are identifiable and DEEGAN has taken off from his usual haunts.

000748

(16)

UNITED STATES GOVERNMENT

Tab 5

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAUL RICO B,F

X CI ☐ SI

☐ PCI ☐ PSI

SUBJECT: [redacted]

DOC. 5

Dates of Contact

3/10/65

Titles and File as on which contacted

EDWARD FB DEEGAN

[redacted]

[redacted] F,M B

Purpose and results of contact

☐ NEGATIVE

☒ POSITIVE

Informant advised that he had just heard from "JIMMY" FLEMMI that FLEMMI told the informant that RAYMOND PATRIARCA has put out the word that EDWARD "TEDDY" DEEGAN is to be "hit" and that a dry run has already been made and that a close associate of DEEGAN's has agreed to set him up.

FLEMMI told the informant that the informant, for the next few evenings, should have a provable alibi in case he is suspected of killing DEEGAN. FLEMMI indicated to the informant that PATRIARCA put the word out on DEEGAN because DEEGAN evidently pulled a gun and threatened some people in the Ebb Tide restaurant, Revere, Mass.

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage

92's

Personal Data

[redacted] F,B

[redacted] 1- (DEEGAN)

F [redacted] 2623

HPR:po'b
(5)

0000 1

[redacted]

Reproduced GDC

Tab 6

FD-263 (Rev. 3-1-38)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/20/65	3/13 - 6/8/65

TITLE OF CASE: RAYMOND L. S. PATRIARCA, aka

REPORT MADE BY: CHARLES A. REPPUCCI — TYPED BY: po'b

CHARACTER OF CASE: AR

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston.

New York letter to Boston, 3/19/65. (Interoffice)

Los Angeles letter to Boston, 3/30/65. "

Newark letter to Boston, 4/14, 27/65. "

- P -

ENCLOSURES:

TO BUREAU

Original and one copy of a Interhead memorandum, dated and captioned as above at Boston, characterizing informants mentioned in instant report.

APPROVED — SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

92-2961-1044

REC. 45

EX-113

COPIES MADE:
3-Bureau (92-2961)(Encl 2)
1-USA, Providence, R. I.
1-New York (92-788)(Info)
2-Boston (92-118)

JUL 23 1965

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY

REQUEST RECD.

DATE FWD. — Organized Crime and Racketeering Section, Room 3624

HOW FWD.

BY

20 AUG 19 1965

NOTATIONS

61

STAT. SECT.

PAGE B HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B, 0-3

BS 92-118

ADMINISTRATIVE (Continued)

0-3

[redacted]

The following investigation of the NYO is being placed in the administrative section in that the report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston, Mass., on Cover Page J, reflects the original information was obtained through BS 837-C* and, for that reason, this information is not being disseminated to the USA at Providence, R. I.

0-3

[redacted]

C
COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

0-3 [redacted]

By letter dated 3/30/65, the Los Angeles Office advised as follows:

The following investigation was conducted based on information supplied by BS 837-C* to the effect that PATRIARCA had been contacted by an individual who lives at 8215 Glade Avenue, Canoga Park, Calif., and advised that his partner had swindled him out of the business. PATRIARCA was to help this individual through mutual friends in Los Angeles.

0-3 [redacted]

D
COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

[redacted]

The following investigation was conducted by SA GUY R. BAILEY at Maine in reference to Bosairtel to Bureau dated 4/16/65 entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administrative pages for the protection of the source:

On 4/29/65, Chief JOHN CLARK, Old Orchard Beach, Me. PD, advised the Old Orchard Beach PD had received a telephone call from Rhode Island from RICHARD GABRIEL's wife requesting that GABRIEL be contacted and informed that the picture window in their home had been smashed.

Chief CLARK advised on 5/12/65 that applications for a liquor license have been filed by the Chequinn Corporation by RICHARD GABRIEL and by DORIS MC CUE, and the Town Council has declined to issue any license because of disagreement between the parties requesting a license for the same location.

E

BS 92-118

ADMINISTRATIVE (Continued)

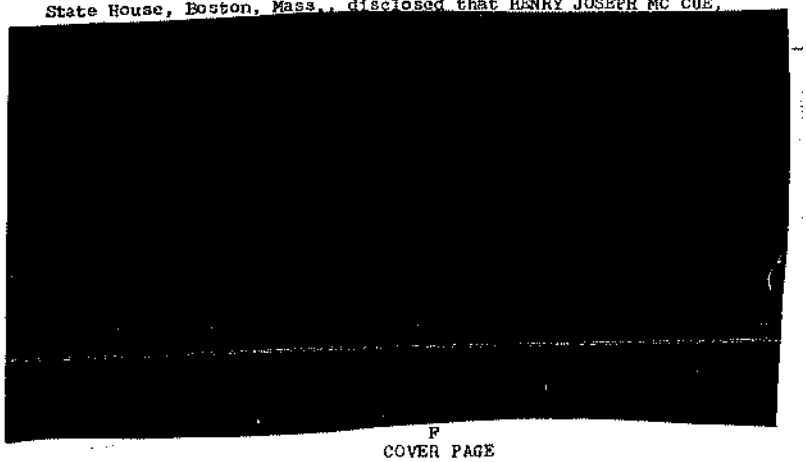
Chief CLARK advised one of the parties has obtained services of an attorney by the name of PERKINS from Portland and the other party has an attorney by the name of ELLIOTT from Saco, Me., and it appears that there may be negotiations. He stated the applications for the liquor license can be filed each time the local council sits for hearings on liquor licenses.

The following investigation was conducted by IC FRANCIS D. CAREY in reference to Bosairtel to Bureau dated 4/16/65, entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administration section for the protection of the source:

RE: HENRY J. MC CUE

On 5/3/65, a review of the marriage records at the State House, Boston, Mass., disclosed that HENRY JOSEPH MC CUE,



F
COVER PAGE

PAGE G-U HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3

BS 92-318
CAR:po'b

ADMINISTRATIVE (Continued)

b1, b3

[redacted]

BS 837-C* advised on 3/9/65 that JAMES FLEMMI and JOSEPH BARBOZA requested permission from PATRIARCA to kill EDWARD "TEDDY" DEEGAN, as they are having a problem with him. PATRIARCA ultimately furnished this "OK."

On 3/10/65, FRANK SMITH and JOSEPH MODICA sought PATRIARCA's permission to open up a gambling establishment in East Boston, Mass. PATRIARCA refused to furnish this permission until he cleared with MICHAEL ROCCO of East Boston, Mass. (It should be noted that the informant advised that SMITH never did obtain this permission.)

On 3/17/65, informant advised that PATRIARCA was concerned about a "leak" in the organization. After much discussion he reached the conclusion that the "leak" was in NYC and not in Providence, R. I.

V
COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

On 3/19/65, the informant advised that PATRIARCA was attempting to settle a dispute between Mr. LOUIS GABRIEL, Old Orchard Beach, Me., and his partner who was squeezing GABRIEL out of the business. The informant was not aware of the results of this settlement.

On 3/22/65, informant advised that PATRIARCA had received word from TOMMY RYAN of NYC requesting that he attend a meeting in New York on 3/17/65. PATRIARCA refused to do so because he was fearful of receiving a subpoena while in New York to appear before the FGJ there.

On 3/31/65, informant advised that PATRIARCA furnished the permission to ROMEO MARTIN of Boston, Mass. to burglarize the home of a millionairess.

Informant also advised that PATRIARCA was attempting to ascertain whether a LEONARD LEIBOWITZ (probably of Suffolk, N. J.) was in any way connected with LCN. BARBOZA was attempting to collect a large sum of money from LEIBOWITZ for a Mr. FEINBERG in the automobile financing business.

On 5/5/65, informant advised that PATRIARCA had been approached by JOSEPH BARBOZA, RONALD CASSESSA, and JAMES [illegible] in order to obtain permission to kill SAMMY LINDEN of Revere, Mass. The reason for this killing was that LINDEN was furnishing a considerable amount of money to the MC LAUGHLIN group in their efforts to kill various individuals of the MC LEAN group. Subsequently the informant stated that PATRIARCA had not given a definite "OK" for the killing, but BARBOZA and his group was of the opinion that he did. LINDEN heard of the fact that he was marked for a "hit" and went to JOSEPH LOMBARDO of Boston, Mass. LOMBARDO, in turn, sent word to PATRIARCA, and after explaining the situation the "hit" was called off.

On 5/[illegible]/65, informant advised that FRED CARROZZA, who is PATRIARCA's partner in the cigarette vending machine business, had access to a casino license in Puerto Rico. He was attempting to locate an individual who would act as a "front" for him. CARROZZA needed $1½ million for this license and was in[illegible]

COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

to contact BOBBY RICE of the Dunes Hotel in Las Vegas, Nev., for possible financial assistance.

On 6/7/65, informant advised that JOHN CANDELMO, who is a member of LCN, had attempted to lease some trucks from Branded Liquors, Boston, Mass., for the purpose of hauling liquor from Indiana to Boston. He apparently contacted WILLIAM J. MC CARTHY, Head of Local 25, Truck Drivers Union, Boston, Mass., and Vice President of the International Union. PATRIARCA was very perturbed that he, CANDELMO, would contact MC CARTHY without his, PATRIARCA's, knowledge. He instructed CANDELMO to do nothing more concerning this matter.

On 6/17/65, informant advised that SAMMY LINDEN owed ABE SARKIS, notorious Boston bookmaker, the sum of $7,800. SARKIS made many efforts to collect this debt without success. He subsequently approached either JERRY ANGIULO or JOSEPH MODICA for assistance in collecting this debt. PATRIARCA became involved in that neither MODICA nor ANGIULO were able to collect the debt. PATRIARCA told TAMELEO to instruct SARKIS to go to JOHNNY WILLIAMS, LCN member who is in partnership with SARKIS in the bookmaking business, and have WILLIAMS collect this debt.

On 7/8/65, informant advised that UNMAN had a lengthy discussion with PATRIARCA concerning a loan made to "MONGE" ROSSETTI, subject of case entitled, "ANGELO MONGE ROSSETTI; SPORTSDAY WEEKLY, INC., ITWI." It appeared that "MONGE" ROSSETTI had borrowed money from the Pan American Finance Co., which is operated by JOSEPH MODICA. PATRIARCA has an interest in this finance company.

"MONGE" borrowed $1,600 one time and just prior to the time he was sent away for one year, in connection with the above-mentioned case, he borrowed an additional $2,000. MODICA is putting the pressure on "MONGE" ROSSETTI's brother-in-law, FRED PRATT, to pay the $3,600.

X
COVER PAGE

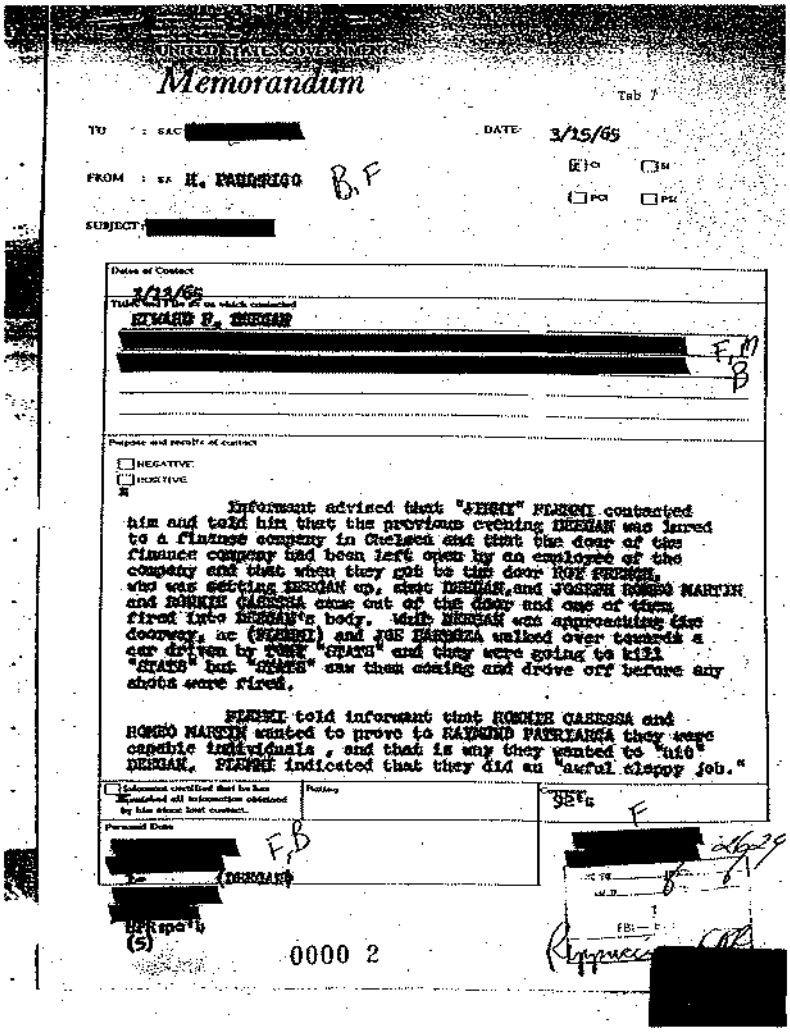
BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

MODICA contacted HENRY TAMELEO when he was unsuccessful with the brother-in-law. PATRIARCA, upon hearing the details of this loan, was infuriated at MODICA for loaning ROSSETTI money without his, PATRIARCA's OK. He indicated that he has a piece of SPORTSDAY WEEKLY and should know what is going on in the operation of this race wire service.

PAGE 1-26 HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3



UNITED STATES GOVERNMENT

Memorandum

Tab 7

TO : SAC [redacted] DATE: 3/15/65

FROM : SA H. PARRIGO B,F

SUBJECT: [redacted]

Dates of Contact

3/13/65

EDWARD P. DEEGAN

[redacted] F,M B

Purpose and results of contact

NEGATIVE

POSITIVE

X

Informant advised that "JERRY" FLEURI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FERRARA, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and ROBERT CARESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEURI) and JOE PATRIARCA walked over towards a car driven by TONY "STATE" and they were going to kill "STATE" but "STATE" saw them coming and drove off before any shots were fired.

FLEURI told informant that ROBERT CARESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals , and that is why they wanted to "hit" DEEGAN. FLEURI indicated that they did an "awful sloppy job."

Informant specified that he has furnished all information obtained by him since last contact.

Furney

SA's F

Personal Data

[redacted] F,B

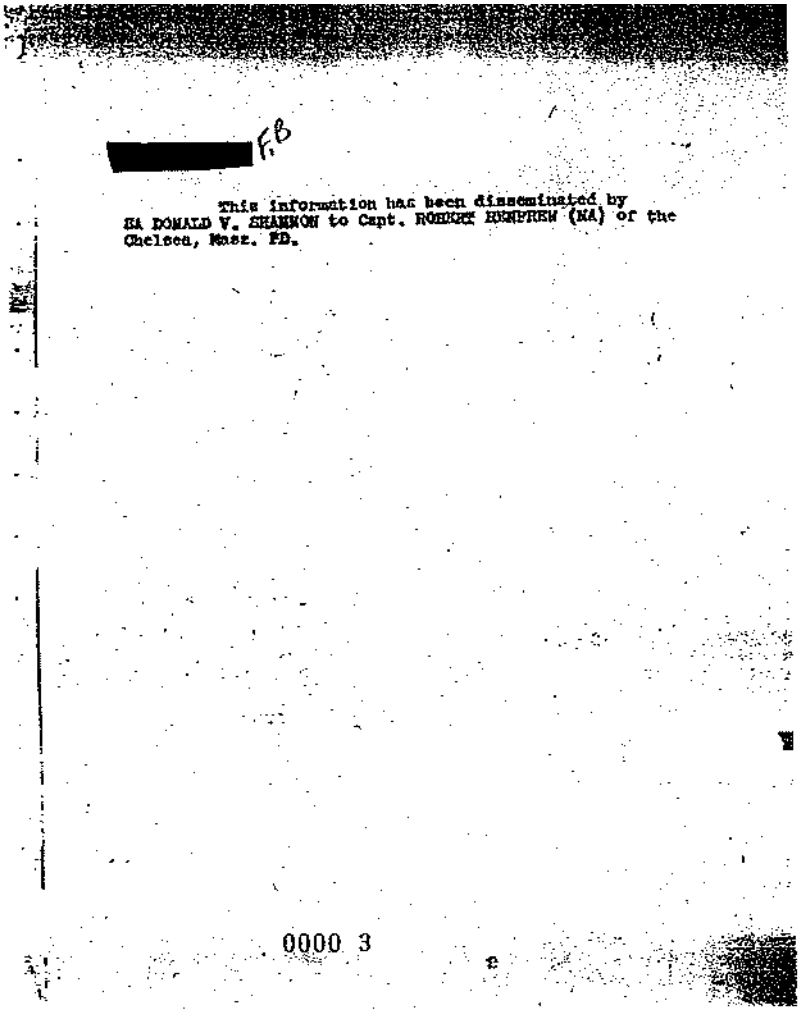
[redacted] (DEEGAN)

[redacted]

Reported (5)

0000 2

[redacted]



[redacted] F.B

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT HUMPHREW (MA) of the Chelsea, Mass. PD.

0000 3

3/19/65 Tab 8

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediatdy thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFKipo'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted]-182

0000 4

000321

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also.

Immediately thereafter, STATHOPOULOS proceeded to Atty. AL FARESE. FARESE called the Chelsea, Mass. PD before Chelsea knew of the killing and FARESE wanted to bail out ROY FRENCH and [redacted] DUGGAN. Shortly thereafter the Chelsea PD found the body of DUGGAN and immediately called Atty. FARESE's office, and Atty. JOHN FITZGERALD, FARESE's law partner, came to the Chelsea PD.

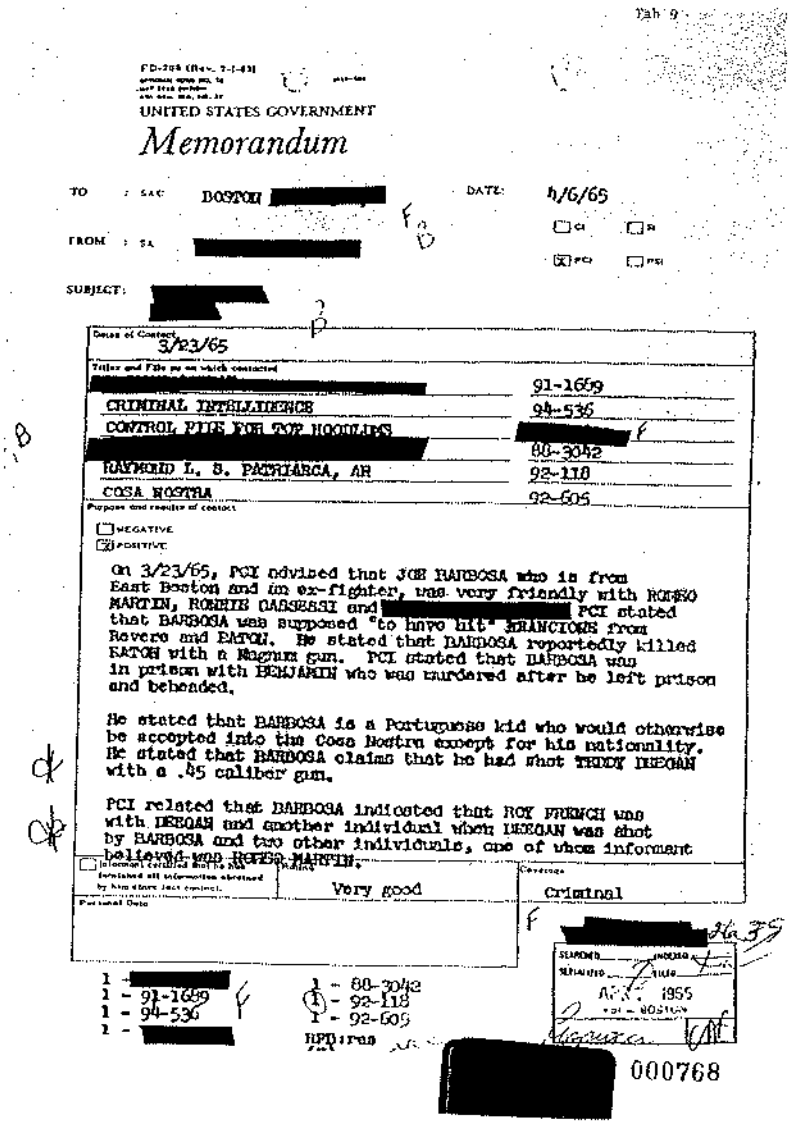
Efforts are now being made by the Chelsea PD to force STATHOPOULOS to furnish them the necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARKIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/13/65.

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.



Tab 9

FD-209 (Rev. 7-1-63)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC BOSTON [redacted]

DATE: 4/6/65

FROM : SA [redacted]

☐ CI ☐ SI

☒ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact: 3/23/65

Titles and File as on which contacted

[redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS	[redacted]
[redacted]	88-3042
RAYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Purpose and results of contact

☐ NEGATIVE

☒ POSITIVE

On 3/23/65, PCI advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with ROMEO MARTIN, RONNIE CASSESSI and [redacted] PCI stated that BARBOSA was supposed "to have hit" FRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. PCI stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded.

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

PCI related that BARBOSA indicated that ROY FRENCH was with DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was ROMEO MARTIN.

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating: Very good

Coverage: Criminal

Personal Data

[redacted]

1 - [redacted]
1 - 91-1689
1 - 94-536
1 - [redacted]

1 - 88-3042
1 - 92-118
1 - 92-605
RFD:rea

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
APR 1965
FBI - BOSTON

[redacted] 000768

[redacted] F

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

PCI stated that rumors have it that ROY FRENCH actually set up DEEGAN to be killed.

PCI stated that he had heard that JOE BARBOSA was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that BARBOSA had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see RAYMOND (PATRIARCA).

PCI subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact FLEMMA.

PCI stated that JIMMY FLEMMA had gone to Providence just before TEDDY DEEGAN was slain in Chelsea.

H.B

[redacted]

FD-76 (Rev. 5-22-64)

Tab 10.

FBI

Date: 3/24/65

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 3/12/65 and Buairtel, 3/16/65.

In connection with the information furnished by BS 837-C* relative to the possible perpetrators of the murders of ANTHONY SACRIMONE and EDWARD DEEGAN, Capt. ROBERT RENFREW (NA), Chelsea, Mass. PD, was advised of the same information, as furnished by [redacted] This informant also furnished basically the same information as did BS 837-C* relative to the murder of EDWARD DEEGAN on 10/17/64. This information was furnished to Inspector HENRY DOHERTY of the Everett, Mass. PD on 10/18/64.

Relative to the DEEGAN murder, subsequent investigation by the Chelsea, Mass. PD reflected that TONY STATHOPOULOS was at the scene, saw some activity and thought it was the Chelsea Police moving in to make an arrest of DEEGAN and ROY FRENCH who were perpetrating a "breaking and entering" and he left the scene and got a hold of Atty. ALBERT FARESE.

3-Bureau (RM)
1-Boston

JFK:po'b
(4)

REC-18

92-2961-1012

10 MAR 26 1965

EX-102

C C. Wick

Approved: J. L. Handley Sent _____ M Per _____

60 APR 26 1965 Special Agent in Charge

BS 92-118

Atty. FARESE called the Chelsea Police and wanted to bail out DEEGAN and ROY FRENCH.

The Chelsea Police at that time had no knowledge of the murder; however, when the body was discovered, they immediately started to look for ROY FRENCH. FRENCH told them he was at the Ebb Tide night club, Revere, Mass., all night and their investigation has indicated that FRENCH got a telephone call about 8:45 p.m. After the phone call he left the Ebb Tide with JOSEPH BARBOZA, VINCENT FLEMMI, RONNIE CASESSA, ROMEO MARTIN, and FRANK IMBRUGLIA. Further investigation reflected that they all returned about 45 minutes later. The time of the murder was approximately 9:30 p.m., 3/12/65.

ROMEO MARTIN's car was identified by a Chelsea Police Officer as being parked with two men in it in the vicinity of the murder. When the police officer approached the car, it sped off.

Tab 11

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: June 20, 1967

FROM : ~~SAC~~ Boston

SUBJECT: SA H. PAUL RICO
EOD: 2-26-51

SA DENNIS M. CONDON
EOD: 1-29-51

RECOMMENDATIONS FOR QUALITY SALARY INCREASE

SA H. PAUL RICO has been assigned exclusively to the development of Top Echelon Criminal Informants in the Boston Office since September 16, 1963. SA DENNIS M. CONDON has been assigned to the Top Hoodlum Program since 1962.

SA RICO was successful in developing [redacted] Based on the development of [redacted] SA RICO was able to determine the basic reasons for each gangland slaying, the identities of the majority of individuals involved, the latter information, where significant, disseminated to pertinent law enforcement agencies. Only as a result of this informant was the Boston Office able to separate the true reasons for the slayings as distinguished from the camouflage put forth by the [redacted] and/or the LCN.

During this period, SA RICO and SA CONDON were making continuing efforts to develop as an informant an active LCN member. When intensified efforts in this area were not immediately productive, SA RICO was able to have [redacted] and through this contact, able to follow the philosophy of the LCN, particularly concerning the infamous Boston gangland slayings. [redacted] and through these contacts the Boston Office had continuing high quality information concerning LCN activities. [redacted] was based on the guidance and counsel said informant received from SAS RICO and CONDON.

67-133766-150

REC-145

Searched ..... Numbered .....
JUL 7 1967

4 - Bureau
2 - Boston
JJH:CAK JUL 12 1967
(6)

73

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

[redacted]

B

[redacted]

The handling of this source, obviously, was an extremely delicate and sensitive problem requiring not only continuous skillful direction, but almost 24-hour contact on a daily basis with [redacted]

B

Realizing the potential that [redacted] might one day be victim of a homicide, SAS CONDON and RICO have continued vigorous attempts to obtain additional high quality LCN sources. Accordingly, BS 955 C-TE was developed by these agents and via imaginative direction and professional ingenuity utilized said source in connections with interviews of JOSEPH BARON, a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in this area to be the most dangerous individual known.

B, D

SAS RICO and CONDON contacted BARON in an effort to convince him he should testify against the LCN. BARON initially declined to testify but through utilization of BS 955 C-TE, the agents were able to convey to BARON that his present incarceration and potential for continued incarceration for the rest of his life, was wholly attributable to LCN efforts directed by GENNARO J. ANGIULO, LCN Boston head. As a result of this information received by BARON from BS 955 C-TE, said individual said he would testify against the LCN members.

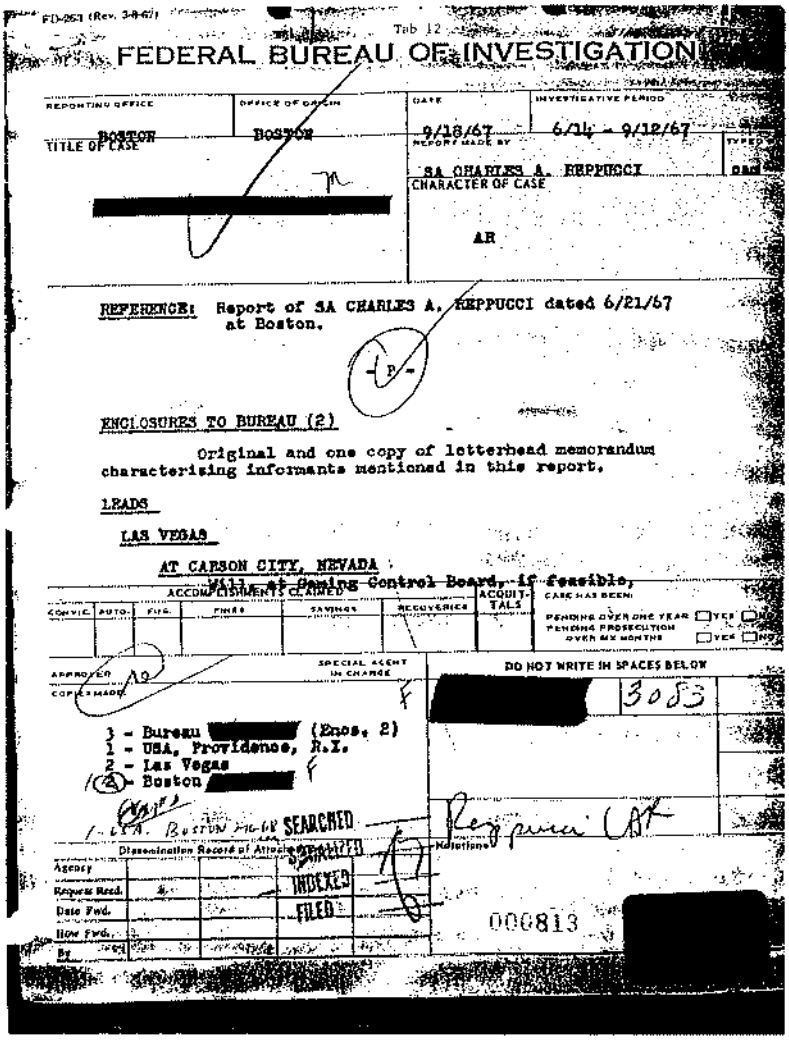
[redacted]

The indictments against PATRIARCA, TAMELEO and CASSESSO are the first major blow to the LCN in New England. PATRIARCA, as LCN boss and possible Commission member, and his top lieutenant, HENRY TAMELEO, were felt to be beyond prosecution by top state and local police officials based on what for years resulted in frustration in securing witnesses who would testify. The Providence, Rhode Island Police and Rhode Island State Police have, for over twenty years, concentrated a large number of men in efforts to secure even a minor prosecution, unsuccessfully.

SAS CONDON and RICO were assigned to develop a prosecutable quality case against top LCN members in New England. They have done so via highest devotion to duty, requiring personal sacrifices, in time, on a continuing basis. Their time would have been wasted were it not for the skillful, unprecedented ability to develop the highest type criminal intelligence data, coupled with securing as a witness a professional killer who, in the past, would never furnish data other than his name to any law enforcement agency. Their performance for over twelve months

has been of the highest caliber; their drive and desire to fulfill a vital objective of the Bureau have been rewarded with the prosecution of top LCN members.

In view of the above, noting we have broken what at times has seemed to be an insurmountable barrier, I am recommending Quality Salary Increases be awarded to SAS RICO and CONDON.



FD-263 (Rev. 3-8-67)

Tab 12

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	9/18/67	6/14 - 9/12/67

TITLE OF CASE

[redacted]

REPORT MADE BY: SA CHARLES A. REPPUCCI

TYPED BY: [illegible]

CHARACTER OF CASE: AR

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 6/21/67 at Boston.

-P-

ENCLOSURES TO BUREAU (2)

Original and one copy of letterhead memorandum characterizing informants mentioned in this report.

LEADS

LAS VEGAS

AT CARSON CITY, NEVADA

Will, at Gaming Control Board, if feasible,

ACCOMPLISHMENTS CLAIMED

CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES	ACQUIT-TALS

CASE HAS BEEN: PENDING OVER ONE YEAR ☐ YES ☐ NO; PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: 10

SPECIAL AGENT IN CHARGE

COPIES MADE:

3 - Bureau [redacted] (Encs. 2)
1 - USA, Providence, R.I.
2 - Las Vegas
(2) - Boston [redacted]

1 - USA, Boston [illegible]

DO NOT WRITE IN SPACES BELOW

[redacted] 3083

Reppucci CAR

Dissemination Record of Attached Report

Agency			
Request Recd.			
Date Fwd.			
How Fwd.			
By			

SEARCHED / SERIALIZED / INDEXED / FILED

Notations

000813 [redacted]

Pages B through S of serial 3083 are being deleted in their entirety for code: F, B, M.

[redacted] F

B.M

On August 28, 1967 BS 955-CTE furnished the following information to SA H. PAUL RICO:

The informant advised that LARRY BAIONE asked the informant to contact JIMMY FLEMMI on behalf of GENSARO J. ANGIULO to see what FLEMMI can do to keep NICK FLEMMIA from testifying against anyone and to see if FLEMMI can find some way to destroy JOE BARBOZA's testimony against PATRIARCA and ANGIULO. The informant advised that this puts JIMMY FLEMMI in a very bad position because JIMMY FLEMMI owes ANGIULO over $[illegible], and is therefore indebted to him. The informant knows that JIMMY FLEMMI would just as soon see PATRIARCA and FAMILLO get hurt but that he has always looked upon ANGIULO as a source of money for him and he feels that FLEMMI would want to help ANGIULO. The informant advised, however, that he will, when he is talking to FLEMMI, point out to him that BARBOZA may end up seriously

- T -

000815

[redacted]

[redacted] F

hurting him, JIMMY FLEMMI, if he, FLEMMI, did anything to attempt to discredit BARBOZA.

Informant further advised that he has learned that LARRY BAIONE and PETER LIMONE have received information that JOE BARBOZA is going to testify for Suffolk County on the murder of TEDDY DEEGAN and that they in all probability will attempt to make sure that TONY STACOPOULOS will not be around to corroborate BARBOZA's testimony. The informant advised that he believes that STACOPOULOS' life is in danger.

[redacted]

Tab 13

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: March 29, 1968

FROM : SAC, Boston

SUBJECT: SA H. PAUL RICO
RECOMMENDATION FOR QUALITY-SALARY INCREASE

SA H. PAUL RICO has been assigned exclusively to the development of Top Echelon Criminal Informants and related matters in the Boston Office since September 16, 1963.

Through his intensive and most skillful efforts, SA RICO developed four Top Echelon informants, namely, [redacted] BS 955 C-TE and [redacted] The Top Echelon informants have furnished the day-to-day activities of RAYMOND L. S. PATRIARCA, LCN boss from Providence, Rhode Island, and LCN hierarchy in the New England area. More importantly, they also provide the results of decisions made by RAYMOND PATRIARCA in connection with LCN policy. This enabled the Boston Office to exploit and harrass the LCN in the New England area.

Through the careful, selective use of the information derived from these informants, SA RICO was able to exploit same and develop JOSEPH BARON, aka Joseph Barboza, to a point where he testified against RAYMOND L. S. PATRIARCA; his underboss, HENRY TAMELEO; and LCN member, RONALD CASSESSO. This resulted in the conviction of above-named individuals and also, the indictment of LCN members RALPH LAMATTINA and PETER LIMONE in the gangland slaying of EDWARD DEEGAN, which case is awaiting trial in Suffolk County, Massachusetts.

SA RICO has accomplished this great penetration of the LCN with the highest devotion to duty, requiring many personal sacrifices on a continuing basis. His performance has been of the highest caliber; his initiative, drive and desire to fulfill the Bureau's objective of convicting an LCN boss and many LCN members have been rewarded.

The manner in which SA RICO has performed is substantially above normal requirements. His work has been highly effective. His high level of effectiveness has been sustained over a period of time and is expected to continue.

1 0 APR 16 1968

2 - Bureau
2 - Boston
JLH:CAK
(4)

SUBJECT TO PROTECTIVE ORDER

In view of the above, noting that we have accomplished what at times seemed to be an insurmountable barrier, I am recommending a Quality-Salary Increase be awarded to SA RICO.

John F. Kehoe, Jr., Supervisor

SUBJECT TO PROTECTIVE ORDER

Tab 14

DIRECTOR, FBI

4/14/69

[redacted]

JOSEPH BARON, aka.
Joseph Barboza;
[redacted]

B, F

Investigation is being initiated in connection with the TECIP to develop Subject as a top echelon criminal informant; therefore, Subject is being designated a target under this program.

The Boston Office by letter dated April 1, 1969, furnished pertinent background concerning Subject, which is set forth below. The Boston Office advised that there will be occasions when that office will desire that Subject be contacted on various matters of extreme importance to the Boston Division. Further, as PC becomes acquainted in the San Francisco area, he will undoubtedly be in a position to furnish worthwhile information concerning criminal activities.

M, B

[redacted]

P

[redacted]

F

2 - Bureau (RM)
(2) - Boston ([redacted])
2 - [redacted]

CNH:jab
(6)

APR 18 1969
FBI — BOSTON

000964

F. M. B

000965

[redacted]

CNH:jab

[redacted]

convictions were obtained on March 8, 1968, on RAYMOND L. S. PATRIARCA, recognized leader of the LCN in the New England area; HENRY TAMELEO, LCN member and lieutenant for RAYMOND L. S. PATRIARCA; and RONALD CASSESSO, LCN member, for violating the AR Statutes [redacted] the gangland death of EDWARD "TEDDY" DEEGAN [redacted] this information was disseminated to Suffolk County [redacted] in a murder trial which resulted in the conviction of LCN members HENRY TAMELEO, RONALD CASSESSO, PETER LIMONE and LOUIS GRIECO, all of whom received "the death sentence." Also convicted at this trial [redacted]

IDENTIFICATION RECORD

[redacted]

L E A D

BOSTON

At Boston, Massachusetts.

[redacted]

000966

- 3 -

[redacted]

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

DEC 16 2002

RECEIVED

DEC 16 2002

HOUSE COMMITTEE ON GOVERNMENT REFORM

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This supplements our prior responses to your requests for documents relating to the Committee's oversight investigation about the FBI's handling of organized crime investigations in Boston, Massachusetts and related matters. The FBI has provided the enclosed documents in response to your request for specific material as follows:

In response to your letter, dated April 16, 2002, seeking, *inter alia*, all records relating to the electronic surveillance of the Piranha Finance Company, enclosed are copies of surveillance logs, consisting of two volumes. While the FBI was not able to identify responsive records based on an indices search for the Piranha Finance Company, these records are believed to be responsive, in that they were generated in connection with the FBI's investigation of Joseph Modica. These documents are released to you without redaction.

In response to a specific request made by Committee Chief Counsel Jim Wilson during a briefing on December 2, 2002, enclosed is a copy of an FBI investigative report entitled "Boston Gangland Murders; Criminal Intelligence Program." This document, dated January 14, 1966, contains a summary of the Deegan murder. The FBI has redacted information that would disclose the identity of FBI informants from this document.

Finally, a portion of the handwritten logs from the Patriarca wiretap for June 22, 1965, which Mr. Wilson also specifically requested on December 2, 2002, was faxed to him and minority staff on December 13, 2002. A second copy is enclosed here for your convenience. While we have previously released to the Committee copies of the summary airtels recording the substance of the information obtained as a result of this electronic surveillance, we have not provided the Committee with a copy of the complete hand-written logs. We understand, based upon conversations with Mr. Wilson, that you seek a complete log and we will make every effort to provide it to you in the next week. I apologize for any misunderstanding that has delayed our response to this portion of your request.

While our public disclosure of these documents might be prohibited by the Privacy Act, we are providing them to the Committee in connection with your oversight investigation. See 5 U.S.C. 552a(b)(9). We note that they may implicate individual privacy interests and request that the Committee treat them with appropriate sensitivity. We continue to work to identify additional material responsive to the Committee's pending request and will supplement this production as releasable material becomes available.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

Appendix II.—FBI Office of Professional Responsibility Report

FD-263 (Rev. 4-30-85)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
Boston	FBIHQ	8/13/97	7/08/97 - 8/14/97

TITLE OF CASE	REPORT MADE BY	TYPED BY:
UNSUB(S); OBSTRUCTION OF JUSTICE; OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR); BOSTON DIVISION; OO: FBIHQ	Joshua Hochberg, PIS, DOJ IIC Charles S. Prouty	tls
	CHARACTER OF CASE ADMINISTRATIVE INQUIRY	

REFERENCE:

Acting Deputy Attorney General memorandum to Attorney General, dated July 3, 1997.

The redacted copy for the Trial Team will be released following review and approval by the Department of Justice and FBI Headquarters.

The Department of Justice copy will not contain the Sensitive Information Section containing informant information.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW

COPIES MADE:
3 - Bureau (263-HQ-1220323)
(1 - AD Michael A. DeFeo)
(2 - Inspection Team)
1 - Department of Justice
1 - Massachusetts USAO Trial Team

DISSEMINATION RECORD OF ATTACHED REPORT				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

COVER PAGE

DELETION CODES

B. Information, the disclosure of which would tend to reveal the identity of an informant.

C. Information obtained from a foreign government or international organization where there is an agreement or understanding that the information received will be treated confidentially.

D. Information protected under the Grand Jury Secrecy provision -- Rule 6(e) of the Federal Rules of Criminal Procedure.

E. Information, the disclosure of which would tend to identify a source of information, where confidentiality is expressed or implied.

F. Administratively designated FBI file numbers, which represent individuals or matters which are not the subject of this file.

G. The Law Enforcement Privilege - the disclosure of this information could cause harm to, impede, impair, or hinder an investigation and/or an investigative interest of the FBI.

H. The Law Enforcement Privilege - the disclosure of this information would impede or impair the effectiveness of an investigative technique, method, or procedure of the FBI.

J. Information, the disclosure of which is prohibited by Federal statute (with citation to the appropriate statute).

P. Information, the disclosure of which would be an unwarranted invasion of the personal privacy of an individual not party to this matter.

A. INVESTIGATIVE TEAM

The investigative team was comprised of the following personnel:

Department of Justice (DOJ) attorneys:

Team Leader Joshua Hochberg (Deputy Chief, Public Integrity Section)
James Cooper (Public Integrity Section)
Bernadette Sargeant (Office of Professional Responsibility)

Federal Bureau of Investigation (FBI) employees:

Assistant Director Michael DeFeo (OPR, FBIHQ)
Inspector in Charge (IIC) Charles S. Prouty (Assistant Special Agent in Charge (ASAC), Columbia)
Patrick A. Patterson (Unit Chief, FBIHQ)

Supervisory Special Agent (SSA) Andrew G. Arena (CID, FBIHQ)
SSA William D. Chase (WFO)
SSA Raymond E. Eganey, Jr. (Nashville)
SSRA Michael A. Mason (Syracuse)
SSA Hal G. Metcalfe (Louisville)
SSA Walter Reynolds (Detroit)
Special Agent (SA) Deborah Bretschneider (New York)
SA Charles E. Frahm (New York)
SA Michael D. Harkins (New York)
SA John J. Hess (New York)
SA Laura E. Youngblood (New York)
E. Carolyn Harris (Pocatello)
Beverly A. Hulsizer (Fort Monmouth)
Elizabeth Kauffmann (Pocatello)
Billy Montalbano (Rapid Start, IRD, FBIHQ)
Tabitha Lynn Stires (CID, FBIHQ)
Tandra Williams (IRD, FBIHQ)

B. ORGANIZATION

The investigative team was divided into five interview teams with each team assigned to investigate one of the four general allegations. Rapid Start was utilized as a case management tool and with more than 180 leads it proved an effective means of summarizing the work accomplished and sorting the results into a form useful for analysis.

C. SCOPE OF INQUIRY

The purpose of this inquiry was to examine whether sufficient proof existed to establish that any Government official committed criminal acts or other misconduct including:

A. That FBI agents improperly authorized informants to commit criminal acts;

B. That FBI agents obstructed justice by warning current or former informants that they were the targets of investigation or were about to be arrested or indicted, in violation of Title 18 U.S.C. Section 1503, 1510, or warned current or former informants that they were subjects of Title III interceptions in violation of Title 18 U.S.C. Section 2511(1)(c) and Title 18 U.S.C. Section 2511(4)(a);

C. That FBI agents improperly received benefits from current or former informants or otherwise maintained improper personal relationships with current or former informants in violation of Title 18 U.S.C. Section 201(c)(1)(B);

D. That current or former FBI agents and/or prosecutors made false or misleading representations to judicial officers in court filings, including, but not limited to, papers filed in connection with applications for electronic surveillance authorizations, Title 18 U.S.C. Section 1503.

Most of the specific allegations we examined were prior to 1990 and, therefore, beyond the five-year statute of limitations for criminal prosecution. We have uncovered no evidence that any potentially criminal acts were part of a continuing crime which would bring the acts within the statute of limitations. In addition, we examined and found a number of violations of FBI rules and regulations which would have warranted administrative action if those employees were still employed by the FBI. However, no current FBI employees were found to be in violation of FBI policies.

In view of this investigation's hybrid (OPR/Criminal) nature, it was decided to interview onboard employees using form FD-644 "Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis." While functioning as an independent entity, the investigative team coordinated its activities closely with the United States Attorney's Office's (USAO) Salemme prosecutive team. Arrangements were made for the USAO team to participate in every interview it deemed relevant. Liaison was also maintained with the Boston FBI Field Office and it afforded the team access to all its files and provided logistical support.

D. PREDICATION

This investigation is predicated by allegations which have arisen during pretrial proceedings before U.S. District Court Judge Mark Wolf in the District of Massachusetts. This prosecution, U.S. v. Salemme, involves the criminal activities of members and associates of the New England La Cosa Nostra (LCN) family and a Boston organized crime group, the Winter Hill Gang. These organizations have long been involved in criminal activity, such as illegal gambling, extortion, narcotics trafficking and murder. The Government sought and obtained racketeering indictments, which covered a period spanning more than twenty (20) years.

Two of the defendants in this prosecution, James "Whitey" Bulger and Stephen Flemmi, were longtime confidential informants of the FBI's Boston Division. Bulger is currently a fugitive. A third confidential source, Angelo "Sonny" Mercurio, supplied probable cause for a key Title III intercept, the well known LCN "induction ceremony" of 1989. All three of these former FBI sources have become central figures to the allegations of Government misconduct, both criminal and non-criminal, being leveled by the defendants and others.

The Deputy Attorney General, by memorandum dated July 3, 1997, directed the initiation of this investigation. By July 8, 1997, the entire investigative team was on site in Boston and fully operational.

The allegations have been investigated by a team led by the Public Integrity Section of the Department of Justice (DOJ). The investigative team consisted of two attorneys from the DOJ Public Integrity Section, one attorney from the DOJ Office of Professional Responsibility (OPR), and FBI agents supervised by the Assistant Director of the FBI OPR. No personnel assigned to the investigative team had prior connections to the matters under investigation with the exception of SSA Arena, who conducted a preliminary investigation of these matters beginning in approximately April of 1997.

E. EXECUTIVE SUMMARY

This interim report marks the completion of the first phase of investigation. All reasonable and apparent leads have been covered. It is anticipated that the next phase will begin following the pretrial hearings, when new information emerges. The investigation resulting in this report required eighteen persons for five weeks at a cost of approximately $240,000.00, including salary and expenses. One hundred fifty-two (152) interviews were conducted and these were memorialized in eighty-one (81) FD-302s and seventy-one (71) investigative inserts.

The team adopted a historical approach, interviewing many current and retired FBI employees with emphasis on those affiliated with the Boston Organized Crime (OC) Squad. It also conducted an extensive review of relevant informant files. Current and former Assistant United States Attorneys (AUSA), as well as federal, state and local police officers who had worked with the OC Squad, were also interviewed. Despite the investigative team's repeated requests, the Salemme defendants' attorneys failed to provide additional specific information regarding their allegations of FBI misconduct, citing potential loss of "litigation advantage." Retired FBI agent John Morris, a target of many of the allegations, declined to be interviewed. Morris has indicated through counsel that he will assert his Fifth Amendment rights in connection with these matters. Retired FBI agent John Connolly agreed to a limited interview; he declined to answer most questions and gave only limited information, mostly through his attorney, which was restricted to activities other than his own.

What follows is a synopsis of the results of our investigation of the various general allegations. A more detailed analysis of each allegation follows this Executive Summary.

Allegation I

Allegation I concerns whether FBI Agents improperly authorized informants to commit criminal acts.

A total of 35 former/current managers assigned to the Boston Division during the period 1970 to present were contacted. FBI policy allows those managers to authorize informants to participate in criminal activity if operationally necessary. All stated that they did not recall ever authorizing Bulger or Flemmi to participate in criminal activity. Thorough reviews of the Bulger and Flemmi informant files reveal no instances of authorization. The two sources were advised on a total of eleven documented occasions that, pursuant to the Attorney General's Guidelines, they were not authorized to engage in any criminal activity.

Although they were not authorized to commit crimes, Bulger and Flemmi were Top Echelon (TE) informants. Because of their association with and leadership of the Winter Hill Gang, known as the "Irish Mob," as well as their relationship with the LCN, agents in the Boston Division of the FBI must have known they were involved in some form of criminal activity. Through informant file reviews, as well as interviews of current and former employees, it is clear that both sources were involved in gambling, loan sharking, bookmaking and drugs. Other sources also alleged involvement by Bulger and Flemmi in more violent activity, including extortion and murder.

There were 84 references to Bulger and Flemmi's alleged criminal activity in 157 separate reports provided by 49 independent sources during the period from 1970 to 1997. The reports were made with varying degrees of specificity regarding Bulger's and Flemmi's alleged participation in criminal activity. It is often unclear from the reported information whether it is based on first-hand knowledge or rumor. In this limited inquiry, we did not attempt to evaluate the accuracy of the reports or the credibility of the sources.

There is no documented record of these reports of Bulger's and Flemmi's criminal activity being furnished to their handler, John Connolly. However, many of the files were OC-related and, therefore, should have been read by OC supervisors John Morris and James Ring. Thus, it is virtually certain that Connolly and/or his supervisors received some of this information. More problematic are the instances of self-reporting of criminal activity by Bulger and Flemmi. They reported instances of gambling, loan sharking and bookmaking. Because these instances were reported directly, either to Connolly or OC supervisors, they clearly knew of Bulger's and Flemmi's illegal conduct, and the Bureau failed to follow policies requiring initiation of a written review of whether the informants' continued use was justified.

Allegations have been made by Flemmi that former supervisor Morris and unnamed others authorized Bulger and Flemmi to engage in any criminal activity short of murder and assured them that they would be "protected." Morris has refused to be interviewed, and Connolly gave only a limited interview through his attorney. Without the cooperation of Connolly and/or Morris and the defendants, the allegation that these informants' handling agents authorized unlawful activity cannot be further addressed. However, it is noteworthy that one witness reports that in April of 1997, Connolly called the witness and purported to remind the witness that Morris had made such a statement.

Allegations were made by Flemmi that Bulger and he were operated as informants after being closed December 3, 1990. No documentation was found in their files to substantiate this claim. Defendant Salemme's attorneys gave as evidence of this claim (1) a request in Flemmi's file for $5,000 spending authority three months after he was closed and (2) an alleged telephone call to Flemmi in 1993 inquiring about an LCN defendant's phone number. Investigation determined that the request for money was simply a request in the amount of the standard funding increment ($5,000) to pay a nine-month old bill of $68.66, and documentation shows the phone number was actually obtained from another informant.

Connolly was also the handling agent for Angelo Mercurio, who allegedly "set up" a "hit" on June 16, 1989,

targeting LCN member and currently indicted defendant Francis P. Salemme. Though Salemme suffered a gunshot wound during the "hit," he survived. These facts did not trigger the required status review, and Mercurio remained an open and active informant until his indictment several months later. Although the only hard evidence we have seen shows only that Mercurio arranged the meeting at which Salemme was shot, Connolly's supervisor, James Ring, believed that Mercurio was aware of a plan to kill Salemme at the time he set up the meeting. Moreover, the FBI developed information from other sources indicating Mercurio's complicity in this attempt on Salemme's life. We did not attempt, as part of this limited inquiry, to ascertain whether, in fact, Mercurio participated in the Salemme hit.

While no evidence suggests authorization of criminal activity, investigation determined that a wealth of information clearly illustrated, that, with the knowledge of their FBI handler, Bulger and Flemmi participated in criminal activity while serving as informants for the FBI. Likewise, the FBI had information that, while he was an open informant, Angelo "Sonny" Mercurio participated in a murder. The Manual of Investigative Operations and Guidelines (MIOG) rules regarding the operation of informants, specifically "written determination" of continued use, were not followed.

Allegation II

Allegation II concerns whether the FBI warned informants that they were the targets of investigation or were about to be arrested or indicted.

Several allegations arose from affidavits by Stephen Flemmi dated April 27, 1997, and June 25, 1997, and from statements made by Francis Salemme's attorney. Suspicions of leaks and tipping abound during the time Bulger and Flemmi were informants. Many come from area law enforcement officials who believe that the FBI had granted Bulger and Flemmi favored status. These suspicions animated the bitter feelings some of them expressed toward the FBI. Also, during the last twenty years, the Confidential Informants and Cooperating Witnesses (CI/CW) in the Boston Division provided extensive information on law enforcement "leaks."

Ten specific allegations of FBI tipping/leaking were investigated and none could be substantiated. Although various persons were able to articulate suspicions, no one provided information containing sufficient specificity to resolve the allegations. For example, the allegation that four separate Title III's were compromised by FBI agents could not be substantiated by any direct evidence. Two of these allegedly compromised investigations -- a 1980 Massachusetts State Police (MSP) Lancaster Garage wire and a 1987 DEA wire -- did not

involve the FBI. According to informant files, the FBI learned of the 1980 wire from Bulger and Flemmi, who said they had learned of it from their sources in the MSP.

In 1984, fearing a possible leak, former OC Squad Supervisor James Ring walled off a Title III drug wire from the rest of the squad. During this inquiry, we noted two unusual situations with regard to how certain organized crime investigations were handled in the Boston Division. During the 1984-85 Bulger/Kaufman DEA wire, two agents from the Boston Division were selected to work that particular investigation separate from the FBI office. They were selected because they were new to the division and essentially had no contacts there. They were detailed to DEA, worked off-site, and were directed not to discuss this case with anyone in the Boston Division of the FBI. The second situation involved the manner in which the "Cleanshave" investigation was handled. This investigation targeted Bulger's extortionate activities, and was assigned to the Terrorism Squad as opposed to the OC Squad. Knowledge about the existence of the investigation was limited to a select few on that squad, and the investigation was walled off from the rest of the office. The Assistant Special Agent in Charge (ASAC) who directed both investigations noted that there had been so many reports of leaks and compromised investigations surrounding Bulger that he felt compelled to wall off the investigation. In light of allegations by local law enforcement that SA John Connolly was protecting Bulger because he was an informant, he wanted to keep those cases secret, even from Connolly.

Three allegations of leaks -- a 1990 MSP wire targeting LCN, a 1991 MSP wire targeting bookmakers, and a 1990 DEA wire -- were that specific FBI Agents tipped off subjects. There was no evidence developed during the investigation to substantiate the allegations. Each of the three Agents involved were interviewed and emphatically denied the allegations. No other investigative avenues are apparent.

In reviewing the CI/CW files, it is apparent that several FBI informants had their own network of sources in local, state and federal law enforcement. In addition, there were several investigations into law enforcement leaks: a "leaker" in the MSP, as well as one in the USAO, were dismissed and prosecuted; two FBI support employees strongly suspected of leaking were dismissed. In 1988, SSA Morris was suspended for 14 days after leaking information to the media regarding Bulger's CI status. SA Connolly received a letter of censure for encouraging SSA Morris to contact the news reporter and "set him straight."

Without the cooperation of the defendants, Connolly or Morris, no additional investigation can be conducted to resolve most of the leak allegations.

In addition, we attempted to determine whether current or former informants were warned of impending indictments and, thereby, afforded the opportunity to flee. Flemmi alleged in an affidavit that he received warning before his 1995 indictment. No evidence has emerged to resolve this allegation. It is noted that he was arrested on the day of the indictment. Flemmi declined to provide further specific information, and those persons we have interviewed all denied giving the warning. In the absence of a full interview with Morris or Connolly, or further information from Flemmi, no further leads are apparent.

Flemmi also asserted that Angelo "Sonny" Mercurio, a former informant, was warned about his 1989 indictment. Mercurio's primary handler, John Connolly, declined a full interview. We did interview Connolly's supervisor at the time, former SSA James Ring, who made several of the last entries in Mercurio's informant files. Ring denied warning Mercurio and asserted that the FBI made extensive efforts to find and apprehend Mercurio when he fled. We have reviewed numerous documents in the informant files. Collectively, these documents suggest that on the day before the indictments were returned, Ring 1) inquired about the whereabouts of Mercurio's LCN associates, persons the FBI knew that Mercurio believed would soon be indicted with him; and 2) may have advised Mercurio to have no further contacts with the FBI except to report a "threat to life or physical well being," or "corruption of the judicial process." Ring maintains that the advice on further contacts occurred months earlier and that his questions about locations of Mercurio's LCN associates were too ambiguous to convey a warning. We have not found evidence of an explicit warning that the indictments would be returned the next day. We are unable to resolve at this time what may be a variance between Ring's stated recollection and the objective facts as set forth in documents created at the time. No further leads are apparent, and Mercurio is not at this time available for an interview.

Allegation III

Allegation III concerns whether current or former SAs received benefits from current or former informants or otherwise engaged in inappropriate relationships with current or former informants.

Numerous interviews, including several of significant former FBI sources, and reviews of investigative files and other documentary evidence were conducted in the course of investigating this allegation. We asked every person interviewed whether or not he or she had any information regarding the allegations.

This investigation has revealed two individuals who have confirmed that at least two Agents received gifts from

informants. One is a former SA, who was himself the recipient of gifts, and the other is the ex-wife of a former SSA, who reported that her former husband received gifts.

Retired SA Nicholas Gianturco advised that he received gifts from informants Bulger and Flemmi on several occasions. These gifts included a black briefcase, a model boat and truck, a Lladro statue and a bottle of cognac. Gianturco advised that the informants' handler, former SA John Connolly, acted as the conduit for these gifts. Gianturco does not recall receiving any gifts after Connolly retired; nor did he receive any more gifts directly from Bulger or Flemmi.

Ms. Rebecca Morris (ex-wife of John Morris) advised interviewing agents that Morris told her that he once received a silver ice bucket and a case of wine as Christmas gifts from Bulger and Flemmi. These gifts were also delivered by Connolly.

John Morris (former SSA) has refused to be interviewed, and only a limited interview was conducted with John Connolly. The Connolly interview concluded before any matters of substance could be discussed.

Three individuals interviewed advised that Bulger and Flemmi were either entertained or debriefed in their homes. SA John Newton, former SA Nicholas Gianturco and Ms. Rebecca Morris, have each acknowledged having them in their homes for entertaining or debriefings. After Connolly was ordered by his supervisor to conduct no further meetings with them at his own home, SA Newton allowed Connolly to use his apartment to debrief Bulger and Flemmi on four or five occasions in the mid-1980's. Newton was generally not present when these debriefings occurred and received nothing in exchange for the use of his apartment. Former SA Gianturco had Bulger and Flemmi as dinner guests in his home on five to seven occasions. Several different agents, including a supervisor, were also guests at these dinners. Ms. Morris advised that Flemmi was a guest in her home on two occasions.

Former SA Richard Baker admitted purchasing liquor for two FBI-sponsored Christmas parties from the South Boston Liquor Mart, a business in which Bulger was known to have an interest. Baker stated that he knew, at the time he purchased the liquor, that Bulger was an FBI informant. In fact, this purchase was revealed when a state law enforcement search warrant was executed and a note with Baker's name and the notation "Friend of John Connolly" was discovered. The Suffolk County assistant district attorney who reported the information to the FBI asserted that the purchase was made at a significant discount. Baker stated that, contrary to the allegation, he did not receive any special treatment in the purchase of the liquor. We are unable at this time to resolve the valuation issue.

Inasmuch as John Morris appears to have been a recipient of gifts from Bulger and Flemmi when he was Connolly's supervisor, he clearly abdicated his responsibility to address such transgressions. Former SA Gianturco also received gifts from Bulger and Flemmi. Both did so in violation of FBI policy. The policy of the FBI is clear on this issue: the MIOG states, "Agents are not to accept gifts from informants."

It was established that Connolly, on one occasion in 1985, tried (without success) to persuade a police officer to quash a subpoena. The subpoena was issued for an associate of Bulger for testimony in a homicide investigation. This Bulger associate (Kevin O'Neil) is the same person who sold liquor to Richard Baker. Since this allegation did not surface until after Connolly's retirement, no action was taken.

Despite the admissions noted above, we have not developed evidence that the gifts received by agents represented a quid pro quo. It has not been determined what, other than small reciprocal gifts, was provided to the informants in exchange for their gifts. Lacking the cooperation of the agents, the question regarding any additional benefits received by Bulger and Flemmi cannot be answered completely.

The second part of the allegation involved the issue of "inappropriate relationships" with current or former informants. This allegation was not as easy to resolve because doing so required a consensus on the definition of "inappropriate relationships." Entertaining or debriefing informants in the homes of agents would be judged by many to be completely inappropriate. The violent character and mercurial nature of some informants would prohibit most agents from having informants in their homes as guests. However, there exists no express prohibition against doing so. Furthermore, not all informants are violent or otherwise undesirable characters. It is conceivable that an informant could have been known to an agent in a completely different capacity that predated the informant relationship, such that entertainment of the informant in the home might not be inappropriate.

Allegation IV

Allegation IV concerns whether or not FBI agents and AUSAs were deceptive in court filings, primarily in connection with three Title IIIs: the 1984-1985 Bulger/Kaufman DEA wire, the 1989 LCN induction ceremony, and the 1991 Hilton Hotel wire. These allegations are relevant to hearings the court will be conducting concerning the use of wiretap evidence.

After a thorough review of available documentation and interviews with the affiants and virtually all the key SAs, managers, and AUSAs involved, no intentional misrepresentations

were found. These matters will be litigated in pre-trial proceedings in United States v. Salemme.

Judge Wolf has raised the issue that the Government may have attempted to mislead the issuing judge by failing to disclose that one of the targets of the 1984-85 DEA Title III was also an informant. If disclosed, the issuing judge could have assessed whether there was a less intrusive method of obtaining the evidence. We do not purport to analyze whether such disclosure was required under the applicable law.

The DEA Title III targeted Bulger, Flemmi, and others. Based upon the investigation completed to date, we conclude that the DEA Agents and AUSAs involved with this wire were not formally aware -- as opposed to strongly suspicious -- that Bulger and Flemmi were FBI informants. It is possible that another individual in the USAO, who had no involvement in the preparation of the Title III application, had learned of Flemmi's and Bulger's status prior to the application. The Title III appears to have been a legitimate attempt to obtain evidence against these individuals, and Bulger and Flemmi were not being operated as informants in connection with the investigation. In fact, as is noted above in the Allegation II summary, their handler was walled off from this investigation.

The affidavit submitted in support of the application was solely the work of DEA, and no FBI source information was utilized. Two FBI SAs were assigned to the Title III during the initial period of authorization. These Agents were newly assigned to the Boston Division and had no knowledge of any relationship between the FBI and Bulger and Flemmi. Although there were numerous rumors regarding some type of relationship between the FBI and Flemmi and Bulger, it does not appear that DEA or the USAO was formally advised on any relationship.

The issue raised in connection with the 1989 34 Guild Street Title III is whether the FBI and prosecutors knew the location of the LCN induction ceremony before obtaining authorization for a roving Title III. Based upon investigation completed to date, it appears that the specific source information regarding 34 Guild Street was not obtained until after the authorization was obtained on Friday evening, October 27, 1989, and that the decision to enter the residence was not made until the following day, Saturday, October 28, 1989. The confidential source who alerted the FBI to the Guild Street location is currently unavailable for an interview. Previously, he has provided statements consistent with those of the agents and prosecutors regarding when the information was obtained.

Judge Wolf and the defense have cited an October 25, 1989, Airtel containing the following language as an indication

that the FBI knew the location of the ceremony on Wednesday, and not Friday as asserted by the Government:

> [S]uch authorization will also help to protect the identity of any confidential sources, who otherwise might be revealed if singular information (in this case, the location of sensitive LCN meeting) provided by the source was incorporated into the affidavit of a traditional Title III application.

The Airtel in question was drafted by SA Robert Walther, who also authorized its dissemination in his capacity as relief supervisor. Walther had little recollection of the Airtel but advised that he did not know the location of the ceremony on Wednesday, October 25, 1989. Walther surmised that he included the above language to show another benefit of the roving Title III technique. He believes it was intended to be generic and not specific to the Guild Street Title III. In any event, we have developed no evidence that any participant in the preparation of the Title III application ever saw the Airtel.

It has also been determined that, contrary to the affidavit submitted by Flemmi, the FBI did not facilitate the furlough of Vinnie Federico. Federico enjoyed many prison furloughs, and the FBI merely inquired whether this furlough would be granted. The furlough application listed the address at which the induction ceremony ultimately was recorded.

The allegation regarding the 1991 Hilton Title III also relates to whether the Government knew the location prior to obtaining authorization for a roving Title III. There is no indication that the FBI knew of the location of the meeting prior to the authorization being obtained. The location was determined through surveillance of the target that was conducted after he landed at Logan Airport. There is also no indication that the FBI had any contact with management personnel at the Hilton at any time in connection with the interception, as has been intimated by the Salemme defense. Finally, there is no indication that any FBI agent or AUSA had any knowledge of any relationship between the targets of the Title III and the FBI.

F. ANALYSIS OF THE ALLEGATIONS

I. That FBI Agents improperly authorized informants to commit criminal acts.

A total of 35 former/current managers assigned to the Boston Division were interviewed. Among the managers were those who could have authorized informants to participate in criminal activity, including Special Agents in Charge (SAC), ASAC and Squad Supervisors covering the years 1970 to present. All 35

managers stated emphatically that they never gave improper authorization for any informant to commit criminal acts. Furthermore, they never authorized Bulger or Flemmi to participate in criminal activity. The FBI MIOG advises that only a manager can give authorization for an informant to commit criminal acts.

We examined the Bulger and Flemmi informant files. The files contained no documented written authorization to engage in criminal activity. We noted in reviewing several other informant control files that the procedures for authorizing criminal activity and documenting the authorization were followed for these other informants. These authorizations went from the field supervisor through the appropriate ASAC and were documented as approved by the division.

The review of informant files reflected the general policy of Agents yearly placing into the informant file a certification that the informant was advised of the Attorney General Guidelines. These guidelines reflect the informant's relationship with the FBI and state that the informants are not protected from prosecution for any violation of federal, state or local law, except where the informant's activity is approved by the supervisor or SAC. The Bulger and Flemmi files contain numerous Attorney General Guidelines certifications.

We also looked for instances in which Bulger and Flemmi were under investigation by a law enforcement agency and in which the USAO or DOJ exercised prosecutorial discretion in their favor due to the value of information provided by Bulger and Flemmi. There is no evidence that prosecutorial discretion was exercised on behalf of Bulger and/or Flemmi.

Cooperation of the defendants, and former agents Morris and Connolly, is imperative to resolve many of the authorization allegations. Morris has refused to be interviewed and Connolly gave a very limited interview through his attorney.

Within this general allegation, the following specific allegations were addressed:

1. That the Boston Division failed to comply with DOJ/FBI regulations or guidelines regarding unauthorized criminal conduct by Stephen Joseph Flemmi and James "Whitey" Bulger.

Informant History

James "Whitey" Bulger

Date opened:	May 13, 1971
Handling Agent:	SA Dennis Condon

Closed:	September 10, 1971 - due to "unproductivity"
Date reopened:	September 18, 1975
Handling Agent:	SA John Connolly
Closed:	January 27, 1978 - due to "legal problems" noted subject of an FBI Rico investigation
Date reopened:	May 11, 1979
Handling Agent:	SA John Connolly Rico matter resolved - no prosecutable case against source
Date:	October 7, 1979 Memo to file notes SSA John Morris as Alternate Handling Agent
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent"

Bulger was advised of the Attorney General Guidelines on seven occasions, between November 23, 1982 - October 11, 1989.

Stephen Joseph Flemmi

Targeted dates November 1964 - November 1965

Date opened:	November 10, 1965
Handling Agent:	SA Paul Rico
Date:	February 14, 1967 Approved a TE source
Closed:	September 15, 1969 - Document from Boston to FBIHQ September 15, 1969, "In view of the fact that this informant was indicted for murder on September 11, 1969, by a Suffolk County Grand Jury and a federal warrant has been issued for his arrest, UFAP - Murder, this informant's emotional stability can no longer be justified and he is being closed."
Date reopened:	September 12, 1980
Handling Agent:	SA John Connolly - Boston document to FBIHQ

Closed:	September 23, 1982 - Document from SA Connolly to SAC Boston, "Captioned matter was placed in closed status in that captioned subject was under investigation (Flemmi) in two separate investigations." "Wheeler and Callahan murders."
Reopened:	July 10, 1986
Handling Agent:	SA John Connolly
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent."

Flemmi was advised of the Attorney General Guidelines on four occasions between October 16, 1986 - November 17, 1989. The relevant Attorney General Guidelines were established on December 2, 1980. Section E of the guidelines requires that informants receive instruction that he/she is not protected from prosecution. Section F details procedures for authorizing informants to engage in criminal activity based on written findings. The FBI manual provisions set forth below effectuate the Attorney General Guidelines.

The following excerpts from the FBI MIOG Section 137-5, effective as of January 12, 1981, are related to "Informant Participation in Authorized and Unauthorized Criminal Activity."

GUIDELINES GOVERNING PARTICIPATION IN AUTHORIZED CRIMINAL ACTIVITY

1. An informant may not be authorized to engage in any activity that would constitute a crime under state or federal law, if engaged in by a private person acting without the authorization or approval of an appropriate FBI and United States Attorney's Office representative, except as authorized...

2. Participation by an informant in authorized extraordinary criminal activity may only be made by the SAC, or in the SAC's absence, the ASAC after a consultation with the approval of the United States Attorney...Extraordinary criminal activity is defined as that activity which may involve a significant risk of violence, corrupt actions

by high public officials, or severe financial loss to any victim . . . .

3. Approval for participation by an informant in authorized criminal activities of an ordinary nature . . . requires authorization at the ASAC level or above. Participation in the purchase of stolen goods or contraband can be authorized at the level of the Field Supervisor or above . . . . The authorizing official must make a written finding in advance of any such activity . . . . In emergency situations, the ASAC or the appropriate Supervisory Special Agent may verbally authorize the activity and immediately thereafter document that authorization . . . .

INFORMANT PARTICIPATION IN UNAUTHORIZED CRIMINAL ACTIVITY

1. While carrying out an FBI assignment, an informant or confidential source bears a unique relationship with the FBI; therefore, his/her participation in any unauthorized activity in connection with an FBI assignment, even of a minor character, must be carefully scrutinized. Hence, whenever it is determined that an informant or confidential source has participated in criminal activity which was not authorized . . . the field supervisor will ensure that the appropriate law enforcement or prosecutive authorities are advised of any violations of law and make a written determination of whether continued use of the informant is justified.

2. Whenever a field office learns of the commission of an unauthorized criminal act by an informant or confidential source, FBIHQ must be notified immediately . . . .

3. A field office must notify FBIHQ whenever it learns of participation by an informant or a confidential source in an act of violence, even when appropriate state or local law enforcement or prosecutive authorities have been notified . . . .

There have been revisions in the MIOG during the reporting period 1977 to present. However, the guidelines are consistent to the extent that when an informant participates in

unauthorized criminal activity, the supervisor must "make a written determination of whether continued use of the informant is justified." (MIOG 137-5.2). Prior to any criminal activity of an informant a "determination of participation by an informant in criminal activities requires a written finding by the field supervisor." (MIOG 137-4). Proper authorization must be obtained. "In emergency situations the field supervisor may verbally authorize the activity and immediately thereafter document the decision in the informant's main file."

The Bulger and Flemmi informant files reflect that these sources were part of a criminal family and were recruited by the FBI because of their affiliations. Both informants were categorized as "Top Echelon" (TE), encompassing "those informants providing information concerning [redacted]

Former OC Supervisor James Ring (1983 - 1989) advised that he had no knowledge of any authorizations for these informants to conduct criminal activities. Ring recalled that he once asked retired SSA Morris about obtaining such authorizations. Morris told Ring it was not worth the trouble, so he (Morris) did not do it. Ring stated that he therefore made a decision not to seek authorization for these informants.

In the early 1980's, the Boston Division separated the OC squads. The traditional OC squad (C-3) handled LCN matters and the non-traditional Squad (C-2) investigated motorcycle gangs, Irish gangs, and Asian gangs. Although they were leaders in the Winter Hill Gang, known colloquially as "the Irish mob," Bulger and Flemmi were not specifically targeted by either C-2 or C-3 while they were informants. In the mid 1980's, these squads merged to form Squad C-3. All OC matters are currently handled by Squad C-3.

We reviewed substantive files referencing sources reporting on Bulger and Flemmi to determine if other sources of information were reporting on their criminal activity. The purpose of this search was to determine whether that information triggered a written finding by the Boston FBI office, evaluating the continued use of the informants. This source reporting covers over 25 years of investigative effort (1970-1997). A total of 157 separate reports were provided by 49 separate informants. Eighty-four of these reports reflected some degree of criminal activity by Bulger and Flemmi. These activities include their involvement in bookmaking, gambling, and loan sharking. There were 39 reports between 1981 and 1990, and 24 references to separate criminal acts. Thirteen of those are of a violent nature (for example, extorting rent from bookmaking, gambling, and drug activity) and four of those relate to murder. Although the accuracy of the reports could not be determined, and

it is unclear in some instances whether they are derived from first-hand knowledge or rumor, it is virtually certain Bulger's and Flemmi's handler and/or the handler's supervisors were aware of some of the reports. Although there is no specific record that they did, much of the information was sent to OC control files which should have been read by the OC supervisor. Further, the information involving Bulger and Flemmi could have been located through an indices search. In fact, SSA Ring stated he "assumed Bulger and Flemmi were involved daily in illegal conduct," but Ring only wanted to know when they had been arrested.

More problematic are the 20 instances of self-reporting by Bulger and Flemmi between 1980 and 1989, all indicating involvement, with varying degrees of specificity, in criminal activity. There were also four instances of Mercurio's self-reporting. The crimes referred to were loan sharking, gambling, and bookmaking. In these cases, the handler was obviously aware of the illegal conduct (Connolly was the handler for all three) and there was little need to do a credibility assessment. This information should have triggered the required status review.

On only two occasions was Flemmi closed as a result of his criminal activity: 1969 through 1980 after he was indicted for attempted murder (acquitted) and 1982 through 1986 while under investigation for another murder (unresolved). Even then, Flemmi continued to provide information; the informant file recites as a reason his constant association with Bulger. Bulger, who was suspected in the same murder, was not closed during this period. On one occasion Bulger was closed: 1978 through 1979, when he was the subject of an FBI Racketeering Influenced and Corrupt Organization (RICO) investigation (case closed). On one occasion, in 1984, when Bulger and Flemmi became targets of a DEA investigation, a written determination was made to keep Bulger open, and FBIHQ was notified. There is also a justification memo in Bulger's file dated December 2, 1980, by handling agent Connolly for maintaining a relationship with Bulger. Otherwise, the Bureau policy in effect since 1981 requiring notification of appropriate authorities and a written determination regarding the informant's continued use was not followed.

2. Non-authorized criminal activity by Bulger or Flemmi reported by FBI Boston sources was not properly disseminated and/or acted upon.

As discussed above, based on an indices search, criminal investigative substantive files that contained source information regarding criminal activity of Bulger or Flemmi were identified. Forty-nine individual sources were found that provided this type of information during the period 1970 through the present. These criminal case files reflect that the

information that was provided during the past 27 years ranges from general intelligence and historical data to informant information linking Bulger and Flemmi to murder. Fifty percent of the information provided was before 1990.

All the above informant information that was reviewed had been put into indices. This information had been disseminated to substantive files depending upon the type of violation. For example, specific gambling information went to an independent file if attributed to an active investigation. General information provided by a source would be disseminated into a control or "zero" file. There is no information directed to Bulger or Flemmi's informant file, and it could not be ascertained whether during the time Bulger and Flemmi were open as informants any of this information was acted on.

Although information was placed into files, the handling agent, management, and others may not have received this separate source information. Even with the current Automated Case Support (ACS) system, the "silent hit" feature has not improved dissemination because it responds only to inquiries, not indexing.

As previously discussed, however, with self-reporting by Bulger and Flemmi, or with other informants reporting on Bulger and Flemmi and handled by the same squad or handler, it is almost unavoidable that there was an awareness that there was informant information implicating Bulger and Flemmi in criminal activity. We believe there should have been "written determination(s) of whether continued use of the informant is justified," MIOG (137-5), based on the information reported by other informants concerning Bulger and Flemmi. This was not done by the management of the Boston Division.

We conducted informant file reviews of other informants. The Angelo Mercurio file reflects information regarding gambling and loan sharking by Bulger and Flemmi received on October 17, 1987. SA John Connolly, the handling agent for Mercurio, Bulger, and Flemmi, received this information; however, he did not disseminate it until May 2, 1988. Other inserts in the Mercurio file reflect the gambling activity of Bulger or Flemmi. SA Connolly disseminated this information on a more timely basis to the organized crime control file or to a substantive case file but did not initiate the required status review based on reports of criminal activity by Bulger and Flemmi.

3. Stephen Flemmi alleged in his June 25, 1997 affidavit that Supervisor John Morris (retired) told Bulger and Flemmi that they could do anything they wanted as long as they did not "clip anyone." Flemmi indicated that this conversation took place at Morris's residence.

We have confirmed that Morris met with Bulger and Flemmi at Morris's residence. At a dinner meeting in the mid-1980's, Bulger, Flemmi, Connolly, Morris, and Dennis Condon (retired Agent and Undersecretary at the Department of Public Safety (DPS) for Massachusetts) were present. Morris's ex-wife and Mr. Condon confirm this meeting. Condon reports that the meeting occurred in 1985.

We have not ascertained why Morris or Connolly invited Condon, a non-FBI employee at the time, to this meeting. Condon targeted Bulger as an informant in 1971. In initially opening an informant, indices searches are conducted, criminal history is obtained, and other administrative checks are made, sometimes in advance of direct contact. Condon opened Bulger as an informant briefly in 1971, but he closed him within four months. Condon stated when interviewed that he did not believe he had ever spoken with Bulger as an FBI employee. At the time of the meeting, Condon had served for three years as DPS Commissioner, which is also Commissioner of the Massachusetts State Police. Because of health problems, Condon left DPS for three years, returning in 1983 to the higher organizational position of DPS Undersecretary. Condon recalled being invited to the meeting through a telephone call at his office. Therefore, he probably had returned to DPS by the time of the meeting. It is noteworthy that MSP was actively investigating Bulger and Flemmi during this period. When interviewed, Condon denied discussing business during the meeting.

In April 1997, Connolly telephoned Condon and purported to refresh his memory of this meeting. Condon says that Connolly asked him if he recalled the time Morris was drunk and told Bulger and Flemmi that they could do anything they wanted except commit murder. Flemmi filed his affidavit making this claim (omitting the assertion that Morris was drunk) on June 25, 1997. Condon advised that this statement was not made in his presence and that Morris was not inebriated when Condon left the meeting. Morris's ex-wife said that Morris was always in "self-control" and was a moderate wine drinker.

Special Agent John Newton advised that several months ago, Connolly discussed with him a newspaper article reporting Flemmi's allegation that Morris told him (Flemmi) he could do anything short of "clipping" someone. SA Newton says that Connolly told him that he (Connolly) was of the opinion that John Morris made this statement to Flemmi.

Connolly gave a limited interview and attorney proffer of information. His attorney stated that around 1981 or 1982, Connolly was at a meeting attended by Condon, Morris, Flemmi, and James Bulger. The attorney further stated that Morris told both Flemmi and Bulger that as long as they restricted their

activities to the gambling business, they could continue doing what they were doing.

All leads have been exhausted at this time. Detailed interviews with Morris, Connolly, and defendants are needed to resolve these issues. Further information may emerge at court hearings or as part of defendants' motions.

4. Stephen Flemmi alleged in his June 25, 1997 affidavit, "On several occasions in the course of similar conversations, Mr. Bulger and I were assured that we could be involved in any criminal activities short of committing murder and we would be 'protected.' I operated on this express agreement with the FBI."

It is not clear from this general allegation when or where the conversations occurred or who assured Flemmi and Bulger that they would be protected and could be involved in any criminal activities short of committing murder.

We determined through interviews and file reviews that many meetings of a mixed business and social nature involving Special Agents and Bulger and Flemmi took place in the 1980's. Nicholas Gianturco (retired) advised that he had Bulger, Flemmi, Connolly (retired) and others at his residence for dinner five to seven times. John Morris was not at these gatherings. Connolly and Newton also utilized their personal residences for meetings with these sources.

The following agents who attended any of the above gatherings responded in the negative when asked if they ever heard a conversation that would lead them to believe that Bulger or Flemmi were told they could "be involved in any criminal activity short of committing murder and . . . would be 'protected'": Michael Buckley, Nicholas Gianturco (retired), John Newton, Joe Pistone (retired), and Condon.

No express authorizations to commit criminal activity were reflected in either Bulger's or Flemmi's informant file. Neither Flemmi nor Bulger were ever officially authorized by the SAC; nor were any documents or memoranda requesting authorization for criminal activity located in the informant files. Bulger's informant file reflects that Connolly advised Bulger of the Attorney General's Guidelines on seven occasions, and Stephen Flemmi was advised of the Attorney General's Guidelines on four occasions.

These guidelines and instructions to be discussed with informants are found in the following excerpts from MIOG 137-6, page 25:

> The following matters must be made clear to the informant at the earliest opportunity but in

no event later than the second contact after being converted. These admonishments must be reiterated at least annually or at any time there is an indication that there is a need. The fact that the informant has been so advised or readvised must be documented in his/her file. The admonishments are as follows:

a. Assistance voluntary.
b. Not an FBI employee or an undercover Agent.
c. Confidentiality.
d. Report positive information.
e. FBI's jurisdiction.
f. Acts of violence - informants will not participate in acts of violence. When asked to participate in an act of violence or when an informant learns of plans to commit an act of violence, the informant is to take all reasonable measures to discourage the violence, and report the incident to his/her handling Agent at their earliest opportunity.
g. Use of unlawful techniques.
h. Informants will not initiate a plan to commit criminal acts.
i. Informants will not participate in criminal activities unless specifically authorized by the FBI.

All leads have been exhausted. Detailed interviews with Morris, Connolly and defendants are needed to resolve these issues. Further information may emerge at court hearings or as part of defendants' motions.

5. Hugh Shields, a convicted felon, recently alleged that in 1973 two Boston FBI Agents offered to procure a machine gun and keys to the Angiulo business office for the purpose of Shields making a "hit" (killing) on the Angiulo Family. Shields recently identified the Agents as SA Dennis Condon (retired) and SA Bob Sheehan (deceased).

SA Condon (retired) was interviewed on July 18, 1997. Mr. Condon advised that he arrested Shields on an Unlawful Flight to Avoid Prosecution murder warrant in the late 1960's. Both Agents made attempts to develop Shields as a witness.

Mr. Condon characterized the statements made by Shields as "totally absurd" and emphatically stated that this event described by Shields never occurred.

6. That FBI informant Angelo Mercurio set up the "hit" of Francis P. Salemme on June 16, 1989.

On page 22 of an affidavit for a surveillance order dated October 27, 1989, a source not indicted in the Salemme case provided information which indicates "that Raymond Patriarca had learned that Salemme was scheduled to meet with Capo Vincent Ferrara and some of his people and that the meeting where the shooting occurred had been set up by LCN member Angelo 'Sonny' Mercurio." Angelo Mercurio was opened as an informant on December 2, 1987 and closed on November 17, 1989.

On June 16, 1989, FBI investigated a matter involving the attempted murder of Francis P. Salemme in Saugus, Massachusetts. There have been no charges, either local or federal, filed against any of the individuals alleged in this attempt. The investigative file on the case notes in a memo dated July 6, 1990, "The Boston faction of the Patriarca Family consisting of capos Vincent Ferrara, Joseph Russo, Robert Carrozza, and soldier Angelo Mercurio resented having to communicate with Patriarca through Salemme."

Mercurio's informant file contains source reports of constant unrest between New England-area LCN groups during the time of the attempted murder. Mercurio provides information reflecting this friction on inserts dated May 26, 1989, June 6, 1989, June 30, 1989, July 26, 1989, and others.

Former SSA Ring advised he was contacted on June 17, 1989 and advised of the shooting. Ring discussed with Connolly what Mercurio told the FBI before the attempted murder of Salemme. Connolly responded "nothing." When interviewed, Ring stated that he believed at the time that Mercurio had been involved in the attempt on Salemme's life. In addition, the FBI received source information indicating that Mercurio was involved. Nevertheless, Ring did not direct closure of Mercurio as a source at that time; nor do the informant files reflect any formal assessment that Mercurio should have remained open.

Ring stated when interviewed that he decided Mercurio would be treated as a "passive" informant. That is, the FBI would receive whatever information Mercurio provided but would not initiate contact. This arrangement, Ring reasoned, would permit the FBI to monitor a volatile and violent situation within LCN.

Mercurio's informant file reviews indicate that numerous contacts occurred after June 17, 1989. We cannot determine whether Mercurio initiated all of these. Given Mercurio's central role in providing the information for the October 1989 roving Title III application, it seems unlikely that the FBI did not initiate some of these contacts. We cannot determine within the scope of this limited inquiry whether or not Mercurio was in fact complicit in setting up the hit on Salemme.

Ring did not advise FBIHQ that Mercurio was possibly involved in a violent act; nor was there any "written determination" evaluating continued use. If FBI procedure had been appropriately followed, a written determination of Mercurio's suitability should have been made and documented.

7. Bulger and Flemmi were operated as informants after being closed December 3, 1990.

There is no documentation contained in the informant files which demonstrates that either Bulger or Flemmi was contacted by any employee of the FBI post-closure. There was no information developed during this investigation which substantiated that Flemmi was in contact with any FBI employee or acted in the capacity of an informant after he was closed on December 3, 1990. The limited interview with Connolly and his attorney failed to develop any information that revealed that other agents of the FBI continued to use Flemmi or Bulger as informants after they were both closed in 1990. Flemmi declined through counsel to cooperate with our investigation. Other defense counsel in the Salemme matter failed to provide specific and credible support for this claim.[1]

We examined whether Serial 102 of Flemmi's informant file, which makes reference to the Boston Division's request to enhance Flemmi's payment authority, is proof that the FBI continued to deal with Flemmi after he was closed on December 3, 1990. A review of the information available with regard to that request, reflects that the Boston Division was merely requesting payment authority beyond the $400 case authority maintained for Flemmi at the time he was closed December 3, 1990. A request for reimbursement of expenses was submitted by John Connolly prior to Flemmi being closed and John Connolly retiring. Records on file in the Boston Division establish that an expense of $162.00 [for room rental and meals] was incurred by John Connolly on April 11, 1990, submitted for reimbursement on August 21, 1990, vouchered April 1, 1991, and paid to Connolly April 1, 1991 [Connolly retired November 31, 1990]. The expense was to be split between the case authorities of both Bulger and Flemmi. The records reflect that when the expense was submitted for payment, a balance of the recorded $400 case authority for Flemmi was noted at $12.34. The teletype to FBIHQ [Serial 101] was thereafter sent, requesting the $5,000 case authority, which was the standard increment authorized, in order to pay the outstanding bill of $81.00.

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[1]On August 13, 1997, Flemmi's attorney made oral representations to the Court regarding Flemmi's alleged post-1990 informant relationship with the FBI. These representations came too late to be investigated and analyzed for this interim report, which was finalized on August 14, 1997.

When FBIHQ advised the Boston Division in a responding teletype [Serial 102] that the case authority for Flemmi at the time he was closed was $1,700, Boston paid the $81.00 from the Flemmi case authority [$12.36 balance added to the $68.66 from the increased case authority] and $81.00 from the Bulger case authority, and issued a check to John Connolly for the amount of $162.00 on April 1, 1991. Supporting documents itemizing the expenses were copied and attached to this report.

A review of the financial records maintained by the Boston Division disclosed no other payments for services or expenses arising out of an FBI relationship with either Flemmi or Bulger after 1990. The last expenses noted for either informant were the items referred to above.

Bulger has been a fugitive since 1995. An active fugitive investigation aimed at locating and apprehending him is ongoing in Boston. During a limited interview with Connolly on August 6, 1997, Connolly stated that after his retirement on November 30, 1990, he was in contact with Bulger on two occasions and Flemmi on one occasion. Connolly advised he spoke briefly to Bulger in 1991 after encountering Bulger on the street. The second instance Connolly dealt with Bulger was in late 1993 or early 1994, after hearing from Vinnie Ferrara's cousin that Frank Salemme intended to "whack" him (Connolly). Connolly met with Bulger and Flemmi about this threat; however, both individuals stated that it was nonsense and that they would have contacted both Connolly and the FBI if the threat was genuine. Connolly was unaware of any other Agents of the FBI who were dealing with these individuals.

It has been alleged that Flemmi was used to obtain a telephone number for a 1993 Title III for Salemme's residence. It was determined that the telephone number for Salemme's residence was provided by another informant, not Flemmi. A review of this other informant's file revealed in Serials six, eight and ten, that the informant provided the telephone number for Salemme's residence in West Roxbury, Massachusetts, as well as the telephone numbers for Salemme's club. There is no documentation in Flemmi's file that reflects any information about providing a telephone number for Salemme's residence.

According to the Boston Division, there were two Title IIIs targeting Salemme. One was a roving Title III and the other targeted his home telephone number.

8. Boston FBI was aware that Bulger and Flemmi were engaged in murder, according to overhears on the Angiulo Title III in 1981.

Former SSA Edward Quinn (retired) was the case Agent and affiant on the Angiulo family Title III in 1981, which targeted Angiulo's headquarters at 98 Prince Street. Quinn

recalled a conversation between LCN members Ilario Zannino and Ralph Lamattina discussing an individual named Jerry Matricia. Lamattina stated, "I know if Stevie or Whitey sees him" and Zannino interjected, "They're going to hit him." Quinn stated that Matricia had stolen $50,000 from the Winter Hill Gang in a racing scam. Quinn said the conversation was about what Bulger and Flemmi might do to Matricia in view of the fact Matricia had stolen money from them. Quinn never believed Matricia was in danger and no consideration was given to warning him. Matricia was never harmed and later became a prosecution witness.

Quinn recalled a conversation on the Angiulo Title III when LCN Underboss Gennaro Angiulo told an unknown male about a conversation that he had with Zannino about a debt owed by Bulger and Flemmi. Angiulo recalled Zannino saying, "I'll tell you right now, if I called these guys right now they would kill any fucking body we tell them to." Quinn believed this was a boast by Zannino that he had the loyalty of both Bulger and Flemmi. He said there was never any evidence obtained on the Title III that Bulger or Flemmi ever committed murder for the Angiulos.

Quinn stated there was never any murder plot discussed, and he evaluated the two conversations by Zannino, who often talked in threatening tones toward other LCN members, as being without substance.

II. That FBI Agents warned informants that they were the targets of investigation or were about to be arrested or indicted.

We examined allegations that FBI agents "tipped" informants that they were the subjects of Title III surveillance or that they were about to be indicted. These tips allegedly compromised ongoing investigations and allowed the informants to flee prior to arrest.

The allegations have emerged in court filings and statements by defendants and their attorneys in U.S. v. Salemme. Additional allegations were developed from interviews of local, state and federal law enforcement. We also examined CI/CW files for reports by informants concerning law enforcement leaks.

By memorandum and order dated May 22, 1997, Judge Wolf found that the defendants had provided substantial evidence that Angelo Mercurio was allowed to flee in 1990. In addition to Flemmi's allegation that Mercurio was "tipped," Salemme's defense attorney alleged to AUSA Fred Wyshak in May of 1997 1) that the control agents for Bulger and Flemmi routinely provided them with information about locations and individuals to be avoided; 2) that Bulger and Flemmi were "tipped" about electronic surveillance so that they could avoid making incriminating statements that might be recorded; and 3) that Bulger and Flemmi

were advised about the identities of other informants so that they could avoid engaging in conversations with those individuals.

This investigation included the following four areas:

* Interviews of current and former FBI employees;
* Interviews within other law enforcement agencies;
* Review of Confidential Informant/Cooperating Witness files; and
* Review of related case files

Retired SAs John Connolly and John Morris, as well as defendant Stephen Flemmi, declined to be interviewed during this investigation. Bulger remains a fugitive.

Within this general allegation the following specific allegations were addressed:

DEFENDANT ALLEGATIONS:

1. On April 27, 1997, Stephen Flemmi swore to an affidavit in which he alleged 1) that Angelo Mercurio was given advance notice of his indictment and fled the jurisdiction; and 2) that, while in a fugitive status, Mercurio continued to report to FBI handlers in Boston until his 1995 arrest.

We found no indication that Mercurio continued to report to the FBI while a fugitive. Mercurio's handler states that he did not tip Mercurio to his 1989 indictment.

According to a memorandum in Mercurio's informant file, dated May 8, 1989, SSA Jim Ring and SA John Connolly (Mercurio's handler) met with Organized Crime Strike Force Chief Diane Kottmyer and the Boston Division Principal Legal Advisor Michael Callahan and decided that Mercurio should be closed as an informant prior to indictment so as not to infringe on the Sixth Amendment rights of the other defendants. Ring advised that Mercurio never reported on defense plans or strategy. While these discussions occurred in May, indictments did not occur until November 14, 1989.

According to the May 8 memorandum, Ring advised Mercurio on May 4, 1989 of the Government's responsibilities under the Sixth Amendment should he and his associates be indicted. Nothing in the memo indicates that Mercurio was, in fact, closed at that time. Nor is there any indication that Mercurio's contact with the FBI should have been more limited. Reported contact between the FBI and Mercurio occurred approximately 36 more times between May 4 and November 13. Ring advised that after the May 8 memo, he decided to keep Mercurio open until just prior to his indictment.

On November 17, 1989, a communication was sent from the Boston Division to FBIHQ stating that the Boston Division was closing contact with Mercurio effective November 13. The substantive informant file also reveals a November 13 contact. That report indicates that, on the day before the indictments, Ring obtained information about the whereabouts of Mercurio's LCN associates, persons the FBI knew that Mercurio believed would be indicted with him (They were.). The November 17 teletype states, "This informant has been instructed to initiate no further contact with the FBI unless A) There is a threat to life or physical well being; B) Information as to corruption of the judicial process. Any contact for these limited purposes will be with other than the primary contact or alternate contact agent." Although no prior entry in any document so reflects, Ring insists that the instructions set forth in the November 17 teletype limiting Mercurio's contact were given in May. However, the May 8 memo from Ring states only that he discussed Sixth Amendment issues with Mercurio on May 4. The May memo does recommend that Mercurio be given the closing instructions set forth in the November 17 teletype and states that the advice of the instruction would be memorialized in the informant file, followed by a confirming teletype to FBIHQ. No document yet identified provides evidence of that advice prior to November 13, the day before indictment. The informant file contains no such reference and we have not identified a confirming teletype.

Ring stated that Mercurio was not told he was being closed as a CI on November 13. Ring did not consider this contact with Mercurio to be a warning to Mercurio that he was going to be indicted. Ring stated that Mercurio was to be arrested in the same manner as the other subjects. Mercurio was not told to run or given any other information regarding his impending arrest.

A plausible reading of all the identified documents relating to Mercurio's closure as an informant suggests that he received closing instructions on November 13. The file indicates that he was asked on that date how persons he knew were about to be indicted could be found. We are unable to resolve what may be a variance between Ring's recollection and the files' contents. It is unclear whether, taken together, these discussions could have constituted a "warning" that indictment was imminent. We have <u>not</u> found evidence of an explicit warning. It is also clear that Mercurio knew that he would be indicted at some point.

Further leads are not apparent. Mercurio is unavailable at this time for an interview, and his handler, John Connolly granted only a limited interview. Thus, our analysis of this issue is at this time limited to Ring's recollection and a review of relevant documents.

On November 14, 1989, a fugitive investigation was initiated to locate Mercurio. Ring stated that there was a real effort to locate and apprehend Mercurio. SA Richard Carter was the case agent for the fugitive investigation. Neither Carter nor anyone else interviewed during this investigation had contact with Mercurio while he was a fugitive. During the fugitive investigation, 25 specific leads were sent and covered. These leads often generated numerous other leads in those particular divisions. Throughout this same time period, contacts were made with friends and family members in an attempt to locate Mercurio prior to his arrest in June of 1994.

2. On June 25, 1997, Stephen Flemmi executed a second affidavit in which he alleged that he was "specifically informed of the precise date that the indictment was to be returned" so that he could flee if he chose to do so.

Although no definitive conclusion can be reached as to whether Bulger and Flemmi were "tipped" about their upcoming indictment, we note that their files reflect that they claimed to have non-FBI sources for law enforcement information. Further, both Bulger's and Flemmi's actions imply that if, in fact, they did receive information about a proposed arrest, that information was not specific as to the exact date the arrest would occur.

An individual provided information that in January of 1995, Bulger overheard a radio broadcast that revealed that Stephen Flemmi was arrested and that Bulger had been indicted. Upon hearing the broadcast, Bulger immediately turned his vehicle around and headed to New York City. This individual advised that this was the first time Bulger had heard of the indictment. Prior to this, Bulger and this individual had been traveling throughout the United States using their true identities. This individual's information was subsequently corroborated with hotel receipts and travel records. Considering the close relationship between Bulger and Flemmi, it seems unlikely that Flemmi would be aware of the indictment and not reveal this information to Bulger. Information was also developed that Kevin Weeks was sitting in a bar and saw the initial arrests on television. According to that information, Weeks literally jumped out of the window of the bar to flee. Weeks was not named in the indictment, but was Bulger's right hand man. Flemmi was arrested on the day of the indictment, but he claimed that he was tipped about the indictment and just happened to be in town at that time.

SA Connolly gave a very limited interview and Flemmi refused a request for additional information. More information concerning this allegation may emerge at pretrial hearings.

LAW ENFORCEMENT ALLEGATIONS:

3. Following Connolly's retirement, FBI associates from Squad C-3 continued to tip Connolly as to what was happening in the case which had targeted Bulger and Flemmi.

The following Boston FBI Agents have had contact with John Connolly since his retirement in 1990: Edward M. Quinn, John Ross, Richard Baker, Richard Carter, Daniel Grant, Michael Buckley, Walter Steffens, John Newton, and Nick Gianturco. No other agent interviewed in this investigation has admitted to having any contact with Connolly. The agents who have had contact with Connolly have each advised that their contacts with Connolly were social, with the exception of Nick Gianturco, who now works with Connolly at Boston Edison. At no time did any of these agents discuss with Connolly current FBI criminal operations and/or informant issues. John Connolly stated during a limited interview that he had a chance contact with Bulger on one occasion and met with Bulger and Flemmi on one other occasion since his retirement, and there was no discussion of FBI investigations.

4. In 1980, the FBI leaked information that compromised the Lancaster Garage Title III investigation. Bulger and Flemmi stopped frequenting this location after they were tipped.

In 1980, the MSP conducted an investigation that developed probable cause for a Title III. MSP Detective John Namovich was a participant and MSP Lieutenant Ricky Fraelick was the Title III affiant. According to former MSP Lt. Robert Long, besides MSP, Sergeant Bob Ryan of the Boston Police Department (BPD) was the only other law enforcement officer aware of the Title III. Retired MSP Detective Bobby Long stated that the FBI was not made aware of this investigation. Mark Nezor was privately contracted by the MSP to do the installation, which was completed on July 24, 1980. On August 1, 1980, SSA John Morris approached Sergeant Bob Ryan at a social gathering and asked if the MSP had a wire up at the Lancaster Street Garage. Morris's contact with Ryan is documented in a memorandum to the file. The wire was compromised shortly thereafter. The MSP and, specifically, Colonel John O'Donovan, suspected that the FBI became aware of the Title III and tipped the subjects.

Morris, OC Squad Supervisor at the time, declined to cooperate with this investigation. Therefore, we were unable to resolve this issue fully. A review of Bulger's CI file revealed that Morris documented that he learned about the Lancaster Street Garage wiretap from Bulger himself. Morris reported that Bulger told him he had an MSP source who revealed the investigation. According to the file, SAC Lawrence Sarhatt contacted Bulger and asked him to reveal the MSP source, but Bulger refused. We found no evidence that contradicted the representations in the file.

Nor did we find evidence that supported them. Bulger stated that he did not receive any information regarding the Lancaster Street Garage wire from FBI employees. Local, state and federal law enforcement officials that were interviewed on this matter stated that they had no direct evidence that the FBI leaked information that compromised this investigation.

5. In 1984 and 1985, the FBI leaked information that compromised a DEA Title III investigation.

In 1984, the DEA and MSP conducted an investigation that developed probable cause for a Title III. According to DEA agents Daniel Doherty and Steve Boeri, MSP was requested to leave the investigation just prior to the installation of the wire. Boeri stated that the DEA believed that the MSP was leaking information that was getting back to the targets of the investigation. A review of the CI files revealed a report by SA John Connolly stating that at this same time, Bulger and Flemmi were receiving information from their MSP source that they were under investigation, that pen registers had been put on their phones, and that law enforcement officers were illegally listening to their phone calls. It was noted in the file that this information was disseminated to the DEA orally by SAC Lawrence Sarhatt.

During the investigation, the DEA developed information regarding Title 18 violations. Because of this, DEA SAC Robert Stutman contacted FBI SAC James Greenleaf and requested the assistance of the FBI. FBI SSA James Ring assigned SA Brian Rossi and SA Rick Carter, both new to the Boston Division, to work with the DEA. Ring told Rossi and Carter that he wanted them to remain out of the office while they worked on this case and instructed them not to report to him about it. Ring effectively walled off this investigation from the rest of the squad. Ring advised that he "walled off" Rossi and Carter from everyone else, including himself, because he wanted to make sure that the FBI would not be blamed if the Title III was compromised. Rossi and Carter did not become aware that Bulger and Flemmi were FBI informants until after the investigation, when they returned to the FBI Office.

There were several mishaps throughout this investigation. DEA agents tripped the home alarm of one of the targets while attempting to install a bug. Also, two DEA agents were changing the batteries in the bug in Bulger's car when they encountered Bulger. The car bug went dead shortly after this encounter. After this, Bulger reported to Connolly that he had found a bug in his car. Local, state, and federal law enforcement officials that were interviewed on this matter stated they had no direct evidence that the FBI leaked information that compromised this investigation.

6. There was a DEA investigation that ran from 1987 to 1990 targeting Bulger and Flemmi in which 51 subjects, including many Bulger and Flemmi subordinates, were indicted. The FBI leaked information that compromised this investigation.

In 1987, the DEA conducted an investigation targeting Bulger and Flemmi that developed probable cause for a Title III. On April 27, 1988, DEA SAC John J. Coleman submitted a memo to Terrence M. Burke, Deputy Assistant Administrator of Operations, requesting the embargo of any data-sharing requirements with the FBI. This request was based on "the remote but real possibility that should certain FBI personnel in Boston become aware of the investigation the targets would be warned." Coleman advised that this request was granted and that the FBI was not made aware of this investigation until some later date. This investigation was successful except that Bulger and Flemmi were not charged. DEA agents advised that Bulger and Flemmi were very guarded in their conversations. We have been unable to interview Bulger, Flemmi, or their handlers to learn more specific information. A review of the informant files for Bulger and Flemmi does not reveal whether they were aware of this Title III investigation. Local, state, and federal law enforcement officials that were interviewed on this matter stated that they had no direct evidence that the FBI leaked information that compromised this investigation.

7. In 1993, the FBI leaked information that compromised an FBI Title III investigation. Jackie Salemme was overheard on a wire saying, "They've got the roving thing out."

This Title III investigation was conducted by the FBI and the BPD. SA Walter J. Steffens stated that Jackie Salemme was overheard telling Mark Rossetti about the rover. Steffens still does not know how Salemme learned about the rover. Local, state, and federal law enforcement officials that were interviewed on this matter stated that they had no direct evidence that the FBI or other law enforcement agencies leaked information that compromised this investigation.

8. In 1991, SA William Shay was provided recordings from an MSP wire for the purpose of voice identification, and the wire went dead shortly thereafter.

SA William J. Shay was interviewed and stated that in late 1991, while he was assigned to the Providence, Rhode Island Resident Agency, he was asked to listen to a tape to identify the voices of the individuals on the tape. Shay has worked OC in the Boston Division for most of his career and is familiar with many of the OC members in this area. The request came from SA Tim Sullivan and Lt. Tom Foley of the MSP. Shay listened to approximately 2 to 5 minutes of the tape. From the context of the conversation, not from the sound of their voices, Shay was

able to identify the individuals he heard on the tape and provide those names to SA Sullivan and Lt. Foley. Shay stated that he never revealed to anyone that there was an ongoing Title III investigation.

9. [redacted] during a Title III investigation, [redacted] contacted SSA Bruce Ellavsky and asked if [redacted] was an FBI source. [redacted] believed the wire was compromised immediately after SSA Ellavsky was contacted.

SSA Bruce E. Ellavsky was interviewed and said he did not recall [redacted] making this request, but if it had occurred he would not have provided or confirmed the identity of an FBI CI. SSA Ellavsky is not currently aware whether [redacted] is or ever was an FBI CI. SSA Ellavsky was the FBI Drug Squad Supervisor at the time and later became the Organized Crime and Drug Enforcement Task Force (OCDETF) Coordinator. No additional evidence of this alleged leak is available at this time.

10. In 1991, the MSP advised SSA Edward Quinn that they were going to move against a certain bookmaker. Shortly afterward, an MSP undercover agent learned that the bookmaker was aware that he was a target. SSA Quinn told them that a young agent had mistakenly tipped the bookmaker.

Retired SSA Edward Quinn advised that he had no recollection of an MSP Title III targeting this bookmaker and had absolutely no recollection of any comment made by him (Quinn) regarding a young agent mistakenly tipping a bookmaker.

11. In 1987 or 1988, MSP Officer John Namovich was arrested and prosecuted for leaking information. MSP became aware that an FBI employee was also leaking information, but was not prosecuted.

Namovich was targeted with a Title III investigation. He was indicted and arrested in 1988 by the MSP and FBI and later acquitted. FBI Stenographer [redacted] was targeted by the FBI based on good source information that she was disclosing confidential information regarding OC activities in November of 1987. No specific information could be attributed to [redacted]. At the time, an extensive investigation was conducted and [redacted] was interviewed and denied culpability. She resigned from the FBI and later refused to take a polygraph examination. On August 18, 1989, DOJ declined to prosecute [redacted] was contacted during this inquiry and stated that she never leaked FBI information to anyone, but again refused to submit to a polygraph examination.

12. The DEA sent a letter to the FBI dated February 1, 1995, stating that they had source information that an FBI agent named Callahan had provided information to Bulger in the past.

DEA ASAC Lee Wayne Nicks was contacted and advised that DEA SA [redacted] CI provided this information in 1995 and the information was several years old at the time. Since then the CI has been closed and ASAC Nicks has been unable to locate this individual, but will continue to attempt to do so. Chief Division Counsel John M. Callahan was interviewed and advised that he has never met Bulger and never spoken to him on the telephone. Callahan denied ever providing any information to Bulger. It should be noted that the DEA informant may have mistakenly used the name Callahan instead of Connolly.

INFORMATION DEVELOPED CONCERNING OTHER SOURCES OF LEAKS:

In reviewing the Bulger and Flemmi CI/CW files, as well as eight other CI/CW files, which detailed 49 separate allegations of "leaks," it is apparent that these FBI informants had their own network of sources in law enforcement. According to the reporting, the law enforcement sources included members of the FBI, MSP, BPD, Medford PD, DOJ in Washington, D.C., the U.S. Coast Guard, Suffolk County Clerk's Office, the USAO, U.S. Probation and the U.S. Marshal's Service. These CI/CW's had sources in the telephone company with specific knowledge of wiretaps by law enforcement agencies. They were also receiving information from federal courthouse employees. This information was evaluated and disseminated to other law enforcement agencies when deemed appropriate by the SAC.

The following is a list of possible law enforcement leaks developed from the information provided by these CI/CWs:

13. FBI Stenographer [redacted]

In 1987, a CI advised that the FBI had a leak in their office. The CI identified the leak as coming from "a female who worked for the FBI as an assistant supervisor in charge of girls who do typing." A review of an OPR investigative file indicated that in 1987 an FBI surveillance identified [redacted] meeting with Vinnie Ferrara (a known LCN member). [redacted] was identified as a [redacted] FBI stenographer [redacted] The investigation revealed that FD-302 information was leaked from the FBI to [redacted] She resigned from the FBI and later refused to take a polygraph examination. On August 18, 1989, DOJ declined to prosecute [redacted]

14. MSP Trooper John Namovich.

A CI provided information that an MSP Trooper was providing information to Ferrara through Bookmaker Francis McIntyre. The CI refused to divulge his/her source at MSP. A review of the 1988 FD-302 of Francis McIntyre revealed his source as MSP Trooper John Namovich. A Title III investigation led to the indictment and arrest of Namovich by the FBI and MSP in 1988. Namovich was tried and acquitted of four of the five counts in the indictment. The fifth count was dismissed in an agreement between Namovich, MSP, and the USAO in which Namovich agreed to resign from MSP. It has been confirmed through MSP personnel that Namovich had access to sensitive information from the 1970's through 1988. Namovich was technically trained to install electronic eavesdropping equipment and did so in many MSP investigations, but according to MSP Captain McLaughlin, it is impossible to determine which wires he worked on.

15. Then-AUSA (now U.S. District Judge) Mark Wolf and a female who works for the USAO.

On August 8, 1983, a CI advised that leaks were coming from Howie Rubin's girlfriend, who worked for the USAO and AUSA Mark Wolf. The source advised that Wolf is very close to an unknown Jewish male and this unknown Jewish male is close to Howie Rubin. The unknown Jewish male was identified as Stephen Ricci. Ricci died in August of 1993.

16. Unknown MSP Trooper

In 1989, a CI advised that Tommy Gandolfo, a Lynn, Massachusetts bookmaker, had an individual on the MSP who was providing him with law enforcement information.

17. Anthony Cardinale

In 1988, a CI advised that Cardinale was advising the Mafia as to the timing of indictments. Cardinale was also providing information that was enabling the LCN to track down who potential witnesses might be. In 1989, Cardinale advised Vinnie Ferrara that he had learned that the Grand Jury had been continued to March of 1990.

18. Federal Parole Officer

In 1989, a CI advised that Vinnie Ferrara had a connection with a woman in the Federal Parole Office in Boston. SSA James Ring identified this individual as [redacted] from Everett, Massachusetts.

The source information provided in 15, 16, 17 and 18 was not specific enough to be further investigated at this time.

The following are additional law enforcement leaks that have been identified:

19. FBI Clerk [redacted]

A review of the 1988 FD-302 of [redacted] revealed that an FBI clerk was fired for copying FBI OC documents in 1987. [redacted] was hired in January of 1987 and fired approximately two months later. A review of [redacted] personnel file indicates that [redacted] Despite attempts, [redacted] has not yet been located and interviewed.

20. AUSA David Twomey

In 1980 Twomey was arrested for leaking information to a drug smuggler named Frank LePere. Twomey was convicted after LePere cooperated with the Government and testified against Twomey. LePere was associated with Bulger. [redacted]

21. Unauthorized Press Release

On March 2, 1989, based upon a request from the SAC of the Boston FBI Office and the Acting United States Attorney at the time, the FBI OPR initiated an investigation into leaks to the Boston Globe about the public corruption investigation, known as "75 State Street," focused on Thomas Finnerty and William Bulger, "Whitey" Bulger's brother, formerly Massachusetts State Senate President and currently President of the University of Massachusetts. Finnerty was a well known defense attorney and former District Attorney in Boston. A portion of the information leaked to the press included information that may have confirmed the fact that James Bulger was an informant for the FBI and handled by SA John Connolly. The personnel files reflect that Connolly received a letter of censure while Morris was placed on one year administrative probation, was suspended for fourteen days without pay, and received a letter of censure.

22. Unauthorized Press Release

On June 29, 1994, based on information provided by the United States Attorney at the time, OPR initiated an investigation into sensitive investigative information appearing in a Boston Globe article. The article reported information from a federal investigation that was being coordinated through the Organized Crime Strike Force of the USAO. The FBI SAC recommended the investigation based upon the large number of people from various agencies who were privy to the material that had been provided to the news media. Former SSA Jim Ring was

interviewed by OPR and stated that he could not say with any certainty who released this information to the press.

III. That FBI agents improperly received benefits from current or former informants or otherwise maintained improper personal relationships with current or former informants.

The relationship between confidential sources and their handling agents has always been a closely guarded one. The identity of sources is released on a need-to-know basis, even among members of the same investigative squad. There are only a few occasions when an informant must be in the company of more than his or her handling agent and those occasions are as follows: (1) the supervisor of the squad is required to meet the confidential informants being operated by members of his/her squad; (2) any payments made to an informant must be made in the presence of a "witness" agent (in some cases this role may be performed by a task force participant who is a sworn officer); (3) an informant's identity must be revealed to law enforcement personnel when the CI is participating in an undercover operation that will conclude with an arrest in which the CI might be involved; and (4) every informant is to be assigned an alternate agent whom the informant will presumably meet. Items 1, 2, and 4 are found in the FBI's MIOG, Section I37. Item 3 is a normal safety consideration.

The relationship between an agent and a confidential source should be based on the relevance and value of the information the source has to provide to the FBI. The conduct of the agent and the informant must be in compliance with the Attorney General's Informant Guidelines.

Within the above general allegation as stated above, the following specific allegations were addressed:

1) **That SA Richard Baker (now retired) purchased liquor from the South Boston Liquor Mart (SBLM), at significantly discounted prices, for a Christmas party sponsored by the FBI. The allegation further alleged that $204 was paid for liquor valued at $350-375. The SBLM was run by Kevin O'Neil and James "Whitey" Bulger was alleged to have had an interest in this store. During the execution of a search warrant at the store (by law enforcement agencies other than the FBI), a note was found on a piece of paper related to the purchase of the liquor. The note read, "Dick Baker, friend of John Connolly."**

Richard W. Baker, Jr. was interviewed on July 31, 1997, and he advised that he purchased liquor from SBLM for two successive Christmas parties, in the late 1980's, which were sponsored by the Boston Division of the FBI. He stated that on both occasions he paid retail prices for the liquor. Baker stated that he knew that O'Neil was an associate of Bulger's and

was also aware that O'Neil was thought to be a "straw" owner for Bulger. Baker was aware that Bulger was an informant who was handled by John Connolly. Baker acknowledged that, in hindsight, purchasing the liquor from SBLM was inappropriate and that doing so was reflective of poor judgment.

Baker said that he has never met Bulger, Stevie Flemmi or Kevin Weeks (the listed owner of the SBLM). Occasionally he would see Bulger and Flemmi standing in front of the SBLM (which no longer goes by that name) as he was driving home. He advised that after it became known that the "FBI" had purchased liquor from SBLM, he became the object of ceaseless comments from his law enforcement colleagues and thereafter made no more purchases from SBLM. Baker stated that his purchase of liquor from SBLM did not result in any quid pro quo arrangement between Bulger or O'Neil and him.

A note was found at the SBLM during the execution of a search warrant. The note was located with the receipt of the purchases made by Baker. The note said, "Dick Baker, friend of John Connolly." Baker said that such a note was not necessary to arrange for the purchase of liquor. However, Baker advised that when he called O'Neil to arrange to purchase the liquor, he began the conversation by saying that he was a "friend of John Connolly." Baker then reminded O'Neil that he (Baker) had purchased a refrigerator from O'Neil in 1981 when O'Neil owned an appliance store. Between the time Baker purchased the refrigerator from O'Neil and the liquor (approximately eight years), he did not have any contact with O'Neil.

No supporting documentation could be located to support the computation of value for the liquor purchased by Baker. It has not been ascertained exactly how the figure of $350-375 was determined.

Former SAC Thomas A. Hughes prepared a memorandum indicating that he had received the information regarding the alleged discount from SBLM to Baker from Leonard Hensen, Chief, Organized Crime Division, Suffolk County District Attorney's Office. SAC Hughes placed the memorandum in the 263 Control File. SA Baker placed a memorandum in the same file indicating that he had received no special treatment. SAC Hughes recommended no further action be taken on this matter as of June 17, 1990.

FBI policy states that Special Agents are prohibited from engaging in business or financial relationships with informants. The MIOG Section 137-4 (20) states in part:

> In order to avoid the appearance of impropriety, Agents are prohibited from engaging in business or financial

relationships with informants. If an exemption to this general prohibition is deemed necessary, the SAC must articulate sufficient background to demonstrate to FBIHQ that the relationship will not create an appearance of impropriety or otherwise reflect adversely upon the FBI.

2) **SA James Lavin (Boston) told Chief Division Counsel Dennis Callahan that a source of his (Lavin) gave him pictures in December of 1987, that appeared to depict Boston city employees erecting either a fence or guardrail in front of a business owned by Bulger. The pictures were taken by the source in August of 1984 (correct date). Lavin eventually shared this information with SA John Connolly. Within the next 30 days, Lavin's source called him again to tell him that the guardrail (fence) was now gone.**

SA James Lavin was interviewed at his residence on July 25, 1997 and essentially confirmed the story as it is stated above. He stated that he did not intend to imply that something criminal or otherwise inappropriate had occurred. He meant only that it was odd that shortly after advising Connolly about the pictures his source had given him, the guardrail was gone. Lavin felt that the whole thing could have been coincidental. He stated that Connolly advised him that the owner of the store was providing the office with good information. He recalled (although he was emphatic that he was not positive about this recollection) that Connolly questioned him about his intentions regarding the information.

Lavin advised that after his source called him a second time to tell him that the guardrail was gone, he mentioned it to Callahan and no one else. Lavin did not want to appear to be accusing someone of wrongdoing in the absence of more substantial evidence.

It cannot be determined from the information available that 1) the fence or guardrail was not legitimately being installed or repaired; 2) that the timing of its removal was anything other than coincidence; or 3) that anything of a criminal nature occurred either in its installation, repair, or removal. No further investigation can be conducted without the cooperation of Connolly.

3) **That John Morris received gifts from informants and had them as guests in his home.**

Paul Coffey, Chief, Organized Crime and Racketeering Section, DOJ, was interviewed on July 16, 1997. He advised that after a meeting with Flemmi and his attorney in Judge Mark L.

Wolf's chambers, in which Flemmi was told by the Court that his informant status would be disclosed, Flemmi told Coffey that if he was "going down," he intended to take others with him. Flemmi identified SSA Morris as a person with whom he exchanged benefits.

On July 23, 1997, John Morris' ex-wife, Rebecca Morris, was interviewed. Ms. Morris has been divorced from John Morris since 1989. Ms. Morris believes that Bulger and Flemmi came to the Morris residence twice in the mid-1980's. In the first instance, Ms. Morris recalls that her husband told her that Bulger and Flemmi were coming. She went upstairs. She did not see anyone, but heard muffled voices. The second time, Ms. Morris was in the kitchen when Flemmi arrived with wine and champagne. She recalled John Morris stating that he had received a silver wine bucket and a case of wine as Christmas gifts from Bulger and Flemmi. She said that John Connolly acted as a conduit for the gifts from Bulger and Flemmi to Morris.

Former SA Dennis Condon was interviewed. Condon advised that circa 1985, he was invited to Morris' home for coffee by either Morris or Connolly. Aside from Connolly and Condon, the other invitees were James "Whitey" Bulger and Stephen Flemmi. Condon stayed for about an hour. Condon had no information regarding the exchange of gifts or other gratuities.

We reviewed an FD-302 prepared by Morris regarding a conversation with Bulger, which occurred on October 13, 1995. In that document, Morris advised that Bulger called and threatened him. Bulger stated that Morris had ruined his life and had made him a marked man. Bulger alleged that Morris had accepted money from him and claimed that he had witnesses.

This specific allegation can only be addressed by interviewing Morris or Bulger. Morris has refused to be interviewed and Bulger is currently a fugitive.

4) **That gifts were exchanged between confidential informants and FBI agents at dinners hosted by SA Nicholas Gianturco at his residence.**

AUSAs Fred Wyshak and James Herbert advised that at a meeting in Washington, D.C. a few months ago, SSA John Gamel, currently supervisor of the OC Squad, Squad C-3, Boston Division, stated that former SA Nicholas Gianturco had hosted dinner parties at his home that were attended by Bulger, Flemmi, and FBI supervisors. SA Michael Buckley, Squad C-3, advised that Connolly once introduced him to Flemmi and Bulger at Gianturco's house in the mid-1980's. They discussed a variety of topics. There was a very limited amount of business discussed. Buckley did not witness, nor is he aware of, any exchange of gifts.

Nicholas Gianturco provided the following information: Upon being assigned to the Boston Division in 1977, Gianturco worked an undercover assignment under the supervision of SSA John Morris. In March of 1979, SA Connolly told Gianturco he had a few guys who wanted to meet him. Connolly brought Bulger and Flemmi over to Gianturco's residence. Gianturco prepared an Italian dinner, and the four discussed the Operation Lobster case.

Operation Lobster was an undercover operation set up to purchase stolen goods. Gianturco was the undercover agent assigned to Operation Lobster. Gianturco advised that during October of 1978, he was to meet with an individual he identified as McConagle at 2:00 a.m. to look at $35,000 worth of stolen jewelry that McConagle wanted to sell. Gianturco advised that he felt uneasy about the meeting. Gianturco ultimately did not attend the meeting because he felt that McConagle might try to kill him. Connolly called Gianturco the evening after the meeting with McConagle was scheduled and asked Gianturco if he was planning to meet with McConagle and his crew. Connolly advised Gianturco that his (Connolly's) "guy" had told him that McConagle and his crew were going to kill Gianturco at the aforementioned meeting. Bulger is alleged to have been the individual responsible for passing the warning about McConagle to Connolly. Gianturco advised that he felt comfortable talking to Bulger about the case, though doing so is a violation of the FBI prohibition against discussing investigative matters that are ongoing.

A year later, they had another dinner at Gianturco's residence, at which Bulger gave Gianturco a set of wine glasses. Gianturco had dinner with Connolly, Flemmi and Bulger five to seven times in his (Gianturco's) home. SA Buckley attended the last dinner at Gianturco's home. On one occasion, SA Joseph Pistone and New York ASAC Jules Bonavolonta attended. On one occasion, Gianturco, Connolly and Bulger went to Stephen Flemmi's mother's house for dinner. Gianturco received Christmas gifts from Bulger and Flemmi; Connolly delivered the gifts on behalf of Bulger and Flemmi. Gianturco reciprocated, giving Connolly gifts to deliver to Bulger and Flemmi. Gianturco gave shirts, sweaters and a silver belt buckle, which he paid for out of his own funds. Gianturco received as gifts, from either Bulger or Flemmi, a black briefcase, a model boat and truck, a Lladro statue and a bottle of cognac. Gianturco did not recall receiving gifts from Bulger or Flemmi after Connolly retired. Gianturco had no recollection that John Morris ever attended one of the dinners at his home when Bulger and Flemmi were present.

Joseph Pistone, former SA, recalled attending dinner at Gianturco's house on one occasion along with Jules Bonavolonta, Connolly, Flemmi and Bulger. They talked about what a good cook

Gianturco was. No gifts were exchanged. Pistone recalled that during this time period, he was in Boston to testify at a trial.

Jules Bonavolonta, former ASAC, recalled that he and Joe Pistone attended a dinner at Nicholas Gianturco's house in Boston on one occasion prior to 1987. "Whitey" Bulger and Steve LNU were guests. Bonavolonta believes he knew that Bulger was a source at the time and thought that Steve LNU was a source. Bonavolonta advised that the subject of Bulger's stay in San Quentin prison was one topic of discussion. Bonavolonta advised they ate dinner and opined that nothing inappropriate occurred. Bonavolonta's recollection was that no gifts were exchanged. Bonavolonta advised that he was in Boston either to testify at a trial or attend an OC conference.

The receipt of items of value could constitute receipt of an illegal gratuity in violation of 18 U.S.C. 201 (c)(1)(B). However, there is no indication, at this time, that any gift was received by any agent within the applicable five year statute of limitations.

In addition, FBI policy states that SAs are not to accept gifts from informants; gifts may be given to informants in lieu of payment for services with prior SAC approval. The Manual of Administrative Operational Guidelines (MAOP) section 137-8.11 states in part:

> Because of the appearance of improper conduct or conflict of interest usually involved in such relationships as well as the high potential for actual impropriety inherent in such relationships, Bureau employees are prohibited from engaging in private business and financial relationships with individuals furnishing information to the FBI (including informants) . . . .
>
> This prohibition includes giving or receiving gifts.

The MIOG section 137-8.1 states in part:

> A gift may be made to an informant in lieu of a payment for services with the prior approval of the SAC, or in his/her absence, the ASAC.

Agents are not to accept gifts
from informants.

MAOP section 137-8.11 further states that FBIHQ approval can be sought for an exception to the general prohibition if the employee can demonstrate that the proposed transaction will not create an appearance of impropriety, involve a conflict of interest or otherwise adversely impact upon the FBI.

Although Connolly has not, as of the date of this report, been identified as a recipient of any gifts, he was the handling agent for both Bulger and Flemmi and facilitated the gift exchanges. As such, Connolly, former SSA Morris and former SA Gianturco were clearly in violation of FBI policy. Connolly refused to be interviewed in depth regarding this matter, but he did state that no gifts of value were exchanged. Bulger is a fugitive, and Flemmi, through his attorney, has declined to be interviewed. Likewise, Morris refused to be interviewed.

The MIOG does make allowances for the giving of gifts to informants, but prior approval from the SAC is required. A review of the informant files of Bulger and Flemmi does not indicate that the approval of the SAC was obtained to permit agents to give gifts to either informant.

5) **That FBI agents engaged in inappropriate relationships with former or current informants.**

SA Michael Buckley advised that he was introduced to Bulger and Flemmi at the home of Nicholas Gianturco. Buckley was at Gianturco's residence attending a dinner. Gianturco said that he hosted several dinners at his home at which Bulger and Flemmi were guests and during which gifts were exchanged (the exact number of dinners at which gifts were exchanged is not known). Joseph Pistone, former SA, advised that he attended one dinner at the home of Nicholas Gianturco at which Bulger and Flemmi were guests. Pistone had been invited to the dinner by Connolly. Connolly told Pistone that he had a couple of guys he wanted him to meet. SA Charles Gianturco, brother of Nicholas Gianturco, advised that his brother told him of one occasion where he (Nicholas) hosted a dinner at which Bulger and Flemmi were present.

James Ring stated that he became aware that John Connolly was debriefing Bulger and Flemmi at his residence and ordered him to cease this practice. Ring is not aware of any agents who have received gifts from current or former informants.

SA John Newton stated that he allowed John Connolly (pursuant to a request made by Connolly) to meet with both Bulger and Flemmi at Newton's residence on four or five occasions during the course of a year during the mid-1980's. He was not present

for the majority of the meetings. He advised that he never received any gifts or other tokens for the use of his apartment. He further stated that he is unaware of whether Connolly ever received any gifts from Bulger or Flemmi. SA Newton is not aware of any agents who have received gifts from current or former informants.

Rebecca Morris, ex-wife of former SSA John Morris, advised that John Morris once told her that he believed that John Connolly may have been crossing the line with his informant because either Connolly had taken a vacation with Bulger or Bulger had arranged a vacation for Connolly.

Marianne Vicanti, ex-wife of John Connolly, said that Connolly had been acquainted with William Bulger, "Whitey" Bulger's brother and former President of the Massachusetts State Senate, since his (Connolly's) youth. During the time they were married and living together (1970-1976), Connolly frequently socialized with William Bulger at a private club and at William Bulger's home. Vicanti advised that she does not recall Connolly ever bringing associates home (neither co-workers nor anyone else). She was not aware of any relationship between Connolly, "Whitey" Bulger, and Flemmi.

Connolly was the handling agent for both Bulger and Flemmi and was present at each of the meetings/dinners where Bulger and Flemmi were guests in the homes of FBI agents. Connolly is a native of South Boston and has been well acquainted with the Bulger family since his youth. According to his former wife Marianne Vacanti, William Bulger was a significant influence on Connolly and was viewed as being responsible for encouraging Connolly to go to college. This longstanding relationship appears to have ultimately led to social contacts which created an appearance of impropriety.

There are no specific policies which prohibit holding meetings between agents and informants at the agent's residence. However, given the violent nature and mercurial loyalty of many informants, such meetings remove any barrier of safety for the agent and the agent's family should the informant ever feel betrayed by the agent. The propriety of such meetings is questionable because they may give the impression that the relationship between the informant and agent has become personal or intimate. The agent is unnecessarily exposed to charges that could be brought by the source regarding the nature of their relationship.

6) Connolly was alleged to have attempted to persuade a detective from the BPD to quash a state grand jury subpoena issued for Kevin O'Neil for his testimony in a homicide investigation.

Captain Brendan Bradley, BPD, was the detective who was approached by Connolly on September 6, 1986, regarding a subpoena that Bradley issued to O'Neil. Bradley advised that O'Neil was issued the subpoena in the hopes that he could provide testimony regarding the perpetrator(s) of a homicide Bradley was investigating. Bradley advised that Connolly told him that O'Neil was a "good guy" and questioned whether he really had to subpoena him before the grand jury. Bradley stated that he did not think O'Neil should get a pass on the grand jury because it involved James "Whitey" Bulger and a murder. Bradley indicated that O'Neil was a suspect in the homicide. Bradley advised that O'Neil and Bulger were close associates and he (Bradley) believed that it was possible that Bulger was also involved in the homicide. Bradley did not offer any evidence to support his supposition. Bradley was aware that O'Neil and Connolly were friends.

Bradley opined that he thought Connolly was a "fine agent," but he nevertheless thought it was wrong for him to try to prevent O'Neil's grand jury appearance. Connolly's efforts on behalf of O'Neil were unsuccessful.

On February 7, 1992, Bradley was interviewed by Boston SSA John Gamel regarding Connolly's attempt to have O'Neil's subpoena quashed. During that interview Bradley advised that Connolly referred to the murder victim as a "piece of shit and an asshole anyway."

Former SA Richard Baker stated that Connolly had been very good friends with Kevin O'Neil's brother, Jackie O'Neil. Note that Kevin O'Neil is the person who allegedly sold discounted liquor to Baker, possibly because he was a friend of John Connolly.

This allegation was not reported to the FBI until after Connolly had retired. Hence, no OPR investigation was conducted when it was initially reported.

7) [redacted] alleged that when [redacted] started talking about SA John Connolly, the FBI cut off communications with [redacted]

(B)

AUSA Fred Wyshak advised that [redacted] told him that [redacted] recorded conversations with [redacted] for the FBI. Wyshak wanted to hear the tapes of these conversations, but never did. SSA John Gamel told Wyshak that there was nothing on the tapes. [redacted] AUSA Wyshak further advised that DEA SA Dan Doherty had also heard about the FBI misconduct allegations from [redacted] DEA SA Dan Doherty recalled one conversation with [redacted] wherein [redacted] stated that [redacted] claimed to have had a relationship or "connections" with the Boston FBI office from a long time ago.

[redacted] mentioned the names John Connolly and "Wendall" Kennedy and told Doherty that the "whole thing was on tape." Source further told Doherty that [redacted] provided information regarding misconduct on the part of FBI agents. [redacted] (not assigned to the Boston Division) advised that he was the handling agent for a confidential informant (CI) [redacted] CI advised him that [redacted] was making it obvious that he was a "source" for someone. [redacted] CI said that [redacted] was sooner or later going to get himself killed. [redacted] passed this information on to the appropriate [redacted] officials and was advised that there was another CI [redacted] providing information to the Boston FBI office. [redacted] contacted the Boston Office to apprise them of the information he received from his CI. ([redacted] CI did not know [redacted] he was reporting on was a CI as well.) A determination was made to [redacted] based on information provided by [redacted] CI as well as information independently obtained by [redacted]

(b)

Gamel stated that he became aware of the alleged threats against [redacted] from information received from another FBI Division. Gamel did not recommend that [redacted] Gamel did cause a letter to be written by the SAC advising [redacted] officials that [redacted] had become a potential security risk. The letter did not recommend [redacted]

8) That Gamel told [redacted] that the equipment [redacted] used during consensually monitored conversations was working perfectly and that Gamel had promised [redacted] in exchange for [redacted] cooperation. [redacted] further stated that he crossed out the word "promises" on a consent form [redacted] signed because, in fact, promises had been made to [redacted] by Gamel.

(b)

Gamel produced a journal from which he showed the interviewing agents pages he produced during the time the recordings were made that indicate he was telling [redacted] how to correctly wear the microphone and that parts of the recordings were garbled. Gamel advised that the two tapes, produced on two consecutive days, were virtually worthless. Gamel also produced the consent form (FD-473) signed by [redacted] and it clearly illustrated that the word "promises" does not exist on the form and therefore could not have been "crossed out."

9) That SAs John Connolly and John Newton were selling information to Bulger and Flemmi.

A review of Headquarters file 263-HQ-545 reflected that investigation into the above allegation revealed that the source of the information was the girlfriend of convicted drug dealer Joseph Paul Murray, Jr. She (the girlfriend) was initially known only as "Tina." "Tina" initially contacted the office of William Weld (former Massachusetts Governor), who was then the Assistant Attorney General for the Criminal Division. "Tina" made approximately three such calls before being referred to FBI Headquarters, where she spoke to Michael Wilson, Section Chief, Organized Crime Section. The matter was eventually referred to the Boston FBI office. "Tina" did not speak to anyone in the Boston office. At the time the allegations were made, Murray was incarcerated at the Danbury Correctional Facility. He is now deceased.

SA John Newton acknowledged that he had allowed John Connolly to use his apartment to debrief Bulger and Flemmi. SA Newton advised, however, that he has never given information to either Bulger or Flemmi under any circumstances.

FBI Boston, by communication dated August 4, 1989, advised the OPR, FBIHQ, that "in view of the unsubstantial and unspecific allegations, and the official relationship between SSA Connolly and the sources, this matter should be closed and no administrative action taken." This case was referred to the Criminal Investigative Division and closed administratively by OPR.

**The following allegations were made by [redacted] as reported to him by [redacted]

10) That former SA John Connolly facilitated contact between [redacted] James "Whitey" Bulger, and Robert Daddieco. [redacted] said that [redacted] wanted to [redacted] Daddieco [redacted] and thereby not be available to testify against Flemmi in the Fitzgerald bombing matter.

Robert Daddieco confirmed that he did have a telephone conversation with [redacted] in the early 1970's in which [redacted] However, Daddieco further stated that he contacted [redacted] on his own initiative [redacted] Daddieco denied knowing John Connolly. He further stated that he has never [redacted] He also advised that he was not asked to testify against Flemmi by any prosecuting attorney. Daddieco also said that he did not [redacted]

[redacted] denied any relationship with Connolly. [redacted] advised that he met Connolly only once, at a [redacted]

[redacted] also denied any knowledge that Bulger or Flemmi had a relationship with Connolly. At the same time, [redacted] said that if [redacted] were aware of such a relationship, [redacted] would not disclose it to the interviewing agents.

10a) That Connolly and agent Kennedy, whom [redacted] identified as "the number two man in the FBI," seized money in the Cayman Islands from an account belonging to a Bulger associate (Michael Murray). Connolly and Kennedy are alleged to have kept a portion of the money for themselves.

Weldon Kennedy, former FBI Deputy Director, was interviewed on July 28, 1997. Kennedy advised that he has never been to the Cayman Islands and has never accompanied John Connolly anywhere to seize any assets. Kennedy stated that he has never kept the proceeds of any FBI seizure for his personal benefit.

SA Paul Foley was assigned the forfeiture investigation regarding the laundering of funds by Joseph and Michael Murray. He advised that he has no knowledge of John Connolly ever traveling to the Cayman Islands to seize assets related to the Murray drug investigation or any other case. Foley said that SA Roderick Kennedy (retired) may have traveled to the Cayman Islands in an attempt to recover money alleged to have been deposited in Cayman Island banks.

SA Roderick Kennedy (retired) was interviewed and advised that he was the case agent on the Murray drug investigation. He stated that he has never traveled to the Cayman Islands with John Connolly to seize assets. Kennedy advised that he has never traveled anywhere with John Connolly to seize assets from anyone. Kennedy further advised that, to the best of his recollection, none of the cash involved in the Murray drug investigation was ever recovered by the United States Government.

Absent receiving the cooperation of Connolly, this allegation cannot be further investigated.

10b) [redacted]

Attempts to enhance the tapes at the FBI laboratory were unsuccessful.

[redacted] Connolly has not been interviewed regarding this allegation. Attempts are currently underway to obtain rental records from the Charles River Park apartment complex.

It is difficult to draw any firm conclusions regarding the [redacted] allegations reported by [redacted] has proven reliable at different times in his relationship with the FBI. [redacted] has also proven unreliable and failed an FBI administered polygraph on one occasion. The polygraph was administered in an attempt to evaluate [redacted] credibility regarding information he claimed to have received from [redacted] (national security information). [redacted] denied that he had any relationship with Connolly; however, [redacted] also stated that if such a relationship had existed, [redacted] would not disclose it.

It is impossible to ascertain if [redacted] reported the statements made by [redacted] correctly, fabricated allegations, or if [redacted] embellished the information he received with what he was able to read in the newspapers. Assuming that [redacted] reported the allegations of [redacted] accurately, it is impossible to determine what [redacted] may have lied about or embellished.

While [redacted] provided some accurate information, [redacted] he has also been described as a "flake," uncooperative, and manipulative. [redacted] clearly lied when [redacted] advised that he had crossed out the word "promises" on the consensual monitoring consent form. It is clear from speaking with SSA Gamel (and reviewing documents he provided in support of his version of the facts) that [redacted] lied about the conversations [redacted] had with Gamel regarding the quality of the tape recordings and promises Gamel was alleged to have made.

[redacted]

IV. THAT CURRENT OR FORMER FBI AGENTS AND/OR PROSECUTORS MADE FALSE OR MISLEADING REPRESENTATIONS TO JUDICIAL OFFICERS IN COURT FILINGS, INCLUDING BUT NOT LIMITED TO, PAPERS FILED IN CONNECTION WITH APPLICATIONS FOR ELECTRONIC SURVEILLANCE AUTHORIZATION.

Within the general allegation as stated above, the following specific allegations were addressed:

1984 - 1985 DEA TITLE III

(1) That the Government misled the issuing judge by including informants as targets in a Title III application.

In approximately April of 1984 the DEA SAC advised the FBI Boston Division that DEA had submitted a special enforcement operation proposal to its Headquarters, which targeted large-scale cocaine and marijuana trafficking in South Boston. The primary targets of the investigation were James "Whitey" Bulger and Steve Flemmi. By airtel dated April 12, 1984, the Boston Division notified FBIHQ of the DEA proposal, which alleged that Bulger and Flemmi were in control of a narcotics trafficking group. The airtel noted that DEA anticipated extensive investigation, including surveillances and pen registers, to develop probable cause for electronic surveillance of the principals. FBIHQ was further advised that the Boston Division would not be a participant in this investigation; however, the SAC had offered technical assistance to DEA. The Boston Division noted that the Flemmi informant file had been closed and that the Bulger informant file would be kept open due to past, present, and future valuable assistance to the FBI. It was further noted that, at that time, the DEA allegations were unsubstantiated, and DEA had furnished no specific information relative to the involvement of Bulger in criminal activities.

By memorandum dated October 17, 1984, SSA James A. Ring set out the current status of Flemmi and Bulger as FBI informants. Ring noted that Flemmi was presently closed. However, information volunteered by Flemmi was accepted. Ring also noted that both of these individuals were in the constant company of each other and when contacts were made, both sources were generally present. In his memorandum, Ring advised that he first became aware that the informants were targets of an investigation by DEA and the Quincy Police Department when DEA made a proposal that the FBI participate in this joint investigation. Ring further noted that it was his recommendation that the FBI not participate in this investigation. Ring stated that at the time of the DEA proposal, he advised the case agent for Bulger and Flemmi that they may be subject to investigation by other agencies and that he (Ring) would advise of no further details because of his feeling that if the investigation did not succeed, allegations would be made against both their handling

agent, John Connolly, and Ring, claiming that the FBI acted contrary to the interest of the investigation to protect these informants.

In the memorandum, Ring also summarized recent information from the sources that indicated their knowledge that the Quincy Police had entered Bulger's residence claiming that his alarm had gone off. Ring was unaware of the details of the probable cause or specific acts alleged against Bulger and Flemmi and also stated his wish not to know any of the details "for obvious reasons." Ring concluded by stating that the position of both Connolly and him was that if these individuals were violating the law and subject to investigation, it was their problem. Ring stated that there were not and would not have been any authorizations by the FBI for these individuals to commit any criminal acts unless such authorization conformed to Bureau regulations.

On July 25, 1997, former SAC James W. Greenleaf was interviewed regarding his involvement in the 1984 - 1985 Title III. Greenleaf advised that at this time there was a positive working environment between the FBI and DEA. Greenleaf stated that he cherished his personal and professional relationship with DEA SAC Stutman. Greenleaf recalled that Stutman had approached him for assistance in a case targeting Bulger and Flemmi. The case also had generated evidence regarding violations of Title 18, United States Code, of which the FBI had interest. Greenleaf advised that during his meetings with Stutman regarding this investigation, he never confirmed the informant identities of Bulger or Flemmi. Greenleaf surmised that he similarly did not disclose the identity of Bulger and Flemmi as FBI informants to the USAO, believing that any direct disclosure may have been inappropriate.

Greenleaf recalled that there were attempts to compartmentalize the investigation to control the possible exposure of Bulger and Flemmi as informants. Greenleaf felt that because of leaks in the law enforcement community, the FBI would be blamed for any disclosure of case work, whether or not the FBI helped or assisted another organization such as the DEA. Greenleaf felt that although Bulger was an informant, it was the FBI's duty to assist the DEA in any case in which informants might be involved in criminal activity.

Stutman advised that he had an excellent relationship with the FBI, and considered Greenleaf to be a very good friend. Stutman was aware that during his tenure in Boston, DEA had been targeting Flemmi and Bulger for investigation. DEA had tried a number of times to target both Flemmi and Bulger, and Stutman was aware of Title III intercept orders that were obtained by his agency targeting these individuals. Stutman advised that some of the DEA Agents in his office were convinced that both Flemmi and

Bulger were informants for the FBI and that this was the reason that DEA and other law enforcement agencies had been unsuccessful in charging them with crimes. Stutman advised that several investigators in his office felt that the 1984 - 1985 DEA Title III was compromised by SA John Connolly. Stutman never received any direct evidence which confirmed that SA Connolly did anything to compromise this investigation.

Stutman stated that his agency vigorously targeted Bulger and Flemmi for prosecution. He recalled that many in DEA assumed that both these individuals were informants, but that no one from the FBI ever confirmed that Bulger or Flemmi were informants.

In an ex parte submission to the court, the Government has already informed Judge Wolf that "neither Flemmi or Bulger were referred to in any way as informants in the 1984 and 1985 applications for electronic surveillance which named them, among others, as targets." (See April 9, 1997 Coffey Affidavit). Judge Wolf has ruled that the defendants are entitled to a Franks hearing to determine whether this omission was made with an intention to mislead and whether it was material to the issuing judge's decision to authorize the electronic surveillance.

The affiant on the 1984 - 1985 Title III was DEA SA Steve Boeri. Boeri confirmed that the FBI was invited to assist on the case because of possible evidence of federal criminal violations that would be obtained in the Title III targeting of George Kaufman. Boeri also recalled that the FBI was requested to provide technical assistance in connection with the installation of an electronic device in Bulger's vehicle. Boeri advised that all of the information supporting probable cause in the affidavit came from DEA. The FBI did not provide any source information for inclusion in the affidavit. Boeri stated that there were rumors during the investigation that Flemmi and Bulger were informants. These rumors could have been discussed with the AUSA who prepared the application and draft order, but Boeri was not certain. Boeri said he did not think about the possibility of these individuals being informants during the investigation.

The applicant for the Title III was AUSA Gary Crossen. Crossen advised that he was never told that either Flemmi or Bulger were informants for the FBI. Crossen recalled that there were rumors to the effect that Bulger was in the FBI's "stable." Crossen could not recall any discussions regarding this issue; however, he believed it was likely that he discussed it with the DEA case agent. Crossen advised that the Title III was a legitimate attempt to collect information regarding the criminal activities of the targets. There was no intention to mislead or deceive the issuing judge, and the Title III was not used as a subterfuge to protect source identities.

Crossen advised that he would have discussed the affidavit, application, and order with his superior, Rick Stearns, and probably Robert Mueller. Mueller was the chief of the Criminal Division at the time, and William Weld was the United States Attorney. Crossen advised that he had no recollection regarding any discussions with Mueller or Weld regarding the Title III. Crossen stated that he would have discussed the Title III with Mueller for tactical reasons and that he never had a Title III that he did not discuss with the United States Attorney. He could not recall any discussions with either Mueller or Weld regarding the rumors that Bulger may have been a Bureau source.

On July 29, 1997, William F. Weld, was interviewed regarding his involvement in the 1984-1985 DEA Title III targeting Kaufman, Bulger, Flemmi, and others. Weld advised that he never learned officially of any relationship between the targets of the DEA Title III, specifically Bulger and Flemmi, and the FBI or any other law enforcement agency. Weld stated that he shared in the suspicions regarding a possible relationship between Bulger and the FBI, but these suspicions were never confirmed. Mueller, who is now an AUSA in the District of Columbia, was also contacted. He advised that he had no knowledge of any relationship between the targets of the DEA Title III and law enforcement.

On July 30, 1997, retired SSA James Ring was interviewed regarding the FBI's participation in the DEA Title III. Ring advised that he was instructed by former SAC Greenleaf to provide two agents from Ring's squad to assist DEA in a Title III targeting individuals in South Boston. Ring attempted to convince Greenleaf not to provide this assistance because he felt it was unwise to build on another agency's work. Ring was concerned that there was no way for the FBI to know what had gone on in the case before the FBI became involved. Greenleaf was unconvinced by this argument and instructed Ring to make two agents available to DEA to assist in monitoring the Title III. Ring advised that he selected SAs Brian Rossi and Rick Carter for this assignment. Ring stated that it was his practice to rotate Title III responsibilities to agents on the squad. At the time, both Rossi and Carter were new to the division and less involved in the squad. Ring instructed Rossi and Carter to have no contact with him or anyone else in the office regarding the Title III. Ring advised that it was his intention to wall off Rossi and Carter from everyone else, including himself, because he was concerned that the FBI would be blamed for any future compromise. Ring never knew the targets of the Title III, never reviewed the affidavits, and did not know who acted as the affiant.

This arrangement was confirmed by both SAs Rossi and Carter. During his interview on July 21, 1997, Rossi advised that he was instructed by Ring to report to a DEA off-site

location to work on the wire. He was further instructed to have no contact with the FBI office, C-3 Squad, or Ring, regarding the Title III. This occurred in early January of 1985 and was Rossi's first assignment in the office. Rossi recalled that Ring was emphatic that Rossi have no contact with the FBI office. Ring provided no explanation for this arrangement. Rossi stated that he was new to the Boston Division and had no historical knowledge of Bulger, Flemmi, or the so-called Winter Hill Gang. He also had no knowledge of law enforcement relations in the Boston area and knew little about the Boston factions of the Patriarca LCN family.

Rossi had no recollection of whether he was told to report to anyone in particular in connection with his assignment. Shortly after reporting to the DEA off-site, Rossi was advised that there was a possibility that gambling information would be obtained through the Title III. He believed that this was the justification for the FBI's participation in the case. Rossi had no knowledge that any of the targets of the Title III were informants or had any type of relationship with law enforcement. Rossi could not recall any discussions to the effect that anyone involved in the Title III was an informant.

During his interview on July 23, 1997, SA Rick Carter advised that he was assigned to the DEA wire because he was a new agent in the division and had no first-hand knowledge of the subjects or informants in the Boston Division. Carter was aware that the FBI's Boston office had been accused by other law enforcement agencies of leaking information. He believes, in retrospect, that he was specifically assigned to the DEA wire because it targeted Bulger and Flemmi, who he later discovered were FBI sources. Carter confirmed that he was instructed not to discuss the matter with agents on Squad C-3. Carter had no recollection of ever discussing the results of the wire, and upon returning to the FBI office, he was not asked any specific questions about his experience.

After the completion of this assignment, Carter became aware that Bulger was an FBI informant. Carter received this information from Connolly, who supplied it on a routine need-to-know basis. Carter stated that to his knowledge, none of the AUSAs that had worked in the initial stages of the Title III were aware that Bulger and Flemmi were informants.

The Quincy Police Department also participated in the 1984 - 1985 DEA Title III. On August 5, 1997, former Quincy Police Department Captain David Rowell was interviewed regarding the 1984 - 1985 DEA Title III. Rowell advised that it was his understanding that the FBI became involved in the case because of the possibility of obtaining loan sharking and gambling evidence against their target, George Kaufman. He recalled that two agents were assigned who had just arrived in the Boston FBI

office. Rowell suspected that the assignment of two newly-arrived SAs reflected a lack of confidence and trust in the Boston FBI office concerning some of its agents. Rowell stated that although there were rumors, he never knew for a fact that Bulger or Flemmi were FBI sources.

On July 29, 1997, former Quincy Police Department Sergeant Richard Bergeron was interviewed. Bergeron also stated that it was his understanding that the FBI was brought into the case because there were concerns that gambling and loan sharking violations were likely to become part of the investigation. Bergeron understood that DEA SAC Stutman and FBI SAC Greenleaf had some kind of an agreement regarding the FBI's participation in the case. Bergeron recalled that both SAs Carter and Rossi were newly assigned to the Boston office and reported directly to the DEA Title III, so they were not in a position to know much of what the Boston office knew or did. Regarding the targets of the investigation, Bergeron advised that he had no recollection of discussing the alleged informant status of either Flemmi or Bulger. To the best of his knowledge, Bergeron advised that Bulger and Flemmi were not known to be informants, but there were many rumors regarding a possible relationship. Bergeron believed that the Title III was a legitimate attempt to investigate and prosecute Bulger and Flemmi.

Based upon the investigation completed to date, the weight of evidence indicates that personnel in the USAO and the DEA involved in the wire applications were never informed that Flemmi and Bulger were or had been FBI informants. Although there were many rumors regarding a relationship between the FBI and Bulger, none of the DEA or USAO personnel reported being advised of such a relationship.

The FBI Boston Office took special precautions to ensure that the Title III was not compromised. Ring assigned two newly-arrived agents and then "walled" them off from the rest of the Boston Office. Neither of these agents had any knowledge regarding the FBI's relationship with Bulger and Flemmi.

It is clear that Greenleaf knew of the relationship, but he denied ever informing Stutman or the USAO. AUSA Crossen advised that the Title III was a legitimate attempt to obtain evidence against Bulger and Flemmi and that no attempt was ever made to mislead the court in connection with the Title III.

One possible discrepancy was identified in the previously discussed October 17, 1989, memorandum prepared by Ring. The following language is set out in the fifth full paragraph on page two: "Information regarding the sensitivity of these two sources to current investigation has been provided to SAC Robert Stutman." Ring denies having ever discussed this matter with Stutman. Stutman also denies ever being informed

that Bulger and Flemmi were FBI informants. Ring advised that he had no recollection of what he meant by this language.

TITLE III at 34 GUILD STREET, MEDFORD, MASSACHUSETTS

(2) That the FBI and prosecutors knew the 34 Guild Street location in advance of obtaining a roving Title III and failed to inform the issuing judge.

On October 20, 1989, Acting Strike Force Chief Diane Kottmyer met with Boston SAC Ahearn and Ring. ASAC Dennis O'Callaghan may also have been present. The purpose of the meeting was to discuss LCN violence in the Boston area. During the previous summer, there had been a substantial increase in the level of violence by the LCN. Underboss Billy Grasso was found murdered in Connecticut, and in June of 1989 an attempt was made on the life of Francis Salemme, Sr., in the parking lot of a restaurant in Saugus, Massachusetts. Both Kottmyer and Ring were extremely concerned with the violence, and both described the LCN situation as a "tinderbox." Ring was convinced that a "shooting war" could break out at any time. Ring was particularly enraged by the attempt on the life of Salemme Sr., which was carried out in a parking lot of a restaurant. Ring believed the LCN's use of automatic weapons in a public area presented a substantial threat to public safety. We interviewed Kottmyer, Farmer and Boston SA Walter Steffens concerning their knowledge of the preparation of the application for the roving Title III.

At the October 20, 1989 meeting attended by Ahearn, Ring, and Kottmyer, it was decided to place a priority on obtaining a roving Title III targeting LCN members. Ring had previously assigned Steffens to compile a "rolling affidavit" to target the most violent members of the LCN. During this time period, Squad C-3 was cleaning up cases against Joe Russo, Vinnie Ferrara, and other LCN members. These cases were not yet ready to be indicted. Ring felt obligated to identify other situations where electronic surveillance could be used to quicken the process of arresting and getting these individuals off the street.

Kottmyer was informed that a confidential source had provided information regarding an LCN induction ceremony which would be held at some point in the future. She was told at this meeting that the information regarding the induction ceremony was so singular in nature that it could not be included in any affidavit for a roving Title III. Therefore, while she felt comfortable stating in the application the Government's intention to intercept an LCN meeting, she did not characterize the meeting as an "induction ceremony." Kottmyer left the meeting with the rolling affidavit prepared by Steffens and a packet of surveillance FD-302s. Kottmyer worked over the weekend and analyzed whether the affidavit contained sufficient justification

for a roving Title III. She knew the content of progress reports from a [redacted] Title III ([redacted] application), which contained several references to LCN activities in the Boston area.

Kottmyer believed the evidence justifying a roving Title III was overwhelming. There was substantial information regarding the subjects frequently moving meetings and taking other precautions to avoid electronic surveillance. She noted that Joe Russo had been particularly successful in avoiding electronic surveillance. Several previous attempts targeting Russo had been unsuccessful. Kottmyer considered Russo to be an exceptional target as he was running things in the Boston area and was considered to be the brains of the operation.

On Monday, October 23, 1989, Steffens reported to Kottmyer's office and worked on the affidavit until approximately 11:00 p.m. Using the "rolling affidavit" prepared by Steffens, as well as results from Title IIIs in [redacted] and Springfield, an application, affidavit and proposed order were drafted. On Tuesday, October 24, 1989, Ring advised that he instructed Steffens to hand carry the Title III package to FBIHQ and DOJ for approval. Ring had previously contacted SSA Dennis Maduro, who agreed to hand carry the package through the approval process. Kottmyer advised that during this process, minor modifications were made in the language of the package. Kottmyer had also contacted DOJ and requested that the package be expedited.

On Thursday, October 26, 1989, or Friday, October 27, 1989, the FBI obtained a copy of Vincent Federico's furlough application. The FBI had obtained source information indicating that Federico would be one of the individuals "made" during the induction ceremony. The furlough application was apparently obtained by two separate individuals. Analyst George Hurley had been instructed by Ring to compile an informational package on Federico. As part of this process, Hurley became aware that Federico had regular furloughs from prison. Hurley advised that he obtained a copy of the furlough application on Thursday, October 26, 1989, and provided it to Ring.

A copy of the furlough application was also obtained by then-SA Vince Delamontaigne. Delamontaigne contacted Linda Washburn at the Massachusetts Department of Corrections on either Thursday or Friday morning. Delamontaigne obtained a copy of the application from Washburn on Friday morning. Washburn advised that she provided a copy of the furlough application to Delamontaigne a couple of days before the furlough was to occur. The application disclosed that Federico had listed the address, 34 Guild Street, as a location where he would be on Sunday morning, October 29, 1989. The justification for the visit was listed as "family."

Delamontaigne recalled discussing the furlough application with members of the squad when another Agent, Joe Hannigan, recognized Guild Street [redacted]

H Delamontaigne then [redacted] for the purpose of observing 34 Guild Street.

After obtaining a key to the Moody residence, Delamontaigne and Hannigan proceeded to Guild Street. While they were in the Moody residence, a vehicle containing four individuals arrived at 34 Guild Street. Hannigan and Delamontaigne recognized these individuals as Joseph Russo, Vincent Ferrara, and Angelo "Sonny" Mercurio. At approximately 1:00 p.m., Delamontaigne contacted the Boston office and advised Ring that the three individuals had been observed at the 34 Guild Street address. Ring at some point informed Kottmyer and Steffens of this development.

By midday on Friday, October 27, 1989, Kottmyer and Ring became concerned because the Title III package had not yet received final approval at the FBI or DOJ. Kottmyer informed Ring that the FBI's approval had not yet been provided to DOJ's Office of Enforcement Operations (OEO). Ring advised that SAC Ahearn then called Section Chief Jim Moody in the Organized Crime Section at FBIHQ, at which time Moody advised that he did not
G want to approve the application because of the use of [redacted] Title III information. Moody was concerned that any arrests conducted in the Boston case would disclose the [redacted] Title III.

Ring advised that a discussion was then held between Section Chief Moody, Ahearn, Ring, and SSA Bob Hargraves regarding the affidavit. Moody agreed to approve the package conditioned on the Boston Division's agreement not to conduct immediate arrests. At approximately 6:11 p.m., Kottmyer received approval from DOJ via facsimile. Earlier in the day, Kottmyer learned that Delamontaigne had obtained a copy of Federico's furlough application. Subsequent to this, she learned from Ring that surveillance placed Ferrara, Russo, and Mercurio at 34 Guild
H Street. [redacted]

Kottmyer proceeded to Judge Nelson's chamber. Kottmyer had previously provided Judge Nelson with a draft of the roving Title III after she had been advised on late Thursday, October 26, 1989, or early Friday, October 27, 1989, that approval for the Title III would be forthcoming. Kottmyer noted that Judge Nelson had been calling to determine the status of the Title III package. Judge Nelson advised Kottmyer that he would be unavailable on Saturday afternoon. Kottmyer obtained Judge

Nelson's telephone number in case the need developed to contact him over the weekend. Kottmyer told Judge Nelson that there could be an entry as early as over the weekend. She also informed Judge Nelson that in the event of an arrest, the Title III would be immediately terminated to avoid invasion of the defense camp. Judge Nelson asked no questions regarding the location at this time. Kottmyer noted that Judge Nelson had handled the Angiulo case and was very familiar with the organization of the LCN and did not need to be educated in this context.

Kottmyer advised that at the time Judge Nelson signed the order, she knew that there was going to be a "making" ceremony, that Federico had listed 34 Guild Street on his furlough application, that a source had advised that the ceremony would be held in the vicinity of Wellington Circle, Medford, Massachusetts, and that Ferrara, Russo, and Mercurio were observed during a surveillance at 34 Guild Street.

The decision to make the installation at 34 Guild Street was made at approximately 3:00 p.m. on Saturday, October 28, 1989. Kottmyer could not recall specifically, but she thinks she may have known that the Destefanos, the Federico relatives who resided at 34 Guild Street, had left the residence at about this time. She may also have known that food had been ordered for the ceremony. Kottmyer believes that she may have placed significance on the fact that the Destefanos had left the residence because of earlier source information to that effect.

After obtaining Judge Nelson's signature and before the decision to make the installation, Kottmyer may have heard that an informant confirmed that they had been checking out 34 Guild Street and that it was acceptable. The source information regarding the 34 Guild Street location was obtained by Ring. Ring could not specifically recollect when he advised Kottmyer of this information; however, he was certain that it was after Judge Nelson had already signed the order.

Ring advised that he spoke with Kottmyer at approximately 3:00 p.m. or 4:00 p.m. on Saturday afternoon. Ring and Kottmyer both advised that they were still uncertain as to whether 34 Guild Street was the correct location. Both Ring and Kottmyer had previous experience wherein the LCN changed meeting locations at the very last moment. Both also had fears that the induction ceremony could be a ruse by the LCN to identify informants. The information regarding Guild Street would only be known by a very limited number of LCN members. Both Ring and Kottmyer discussed the possibility that the FBI would be caught by the Medford Police making the installation. After her discussion with Ring, Kottmyer advised that she felt completely justified in going forward with the installation.

At approximately 4:45 p.m. on Saturday, October 28, 1989, Kottmyer called Judge Nelson's residence and spoke with his mother. Judge Nelson's mother took down the information and advised Kottmyer that she would have the judge contact Kottmyer as soon as he came back. Kottmyer never received a call back from Judge Nelson and advised that she was "really on the fence" about whether she should call back. At about 9:00 a.m., the following morning, October 29, 1989, Kottmyer called Judge Nelson at his chambers. The judge made no mention of her earlier message. He also asked no questions regarding the location of the interception. Judge Nelson was informed of the installation and the address, and that an interception was possible later that day. Kottmyer advised that there was no attempt to mislead Judge Nelson.

On May 28, 1997, Mercurio was interviewed by SA Michael J. Buckley of the Boston FBI regarding the induction ceremony. Mercurio recalled, that the induction occurred on a Sunday. Mercurio confirmed that he had learned earlier in the week that the ceremony would be held in the vicinity of Wellington Circle, Medford, Massachusetts. He recalled that a few days before the ceremony, Mercurio drove to the house on Guild Street where the ceremony would be held with Russo and Ferrara. This occurred in the early afternoon. Mercurio met the owner of the house but did not go into the residence. Mercurio spent the remainder of the afternoon, until about dinner time, with Russo and Ferrara.

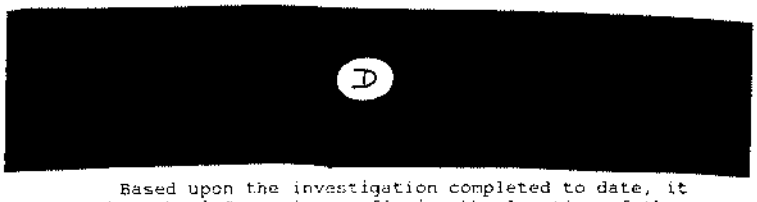
Later that same day, Mercurio called SA John Connolly to inform him about the location of the ceremony. Connolly told Mercurio that he (Connolly) would arrange for Mercurio to meet with Ring. Later that evening, Mercurio provided Ring with the information. Mercurio recalled that Ring remarked that Mercurio, Russo, and Ferrara had been observed at the residence by FBI agents.

Mercurio was confident that the day he was observed at 34 Guild Street with Russo and Ferrara was the same day he advised Ring of the location. The observation of Mercurio, Russo, and Ferrara on Guild Street was recorded on an FD-302 by SA Delamontaigne as October 27, 1989. This date is also confirmed by the FD-209 and insert prepared by Ring in connection with his receipt of the information on the 34 Guild Street location. (The FD-209 is dated November 28, 1989.) The interview of Mercurio was memorialized in an affidavit by SA Buckley filed in United States v. Salemme.

The owner of 34 Guild Street, Stephan Distefano, now alleges that Mercurio was at his residence on Wednesday evening, October 25, 1989. Distefano alleges that he was contacted by Vincent Ferrara on Wednesday, October 25, 1989 and asked to come to the North End of Boston to make arrangements for the use of

Distefano's house on the following Sunday. Distefano states that he drove to Ferrara's club on Salem Street in Boston to discuss the use of the residence and to show Ferrara how to get there and how to get in. Distefano alleges that he met with Ferrara and Robert Donati. It was decided that Distefano would drive Ferrara, Russo and Mercurio to the Distefano residence because the directions were confusing. After this trip, Distefano returned to Boston with Ferrara, Russo and Mercurio and met with Donati to again discuss the proper route and the location of the hidden key.

This interview was recorded in the affidavit of attorney Barry Collins dated April 16, 1997. The defendants point to this interview as further proof that the FBI and prosecutors knew of the Guild Street address before obtaining authorization for a roving Title III. Distefano, who is Federico's brother-in-law and a life-long friend of Ferrara, was interviewed with his wife on March 27, 1990. During that interview, both Distefano and his wife claimed that they knew nothing about the meeting that took place at their residence. Distefano advised that Federico wanted to use the house for the weekend. Federico, who would be out on furlough, wanted to spend the weekend with his girlfriend. Distefano advised that he left a key for Federico. Distefano advised that he and his wife went away for the weekend and did not know what took place.



Based upon the investigation completed to date, it appears that the information confirming the location of the induction ceremony was not obtained until after the authorization for the roving Title III was obtained. Even after Mercurio reported on Friday night that 34 Guild Street would be the location, there was still a high degree of uncertainty that was not resolved until Saturday afternoon, when the decision to make an entry was made.

Kottmyer still was not convinced of the 34 Guild Street location because of concerns regarding a possible ruse by the LCN to identify informants. She also was convinced that Federico would not list the location of an LCN meeting on a furlough application. Ring also shared Kottmyer's concerns regarding this location.

(3) That the 34 Guild Street roving Title III was used as a subterfuge to protect sources.

This allegation arises from language in the October 25, 1989 airtel that was prepared to transmit the Title III application to FBIHQ. The following language appears on page two of the airtel: "Such authorization will also help to protect the identity of any confidential sources, who otherwise might be revealed if singular information (in this case, the location of sensitive LCN meeting) provided by the source was incorporated into the affidavit of a traditional Title III application." This communication was prepared by SA Robert H. Walther, who also authorized its dissemination in his capacity as relief supervisor.

Walther recalled that he was tasked to prepare the airtel after the Title III application had already been transmitted to FBIHQ by SA Walt Steffens. Walther had very little recollection of the document. He surmised that he prepared the airtel with information prepared by other squad members and possibly other documents that may have contained pertinent information.

Walther had no specific recollection of the language at issue. He believes that the language was included to demonstrate another benefit of the roving Title III technique. Walther stated the language was intended to be generic and not a description of the present case. Walther advised that on the date the airtel was prepared, he had absolutely no information regarding the location of the induction ceremony. The first time that Walther was on Guild Street was Sunday, October 29, 1989.

Ring was also asked to review the October 25, 1989 airtel. Ring had no recollection of the communication. He noted that the initials in the lower left hand corner of the first page indicated that it was prepared by SA Walther. Ring said he would not have used the language because it did not apply to the 34 Guild Street situation. Ring stated that the location of the induction ceremony was not known on October 25, 1989, as the airtel seems to imply.

Judge Wolf raised the issue that the testimony provided by Kottmyer in the 1991 Franks Hearings is inconsistent with the language in the Walther airtel. Kottmyer would not have been privy to the airtel, which is an internal FBI document. Kottmyer has testified that as of the time she met with Judge Nelson, she was still not certain of the 34 Guild Street location. No other evidence has been developed to suggest that Kottmyer intended to use the roving Title III as a subterfuge to protect sources.

(4) That the FBI facilitated Federico's prison furlough.

Linda Washburn of the Massachusetts Department of Corrections was interviewed regarding the alleged role of the FBI in facilitating Federico's furlough. Washburn advised that Federico was entitled to a furlough as he was in a positive furlough status. Federico had already received furloughs on several occasions. Washburn confirmed that she provided a copy of the application to SA Delamontaigne a couple of days before the furlough. Washburn denied that the FBI played any role in the furlough process. Washburn advised that any request from the FBI to facilitate a furlough would have to be approved at several levels. She was unaware of any such request by the FBI during her tenure with the Department of Corrections.

(5) That prosecutors misled the issuing judge by failing to disclose that an informant would be present at the induction ceremony.

This allegation arises from the disclosure that Mercurio attended the induction ceremony. Mercurio was subsequently convicted of a Travel Act violation in connection with his attendance. In his Memorandum and Order, dated May 22, 1997, Judge Wolf stated, "Moreover, if true, the failure of the application to disclose or adequately describe, Mercurio and/or Donati as informants is relevant to whether the Government made the 'full and complete statement' concerning necessity required by Section 2518(1)(c)." Judge Wolf stated further that if the issuing judge had been informed that an informant would be present at the induction ceremony, "at a minimum he or she would have been likely to ask if the informants were willing to wear a recording device or testify, either voluntarily or pursuant to a compulsion and immunity order."

Mercurio was a source utilized in the Guild Street affidavit. In Section C, Paragraph 12, the issuing judge was informed that Mercurio would not testify against any of the subjects named in the affidavit for fear of reprisals. The nature of the source information also makes it clear that Mercurio, designated as CS-3, was an active participant in the described meetings. All of the information was described as being obtained personally or by overhears of other conversations.

Ring had no recollection of ever asking Mercurio to wear a body recorder to the induction ceremony. In addition to the serious safety problem presented by such a plan, Ring advised that Mercurio had refused to testify against his associates since their initial contacts. Ring periodically invited Mercurio to cooperate and testify; however, all of these invitations were declined. There was also a concern that Raymond Patriarca, Jr. had a radio frequency detector, which could be used to locate a transmitter.

During the May 28, 1997, interview of Mercurio by SA Buckley, Mercurio again stated that he was unwilling to cooperate and testify at any public trials or hearings. Mercurio cited his fear of physical harm to his family and close friends. On July 12, 1997, Buckley recalled that Ring had asked Mercurio if he would wear a body recorder and that Mercurio had declined.

Based upon the above, it does not appear that any serious consideration was given to having Mercurio consensually monitor the ceremony. The affiant, SA Steffens, did not know that Mercurio was a source. Kottmyer knew of Mercurio's status, but did not consider this to be an issue. Steffens noted that Judge Nelson never asked any questions regarding the sources used in the affidavit. Based on investigation completed to date, it does not appear that there was an intent purposely to withhold this information or mislead the issuing judge. However, the application does not disclose that the informant would be in attendance at the meeting. We do not purport to resolve whether inclusion of this information was required under applicable law.

(6) That Mercurio provided the FBI and prosecutors with defense strategy and plans.

In its June 19, 1997, Order at page 11, the Court raised the question whether the FBI and prosecutors enjoyed access to joint defense information through Mercurio. A review of the informant file disclosed that no information was provided by the informant after the date of his indictment. The informant files do not report defense strategies and plans during any of Mercurio's contacts with the FBI. We have developed no evidence that any Government agent was in contact with Mercurio after he fled, sometime after November 13, 1989.

By teletype dated November 17, 1989, the Boston Division advised FBIHQ that it was closing communication with Mercurio effective November 13, 1989. The teletype also advised that Mercurio had been instructed not to contact the FBI unless it was to provide information regarding possible acts of violence or corruption of the judicial process. A warrant was issued for Mercurio's arrest on November 14, 1989.

On May 8, 1989, Ring prepared a three-page memorandum to memorialize discussions between Ring, Kottmyer, and FBI Principal Legal Advisor Michael Callahan relative to the Government's obligations in preserving the soon-to-be indicted defendants' Sixth Amendment rights. The memorandum concluded that the only way to prevent disclosure of Mercurio's informant status and, at the same time, prevent the burden of proof being shifted to the Government in connection with its possible receipt of defense information, was to close the informant prior to indictment. However, to fulfill the FBI's obligation to prevent crimes of violence, the informant was to be instructed to make

contact for the limited purpose of reporting potential crimes of violence or planned corruption of judicial proceedings.

Ring advised that he prepared the May 8, 1989 memorandum because he knew the source's access to defense plans and strategies would become an issue at some point in the future. Ring advised that he was trying to address the problem at that time because he was afraid that as an indictment approached, things would begin moving too quickly. He wanted to develop a strategy to address the eventuality that Mercurio may provide information which could impact Sixth Amendment rights or reveal Mercurio as a source. Ring noted that in his May 8, 1989 memorandum, he described a meeting between Connolly, Mercurio, and himself in which they discussed segments of the Attorney General's Guidelines and the areas of law relating to Sixth Amendment rights, as well as those of his associates.

1991 HILTON HOTEL TITLE III

(7) The FBI knew with specificity the location of the meeting in connection with the 1991 Hilton roving wire, but failed to inform the court.

The defendants in the Salerno case allege that one of the interceptees of the 1991 Hilton Title III was an undisclosed FBI informant. They further allege that this informant would have known the location of the meeting in advance.

On approximately December 10, 1991, the FBI Boston Office was informed by the FBI Las Vegas Office that it had obtained Title III information indicating that Natale Richichi would be traveling to Boston in the near future to meet with Ken Guarino and Frank Salemme, Sr. The Las Vegas office communicated that this meeting might occur at the Ritz Carlton Hotel, but they did not necessarily believe it would. The Las Vegas Organized Crime Strike Force and the FBI Las Vegas Office requested that Boston pursue Title III authorization to monitor this meeting electronically. SA Vincent Delamontaigne, who was a Relief Supervisor, took the initial telephone call from Las Vegas. Preparations were immediately initiated to obtain a Title III to cover the expected meeting.

SA Walter Steffens was instructed to report to the Boston Organized Crime Strike Force Office to assist in the preparation of an affidavit, application, and order. AUSA Todd Newhouse, who already had a pending case on Salemme, was assigned the responsibility of preparing the Title III package. Strike Force Chief James Farner also participated in the preparations. Probable cause for the Title III was provided, in large part, by the FBI Las Vegas Office. The Boston FBI Office provided source information addressing the hierarchy of the LCN in New England, as well as recent investigative information regarding the

targets. Neither Farmer nor Newhouse knew the identities of the sources utilized for preparation of the Title III package.

On the afternoon of December 10, through the evening, and into the next morning, December 11, 1991, Farmer, Newhouse and Steffens worked on the affidavit, application and order. A final draft was prepared around noontime, and someone from the FBI flew the drafts to Washington, D.C., to be reviewed by FBIHQ and DOJ. By late afternoon on December 11, 1991, approval was obtained from DOJ.

Prior to receiving final authorization, AUSA Newhouse had provided a draft of the Title III package to Judge Young for his review. Judge Young advised Newhouse that he would not approve an application for a roving Title III. Newhouse stated that at this time, the 34 Guild Street roving Title III issue was being addressed by Judge Mark Wolf in the Ferrara litigation. Newhouse explained to Judge Young that although there was a good chance that the meeting site would be the Ritz Carlton Hotel, the LCN frequently changed meeting sites at the last minute.

Farmer recalled that Judge Young had concerns regarding the constitutionality of the roving Title III provisions. Farmer further recalled that briefs submitted in connection with the 34 Guild Street matter were provided to Judge Young for his review. Judge Young subsequently contacted Newhouse again and advised that he wanted to review the draft Title III package again.

According to Newhouse, somewhere between 8:00 and 9:30 p.m. on December 11, 1991, SA Bob Walther drove Steffens and Newhouse to see Judge Young for his authorization. Judge Young was at a function at the Union Club in Boston. The Title III package was brought to the Union Club for Judge Young's review and authorization. Steffens recalled that Richichi had already landed before Judge Young's authorization and that the order he was signing could have been too late. Farmer also believed that the judge was told that Richichi had landed. Both Farmer and Steffens remember that Judge Young said "good luck."

Surveillance of Richichi was initiated at Logan International Airport. Richichi was followed to the Hilton Hotel by Delamontaigne and other Boston agents. Delamontaigne advised that he was in the line behind Richichi and Guarino at the reception desk, where he was able to overhear their room number. Delamontaigne then rented a room on the same floor; however, the room did not adjoin Richichi and Guarino's room. Delamontaigne walked past Richichi's room and confirmed that two males were conversing within. Delamontaigne then returned to the reception desk and requested that his room be changed. Delamontaigne advised the desk personnel that his current room was on the flight path to the airport and that the noise was bothering him.

He requested that they consider moving him to one of three other rooms. Two of the rooms were occupied, however, the third room, which was adjacent to Richichi and Guarino, was available. Delamontaigne never identified himself as an agent to the desk personnel because he felt there was a possibility that they would not be cooperative.

Delamontaigne then went to the new room and contacted SSA Quinn to request that a team of technical agents be dispatched to the hotel for the installation of the electronic surveillance equipment. Delamontaigne advised that this was the first time that the FBI knew where the meeting would be held. Delamontaigne further advised that he had no knowledge that either Richichi or Guarino were cooperating with the FBI in any capacity. He was also unaware of any attempt by the prosecuting attorneys to withhold any information from the judge or make any other type of misrepresentation.

SA Joseph Hannigan participated in the surveillance of Richichi. Hannigan confirmed that Richichi and other individuals were followed to the Hilton Hotel location. This was the first time that Hannigan ever knew that Richichi would be at the Hilton Hotel. Hannigan also confirmed that during the surveillance in the Hilton Hotel parking lot, he received a radio call that advised him that Delamontaigne had been able to learn the subject's room number. SA Brian Rossi was also assigned to the surveillance team. Rossi was located in the parking lot behind the Hilton Hotel when he was instructed by SSA Quinn to go into the hotel and to meet with Delamontaigne. Rossi then proceeded into the hotel where he met with Delamontaigne. Rossi acted as a monitor on the interception of the conversations of Richichi and others. Rossi stated that to his knowledge, there was no previous source information that provided the name of the hotel or the target's room number.

Rossi advised that he was surprised at the quality and quantity of information discussed between Richichi and Guarino, especially since Richichi was a "made guy" and Guarino was only an associate. Rossi advised that he would have expected Guarino to show more deference to Richichi. The excellent quality and quantity of information that the Title III was obtaining prompted SA Rossi to comment facetiously about making up a list of questions and sliding them under the door. SA Rossi stated that he had no knowledge of any relationship between the FBI and any of the targets of the electronic surveillance. Hannigan was also unaware of any relationship between the targets and the FBI or any other law enforcement agency.

After obtaining the court's authorization, Farmer, Newhouse, and Steffens proceeded to their residences. It was not until the next day that they learned of the Hilton location and that the interception had been successful. None of these

individuals had any previous knowledge of the location of the meeting.

Based upon the investigation completed to date, there is no indication that the FBI or the prosecutors knew the exact location of the meeting prior to the authorization of the roving Title III. The exact location was determined through surveillance of Richichi from Logan Airport to the Hilton Hotel. There is also no indication that the FBI had any contact with the management of the Hilton at any time before or after the authorization. The only other information regarding a location that was known to the FBI and prosecutors prior to the authorization was the reference to the Ritz Carlton that was picked up on the Las Vegas Title III. This information was brought to the issuing judge's attention as part of the Title III application and order.

None of the FBI or USAO personnel assigned to this matter had any knowledge of any relationship between the FBI and the targets of the Hilton Title III.

(8) That Rossi was overheard saying "Saint" during the interception of the 1991 Hilton Hotel meeting.

The defense maintains that SA Brian Rossi, who was a monitor on the Hilton Title III wire, can be overheard saying "saint" on the tape of the meeting. Rossi denied that he said the word "saint" while he was monitoring the wire. Rossi explained that the electronic monitoring of the meeting resulted in some of the comments of the monitoring Agents being overheard on the tape. Rossi stated that the quantity and quality of the information obtained from the conversation between Richichi and Guarino caused him to comment facetiously about sliding a list of questions under the door. Rossi subsequently listened to a copy of the tape on which he allegedly made the comment. Based upon his review of the tape, Rossi believes that he said "say."

Investigative Chronology

The Committee's Report and the entries in this Investigative Chronology are supported by cases, memoranda, published books, articles, and reports, and other documents. The superscripts identify the number of the entry and generally, an associated exhibit. All exhibits that are referenced in the Committee's Report are reproduced and published in conjunction with the Report and the Investigative Chronology. Other exhibits that have been reproduced and published are generally those documents that are not currently available to the public or easily accessible by the public.

The 40's

1945: Joseph Barboza is arrested at the age of thirteen for breaking and entering.[1]

December 1949: The *Boston Herald Traveler* reports, "In a space of a few days in December 1949, Barboza's gang broke into 16 houses in various parts of New Bedford and stole money, watches, liquor and guns."[2]

12–31–49: At age seventeen, Joseph Barboza is imprisoned for the first time.[3]

The 50's

1–29–51: Dennis Condon becomes an FBI Special Agent. He retires on May 20, 1977.[4]

2–26–51: H. Paul Rico joins the FBI. He retires on May 27, 1975.[5]

April 1952: Paul Rico is assigned to the Boston FBI Office.[6]

7–13–53: At age twenty, Joseph Barboza leads a revolt and escapes from prison in Concord, Massachusetts.[7]

5–19–54: Joseph Barboza is convicted of robbery by force and violence, assault and battery with a dangerous weapon, assault and battery, kidnapping, larceny of autos, and escape from prison. He is sentenced to 10–12 years, 8–10 years, 10–12 years, 2½–3 years, and 2–3 years.[8]

1–19–56: Dr. Daniel Levinson administers a psychological exam to Joseph Barboza. Dr. Levinson concludes that Barboza's "features make him look less bright than he actually is; his I.Q. is of the order of 90–100 and he has the intellectual ability to do well in a moderately skilled occupation."[9]

3–5–56: A personal and confidential memorandum from the Special Agent in Charge (SAC) in Boston to FBI Director J. Edgar Hoover states the following information about James "Whitey" Bulger: "This office had known Bulger because of his suspected im-

plication in TFIS tailgate thefts. We knew of his extremely dangerous character, his remarkable agility, his reckless daring in driving vehicles, and his unstable, vicious characteristics." Agents Paul Rico and Herbert F. Briick, "undertook to develop a PCI [Possible Confidential Informant] who could and would inform on Bulger's location. . . . SA's Briick and Rico continued to contact REDACTED and ultimately developed his confidence and willingness to cooperate." The SAC recommends that Rico, who took Bulger in to physical custody, and the other agents involved in Bulger's arrest receive a letter of commendation, with particular emphasis on "the fine work of SA's Rico and Briick in cultivating the informant who made the arrest possible." [10]

3–28–56: In a letter from FBI Director Hoover to Paul Rico, Hoover notifies Rico of his promotion to the position of Special Agent. Hoover states, "It is a pleasure to approve this promotion in view of your superior accomplishments in connection with the Bank Robbery case involving James J. Bulger, Jr., and others." Hoover also commends Rico for his outstanding work "in developing a valuable source of information" and "in developing other confidential sources of information." [11]

3–13–58: A psychiatric report by Dr. Saltzman states that Joseph Barboza has a "sociopathic personality disturbance, anti social reaction." He continues, "There is always a great possibility of further anti social behavior in the future." [12]

7–12–58: Joseph Barboza marries Philomena Termini.[13]

9–6–58: Joseph Barboza is convicted of possession of burglary tools and attempted breaking and entering. He is subsequently sentenced to 3–5 years.[14]

11–14–58: Joseph Barboza is convicted of attempted breaking and entering at night with intent to commit larceny and possession of burglary tools. He is subsequently sentenced to 3–5 years.[15]

1961

2–13–61: In a letter from Attorney General Robert F. Kennedy to the Honorable Mortimer M. Caplan, IRS Commissioner, Kennedy lists Raymond Patriarca, as one of the 39 top echelon racketeers in the country targeted for investigation and prosecution.[16]

3–1–61: In an FBI Memorandum from Director Hoover regarding the Criminal Intelligence Program, Hoover states, "I desire to insure [sic] that each office is fulfilling its obligations under this program and to be certain we have that type of coverage of the criminal underworld comparable to that which we achieved in our investigations of the Communist Party. . . . You should carefully . . . follow through with a planned program to develop high-level live informants[.] It cannot be stressed too strongly that this matter is to receive your personal attention and that having understood the Bureau's objective, effective and vigorous action is to be exerted to accomplish the aims outlined." [17]

3–14–61: An FBI Letter to Field Office SACs regarding criminal informants states in relevant part: "Through well placed informants we must infiltrate organized crime groups to the same degree

that we have been able to penetrate the Communist Party and other subversive organizations. . . . Today the press, television, and radio along with the express interests of the Administration keep this phase of criminal activity in a position of prominence in the public eye. Certainly we cannot relax even momentarily our efforts in combating the criminal underworld including the prosecution of Top Hoodlums. The foundation from which we forge our attack must be kept strong and fresh with a full flow of information from well placed informants. . . . All Agents in conducting investigation of criminal matters should be constantly alert for the development of *new* informants and *new* potential informants who may be in a position to assist us." [18]

4–27–61: The Attorney General held a meeting in his office regarding the Organized Crime and Racketeering Section. Those in attendance were: Deputy Attorney General White, Assistant Attorney General Miller, Walter Sheridan, a special consultant to the Attorney General with reference to organized crime matters; Edward Silberling, Head of the Organized Crime and Racketeering Section, and his assistant, Henry Petersen. "The Attorney General stated in very emphatic terms his dissatisfaction with the lack of progress by the Organized Crime and Racketeering Section. . . . The Deputy Attorney General pointed up the need for the receipt of full information in order to develop a case and cautioned against too speedy action. The Attorney General took issue with this, saying that while it was necessary to develop information, nevertheless, he expected the attorneys in the Organized Crime Section to be more aggressive and get something accomplished. . . . The Attorney General concluded the meeting by reiterating that he was going to insist on action being taken by the Organized Crime and Racketeering Section and he expected something to be accomplished. He advised he intended to hold another meeting on May 20 and by that time, those in the section would have to be in a position to report more favorably or he might have to take other action to get the job done." (This information is contained in an FBI Memorandum from C.A. Evans to Mr. Parsons dated April 28, 1961).[19]

6–21–61: The Top Echelon Criminal Informant Program was inaugurated. (*See* 12/7/62 entry). A letter from Director Hoover to FBI SACs states in relevant part: "To successfully complete our intelligence picture of the controlling forces which make organized crime operative, it is now urgently necessary to develop particularly qualified, live sources within the upper echelon of the organized hoodlum element who will be capable of furnishing the quality information required. The most significant information developed to date indicating organization among the nation's hoodlum leaders has been obtained from highly confidential sources in Chicago, New York, and Philadelphia concerning the existence of a 'commission' of top leaders of the organized hoodlum element exerting a controlling influence on racket activities in this country." Raymond Patriarca was listed as Boston's Top Hoodlum and as a "commission" member. The letter further states that "there is an urgent need for amplifying information which will reveal full details concerning the operations of these interrelated organized

criminal groups throughout the nation. Our urgent need for new live sources strategically placed in the upper echelon of organized crime is brought into clear focus by the fact that no information regarding the 'commission' has been reported by any live criminal source to date. . . . [I]t is mandatory that the development of *quality* criminal informants be emphasized and the existing program be implemented and greatly expanded. You are again reminded that the penetration and infiltration of organized criminal activity is a prime objective of the Bureau, and to accomplish this it is necessary to give a renewed impetus to the development of *quality* criminal informants. . . . [T]he best source we could possibly obtain would be a criminal informant who is highly placed in organized crime. . . . To insure [sic] the success of this program, it is necessary to utilize Special Agents with the will and desire to employ new approaches and means to secure the Bureau's goals." Selection of a particular criminal informant should be based on "a combination of a particular hoodlum's qualification by virtue of his position in the organized crime hoodlum element, and upon circumstances indicating his possible vulnerability to development. . . . To properly develop informants of this caliber, varied approaches can and should be utilized, dependent upon the individual under development. . . . Every office is being advised of this program since in the future it may be appropriate to expand it to include additional offices. . . . This program has, as its primary purpose, the development of *quality* criminal intelligence informants. The two most important components of this program are the selection of individuals for development as informants and the designation of the Special Agents who will participate."[20]

1962

3–6–62: The FBI installs electronic microphone surveillance at Raymond L.S. Patriarca's office at the Coin-O-Matic Distributing Company, located at 168 Atwells Avenue in Providence, Rhode Island. "[F]rom March 6, 1962 until July 12, 1965, inclusive, agents of the Federal Bureau of Investigation (hereinafter called 'F.B.I.') maintained an electronic surveillance of the place of business of a business associate of the defendant [Louis "the Fox" Taglianetti] located at 168 Atwells Avenue, in the City of Providence, in the State of Rhode Island. The overall purpose of said surveillance was to gather criminal intelligence with respect to organized crime. It was conducted under the direction of Mr. John F. Kehoe, Jr., a Special Agent in Boston. . . . At the end of each day said log and tape recording were mailed or delivered to Special Agent Kehoe in Boston. . . . Special Agent Kehoe would review the log and listen to the tape recording. After doing so, he would dictate a memorandum and an airtel summarizing the contents thereof. The tape recording would then be routinely erased." (*U.S.* v. *Taglianetti,* 274 F. Supp. 220, 223 (1967); *see also* Memo from SAC, Boston to Director, FBI dated 5/31/62; Richard Connolly, *The Story of the Patriarca Transcripts,* BOSTON GLOBE, Sept. 21, 1971)).[21]

3–12–62: In an airtel from FBI Director Hoover to the SAC in Boston regarding Raymond Patriarca, FBI Director Hoover orders, "You are authorized to discontinue submission of daily teletypes in

this case and in lieu of same submit summary type airtels on Tuesday and Thursday of each week. . . . This case is to continue to receive full-time attention and every effort must be made on a daily basis to develop any criminal violation which Patriarca is committing or has committed with any relevant statute of limitations period."[22]

3–30–62: Memorandum from Director Hoover to the personal attention of the SAC in Boston. The memorandum states that on March 6, 1962, the Boston SAC activated the microphone surveillance at Raymond Patriarca's place of business in Providence, Rhode Island. The memorandum discusses the "wealth of worthwhile information" obtained from the microphone. The memorandum authorizes the Boston SAC "to give immediate consideration to submitting recommendations for incentive awards and/or commendations for the personnel responsible for the success of this matter." (Hoover later receives recommendations to keep the surveillance in place. *See, e.g.,* Memorandum from SAC, Boston, to Director, FBI (Oct. 2, 1963); Airtel from Director, FBI, to SAC, Boston (Mar. 3, 1964)).[23]

4–9–62: Memorandum from Director Hoover to the personal attention of the Boston SAC discussing "additional misur [microphone surveillance] coverage."[24]

4–10–62: An FBI letter to Field Office SACs entitled, Criminal Intelligence Program—Necessity of Affording Protection to Highly Confidential Informants and Techniques states: "It is mandatory that our highly confidential informants and techniques are afforded complete protection at all times. When attributing information to these sources, care must be exercised in order that our operations are not impaired through the divulgence of their identities."[25]

May 1962: Joseph Barboza is arrested for assault and battery with a deadly weapon but no disposition is given.[26]

5–8–62: The Boston SAC prepares a memorandum to Director Hoover noting that Raymond Patriarca is one of the original forty hoodlums selected by the FBI for intensive investigation and early prosecution.

5–31–62: In a memorandum from the Boston SAC, Director Hoover is informed that since the microphone surveillance was installed on March 6, 1962, in Raymond Patriarca's office in Providence, Rhode Island, it "has furnished a wealth of worthwhile information concerning Patriarca's activities and associates." The memo further states that the microphone surveillance "has shown that Patriarca exerts real control over the racketeers and racketeering activities in Rhode Island and Massachusetts . . . and has also shown definite connections between Patriarca and the New York City hoodlum element and has strongly indicated that Patriarca is a member of the 'commission.'" The memorandum recommends that the microphone surveillance be continued until September 5, 1962.[27]

8–1–62: The Boston SAC prepares a memorandum to Director Hoover stating: "In accordance with Bureau instructions set forth in re[ferenced] let[ter], a complete review has been made of the en-

tire program of inquiry concerning gambling matters in the Boston Division. This review points out that the primary target of this office has been to develop admissible evidence which would result in the prosecution of Raymond L.S. Patriarca . . . . In furtherance of this phase, Boston informant 837–C* [microphone surveillance] has been developed and this informant has indicated clearly that Patriarca is conducting activities which appear to be in violation of the ITAR statute. Intensive efforts are continuing to develop proof of his involvement. This investigation, which is being conducted, consists of surveillances to determine contacts outside his regular place of business and to identify his lieutenants and close confidants. Informants are being utilized and where information is developed which can be disseminated, it is being furnished to other law enforcement agencies for the purpose of harassing Patriarca and his associates with the hope that a provable violation may develop. Patriarca's activities seem to concern gambling, attempts to corrupt officials and he furnishes general aid and counsel to assorted members of the underworld. In investigating those who are identified as lieutenants or close associates of Patriarca, it is felt that some violation of which they are guilty might serve as a leverage to break through the barriers with which Patriarca has surrounded himself. Some of the persons close to Patriarca and identified to date, have been Gennaro [Jerry] Angiulo and his brothers . . . Henry Tamaleo [sic], Samuel Granito and Ted Fuccillo. . . . As the Bureau is aware, the data being made available regularly through BS 837–C* [microphone surveillance] highlights the activities of these individuals. Probing of individual situations has been and will be intensified. Wherever possible, efforts are made to so utilize this information so as to develop separate independent cases." Four examples of independent cases currently being developed against Henry Tameleo, Raymond Patriarca, Herbert Ashton Page, Jr., and Carl L. Strobeck were discussed. The memorandum states that two of these cases will go before a grand jury soon and convictions in these cases could lead to more information on other crimes.[28]

8–9–62: According to an FBI memorandum, IRS Agent Edgerly was paid money to "straighten out" the Nicholas Angiulo tax case.[29]

8–14–62: Director Hoover notifies the Boston SAC that the "[r]eferenced airtel [8–9–62 Airtel from Boston SAC] sets forth information regarding Internal Revenue Service Agent Edgerly who reportedly accepted a payment of $3,000 in connection with his handling of the [Jerry] Angiulo investigation. In order that this information may be properly disseminated to the Internal Revenue Service and to the Department you should promptly furnish further identifying information regarding Edgerly, including his full name. You should also include available information regarding the actual outcome of the Internal Revenue Service case involved. . . . Note: BS 837–C* [microphone surveillance] advised that Jerry Angiulo informed Raymond Patriarca on 8–3–62 that IRS Agent Edgerly had accepted $3,000 to straighten out Nick Angiulo's case." Additional corruption is mentioned. In a letter dated November 21, 2001, the IRS informed this Committee that it "could not identify"

the aforementioned Agent Edgerly. (However, see 1975 entry regarding a rogue IRS Agent.) The IRS also indicated to this Committee that it was unable to identify the Nicholas Angiulo tax case.[31]

10–11–62: Raymond Patriarca takes a polygraph test regarding allegations of his involvement in a mail robbery.[32]

11–15–62: Director Hoover authorizes microphone surveillance of Jerry Angiulo, the "over-all boss of rackets in the Boston area" and "chief lieutenant of Raymond L.S. Patriarca, notorious New England hoodlum," at Jay's Lounge in Boston, Massachusetts.[34]

11–27–62: In a memorandum, Director Hoover requests of the Boston SAC: "Advise your progress in connection with the installation at Jay's Lounge, 255 Tremont Street, Boston, Massachusetts."[34]

1963

1–9–63: The FBI commences microphone surveillance on Jerry Angiulo at Jay's Lounge, located at 255 Tremont Street in Boston, Massachusetts. The FBI assigns BS 856–C* as the reference code for the Jay's Lounge bug.[35]

2–21–63: Dennis Condon receives a $150 cash award for his contributions to the establishment of a "highly confidential source of information" of interest to the Bureau in the criminal field regarding Jerry Angiulo. [Note: The reference to a "highly confidential source of information" is referring to microphone surveillance.][36]

3–12–63: Microphone surveillance at Jay's Lounge picks up Jerry Angiulo speculating that Ronald Cassesso may be an informant.[37]

4–22–63: Joseph Barboza divorces Philomena Termini.[38]

5–9–63: During a conversation with Raymond Patriarca, Jerry Angiulo states that John Callahan had approached him and "John Callahan, Chairman of the Boston Licensing Board, Boston, Mass., stood up 100%."[39]

8–8–63: The FBI learns from the Raymond Patriarca microphone surveillance: "On 8/8/63 the informant advised that an unman [unknown man] was of the opinion that Rocco Balliro did not kill the child in Roxbury, Mass., several months ago for which crime Balliro is now being held. He is of the opinion that the police officers who were trying to apprehend Balliro at the time were responsible for the death of the child."[40]

11–14–63: A memorandum to a top FBI official, named Belmont, from C.A. Evans, discusses a dispute between Salvatore Iacone and Jerry Angiulo. The memorandum states that a "highly confidential source" provided the following information: "In the morning hours of 11/9/63 Angiulo's car was found riddled with bullets in the vicinity of his apartment in Boston, Massachusetts. The highly confidential source giving direct coverage of Angiulo has since furnished information indicating that Angiulo professes ignorance of the shooting. He is shown to have left his car at 3:30 a.m. the morning in which the shooting took place and the car had not been shot at at that time. It is possible the shooting was done by some person who

mistakenly believed Angiulo was still in the car or done as a warning. The highly confidential source directly covering [Raymond] Patriarca in Providence, Rhode Island, has advised that on the day before the shooting Salvatore Iacone complained to Patriarca that Angiulo on the previous night had visited Iacone in the company of others and verbally abused him, calling him an obscene name on four different occasions during an argument over the proprietorship of the Indian Meadow Country Club of Worcester, a joint enterprise of Iacone and Angiulo. Iacone told Patriarca that he was about to kill Angiulo for this insult but that had restrained himself because of the possibility that such action would indicate disrespect for Patriarca. In reply Patriarca told Iacone that he should have killed Angiulo at the time the name was called and if Angiulo ever called Iacone the obscene name again Iacone had the right to kill Angiulo on the spot and no questions would be asked by Patriarca. The shooting of Angiulo's car occurred the following morning. We have had recent indications of a growing coolness in attitude by Patriarca toward Angiulo." This information came from "very sensitive valuable sources." [41]

11–21–63: The Boston SAC informs Director Hoover by memorandum that the FBI is monitoring Jerry Angiulo's contacts with his lawyer.[42]

12–8–63: A memorandum from Boston SAC to Director Hoover, dated 1–31–64, states that the FBI learns from the Jerry Angiulo microphone surveillance that "Jerry Angiulo complained that Suffolk County District Attorney Garrett Byrne upset the deal that he had made in connection with the sentencing of his brother, Nick, after conviction for the afore-mentioned charges. He said that he had made no deal with Judge Felix Forte, but that it was Forte's idea that if Nick Angiulo brought in the two individuals who allegedly accompanied Nick at the time of the assault on Albert Christensen, Forte would show leniency. He said that now since Garry Byrne pressured Forte, he, Forte, was backing down. Angiulo said that there was talk around that Forte had been reached by the Angiulos, but the truth of the matter was that they had not reached Forte, and Forte, according to Angiulo, did not have the guts to be a party to any deal." [43]

In a separate airtel, Director Hoover tells the Boston SAC, "Boston should submit a weekly summary airtel to the Bureau setting forth information obtained from this source and a verbatim transcript of any significant data specifically set out." The airtel also states: "In the future your airtels setting forth the information received from BS 856–C* can be set out as you would information received from a regular informant. By doing so, it will not be necessary to submit your communications as JUNE mail and the information can be filed in the regular case file."

1964

1964: Informants report that Joseph Barboza is engaged in money lending activities.[44]

From 1964 to 1966, Joseph Barboza is employed at Shawmut Insurance Company in Boston as a salesman and a clerk. Also, he

works in a public relations capacity and payroll clerk for $100 a week at the Blue Bunny Lounge and Duffey's Lounge.[45]

5–4–64: Police find the body of Francis Regis Benjamin a couple of days after he is murdered. Vincent "Jimmy" Flemmi, who Vincent Teresa calls "Vinnie the Butcher," allegedly committed the murder. (*See* 6–9–65 and 1973 entries).[46]

5–7–64: The FBI installs an electronic eavesdropping device at the place of business of Joseph Modica, an associate of Raymond Patriarca's. The device is installed at the Piranha Finance Company on 85 State Street in Boston, Massachusetts. The conversations overheard at the Piranha Finance Company are reflected in memoranda, logs, and airtels. See Prosecution memorandum from Walter T. Barnes and Assistant U.S. Attorney Edward F. Harrington to Henry Petersen, Chief of the Organized Crime and Racketeering Section (June 6, 1967) [Note: Executive privilege was claimed over this document. It is in the custody of the Justice Department].[47]

5–25–64: Special Agent Dennis Condon writes in a memorandum that REDACTED was contacted on 5/22/64 and said he was in contact with Vincent "Jimmy" Flemmi. The memorandum continues, "Flemmi told him that all he wants to do now is to kill people, and that it is better than hitting banks. . . . Informant said, Flemmi said that he feels he can now be the top hit man in this area and intends to be."[48]

A letter from the Boston FBI Office to Director Hoover and the Newark SAC states: "Informant stated that it appears that [Vincent 'Jimmy'] Flemmi, a Roxbury, Mass. Hoodlum, will probably become the 'contract man' in the Boston area."[49]

6–4–64: In a letter from the Boston Office to Director Hoover, the Director is told "[Vincent 'Jimmy'] Flemmi is suspected of a number of gangland murders and has told the informant of his plans to become recognized as the No. One 'hit man' in this area as a contract killer." The Director is further told that the informant is "presently associated" with Vincent "Jimmy" Flemmi.[50]

8–21–64: A memorandum from Dennis Condon states that informant advised that "[Joseph] Barboza told him that he [Barboza] heard that Jimmy Flemmi had killed Frank Benjamin and cut off his head."[51]

9–15–64: The FBI Director is informed that the Raymond Patriarca microphone surveillance caught a conversation about Peter Limone giving Edward "Teddy" Deegan two guns.[52]

9–28–64: Vincent "Jimmy" Flemmi throws a substance into the eyes of someone and knocks him unconscious. One week later, the victim still has not regained his sight. The informant who provides this information indicates that he thinks Vincent "Jimmy" Flemmi has committed several murders. This information is contained in a memorandum from H. Paul Rico to the Boston SAC dated October 8, 1964.[53]

10–8–64: Special Agent Paul Rico informs the Boston SAC by memorandum of the following: "Informant advised that REDACTED

SECTION and [Vincent] "Jimmy" Flemmi wanted to be considered the 'best hit man' in the area."[54]

10–17–64: Anthony Sacrimone is murdered. Edward "Teddy" Deegan is the suspected killer. *See* 1993 entry.[55]

10–18–64: The FBI learns from an informant that Vincent "Jimmy" Flemmi wants to kill Edward "Teddy" Deegan. (This information is recorded in a memorandum from Special Agent Paul Rico to the Boston SAC and in another memorandum from the Boston SAC to Director Hoover.)[56]

10–20–64: The Boston SAC informs Director Hoover by airtel that Vincent "Jimmy" Flemmi asked Peter Limone about Edward "Teddy" Deegan. After Flemmi left, Limone called Deegan and told him Flemmi was looking for him concerning a $300 loan that Flemmi claimed Deegan owed him. Deegan denied owing the loan. Limone and Deegan believed that Flemmi was out to kill Deegan.[57]

November 1964: Stephen Flemmi is first targeted as an informant, according to a Summary Report from the FBI Office of Professional Responsibility (published as Appendix II to the Report).[58]

11–5–64: The Raymond Patriarca bug captures Raymond Patriarca telling Gennaro Angiulo that "$5,000 was paid to the Massachusetts Attorney General Edward W. Brooke to obtain the acquittal of Patriarca's associate, Joseph Krikorian[.]"[59] This conversation was also reported in handwritten notes taken by the FBI Special Agent listening to the microphone surveillance.

12–28–64: A letter from the Boston FBI Office to Director Hoover states that FBI Informant BS 771C was stabbed fifty times and then shot. His body is found in the South End. Vincent "Jimmy" Flemmi committed the murder, and Director Hoover was informed of this fact on the day of the murder.[60]

1965

1965: On July 18, 1967, FBI Agent Thomas H. Sullivan writes a report describing Joseph Barboza's activities in 1965. The report states, "In 1965 it was rumored REDACTED SECTION that Barboza was under contract to be assassinated since he was tied into the Buddy McLean-George McLaughlin feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with Romeo Martin and Ronnie Cassessa [sic]. In 1965, Barboza was rumored to be the killer of Joseph Francione." (*See* 7–18–67 entry).[61]

1–7–65: In an airtel from the Boston Office, Director Hoover is informed that "Patriarca had told the group [on 1/4/65] that is too bad the McLeans and the McLaughlins could not settle their feud over a handshake[.]"[62]

1–26–65: Joseph Francione is murdered. Vincent Teresa writes in his book, *My Life In The Mafia,* that Joseph Barboza went to Joseph Francione's apartment as a favor for his friend Johnny Bullets, since Francione cut Bullets out of a deal, and shot Francione through the back of the head. (*See* 1973 entry).[63]

An airtel from the Boston Office to Director Hoover indicates that the Patriarca microphone surveillance revealed that a man

named Frankie told Raymond Patriarca that "all the people are getting scared of Jimmy (apparently referring to [Vincent] James Flemmi) and asked Raymond [Patriarca] to talk to Jimmy and impress upon him that there should be no more killings in Boston." The surveillance further revealed that Louis Taglianetti met with Patriarca and expressed concern that the FBI had an interest in him, Taglianetti. Taglianetti also told Patriarca of an illegal scheme that he has been involved in for the past two years.[64]

2–2–65: The Boston SAC apprises Director Hoover by airtel that the Raymond Patriarca microphone surveillance overheard Henry Tameleo say that Joseph Barboza killed Joseph Francione in Revere, Massachusetts.[65]

2–24–65: Raymond Patriarca is told that "Ronnie" and Louis Greco are in Florida.[966]

2–25–65: Dennis Condon receives a $150 incentive award for his outstanding work investigating and apprehending top ten fugitive George Patrick McLaughlin, the subject of an unlawful flight to avoid prosecution for murder.[66]

3–3–65: A memorandum from the Boston FBI Office to Director Hoover dated 3–10–65 states: "BS 837–C* advised on 3/3/65 that unman ["unknown man"] contacted Patriarca and stated he had brought down Vincent ["Jimmy"] Flemmi and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that Frank Smith, Boston hoodlum, was giving orders to Flemmi to 'hit this guy and that guy.' Raymond Patriarca appeared infuriated at Frank Smith giving such orders without his clearance and made arrangements to meet Flemmi and Barboza in a garage shortly thereafter. He pointed out that he did not want Flemmi or Barboza contacting him at his place of business." The following additional information obtained by the FBI took place between 3–3–65 and 3–10–65, and was sent to Director Hoover: "Angiulo told Patriarca that Vincent ["Jimmy"] Flemmi was with Joe Barboza when he, Barboza, killed Jackie Francione in Revere, Mass. Several months ago. It appeared that Frank Smith, Boston hoodlum, had ordered the 'hit.' Patriarca again became enraged that Smith had the audacity to order a 'hit' without Patriarca's knowledge. Patriarca told Angiulo that he explained to Flemmi that he was to tell Smith that no more killings were to take place unless, he Patriarca, cleared him. Jerry explained that he also had a talk with Flemmi. He pointed out that Patriarca has a high regard for Flemmi but that he, Patriarca, thought that Flemmi did not use sufficient common sense when it came to killing people. Angiulo gave Flemmi a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either 'OK' or deny the 'hit' on this individual, depending on the circumstances." [67]

3–4–65: Handwritten notes of the Patriarca microphone surveillance state as follows for 11:20 a.m.: "UNMAN [unnamed man] in to see [Patriarca]—says he saw Henry Tameleo last night in Boston. He says he brought down Flemmi and another guy—since [illegible word] and involvement he should know about—Frank Smith

is going around giving orders to hit this guy & that guy. R.P. [Patriarca] wants to know where they are. Man says in [illegible word] Parking Lot. R.P. [Patriarca] then says since they are here I'll see them. He tells Richie—office worker to go with man and show them where Badway's Garage is—he tells man I'll see you over there." Patriarca came back to his office at 12:15 p.m. (Document on File at the Department of Justice).

3–5–65: Handwritten notes of the Patriarca microphone surveillance cover a discussion between Gennaro Angiulo and Raymond Patriarca about how Angiulo was trying to influence clerks to Judge Ford. The names of the clerks are provided, so it can be determined whether they were discussing Judge Ford or Judge Forte. Angiulo also states that a certain Assistant United States Attorney is "his boy." The notes make it seem that a man named "Flemming" or "Fleming" is a part of the conversation. A comment in the margin states "Flemmi with Barbosa [sic] when whacked Francione." States that Sacrimone was with McLean and that Deegan, who killed Sacrimone, was with McLaughlin.

3–5/7–65: In a memorandum from the Boston SAC to Director Hoover dated 3–10–65, Hoover is notified of the following, which appears to have taken place between 3–5–65 and 3–7–65: "According to Patriarca, another reason that REDACTED came to Providence to contact him was to get the 'OK' to kill Eddie Deegan of Boston who was with REDACTED SECTION. It was not clear to the informant whether he received permission to kill Deegan; however, the story that REDACTED had concerning the activities of Deegan in connection with his, Deegan's, killing of [Anthony] Sacrimone was not the same as REDACTED SECTION." (*See* 3–10–65's second entry) [Note: Due to Justice Department redactions, it is impossible to determine when the request to kill Deegan actually took place. However, a reasonable reading of the document seems to indicate that the request took place between March 5–7, 1965. *On April 25, 2002, the Department of Justice released portions of this document to the Committee in unredacted form. That document also revealed that "another reason that [Vincent 'Jimmy'] Flemmi came to Providence to contact him was to get the 'OK' to kill Eddie Deegan of Boston who was 'with the McLaughlin,' Top 10 Fugitive." In addition, the unredacted document revealed that Flemmi's story "concerning the activities of Deegan in connection with his, Deegan's, killing of [Anthony] Sacrimone was not the same as Jerry Angiulo's."]* [68]

3–9–65: Handwritten notes made by an FBI Special Agent while listening to the conversation indicate that Henry Tameleo told Patriarca that "Brownie (ph) is coming today—they have been talking about Deegan (ph)." Later, the notes continue: "Unman [unnamed man] says Jimmie (ph) is coming in today. They only want the stuff that is signed and the bearer bonds. The other stuff from Boston they don't want. (This probably refers to hot bonds Henry had.) Unman says Jimmie has a guy with him who is a real desperado."

The handwritten notes continue to describe the conversation between Raymond Patriarca and Joseph Barboza and Jimmy Flemmi: "Jimmie tells Raymond they are having a problem with Teddy

Deegan (ph). Teddy did what he did to press some other people. Jimmie says that the kid [Rico Sacrimone] did not have to be killed. . . . Bobby Donati is friendly with Rico Sacrimone and Deegan is looking for an excuse to whack Donati. . . . Deegan thinks Donati is trying to set him up for Buddy McLean. Jimmie says Deegan is an arrogant, nasty sneak. Deegan fills Peter Limone's head with all kinds of stories. Raymond asks if they have discussed this matter with Jerry—They have. Raymond instructs them to check out Deegan and get more information about him." Later, Patriarca states that: "the happiest days of his life were when he was on the street clipping." [967]

A report by Charles Reppucci regarding the Raymond Patriarca microphone surveillance, and dated July 20, 1965, reads, "[The microphone surveillance] advised on 3/9/65 that James Flemmi and Joseph Barboza requested permission from Patriarca to kill Edward 'Teddy' Deegan, as they are having a problem with him. Patriarca ultimately furnished this 'OK.'" [69]

On March 12, 1965, the Boston Office informs Director Hoover and the SACs of the FBI offices in Albany, Buffalo, and Miami by airtel that "REDACTED advised on 3/9/65 that [Vincent "Jimmy"] James Flemmi and Joseph Barboza contacted [Raymond] Patriarca, and they explained that they are having a problem with Teddy Deegan and desired to get the 'OK' to kill him. . . . Flemmi stated that Deegan is an arrogant, nasty sneak and should be killed. Patriarca instructed them to obtain more information relative to Deegan and then to contact Jerry Angiulo at Boston who would furnish them with a decision." "Investigation into Allegations of Justice Department Misconduct in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. at 132 (May 11, 2002).[70] [*On April 25, 2002, the Department of Justice released this document to the Committee in unredacted form. The unredacted document revealed that the portion redacted was "BS 837–C*"—the Patriarca microphone surveillance.*]

According to a memorandum from the SAC in Boston to Director Hoover, "Vincent Jimmy Flemmi, aka 'Jimmy' Flemmi, is being designated as a target in [the Top Echelon Criminal Informant Program]." The document further states that "Flemmi also is believed to be involved in the murders of the following individuals: REDACTED SECTION." The document also states that Flemmi was the subject of an "Unlawful Flight to Avoid Prosecution" for armed robbery investigation.[71] [*On April 25, 2002, the Department of Justice released this document to the Committee in unredacted form. The unredacted document revealed that Jimmy Flemmi murdered Frank Benjamin, John Murray and George Ashe.*]

3–10–65: Special Agent Paul Rico writes in an FBI memorandum dated 3–15–65, "Informant advised [on 3–10–65] that he had just heard from 'Jimmy' Flemmi that Flemmi told the informant that Raymond Patriarca has put out the word that Edward 'Teddy' Deegan is to be 'hit' and that a dry run has already been made and that a close associate of Deegan's has agreed to set him up." [72]

A Boston airtel apprises Director Hoover that "REDACTED told [Raymond] Patriarca that REDACTED was with Joe Barboza when

he, Barboza, killed REDACTED in Revere, Mass. several months ago. . . . "According to Patriarca, another reason that REDACTED came to Providence to contact him was to get the 'OK' to kill Eddie Deegan of Boston who was with REDACTED SECTION. It was not clear to the informant whether he received permission to kill Deegan; however, the story that REDACTED had concerning the activities of Deegan in connection with his, Deegan's, killing of [Anthony] Sacrimone was not the same as REDACTED SECTION."[73] [*On April 25, 2002, the Department of Justice released this document to the Committee in unredacted form. That document revealed that Jerry Angiulo told Patriarca that Vincent "Jimmy" Flemmi was with Barboza when Barboza killed Jackie Francione. That document also revealed that "another reason that [Vincent 'Jimmy'] Flemmi came to Providence to contact him was to get the 'OK' to kill Eddie Deegan of Boston who was 'with the McLaughlin,' Top 10 Fugitive." In addition, the unredacted document revealed that Flemmi's story "concerning the activities of Deegan in connection with his, Deegan's, killing of [Anthony] Sacrimone was not the same as Jerry Angiulo's."*]

3–12–65: Vincent "Jimmy" Flemmi is assigned as an informant to Special Agent Paul Rico. This information is contained in an FBI memorandum dated 6–10–65 from Inspector H.E. Campbell to Boston Special Agent in Charge James L. Handley.[74]

Edward "Teddy" Deegan is killed in a Chelsea, Massachusetts, alleyway between 9:00 P.M. and 11:00 P.M.[75]

Statement of Joseph Kozlowski states: "About 10:P.M. went to Fourth St. Chelsea and saw a red car with motor running with three men sitting in it, two in the front and one in the rear seat. This car was parked about the second meter from Broadway between Broadway and Luther Place on the side near the P.A.V. I walked behind the car and saw the rear number plate Mass. Reg. # 404 - - - with the right half of plate folded towards the center obstructing the other three digits. I then went to the drivers [sic] side of the car and rapped on window motioning the driver to lower the window. As I did this the driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. I observed that the man in the back had dark hair with a bald spot in center of head."[76]

3–13–65: The same informant from the March 10 memorandum tells Special Agent Paul Rico in detail who killed Edward "Teddy" Deegan and how. The informant said Vincent "Jimmy" Flemmi contacted the informant and said that Deegan was lured to the finance company to be killed. The memorandum states: "Informant advised that [Vincent] 'Jimmy' Flemmi contacted him and told him that the previous evening Deegan was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door Roy French, who was setting Deegan up, shot Deegan, and Joseph Romeo Martin and Ronnie Cassessa [sic] came out of the door and one of them fired into Deegan's body. While Deegan was approaching the doorway, he (Flemmi) and Joe Barboza walked over towards a car driven by Tony 'Stats' [Anthony Stathopolous] and they

were going to kill 'Stats' but 'Stats' saw them coming and drove off before any shots were fired. Flemmi told informant that Ronnie Cassessa [sic] and Romeo Martin wanted to prove to Raymond Patriarca they were capable individuals, and that is why they wanted to 'hit' Deegan. Flemmi indicated that they did an 'awful sloppy job.' This information has been disseminated by SA Donald V. Shannon to Capt. Robert Renfrew (NA) of the Chelsea, Mass. PD." Special Agent Paul Rico memorializes this information in a March 15, 1965, memorandum to the Boston SAC.[77]

"Three ex-convicts were questioned Saturday in connection with the gangland slaying of Edward [Teddy] Deegan[.]" (*3 Quizzed In Chelsea Gang Killing,* BOSTON GLOBE, Mar. 14, 1965).[78]

3–14–65: A Boston Police Department report on the Edward "Teddy" Deegan murder, likely written by Detective William W. Stuart, contains the following information: "From a reliable informant the following facts were obtained to the [Deegan murder]: Informant states that the following men were Joseph Barron aka Barboza, Romeo Martin, Freddie Chiampi, Roy French, Ronnie Cassesso, Tony Stats. (Greek) Chico Amico[.] . . . Informant states that they were over lounge in Revere when they received the call from French that everything was OK then they all left together. . . . Romeo Martin is a former informant but since hanging in the North End hasn't been to [sic] helpful. . . . Informant states that the reason for the killing of Deegan was that Barren [sic] claims that he is with the Hughes brothers and McLaughlins and he felt that Deegan was a threat to his friends in Roxbury (Flemmi & Bennett)." [79]

The Chelsea Police also received evidence about who murdered Edward "Teddy" Deegan. Lieutenant Thomas Evans of the Chelsea Police Department writes an undated report containing meticulous details of the Teddy Deegan murder. In the report, Lieutenant Evans states, "I received information from Capt. Renfrew that a[n] informant of his had contacted him and told him that [Roy] French had received a telephone call at the Ebb Tide at 9 P.M. on 3–12–65 and after a short conversation he had left the café with the following men: Joseph Barboza, Ronald Cassesso, Vincent Flemmi, Francis Imbruglia, Romeo Martin, Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a 'Strong arm.' They are said to have returned at about 11 P.M. and Martin was alleged to have said to French, 'We nailed him.'" There is no mention whatsoever of Joseph Salvati, Peter Limone, Henry Tameleo, or Louis Greco in the report.[80]

3–15–65: Detective Lieutenant Inspector Richard J. Cass of the Massachusetts State Police writes a report to Captain of Detectives Daniel I. Murphy regarding the homicide of Edward "Teddy" Deegan. The report states that Chelsea Officer James O'Brien was the routeman for the area where Deegan was found. Officer O'Brien checked the alley around 9:00 P.M. and turned the lights on; he returned around 10:59 P.M., found the alley lights out, explored the alley, and found Deegan's body. The report continues by stating that during the evening of Friday, March 12, Joseph Barboza was at the Ebb Tide with Francis Imbruglia, Ronald

Cassosa (sic), Vincent Flemmi, Romeo Martin, Nick Femia and man known as "Freddy." At about 9:00 P.M., Roy French received a phone call, and the above group left the Ebb Tide with him. According to the report, Chelsea Captain Joseph Kozlowski was around Fourth Street at about 9:30 P.M. and saw a red car with the motor running and three men inside. The rear license plate was obstructed. [This was Romeo Martin's car. See 10–25–65 entry.] Officer Kozlowski approached the driver and the driver sped off. Officer Kozlowski described the driver as Romeo Martin. The man in the back seat was "stocky with dark hair and a bald spot in the center of his head." In addition, the report states that the Massachusetts State Police received information three weeks ago indicating Deegan pulled a gun on Barboza at Ebb Tide, forcing Barboza to back down. Inspector Cass writes in his report: "Unconfirmed information was received that Romeo Martin and Ronald Cassessa [sic] had entered the building and were waiting just inside the rear door. [Anthony] Stathopoulos was waiting on Fourth Street in a car and French and Deegan entered the alley. Deegan opened the rear door. He was shot twice in the back of the head and also in the body. The information at the time was that three guns were used. Lieutenant John Collins of Ballistics confirmed the report of three guns being used at a later time. Two men approached the car in which Stathopoulos was waiting and he took off." [81]

Special Agent Paul Rico writes in a memorandum to REDACTED SAC that SA Donald Shannon allegedly provided information about the Edward "Teddy" Deegan murder to Captain Robert Renfrew.[82] (*See* 3–13–65 entry).

3–16–65: Director Hoover instructs the Boston SAC: "At the earliest possible time that dissemination can be made with full security to BS 837–C* [Patriarca microphone surveillance], you should advise appropriate authorities of the identities of the possible perpetrators of the murders of [Anthony] Sacrimone and [Edward "Teddy"] Deegan. Advise the Bureau when this has been done." [There are two versions of this document. The second document contains the following handwritten annotation: "already disseminated, Sacramone [sic] 10/18/64—Doherty, Everett PD, Deegan 3/15/65—Renfrew Chelsea PD"].[83]

3–19–65: The Boston SAC advises Director Hoover by airtel: "Informants report that Ronald Casessa [sic], Romeo Martin, Vincent James Flemmi, and Joseph Barboza, prominent local hoodlums, were responsible for the killing. They accomplished this by having Roy French, another Boston hoodlum, set [Edward "Teddy"] Deegan up[.] French apparently walked in behind Deegan when they were gaining entrance to the building and fired the first shot hitting Deegan in the back of the head. Casessa [sic] and Martin immediately thereafter shot Deegan from the front. Anthony Stathopoulos was also in on the burglary but had remained outside in the car. When Flemmi and Barboza walked over to Stathopoulos's car, Stathopoulos thought it was the law and took off. Flemmi and Barboza were going to kill Stathopoulos also. . . . Efforts are now being made by the Chelsea PD to force [Anthony] Stathopoulos to furnish them the necessary information to pros-

ecute the persons responsible. It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that Roy French, Barboza, Flemmi, Casessa [sic], and Martin were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later. It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65. Informant also advised that REDACTED had given the 'ok' to Joe Barboza and 'Jimmy' Flemmi to kill REDACTED SECTION who was killed approximately one month ago." [84]

3–23–65: An FBI memorandum from Special Agent REDACTED to the Boston SAC, dated 4–6–65, states the following: "On 3/23/65, PCI [Potential Confidential Informant] advised that Joe Barbosa [sic] is from East Boston and an ex-fighter, was very friendly with Romeo Martin, Ronnie Cassessi [sic] and REDACTED SECTION. PCI stated that Barbosa [sic] was supposed 'to have hit' Francione from Revere and Eaton. He stated that Barbosa [sic] reportedly killed Eaton with a Magnum gun. PCI stated that Barbosa [sic] was in prison with Benjamin who was murdered after he left prison and beheaded.

He stated that Barbosa [sic] is a Portuguese kid who would otherwise be accepted into La Cosa Nostra except for his nationality. He stated that Barbosa [sic] claims that he had shot [Edward] Teddy Deegan with a .45 caliber gun. PCI related that Barbosa [sic] indicated that Roy French was with Deegan and another individual when Deegan was shot by Barbosa [sic] and two other individuals, one of whom informant believed was Romeo Martin.

REDACTED SECTION. Informant stated that he had heard Barbosa [sic] indicate that one of the guys with Deegan whom they had planned to kill along with Deegan ran off when the law showed up and fled.

PCI stated that rumors have it that Roy French actually set up Deegan to be killed.

PCI stated that he had heard that Joe Barbosa [sic] was extremely friendly with Jimmy Flemma [sic] from Dudley Street. He stated that Barbosa [sic] had tried to reach Jimmy Flemma [sic] a short time ago and wanted to know if Flemma [sic] has gone to Providence to see Raymond (Patriarca). PCI subsequently determined from a source that Jimmy Flemma [sic] had gone to Providence, R.I. earlier on the day that Barbosa [sic] had tried to contact Flemma [sic].

PCI stated that Jimmy Flemma [sic] had gone to Providence just before Teddy Deegan was slain in Chelsea. REDACTED SECTION. REDACTED SECTION. REDACTED SECTION. PCI further advised that about a week ago, there was a big party for Romeo Martin at the Ebtide [sic] Restaurant and Bar in Revere and that [Edward] Wimpy Bennett, Jimmy Flemma [sic], REDACTED SECTION, Roy French, Joe Barbosa [sic], Ronnie Cassessi [sic] and REDACTED SECTION were in attendance. He stated that this party was in honor of the recent marriage of REDACTED SECTION." [The informant information provided is categorized as "very good."] 85 *See also Limone's Motion to Vacate Conviction and Dismiss Indictments. The Commit-*

tee compiled the aforementioned names from two partially redacted versions of this document, one of which was from a version released by the Department of Justice to the Committee on April 25, 2002, that contained less redacted material.

3–24–65: An airtel from the Boston SAC to Director Hoover discusses the Edward "Teddy" Deegan murder: "In connection with the information furnished by BS 837–C* relative to the possible perpetrators of the murders of Anthony Sacrimone and Edward Deegan, Capt. Robert Renfrew (NA), Chelsea, Mass. PD, was advised of the same information, as furnished by REDACTED. This informant also furnished basically the same information as did BS 837–C* relative to the murder of Edward Deegan [this appears to be an error because Sacrimone was killed on 10/17/64] on 10/17/64. This information was furnished to Inspector Henry Doherty of the Everett, Mass. PD on 10/18/64." The memorandum continues by stating: "The Chelsea Police at that time had no knowledge of the murder; however, when the body was discovered, they immediately started to look for Roy French. French told them he was at the Ebb Tide night club, Revere, Mass., all night and their investigation has indicated that French got a telephone call about 8:45 p.m. After the phone call he left the Ebb Tide with Joseph Barboza, Vincent Flemmi, Ronnie Casessa [sic], Romeo Martin, and Frank [Francis] Imbruglia. Further investigation reflected that they all returned about 45 minutes later. The time of the murder was approximately 9:30 p.m., 3/12/65. Romeo Martin's car was identified by a Chelsea Police Officer as being parked with two men in it in the vicinity of the murder. When the police officer approached the car, it sped off." [86]

3–26–65: Special Agent Dennis Condon drafts a memorandum that was completely redacted when released to this Committee.[87]

4–5–65: The first reported contact between Vincent "Jimmy" Flemmi as an informant and Special Agent Paul Rico occurs. Rico contacts Flemmi as an informant four times (5–10–65, 6–4–65, 7–22–65 and 7–27–65) prior to Flemmi being closed on September 15, 1965.[88]

4–8–65: A memorandum from the Boston SAC to Director Hoover and the New York SAC dated 4–13–65 states: "Informant [BS 837–C*] also advised [on 4–8–65] that [Jerry Angiulo told Raymond Patriarca that] Angiulo is of the opinion that Edward 'Wimpy' Bennett and [Vincent] James Flemmi are 'stool pigeons.'" This memorandum also discusses how Vincent "Jimmy" Flemmi was paid $1,500 for disposing of the body of a girl. The handwritten notes prepared by Special Agent Murphy while listening to the microphone surveillance indicate that Flemmi also cut the body into pieces. In addition, the memorandum stated that Flemmi "admitted that he was very friendly with Det. William Stewart [sic]." [89]

4–9–65: An FBI Memorandum reflects information provided to Special Agent Paul Rico by Jimmy Flemmi.[90] [There are a number of memoranda reflecting information provided by Flemmi to Rico. Flemmi was closed on September 15, 1965.]

4–18–65: Raymond Patriarca is told that "[Boston Police Department employee] Stuart must be getting info from the Feds."

Gennaro Angiulo was also told that "Stuart + Flemmi went to NYC on $100,000 of AMEXCO check (counterfeit) 5 or 6 months ago[.]" Patriarca is also told that Stuart and Flemmi were at a New York grand jury.[968]

4–23–65: A three page FBI Memorandum is written on this date. This document was entirely redacted by the Justice Department when given to the Committee.[91]

5–3–65: FBI informant Vincent "Jimmy" Flemmi, on his way to meet Joseph Barboza, is shot at by two individuals with shotguns. Flemmi is wounded. [This information is contained in a memorandum from the Boston SAC to Director Hoover dated 6–9–65.] (*See* 6–9–65 entry).[92]

Director Hoover is informed that the Raymond Patriarca microphone surveillance captured Patriarca questioning Jimmy Flemmi about his association with Detective William Stuart of the Boston Police. The summary notes that Patriarca "was concerned with Flemmi being a 'stool pigeon' for Stewart [sic]." The surveillance also captured Patriarca giving Flemmi permission to "finish off" Frank Smith.[93]

5–5–65: The Raymond Patriarca microphone surveillance gathers the following information: "[I]nformant advised that Patriarca had been approached by Joseph Barboza, Ronald Cassessa [sic], and James Flemmi in order to obtain permission to kill Sammy Linden of Revere, Mass. The reason for this killing was that Linden was furnishing a considerable amount of money to the McLaughlin group in their efforts to kill various individuals of the McLean group. Subsequently the informant stated that Patriarca had not given a definite 'OK' for the killing, but Barboza and his group was of the opinion that he did. Linden heard of the fact that he was marked for a 'hit' and went to Joseph Lombardo of Boston, Mass. Lombardo, in turn, sent word to Patriarca, and after explaining the situation the 'hit' was called off." [This information is contained in report prepared by Special Agent Charles Reppucci on 7–20–65.] [94]

Also on this day, Henry Tameleo contacts Raymond Patriarca and tells him that Joseph Lombardo told Tameleo that he had heard that Barboza, Vincent "Jimmy" Flemmi and Ronald Cassesso received permission to kill Linden. Lombardo also told Tameleo to instruct Barboza and Flemmi not to kill Linden. [This information is contained in an airtel from the Boston SAC to Director Hoover and other field offices. (*See* 5–7–65 entry)]. [95]

5–7–65: The Boston SAC sends an airtel to Director Hoover and the SACs in New Haven, Connecticut, New York and Washington. The airtel cites the BS 837–C* [Patriarca microphone surveillance] as the source for the following: "A . . . lengthy discussion took place wherein Joe Lombardo was very perturbed because Cassessa [sic] and Joseph Barboza were associating with the Flemmi brothers; and further, that information had been put out to the effect that Barboza was with Flemmi when they killed Edward Deegan." [96]

5–12–65: By memorandum, Director Hoover informs the Attorney General Nicholas Katzenbach of microphone surveillance at Jay's Lounge, located at 255 Tremont Street in Boston, Massachusetts.[97]

5–18–65: The Boston SAC notifies Director Hoover by airtel of the following developments concerning Raymond Patriarca: "Joe Barboza requests permission from Patriarca to kill some unknown person. This person lives in a three-story house but Barboza has never been able to line him up to kill him. Barboza told Raymond that he plans to pour gasoline in the basement part of the house and set it afire and thus either kill the individual by smoke inhalation or fire, or in the event he starts to climb out a window, Barboza would have two or three individuals there with rifles to kill him as he started to step out a window or door. Upon questioning by Patriarca, Barboza said that he had planned to cut the telephone wires so that the individual could not call for assistance and also to ring false alarms in other sections of the city so that the engines could not respond quickly. He also explained that the third floor apartment was vacant but the first floor apartment was apparently occupied by the intended victim's mother. This apparently caused no concern to Barboza who stated it was not his fault that the mother would be present, and he would not care whether the mother died or not. Patriarca told him that he did not think it was a good idea to effect the killing in the above manner and attempted to dissuade Barboza from this type of killing as innocent people would probably be killed. It was not clear to the informant whether Barboza accepted Patriarca's objections, but Patriarca indicated very strongly against this type of killing." [98]

6–4–65: An airtel from the Boston SAC to Director Hoover states that the previous day "[REDACTED] went into detail concerning the killing of Edward [Teddy] Deegan which had been previously reported, and the fact that the Attorney REDACTED of Everett, Mass., was called by Deegan's accomplice at the time Deegan was killed." The airtel later states "Taglianetti discussed a yard which he contemplates using in order to make a 'hit.' Informant did not know who Taglianetti was referring to, but possibly Willy Marfeo, which information had been disseminated previously. This group has been attempting to kill Marfeo for over one year, but has not been successful, as yet." [99]

In a memorandum from Director Hoover to the Boston SAC, Hoover requests the following regarding BS 919 PC [Jimmy Flemmi]: "Advise Bureau by 7/1/65 [the] status of your efforts to effect the development of the above-captioned target." [100]

6–8–65: Special Agent Paul Rico advises Vincent "Jimmy" Flemmi "of the FBI's jurisdiction and of his confidential relationship with the Bureau. Flemmi was told he was not a Bureau employee and that he was to furnish information only to the Bureau. He also was told that any payments he received are to be considered as income and he is not to contact the office personally." In response, Flemmi states that "he is willing to aid the Bureau, as he can help put away the individuals who attempted to kill him." [101]

6–9–65: The Boston SAC writes a memorandum to Director Hoover, in response to Director Hoover's inquiry five days earlier: "It is known through other informants and sources of his office that this individual has been in contact with Raymond L.S. Patriarca and other members of La Cosa Nostra in this area, and potentially could be an excellent informant. Concerning the informant's emotional stability, the Agent handling the informant believes, from information obtained from other informants and sources, that BS–919–PC [Vincent "Jimmy" Flemmi] has murdered (REDACTED), (REDACTED), (REDACTED), (REDACTED), Edward 'Teddy' Deegan, and (redacted), as well as a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass., and, from all indications, he is going to continue to commit murder. . . . Although the informant will be difficult to contact once he is released from the hospital because he feels that REDACTED SECTION will try to kill him, the informant's potential outweighs the risk involved."[102] [*On April 25, 2002, the Department of Justice released an unredacted version of this document to the Committee. That document revealed that "BS–919–PC [Jimmy Flemmi] has murdered Frank Benjamin, John Murray, George Ashe, Joseph Francione, Edward 'Teddy' Deegan, and 'Iggy' Lowry[.]" The document further divulged that Flemmi feels that the McLaughlin group will try to kill him.*]

6–10–65: An FBI document indicates that James Vincent Flemmi was assigned to Special Agent Paul Rico on March 12, 1965. (*See* 3–12–65 entry).[103]

6–14–65: The Boston SAC is advised in an FBI Memorandum from Correlator Helen Hatch, that on 3–9–65 "James [Vincent "Jimmy"] Flemmi and Joseph Barboza contacted [Raymond] Patriarca, and they explained that they were having a problem with [Edward] Teddy Deegan, and desired to get the 'OK' to kill him. . . . Flemmi stated that Deegan is an arrogant, nasty sneak and should be killed. Patriarca instructed them to obtain more information relative to Deegan and then to contact Jerry Angiulo at Boston who would furnish them a decision." [*See* 3–9–65 entry]. The memorandum also states that "Joe Lombardo was very perturbed because Cassessa [sic] and Joseph Barboza were associating with the Flemmi brothers; and further, that information had been put out to the effect that Barboza was with Flemmi when they killed Edward Deegan." The memorandum also reiterates the same information provided in the FBI memorandum from Special Agent REDACTED to the Boston SAC, dated 4–6–65. [*See* 3–23–65]. [This memorandum also appears to bear Paul Rico's signature, dated March 20, 1967, at the bottom of the first page.][104]

7–9–65: Romeo Martin is shot and killed. In his 1973 book, *My Life In The Mafia,* Vincent Teresa writes that Joseph Barboza killed Martin. Teresa provides the following account of the Martin murder: "In the time I knew him [Barboza], he handled more than twenty-three murders, most of them on his own—I mean, they weren't ordered by the Office. Romeo Martin is a typical example of what I mean. This was in 1965 [sic], in July. I'd been out all day with Castucci and Romeo playing golf. Romeo was planning to leave for Florida the next day with his wife. He'd just gotten married and was going to Florida for sort of a honeymoon. After we'd

played golf, I told Romeo to come over to the Ebbtide for a steak dinner and a couple of drinks. While we're talking, he said that he and Barboza, after busting up a club, had had an argument. He said he'd shaken the owner down for more money than he was supposed to and had held out on Barboza. Barboza had found out and threatened to kill him. . . . When he [Martin] went outside, Barboza and Cassesso were waiting for him. They grabbed him, took him someplace, and pumped five slugs into him before dumping his body. When the cops found him, [Henry] Tameleo blew his top at me. . . . [H]e said[,] 'Why didn't you get a hold of Joe [Barboza] and stop it?' . . . [I responded,] 'Christ, Henry [Tameleo], they were supposed to be friends. Who knows this animal is going to kill him?' That's how treacherous Barboza was. The slightest thing, the slightest word and he'd want to kill you." (*See* 1973 and 1–29–74 entries).[105]

7–12–65: The microphone surveillance on Raymond Patriarca is discontinued. *See* Prosecution memorandum from Walter T. Barnes and Assistant U.S. Attorney Edward F. Harrington to Henry Petersen, Chief of the Organized Crime and Racketeering Section regarding Raymond Patriarca, Henry Tameleo, and Ronald Cassesso (June 6, 1967). [Note: Executive privilege was claimed over this document. It is in the custody of the Justice Department.]

7–20–65: A report by Charles Reppucci of the Boston FBI Office discusses the Raymond Patriarca microphone surveillance. The report reads, "[The microphone surveillance] advised on 3/9/65 that James Flemmi and Joseph Barboza requested permission from Patriarca to kill Edward 'Teddy' Deegan, as they are having a problem with him. Patriarca ultimately furnished his 'OK.'"[106] [*See also* 3–9–65 entry.]

7–27–65: Special Agents Paul Rico and Raymond Ball author a memorandum to the SAC regarding BS 919–PC (Vincent "Jimmy" Flemmi) stating, "Informant advised that he himself is still recovering from wounds after being shot by Jimmy O'Toole and two other unknown individuals, whom he believes were Stevie Hughes and Edward 'Punchy' McLaughlin. . . . Informant also advised his biggest regret is that he did not kill George McLaughlin . . . before he became sought for murder."[107]

9–10–65: An FBI memorandum indicates that "REDACTED SECTION advised that Joseph Barboza had been arrested Friday night, September 10, 1965, for beating a policeman with a gun at the Ebb Tide in Revere, Massachusetts. REDACTED SECTION."[108]

9–15–65: According to a memorandum from the Boston Office to Director Hoover, Vincent "Jimmy" Flemmi is closed as an informant after being charged with "Assault with a Dangerous Weapon with Intent to Murder," after shooting John Cutliffe. The memorandum further states that Flemmi failed to appear in court on September 3, 1965. The memorandum continues, "In view of the fact that informant [Jimmy Flemmi] is presently a local fugitive, any contacts with him might prove to be difficult and embarrassing. In view of the above, this case is being closed." [Paul Rico prepared this memorandum.] *See also* Robert Turner, *Vincent Flemmi Missing; Target of Underworld,* BOSTON GLOBE, Sept. 3, 1965.[109]

10–20–65: Edward J. "Punchy" McLaughlin is killed by Joseph Barboza and Chico "Joseph" Amico. *See* VINCENT TERESA, MY LIFE IN THE MAFIA 173 (1973).[110]

11–3–65: The Boston SAC notifies Director Hoover by memorandum of a potential addition to the Top Echelon Criminal Informant Program, stating, "Stephen Joseph Flemmi, FBI REDACTED is being designated as a target in this program." The Boston SAC continues, "Although the LCN [La Cosa Nostra] in this area has not actively taken part in this gang war, there is every possibility that they may move into the picture in the near future and since Flemmi is in contact with the leaders of the different groups that are against the remaining McLaughlin faction, and that all these groups are very aware of the possibility of LCN moving in to support the McLaughlin group, it is felt that Flemmi will be in a position to furnish information on LCN members in this area." [111]

11–15–65: Joseph Barboza murders Ray DiStasio, a member of the McLaughlin mob, and John B. O'Neil, an innocent bystander. In his book, *My Life in the Mafia,* Vincent Teresa writes, "Barboza went into the club [searching for a member of the McLaughin mob named Ray DiStasio] and caught DiStasio cold. The trouble was, a poor slob named John B. O'Neil, who had a bunch of kids, walked in to get a pack of cigarettes. Barboza killed them both because he didn't want any witnesses. DiStasio got two in the back of the head and O'Neil got three. It was a shame. I mean, this O'Neil was a family man—he had nothing to do with the mob. Barboza should have waited. That's why he was so dangerous. He was unpredictable. When he tasted blood, everyone in his way got it." (*See* 1973 entry).[112]

11–19–65: Vincent "Jimmy" Flemmi is convicted of armed assault with intent to murder. He serves his time at the Massachusetts State Prison at Walpole and is discharged on March 28, 1969.[113]

11–30–65: The *Boston Globe* reports that Joseph Barboza attended a bail hearing with his attorney, F. Lee Bailey. Assistant District Attorney for Suffolk County Jack Zalkind said he had three East Boston policemen in court who knew of three attempts to kill Barboza. Ed Burns and Gordon Hillman, *3 Tries to Kill Barboza,* BOSTON GLOBE, Nov. 30, 1965.[114]

1966

1966: Informants report that Barboza split with Connie Frizzi in loan sharking to go into partnership with Arthur Bratsos.[115]

1–14–66: The United States Attorney's Office in Boston, Massachusetts, receives a Boston gangland murder report that includes a summary of the Deegan murder. The report, entitled "Boston Gangland Murders; Criminal Intelligence Program" was prepared by John Kehoe Jr. and is dated January 14, 1966. It covers the investigative period between November 15, 1965, and January 11, 1966. This report was approved by Boston SAC James Handley and contains a section entitled "Informants" that is completely redacted except for the following sentence: "REDACTED is BS 955–PC [Stephen Flemmi], contacted by SA H. Paul Rico." The synopsis of the report reads: "This report contains information concerning the var-

ious gangland murders that have occurred in Boston and vicinity from 5/4/64 through 11/15/65." The report states the following about the Deegan murder: "*Method of Killing* Teddy Deegan's body was found in a doorway in the alley off Fourth Street, Chelsea, Massachusetts, behind the Lincoln National Bank, at 10:59 PM, Monday, March 12, 1965. Shot in head and body with three different guns, one a .45 caliber and two .38 calibers. *Background* Edward Deegan was born January 2, 1930, Boston, Massachusetts, and was employed spasmodically as a laborer. His record consisted of 'Larceny, Breaking and Entering, Felonious Assaults, Armed Robbery, Accessory After the Fact to Assault with a Dangerous Weapon, and Automobile thefts.' REDACTED advised that James Flemmi has told him that Deegan was lured to a finance company in Chelsea, Massachusetts, where the door of the finance company had been left open by an employee. At that time he was accompanied by Roy French who was actually setting Deegan up to be killed, Joseph Romeo Martin, and Ronald Cassessa [sic]. All of these individuals hung out at the Ebb Tide restaurant in Revere, Massachusetts, and were close associates of Henry Tameleo, top lieutenant of Raymond L.S. Patriarca. While Deegan was approaching the doorway, James Flemmi and Joseph Barboza, hoodlums who were in the immediate vicinity, walked over to the car driven by Tony 'Stats' Stathopoulos who had brought Deegan to the scene of the proposed burglary. Barboza and Flemmi were going to kill 'Stats'; however, 'Stats' saw them coming and immediately drove off before any shots were fired. Flemmi told informant that Ronald Cassessa [sic] and Romeo Martin wanted to prove to Raymond Patriarca they were capable individuals and that is why they wanted to 'hit' Deegan. Flemmi indicated that they did an awful sloppy job. It should be noted that prior to the time Deegan's body was found, 'Stats' apparently immediately proceeded to the offices of Attorney John Fitzgerald, thinking that the two individuals who approached him while waiting for Deegan to come out of the finance company were Police Officers. After telling Fitzgerald the story, Fitzgerald called the Chelsea, Massachusetts Police Department requesting information concerning Deegan. The Police Officer suggested that Fitzgerald come to the Police Department for the information, which Fitzgerald did. When he came the Police Officers, having no knowledge of the escape or shooting, and having not, as yet, found the body, talked to Fitzgerald at the station and commenced looking for the break. At this time they came upon the body of Deegan behind the finance company. The above information was furnished to the Police Department. However, as yet, they have not obtained sufficient evidence to warrant production against any of the above individuals." [116]

3–9–66: Vincent "Jimmy" Flemmi goes to prison in Massachusetts for 4–6 years for armed assault with intent to murder.[117]

3–31–66: According to Special Agent Paul Rico's FBI personnel records, Rico is rated excellent with comments that he had been assigned exclusively "to the development of Top Echelon informants and had worked primarily on this important program." The comments further state that Rico "had exceptional talent in his ability

to develop informants and his participation was considered outstanding." [118]

6–15–66: Rocco DiSeglio is murdered.[119]

7–13–66: William Marfeo is shot and killed. Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* the following account of William Marfeo's murder: Butch Micelli's "gang handled . . . the hit on Willie Marfeo, a bookie who tried to operate on his own on Federal Hill in Providence. Raymond [Patriarca] called [Joe] Paterno [from New Jersey] for outside talent to whack out Marfeo because Marfeo knew all our assassins. Butch paid a visit to the office in Providence, and two days later [July 13, 1966] Marfeo was shot while he was eating a pizza in the Korner Kitchen Restaurant in Providence." [120]

9–23–66: Stephen Hughes and Samuel D. Lindenbaum are murdered. Vincent Teresa writes in *My Life In The Mafia* that "Barboza and Chico Amico knew that Hughes and Lindenbaum were heading for Lawrence to take over some numbers and lottery action" and "dropped Hughes and Lindenbaum right in their seats." [121]

10–6–66: After receiving a letter from Joseph Barboza, *Boston Herald* reporter James Southwood writes, "Barboza was arrested at gunpoint in downtown Boston with Nicholas F. Femia, 27, Patrick J. Fabiano, 24, both of East Boston, and Arthur C. Bratsos, 33, of Medford. Police said the car the three were in had in it an Army M–1 rifle, a loaded .45 caliber automatic pistol and a knife. At the time, Barboza and Femia were out on bail in connection with a stabbing three months earlier. Because of the pending court action and a new charge of illegal possession of firearms, the bail set on Barboza was high—$100,000." James Southwood, *A Letter from Barboza, Why I Decided to Tell All,* BOSTON HERALD, July 9, 1967. [According to Vincent Teresa, this is when "[t]he law then began applying a squeeze that was to force [Raymond] Patriarca to make fatal mistakes." (VINCENT TERESA, MY LIFE IN THE MAFIA (1973).] [122]

11–1–66: According to Dennis Condon's personnel file, he is "involved in a substantive error write-up case when a review of an informant file assigned to him disclosed an instance of failure to properly disseminate information obtained from the informant." The informant had reported that an individual who was a suspect in another FBI case had a machine gun in his possession and was "crazy." Condon did not disseminate this information to the Treasury Department in accordance with the provisions of Manual of Instructions. Condon explained that he inadvertently failed to make the appropriate dissemination because the suspect was under active investigation by the FBI. The SAC initialed the serial for filing with the belief that the appropriate dissemination would be made in a separate communication. No administrative action was taken against Condon.[123]

Arthur Bratsos and Thomas J. DePrisco are found dead. The *Boston Herald* reports, "Bratsos [32 of Medford] and Thomas J. DePrisco, 27, of Roslindale, . . . friend[s] of Barboza, went out and tried to raise bail for [Barboza, who was in jail on a gun-carrying

charge.] They started shaking down the wrong people and on Nov. 1, 1966[,] Bratsos and DePrisco were found in a black Cadillac in South Boston. They were dead. And the money was gone." James Southwood, *A Letter from Barboza, Why I Decided to Tell All,* BOSTON HERALD, July 9, 1967; *see also Killer Barboza Slain,* BOSTON HERALD, Feb. 12, 1976; 1973 entry. [Note: On January 25, 1967, Barboza is found guilty of the gun-carrying charge and is sentenced to four to five years at Walpole. Nick Femia and Patrick Fabiano are sentenced with him. *See* 1–25–67 entry.] [124]

11–7–66: The U.S. Supreme Court issues its landmark decision regarding electronic surveillance in *Black* v. *U.S.,* 385 U.S. 26 (1966). The Court finds that the listening "device monitored and taped conversations held in the hotel suite during the period the [alleged criminal] offense was being investigated and beginning some two months before and continuing until about one month after the evidence in this case was presented to the Grand Jury. During that period, 'the monitoring agents,' the Solicitor General advised overheard, among other conversations, exchanges between petitioner and the attorney who was then representing him (Black) in this case." Thus, the Court holds, "In view of these facts it appears that justice requires that a new trial be held so as to afford the petitioner an opportunity to protect himself from the use of evidence that might be otherwise inadmissible." *U.S.* v. *Black,* 385 U.S. 26, 27–29 (1966).[125]

12–7–66: Joseph Barboza's partner Chico Joseph Amico is killed while Barboza is incarcerated in Charles Street Jail.[126]

12–22–66: Director Hoover advises the Acting Attorney General by memorandum: "The installation of the eavesdropping device placed in Jay's Lounge was made under the general authority of Attorney General Robert F. Kennedy. By memorandum of May 12, 1965, Attorney General Katzenbach was advised that the device had been in operation since January 9, 1963, and he authorized its continuance. It was discontinued on July 12, 1965." This document was copied to the Deputy Attorney General and the Assistant Attorney General of the Criminal Division.[127]

12–27–66: In *U.S.* v. *Taglianetti,* 274 F.Supp. 220, 221–22 (D. R.I. 1967), the Court finds, "[T]he Government filed with [First Circuit Court] of Appeals [on 12–27–66] a motion to remand the [*Taglianetti*] case to this court [U.S. District Court for the District of Rhode Island] for 'further proceedings.' In said motion the Government stated in substance that the Federal Bureau of Investigation in March, 1962, installed a microphone, by means of a trespass, at the place of business of a close business associate of defendant [Louis Taglianetti] where defendant and others frequently met; that on various occasions between 1962 and 1965 defendant's conversations were monitored by agents of the Federal Bureau of Investigation, certain of which related to that indictment upon which the defendant was tried and convicted; that logs were kept in which there appear summaries of these and other conversations in which defendant participated; that although tape recordings were also made of said conversations, they were later routinely erased, but the logs are in existence[.]" According to *Taglianetti,*

"on January 17, 1967, the Court of Appeals remanded said case for the limited purpose requested by the Government in its motion[.] . . . After said remand, this court, upon the motion of the defendant, entered its orders dated March 8, 1967 and April 17, 1967, directing the Government to deliver to the defendant and his counsel for examination and inspection copies of all logs containing summaries of all monitored conversations in which the defendant [Taglianetti] participated at said place of business of his close business associate, and copies of any and all memoranda and airtels summarizing such conversations." The defendants motion for production and inspection of all logs, memoranda and airtels containing summaries of the monitored conversations of other persons on said premises in which he did not participate. *U.S.* v. *Taglianetti,* 274 F. Supp. 220, 221–22 (1967).[128]

1967

1–25–67: Joseph Barboza, Nick Femia, and Patrick Fabiano are all found guilty on possession of weapons charges and immediately sentenced to prison. Barboza is sentenced to 4–5 years for having a gun in an automobile, and 4–5 years for a similar charge involving a knife. These sentences will run concurrently. Barboza also is sentenced to 4–5 years probation following his prison term on a receiving stolen property charge. The *Boston Globe* reports, "Extraordinary precautions were taken with the transport of Baron and Femia to state prison. . . . [P]recautions were taken because of 'the climate in the underworld today.' In the past two years, 42 persons have been slain in gangland warfare." (Cornelius Moynihan, *Two Others Convicted,* BOSTON GLOBE, Jan. 26, 1967). [Note: The following year, law enforcement officials were concerned that Barboza would force Fabiano to provide perjured testimony in trials occurring in 1968. *See* 3–28–67 entry.] [129]

2–7–67: According to the Justice Department, Stephen Flemmi began to work for the FBI as a Top Echelon Criminal Informant. (Interview with Assistant United States Attorney John Durham (Dec. 2, 2002)).

2–14–67: Stephen Flemmi is approved as a Top Echelon Informant, according to an FBI Office of Professional Responsibility Report (published as Appendix II to the Report).[130]

3–8–67: Special Agents Paul Rico and Dennis Condon interview Joseph Barboza at Walpole State Prison. Barboza says he will talk to the agents as long as they do not testify against him for what he tells them. The say they will respect his confidence. Barboza advised that "as a matter of fact, he used to see Raymond Patriarca and get an 'OK' before he made most of his moves." Barboza "made statements that he was going to kill several" people who killed three of Barboza's friends (Thomas J. DePrisco, Arthur C. Bratsos, Joseph W. Amico) and stole $70,000 from him. The agents learn that Barboza "knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow James Vincent ['Jimmy'] Flemmi to 'fry' but that he will consider furnishing infor-

mation on these murders." [There appears to be a REDACTED SECTION immediately following this quote.] [131]

3–21–67: Joseph Barboza is interviewed in Boston by H. Paul Rico and Dennis Condon. John Fitzgerald was present. (*See* 3–28–67 entry).[132]

A teletype from the Boston Office to Director Hoover reads, "REDACTED SECTION. Boston 'Record American' received call from someone at Walpole Correctional Institution, Walpole, Mass., that Barboza was taken out by federal authorities and headlines in this afternoon's paper stated that U.S. Government opened its war on crime by bringing gang leader from Walpole for appearance before federal grand jury." [133]

3–28–67: The Boston SAC informs Director Hoover by memorandum of an interview of Joseph Barboza conducted on March 21, 1967. This interview was a follow-up to an interview conducted on March 8, 1967. Special Agents Paul Rico and Dennis Condon conducted the interview at the Federal Building in Boston. Barboza conferred with his attorney, John Fitzgerald, at one point, received some advice, and then continued the interview. [Information obtained by the Committee from the FBI indicates that Fitzgerald's girlfriend may have been an FBI informant.] Barboza said he would talk to the agents, but he would not testify to any information that he was furnishing at this time. Barboza stated that since the last time he talked to the agents, he had concluded that they have a common enemy in the "Italian organization." He would like to help the FBI in its efforts to obtain evidence against the "Italian organization." Barboza said he hopes Suffolk County District Attorney Garrett Byrne appreciates Barboza's assistance and gives him a break on his two cases pending in Suffolk County. Barboza said he also discussed his last interview with the agents with Vincent "Jimmy" Flemmi, and he told Flemmi that he was considering having Patrick Fabiano cooperate with the FBI. Flemmi thought that was an excellent idea. Barboza was informed that he could be making a very serious mistake in talking to any other inmate concerning his interview with the FBI. Barboza told the agents that Edward "Teddy" Deegan had been causing some problems and had been "out of order" at the Ebb Tide Restaurant. This document further states, "This office is aware of the distinct possibility that Barron [Barboza], in order to save himself from a long prison sentence, may try to intimidate Fabiano into testifying to something that he may not be a witness to." Joseph Barboza says he does not know who killed William Marfeo, and he had nothing to do with the murder. (This information was redacted in the documented provided to the Committee but was discovered when the Justice Department permitted the Committee to review an unredacted version of the document.) [There are many redactions in this document, including entire pages.] [134]

3–31–67: In a performance appraisal, Special Agent Dennis Condon receives an excellent rating. It is noted that he handled complicated matters in an able and capable fashion. It is further noted that he is dependable, enthusiastic and showed a great interest in the Bureau's work. The appraisal also states that he has an

outstanding knowledge of the hoodlum and gambling element in the Boston area and is considered to be an outstanding investigator. In particular, his participation in the informant program is considered outstanding. However, according to the appraisal, Condon is not interested in administrative advancement.[135]

4–18–67: Police informer Joe Lanzi is killed by three of Jerry Angiulo's enforcers—Benjamin DeChristoforo, Carmine Gagliardi, and Frank Oreto. (VINCENT TERESA, MY LIFE IN THE MAFIA (1973)).[136]

4–24–67: Joseph Barboza is convicted for unlawfully carrying a weapon and a dagger in a motor vehicle. He is subsequently sentenced to not more than 4–5 years for the first charge and 4–5 years for the second charge. Both sentences are to be served concurrently.[137]

4–27–67: FBI Special Agents Paul Rico and Dennis Condon interview Joseph Barboza at Barnstable County Jail.

5–16–67: FBI Special Agents Paul Rico and Dennis Condon contact Ronald Cassesso at the U.S. Attorney's Office prior to his appearance before a federal grand jury: "Cassessa [sic] was told that if he would cooperate in the investigation of organized crime, and, if he was of material help, his assistance would be brought to the attention of local authorities and his degree of cooperation would also be made known to the Parole Board. Cassessa [sic] said that he had nothing to worry about and did not plan to furnish any information before a Grand Jury." [138]

5–19–67: Chief Judge Edward Day of the U.S. District Court in Providence, Rhode Island, releases the "Taglianetti Logs" to Louis Taglianetti and his attorneys. The logs are summaries of wiretapped conversations recorded by the Raymond Patriarca microphone surveillance. (CLARK R. MOLLENHOFF, STRIKE FORCE: ORGANIZED CRIME AND THE GOVERNMENT 124 (1972)).[139]

5–24–67: Director Hoover instructs the Boston SAC by airtel that "a review of the Bureau records reveals that no investigation of Barron [Barboza] has ever been conducted by your office. In view of the current circumstances, the Bureau should be cognizant of all background information. Therefore, you should submit to the Bureau an investigative report per instructions set out under the Criminal Intelligence Program containing all background and identifying data available." [140]

6–6–67: A memorandum from Walter T. Barnes and Assistant U.S. Attorney Edward F. Harrington to Henry Peterson, Chief, Organized Crime and Racketeering Section. The memorandum is typed by Harrington, dated June 6, 1967, and discusses proposed prosecutions of Raymond Patriarca, Henry Tameleo and Ronald Cassesso. Joseph Barboza is an unindicted co-conspirator. The following are important points made in this memorandum. Numbers in parentheses coincide with page numbers in the memorandum. [Note: The original memorandum is not appended to the Committee's chronology and is retained in Justice Department files.] "[T]here has . . . been excellent cooperation between United States Attorney Paul Markham, District Attorney Garrett Byrne, and the

F.B.I. District Attorney Byrne has, at our request, held off calling Baron before a local grand jury until we have concluded our investigation." (3) There is a short redacted section. (3) "Lastly, with respect to Baron's willingness to talk, he is, of course, desirous of obtaining some favorable consideration in connection with the local charges still pending against him." (3) Patriarca, in the presence of Henry Tameleo, told Baron and Cassesso that he wanted Willie Marfeo "whacked out." (4) "Patriarca told Baron and Cassesso that he would give all the help he could in aiding them to kill Willie Marfeo." (4) "Patriarca explained to Baron that he was angry because Marfeo's crap game had been creating a lot of "heat" on Patriarca's crap game and on his booking operations." (4) Shortly thereafter, Patriarca called off the proposed murder. (5) Seven or eight months later, Tameleo told Barboza that "Marfeo got it." Tameleo explained the details of Marfeo's murder to Barboza. (5–6) "The establishment of the agreement will not be based on circumstantial evidence or inferences arising therefrom but rather the very agreement itself will be testified to by one of the individuals who was to participate in its execution. The overt acts which took place in Massachusetts are especially appropriate in a case involving a gangland assassination in that it has always been one of the essential factors in perpetrating a successful "hit" that the contract be given to an out-of-state "torpedo" as a means of minimizing the chance of detection of the assassination and thus lessening the risk that the individual who planned the assassination be traced." (13) There is a short redacted section that appears to discuss a discrepancy in dates. (13) In a section discussing weak points in the government's case, it is noted that the electronic surveillance of Barboza proves that "his testimony is true[,]" and this is "of special significance[.]" (15) "Raymond Patriarca was the subject of an F.B.I. electronic surveillance by means of an electronic eavesdropping device installed by trespass at his place of business, 168 Atwells Avenue, Providence, Rhode Island, during the period March 6, 1962 to July 12, 1965." (16) "Walter Barnes . . . and Edward F. Harrington reviewed 26 volumes of FBI logs, memoranda and airtels in the Boston office of the FBI." (16) "It is clear that we will have to disclose all of the material pertaining to the FBI electronic surveillance of Patriarca since the device was in his place of business and some of the overheard conversations are clearly relevant. Some of this material has already been disclosed in connection with the income tax case against Louis Taglianetti of Providence, Rhode Island." (16) "We were also informed that an other [sic] associate of Patriarca's namely Joseph Modica, was the subject of an electronic surveillance by means of an electronic eavesdropping device installed by trespass at his place of business, the Piranha Finance Company, 85 State Street, Boston, Massachusetts, during the period May 7, 1964 and July 12, 1965. The overheard conversations are reflected in logs, memoranda and airtels." (16) There is a six page section titled "Pertinent Excerpts from the Logs of the Electronics [sic] Surveillance at 168 Atwells Avenue, Providence, Rhode Island." (17) "January 28, 1965—Henry Tameleo tells Patriarca that Joseph Barboza "hit" the guy in Revere." (17) "March 4, 1965—An unman contacts Patriarca and states that he has brought down Flemmi and Joseph Barboza. Patriarca is infuri-

ated at Frank Smith for allowing Flemmi and Barboza to come to see him without prior authorization. Patriarca makes arrangements to meet with Barboza and Flemmi in a garage shortly thereafter, as he does not want to meet these two individuals at his place of business." (17) "March 5, 1965—Jerry Angiulo states to Patriarca that Vin [Jimmy] Flemmi was with Joseph Barboza when Barboza killed Jackie Francione in Revere, Massachusetts, several months ago." (18) "March 9, 1965—James Flemmi and Joseph Barboza contact Patriarca and during the meeting explain to Patriarca that they are having a problem with Teddy Deegan and desire to get an "okay" to kill him. Flemmi and Barboza tell Patriarca that Deegan is looking for an excuse to "wack [sic] out" Bobby Donati who is friendly with Rico Sacrimone. Patriarca instructs Flemmi and Barboza to obtain more information relating to Deegan and then to contact Jerry Angiulo at Boston who would furnish them with a decision whether they could kill Deegan." (18) "May 3, 1965—James Flemmi, Ronald Cassessa, and Joseph Barboza contact Patriarca and discuss "hitting" an unnamed individual." (19) "May 5, 1965—Henry Tameleo tells Patriarca that Joe Lombardo of Boston told Tameleo that he had received information that Barboza, Cassessa and Jimmy Flemmi had received the "okay" to kill Sammy Linden for the reason that Linden was on the side of the McLaughlin group and had been furnishing them with considerable money so that they could continue in their efforts to kill individuals connected with the McLean group. Patriarca tells Tameleo to contact Barboza and Flemmi and to instruct them to forget the "hit" on Sammy Linden in that "he is connected with one of our group." Tameleo tells Patriarca that Joe Lombardo was perturbed because Cassessa and Barboza were associating with the Flemmi brothers and information had been put out to the effect that Barboza was with Flemmi when Teddy Deegan was killed; that Lombardo had expressed concern that the Italian group, because of Barboza's and Cassessa's associations might be drawn into the McLaughlin-McLean feud, and because of this, Lombardo had told Barboza and Cassessa to stay away from the Flemmis." (19) "May 10, 1965—An unman mentions that Barboza had previously talked with Patriarca regarding unknown topic and that Flemmi had told Barboza that Patriarca had given him an "okay" to kill Linden." "May 13, 1965—Cassessa and Barboza and Henry Tameleo contact Patriarca. Barboza discusses his prospective killing of an individual by the name of O'Toole and the means by which he is to carry out the murder." (19) The June 22, 1965, entry is a very long detailed recitation of the plan to murder Willie Marfeo. Patriarca is clearly the principal involved in planning the murder. "The killers are named as Barboza and Cassessa. . . . Patriarca states that he would love to kill Marfeo himself." (20) "The Bureau monitor overheard the conversation between Patriarca, Tameleo and Baron on June 22, 1965, in which Patriarca hired Baron to kill Marfeo and recorded it in the log. However, the conversation was not picked up on the tape recorder through some inexplicable mechanical failure. Accordingly, the Bureau supervisor in Boston who regularly reviewed the logs and tapes, in noting that the tape had failed to record the conversation, did not incorporate the information in any memoranda, airtel, or Bureau report, nor

did the Bureau supervisor disseminate the information to other agents." (23) Information about an attempt by someone other than Barboza to kill Marfeo was disseminated to Paul Rico and Dennis Condon. (23) "It should also be noted that Special Agent Rico of the F.B.I. did receive information on July 1, 1965, from a live informant, that Patriarca had hired Joe Baron to "hit" Willie Marfeo." (23) "On January 12, 1967, the I.R.S. informant furnished information to [REDACTED] that in view of the fact that the Boston organization had killed several of Baron's criminal associates, Baron might be willing to talk." This information was given to Walter Barnes, who gave it to U.S. Attorney Markham and Henry Peterson. Peterson then requested Barnes to arrange an interview with Barboza at "the earliest opportunity." (24) Barnes found that Barboza was on trial in local court for illegal possession of firearms. "It was inappropriate to interview Baron at this time so Mr. Barnes returned to Washington and was later advised that Baron had been convicted and sentenced to four to five years on January 25, 1967, and was immediately incarcerated in Walpole Prison. Mr. Barnes returned to Boston in February, 1967, at which time Barnes requested Special Agents Rico and Condon of the F.B.I. to interview Baron at an appropriate time and place." (24) "It should be noted again that Special Agents Rico and Condon were, as a matter of fact, never made aware of the information overheard by a Bureau monitor on June 22, 1965, and which forms the basis of this indictment. As mentioned above, Special Agent Rico received information from a live source on July 1, 1965, that Patriarca had hired Baron to kill Marfeo." (24)

6–20–67: By memorandum, the Boston SAC recommends to Director Hoover that Special Agents Paul Rico and Dennis Condon receive quality salary increases. The memorandum discusses Rico and Condon's handling and development of Top Echelon Criminal Informants in the Boston Office, including informant BS 955 C–TE [Stephen Flemmi], and praised their efforts and results. The memorandum also describes Barboza as a murderous ruffian: "BS 955 C–TE [Stephen Flemmi] was developed by [Rico and Condon] and via imaginative direction and professional ingenuity utilized said source in connection[] with interviews of Joseph Baron, a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in this area to be the most dangerous individual known. SAs Rico and Condon contacted Baron in an effort to convince him he should testify against the LCN [La Cosa Nostra]. Baron initially declined to testify but through utilization of BS 955 C–TE [Stephen Flemmi], the agents were able to convey to Baron that his present incarceration and potential for continued incarceration for the rest of his life, was wholly attributable to LCN efforts directed by Gennaro [Jerry] Angiulo, LCN Boston head. As a result of this information received by Baron from BS 955 C–TE [Stephen Flemmi], said individual said he would testify against the LCN members." This memorandum also states: "The indictments against Patriarca, Tameleo and Casesso are the first major blow to the LCN in New England. Patriarca, as LCN boss and possible Commission member, and his top lieutenant, Henry Tameleo, were felt to be beyond prosecution by top state and local police officials based on what for

years resulted in frustration in securing witnesses who would testify. . . . SAs Condon and Rico were assigned to develop a prosecutable quality case against top LCN members in New England. They have done so via highest devotion to duty, requiring personal sacrifices, in time, on a continuing basis." [This document is heavily redacted.][141] [Note: Dennis Condon later told the Committee that he was not involved in the development of Stephen Flemmi as an informant.]

A federal grand jury indicts Raymond Patriarca on charges that he and two others had conspired to engineer the murder of William Marfeo over a competitive gambling enterprise Marfeo was running. (CLARK R. MOLLENHOFF, STRIKE FORCE: ORGANIZED CRIME AND THE GOVERNMENT 124 (1972)).[142]

6–22–67: Between June 22, 1967 and July 3, 1967, Officer Robson talked to Anthony Stathopoulos on several occasions. While Stathopoulos was incarcerated with Patrick Fabiano at Deer Island, Fabiano said the "beef" between Barboza and Stathopoulos had been cleared up. Stathopoulos told Officer Robson that on the night Edward "Teddy" Deegan was murdered, he actually saw Ronnie Cassesso with a gun in his hand and Romeo Martin. "He did not see the others involved." Stathopoulos also said that Vincent "Jimmy" Flemmi met with him, Deegan, and one other at a restaurant to discuss "arrangement to silence" Anthony Sacrimone because Sacrimone was too talkative about the Populo theft. Shortly after this meeting, Flemmi was shot and unable to complete the job. (Undated and Undetermined Police Report; *see also* 5–3–65 entry).[143]

6–23–67: J.H. Gale, the Boston SAC, writes a memorandum to Cartha DeLoach recommending incentive awards for Paul Rico and Dennis Condon. The memorandum states, "SA Rico through a resourceful and diligent effort in October 1964, obtained the cooperation of REDACTED SECTION. Based upon development of this source, the Boston Office was able to determine the basic reasons for the numerous gangland slayings in the Boston area and the identities of many of the individuals involved in these murders. . . . As a direct result of the shrewd guidance given the informant by SAs Rico and Condon, REDACTED SECTION. This information has been vitally important in establishing the Interstate Transportation in Aid of Racketeering violation against [Raymond] Patriarca and his chief LCN [La Cosa Nostra] henchman, Henry Tameleo, who were arrested this week by Bureau Agents. REDACTED SECTION. SAs Condon and Rico also developed another top echelon informant, BS 955–C–TE [Stephen Flemmi]. He [Stephen Flemmi] was most effectively utilized to convince Joseph Barboza, the professional assassin, that he should testify against Patriarca and his associates. The informant's efforts with skillful interviews of REDACTED by SAs Rico and Condon resulted in REDACTED appearance before a Federal Grand Jury and the indictments of Patriarca and Tameleo. The arrest of Patriarca and Tameleo by Bureau Agents received extensive publicity and constituted a major blow against LCN. These noteworthy achievements were brought about by the development and handling of top echelon informants by SAs Rico and Condon." The document continues, "SA Rico's resourcefulness and diligent ef-

forts to obtain cooperation of an informant, REDACTED SECTION resulted in receipt of much accurate and authentic data regarding gangland slayings in the Boston area. SAs Rico and Condon thereafter shrewdly guided him, which, REDACTED SECTION. They developed still another top echelon informant and their efforts culminated in the arrest of Raymond Patriarca, La Cosa Nostra leader in New England, and Henry Tameleo, his chief henchman." This memorandum also indicates that Rico and Condon were censured.[144]

6–27–67: The Government files a memorandum and places logs of the Raymond Patriarca surveillance conducted at 168 Atwells Avenue in Providence, Rhode Island, in the custody of the U.S. District Court for the District of Massachusetts.[145]

7–3–67: According to letters from Director Hoover to Paul Rico and Dennis Condon, the agents each receive a $150 incentive award for the "developing and skillful handling of several confidential sources of great concern to the Bureau in the criminal field[.]" [146]

An FBI Memorandum from S.R. Burns to Mr. Walsh, dated October 22, 1975, states that Dennis Condon received a $150 incentive award on this date (7–3–67) "in recognition of his developing and handling several confidential sources of much interest to the Bureau in the criminal field. (Re: BS 868 C–TE, BS 954 C–TE, BS 955 C–TE [Stephen Flemmi])." [147]

7–9–67: James Southwood writes in the *Boston Herald:* "A few months ago, Barboza was transferred from the state prison to the Barnstable County House of Correction on Cape Cod—for the obvious reason of removing him from the company of men still loyal to the Cosa Nostra. He was placed in isolation there and only the two FBI agents [presumably Rico and Condon] can get in to see him." [148]

7–18–67: Thomas Sullivan from the Boston FBI Office reports on Joseph Barboza per instructions from Director Hoover (*See* 5–24–67 entry). Sullivan's report reads, "Enclosures to Bureau—Original and one copy of a letterhead memorandum characterizing informants used in this report." The section on informants is completely redacted. A large portion of the text under the heading *Administrative* is also redacted. That portion reads as follows: "REDACTED SECTION. REDACTED SECTION that Ronnie Cassessa [sic] and Joe Barboza were responsible for the shooting of Romeo Martin in Revere, Massachusetts. REDACTED SECTION. REDACTED SECTION that Joseph Barboza was the individual who shot and killed Di Stasio and O'Neil at the Mickey Mouse Lounge in Revere, Massachusetts, the previous weekend. The informant stated that Barboza had been in the Mickey Mouse Lounge a couple of weeks ago and after he left, someone took several shots at him and Barboza suspected that Di Stasio had set him up with the McLaughlin crowd. As a result of this, Barboza returned and killed Di Stasio and O'Neil. REDACTED SECTION that Joseph "Chico" Amico and Guy Frizzi are always together and were usually with Joe Barboza before Barboza went to jail. The informant stated he heard reports that Barboza and Guy Frizzi were the ones who "bumped off" [Edward] Teddy

Deegan a few months ago in Chelsea, Massachusetts. REDACTED SECTION that while Joe Barboza was on trial in Suffolk Superior Court he decided to make one more "hit." He was trying to hit "Indian Al" from Medford, Massachusetts. At the time Barboza made his move against "Indian Al," he was in the company of "Chico" Amico, Rick [sic] Femia, and Guy Frizzi. REDACTED SECTION that Joseph Barboza, Romeo Martin and Ronnie Cassessa [sic] are frequently in attendance at the Ebb Tide in Revere, Massachusetts. REDACTED SECTION that Joe Barboza is very frequently with Romeo Martin, Ronnie Cassessa [sic], and Frank [Francis] Imbruglia. Barboza was supposed to have "hit" Francione of Revere, Massachusetts, and also "hit" Eaton. He also stated that Barboza was in prison with Benjamin, who was murdered after he left prison. The informant stated that Barboza is a Portuguese kid who would otherwise be accepted into the LCN [La Cosa Nostra] except for his nationality. Barboza claims that he shot Teddy Deegan with a .45 caliber gun. Barboza indicated that Roy French was with Deegan and another individual when Deegan was shot by Barboza and two other individuals, one of whom the informant believes was Romeo Martin. The informant stated he heard that Joe Barboza was extremely friendly with Jimmy Flemmi. The informant added that Barboza tried to reach [Vincent] Jimmy Flemmi a short time ago and wanted to know if Flemmi had gone to Providence, Rhode Island, to see Raymond Patriarca. REDACTED stated that he had heard that Joe Barboza made the statement that Roy French was on the way out. Informant stated that French hangs around the Ebb Tide in Revere and appears to be friendly with Barboza, Ronnie Cassessa [sic] and other individuals." REDACTED SECTION. REDACTED SECTION. This case is being placed in a closed status inasmuch as all information developed from interviews of Barboza by SA Dennis M. Condon and SA H. Paul Rico is being placed in Boston File 166–629 entitled 'Raymond L.S. Patriarca, aka; et al. ITAR.'" (*See also* Barboza's Suffolk County Court Record from 1945 to 1967).[149]

Thomas Sullivan from the Boston FBI Office files an additional report regarding Joseph Barboza. A large portion of the text under the heading *Activities* is redacted. That portion reads as follows: "REDACTED SECTION advised that Joseph Barboza had been arrested Friday night, September 10, 1965, for beating a policeman with a gun at the Ebb Tide in Revere, Massachusetts. REDACTED SECTION. REDACTED SECTION stated that the general rumor REDACTED SECTION was that Joseph Barboza of Revere was under contract to be assassinated since he was tied into the McLean—McLaughlin feud. REDACTED SECTION stated that Joseph Barboza split with Connie Frizzi in loansharking and was then in partnership with Arthur Bratsos. Informant added that Barboza had plenty of money and had just purchased a new home in Swampscott, Massachusetts. REDACTED SECTION advised that he had been frequenting the Ebb Tide in Revere, Massachusetts, that it was being operated by Richard Castucci and Nicholas Junior Ventola. Informant added that Joseph Barboza, Romeo Martin and Ronnie Cassessa [sic] were frequently in attendance at the Ebb Tide. REDACTED SECTION stated that Joseph Barboza had married[.] . . . Informant added that the subject frequently visited the Ebb Tide

and it was rumored that Barboza was the killer of Joseph Francione in Revere. REDACTED SECTION stated that Guy Frizzi and Joseph Barboza, who hung around at North Station, occasionally were there to see Johnny Bats who worked for the Boston Garden Corporation. Informant added that Bats was associated with Frizzi and Barboza in the money lending activities. REDACTED SECTION stated that on May 3, 1965, Joseph Barboza and Ronnie Cassessa [sic] were looking for [Vincent] Jimmy Flemmi REDACTED SECTION and returned in the evening of May 3, 1965. Informant further stated that it was later during the evening of May 3, 1967 [sic], that Flemmi was shot when he left his home on Adams Street, Dorchester, Massachusetts. REDACTED SECTION." [150]

8–9–67: A memorandum from the Boston SAC to Director Hoover advises, "In statement to press, District Attorney Byrne stated that this tremendous penetration into the La Cosa Nostra and the hoodlum element was effected through the outstanding investigative efforts of the FBI and his office. As a matter of information, this entire case which was presented to the grand jury by DA Byrne was developed through the efforts and able handling of Barboza by SA H. Paul Rico and Dennis M. Condon of the Boston office. They also cooperated fully with DA Byrne in the preparation of this matter for the grand jury. I know that this indictment would not have been possible in any sense of the word if it were not for the efforts of these agents and the FBI at Boston. . . . I further recommend that Supervisor John F. Kehoe who supervised this entire program and was involved deeply in the developments and the planning relative to Barboza and the matters attendant to this indictment be strongly commended for his excellent supervision." [151]

8–14–67: In a letter from Director Hoover to Special Agent Paul Rico, Hoover commends Rico for his "splendid services in a phase of the investigation of Raymond L.S. Patriarca and others[.]" [152]

Dennis Condon also receives a letter of commendation from the FBI for his excellent performance in connection with the investigation of the Interstate Transportation in Aid of Racketeering case involving Raymond L.S. Patriarca and others.[153]

8–28–67: "On [this date] August 28, 1967, BS 955–CTE [Stephen Flemmi] furnished the following information to SA H. Paul Rico: The informant advised that Larry Baione asked the informant to contact [Vincent] "Jimmy" Flemmi on behalf of Gennaro [Jerry] Angiulo to see what Flemmi can do to keep Nick Femmia from testifying against anyone and to see if Flemmi can find some way to destroy Joe Barboza's testimony against [Raymond] Patriarca and [Jerry] Angiulo. The informant advised that this puts Jimmy Flemmi in a very bad position because Jimmy Flemmi owes Angiulo over $10,000, and is therefore indebted to him. The informant knows that Jimmy Flemmi would just as soon see Patriarca and Tameleo get hurt but that he has always looked down on Angiulo as a source of money for him and he feels that Flemmi would want to help Angiulo. The informant advised, however, that he will, when he is talking to Flemmi point out to him that Barboza could end up seriously hurting him, Jimmy Flemmi, if he, Flemmi, did anything to attempt to discredit Barboza. Informant

further advised that he has learned that Larry Baione and Peter Limone have received information that Joe Barboza is going to testify for Suffolk County on the murder of [Edward] Teddy Deegan and that they in all probability attempt to make sure that Anthony Stathopoulos will not be around to corroborate Barboza's testimony. The informant advised that he believes Stathopoulos' life is in danger." [This information is contained in a report dated 9–18–67 from FBI Special Agent Charles Reppucci.] [154]

9–8–67: Detective John Doyle of the Suffolk County District Attorney's Office interviews Joseph Barboza at the Barnstable County Jail in Barnstable, Massachusetts, in the presence of FBI Special Agents Paul Rico and Dennis Condon.[155]

Boston police take Anthony Stathopoulos to the Barnstable County Jail where he talks with Joseph Barboza. Barboza and Stathopoulos talk about the events of the day of the Deegan murder, March 12, 1965, and about testimony that he and Barboza were going to give before a grand jury about the night of the Deegan murder. Stathopoulos asks Barboza about Vincent "Jimmy" Flemmi. Barboza tells Stathopoulos that he is going to keep Flemmi out of it because Flemmi is a good friend of his and is the only one that treated him decently. (*See* 1–5–71 entry).[156]

9–9–67: The Boston SAC writes a memorandum to Director Hoover containing the following information: "[T]he Bureau was advised that Joseph Baron has furnished information relative to subject Limone's involvement in the gangland killing of one Edward ["Teddy"] Deegan." [157]

9–11–67: John Doyle prepares a report of the September 8, 1967, interview with Joseph Barboza conducted at Barnstable County Jail. Barboza stated that he was approached by Peter Limone during the first week of February 1965. Deegan's death was desired because of his participation in the robbery of an Angiulo bookmaker. Limone told him that Henry Tameleo had approved the murder. Barboza then confirmed this with Henry Tameleo. Barboza stated that he had been in Florida until around March 8, 1965. When Barboza was told by Roy French that there would be another man with him and Deegan on a "score." Barboza allegedly said that another $2500 would be paid if the other man were also killed. Jimmy Flemmi is not mentioned in the six page report.[970]

9–12–67: Sergeant Detective Frank Walsh and Detective John Doyle, of the Suffolk County District Attorney's Office, interview Barboza in the presence of FBI Special Agents Paul Rico and Dennis Condon at the Barnstable County Jail regarding the Edward "Teddy" Deegan murder.[158] A six page statement was prepared. It states that Barboza came back from Florida the first week of March. Barboza said that "[a]nother reason for them wanting Deegan out of the way was the fact that John Fitzgerald went to a gas station and , with Deegan, got a $1000.00 off of Peter Limone for George McLaughlin." Barboza explained that Limone was angry because he thought that McLaughlin was "shaking him down." Barboza also stated that Chiampa and Imbruglia left the Ebb Tide the same time that he did, but that they had "no part in the thing." [971]

9–14–67: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza at the Barnstable County Jail. Barboza tells Rico and Condon that his attorney, John Fitzgerald, called him the previous evening and told him that "a good many people were going to be picked up" and that Baron "was going to be going to court." The agents and Barboza also briefly discuss transferring Barboza out of Barnstable. Barboza states that he would welcome a transfer since he fears for his life.[159]

9–15–67: In an airtel to Director Hoover, the Boston SAC describes the weekly developments: Anthony Stathopoulos turned himself in to the Suffolk County District Attorney's Office for protection. The airtel also informs that during the latter part of last week, an attempt was made to kill Stathopoulos. Joseph Barboza had previously advised that Stathopoulos' life was in jeopardy. In addition, Stathopoulos furnished information relative to the Edward "Teddy" Deegan murder.[160]

9–16–67: From jail, Joseph Barboza calls Dennis Condon at home. Barboza is concerned that he may appear before the grand jury the next day. He is also greatly concerned about his safety because he is still at Barnstable County Jail.[161]

9–18–67: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza at the U.S. Marshals Office in Boston while he is in the process of transferring from Barnstable County Jail.[162]

Barboza is placed in the custody of the U.S. Marshals Service by Order of U.S. District Judge Ford. Judge Ford's Order issued in the federal trial of Raymond Patriarca, Henry Tameleo and Ronald Cassesso for the murder of William Marfeo, also indicates that the government filed transcripts of the logs obtained from the Patriarca microphone surveillance on June 27, 1967.[163]

In a handwritten order, Judge Ford "ordered that the [Patriarca] logs be impounded and placed in the custody of the Clerk, and the inspection of said logs is restricted to counsel for the defendants, namely Messrs. [Joseph] Balliro, Curran and [Ronald] Chisholm." Attorneys Balliro and Chisholm will later represent two of the same defendants in the William Marfeo murder trial as they represented in the Edward "Teddy" Deegan murder trial. (Judge Ford held a hearing regarding these transcripts on June 27, 1967.)[164] [This Order was not produced by the Justice Department until May 8, 2002.]

9–19–67: Joseph Barboza is transferred from Barnstable County Jail, Massachusetts, to federal custody. Barboza is taken to Thatcher Island in Gloucester, Massachusetts. He is later taken to a private estate in Gloucester.[165]

9–21–67: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza at Thatcher Island and inquire about his physical welfare. During this contact, Barboza states that Detective Walsh observed him at the Florentine Café on Boston's Hanover Street in the past with Ronald Cassesso, Henry Tameleo and possibly Roy Thomas. Barboza said that Detective Walsh should be able to testify to these observations.[166]

10–6–67: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza at Thatcher Island.[167]

10–10–67: Ronald Chisholm, attorney for Ronald Cassesso, discusses the Raymond Patriarca logs in federal court. *United States* v. *Patriarca et al.,* Hearing Transcript, Crim. No. 47–192–0 (D. Mass. October 10, 1967). [168]

10–16–67: Detective Sergeant Frank Walsh and Detective John Doyle interview Joseph Barboza at Thatcher Island in the presence of Special Agent Paul Rico. According to Barboza's statement on the Edward "Teddy" Deegan murder, he told the detectives that Peter Limone said to Barboza, "I'll give you a contract for $7,500.00" to murder Deegan." Barboza also stated that Vincent "Jimmy" Flemmi was with Barboza in the Ebbtide on the night of the Deegan murder.[169]

Special Agent Paul Rico notifies the Boston SAC by memorandum that an informant learned that Raymond Patriarca "has told everyone that is to be indicted on the [Edward "Teddy"] Deegan murder to surrender when the indictments are returned rather than fleeing[.]" [170]

10–25–67: Joseph Barboza testifies before the Suffolk County Grand Jury regarding the Edward "Teddy" Deegan murder. Barboza testifies that they used Romeo Martin's maroon Oldsmobile convertible as a getaway car for the Deegan murder. (119) According to Barboza's testimony, Ronald Cassesso bent back the rear license plate on the car so only the numbers "404" were showing. (122) Barboza also testifies that no promises were made to him in exchange for his testimony. (103) He also testifies that Peter Limone offered him a total of $10,000 for killing both Deegan and Anthony Stathopoulos. (112) Further, Barboza's testimony implicates Henry Tameleo as agreeing to the killing. (112) Barboza also testifies that he left the scene before the murder and got the details later in a meeting in a back room at the Ebb Tide. (125–6). According to Barboza's testimony, Roy French told him that French shot Deegan first in the head with a .38, and Romeo Martin told him that Martin shot Deegan in the chest and Louis Greco shot Deegan with a .45 in the stomach (126). [An FBI memorandum dated 4–6–65 refutes the veracity of this testimony. This memorandum states that Barboza told a PCI (Potential Confidential Informant) that he "shot Teddy Deegan with a .45 caliber gun." *See* 3–23–65 entry.] Barboza also testified that Peter Limone gave him the money he promised (131). In addition, notwithstanding the fact that Barboza told Detective Sergeant Frank Walsh, Detective John Doyle and FBI Special Agent H. Paul Rico in an interview on 10–16–67 that Vincent "Jimmy" Flemmi was in the Ebbtide on the night of the Deegan murder, Barboza does not mention Flemmi as being one of the individuals at the Ebbtide on the night of the Deegan murder in his grand jury testimony. (118) (*See* 10–16–67 entry).[171]

The Boston SAC notifies Director Hoover by memorandum of the following: "REDACTED SECTION testified before the Suffolk County Grand Jury this date in connection with the gangland murder of Edward Deegan on March twelve, sixty five. REDACTED SECTION as

a result of REDACTED testimony before this Grand Jury, indictments were rendered against Henry Tameleo, Peter Limone, [] Ronald Cassesso, Roy French, "Joe the Horse" Salvati, Louis Greco and Joseph Baron." [172]

Joseph Salvati is arrested.[173]

November 1967: Edward "Wimpy" Bennett is murdered. In Vincent Teresa's book *My Life In The Mafia,* Teresa claims that "it was a cop that was responsible for the murder of Wimpy Bennett." Henry Tameleo told Teresa that Wimpy's "a stoolie. We got the information straight from our man on the Boston Police Department." Teresa further describes the circumstances surrounding Wimpy's murder: "Tameleo's warning was clear as a bell. I didn't go near Wimpy. Then in November 1967, Wimpy disappeared. Steve Flemmi and Frank Salemmi [sic] handled the job. They're a couple of assassins for [Raymond] Patriarca. Both of them are missing, either whacked out or in hiding. They're wanted in a murder case, for killing Wimpy's brother, Billy. They hit Wimpy and dumped him in lye in a construction site that's now part of Route 93. After the mob hit Wimpy, they had to hit his three brothers. Walter ran a nightclub in Boston, and when Wimpy disappeared, Walter began talking about hitting Patriarca. He disappeared, too, without a trace. They found Billy in the Dorchester section of Boston on December 23, 1967. They indicted Daddieco, Salemmi [sic], a kid named Peter Poulos, and another kid named Richie Grasso for the murder. Grasso was talking, so he was hit about six days after Billy Bennett got his. They found Poulos' body later on in the desert in Nevada. After that they whacked out the two other Bennett brothers. That's six guys that died all because a cop on the take fingered one man for the mob." [174]

11–1–67: Paul Rico, Dennis Condon, U.S. Attorney Paul Markham and U.S. Marshal Robert Morey contact Joseph Barboza at Thatcher Island in Rockport, Massachusetts. They discuss Barboza's physical well being, and Markham discusses the possibility of moving Barboza to a new location in the near future.[175]

11–4–67: The Boston Globe reports that Assistant Suffolk County District Attorney John J. Pino told a Superior Court judge that the government made no promises, offers or inducements to Barboza in return for his Grand Jury testimony. (*DA Tells Judge: No Offer to Barboza,* BOSTON GLOBE, Nov. 4, 1967).[176]

11–6–67: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza at Thatcher Island in Rockport, Massachusetts.[177]

11–8–67: Notes on the Edward "Teddy" Deegan murder are taken from Joseph Barboza in the presence of Detective John Doyle and Special Agents Paul Rico and Dennis Condon.[178]

11–9–67: Paul Rico, Dennis Condon, Detective John Doyle, and Sergeant Detective Francis Walsh of the Suffolk County District Attorney's Office contact Joseph Barboza at Thatcher Island in Rockport, Massachusetts. Rico and Condon check on the physical well-being of Barboza and his family. Walsh briefly discusses the Edward "Teddy" Deegan murder with Barboza.[179]

11–14–67: Louis Greco, defendant in the Edward "Teddy" Deegan case, takes a polygraph examination regarding Deegan's murder. The polygraph indicates that Greco responded truthfully when he said he did not shoot or kill Teddy Deegan. According to the polygraph, Greco truthfully says that he was in Florida on March 12, 1965, and not in Chelsea, Massachusetts. Harold Lokos, the Director of the Polygraph Unit of the City of Miami Police Department, conducts the examination.[180]

11–15–67: Special Agents Paul Rico and William J. Welby interview Joseph Barboza's attorney. According to the write-up, "John E. Fitzgerald, Jr. was interviewed in a restaurant across the street from the Dorchester District Court, Washington Street, Dorchester, Massachusetts. He advised that he has learned that his law partner, Alfred Paul Farese, has decided to testify as a defense witness against his client, Joe Barboza, if he is indicted federally for 'Obstruction of Justice.' Fitzgerald advised that Farese has in his possession a letter that Joe Barboza had sent to Joseph 'Chico' Amico after Tommy De Prisco and Arthur Bratsos had been murdered, and in this letter Barboza allegedly tells of the movements of Larry Baione, Gennaro [Jerry] Angiulo, and others. In addition, Farese has in his possession three by five cards on which he has recorded conversations he has had with Barboza.

Fitzgerald advised that some time ago Guy Frizzi came up to his law office and he had made some threatening statements to the girl running the office; he said that he had killed before and he would kill again; he would not stand for this, and he was referring to something that had gone wrong with his income tax that was supposed to have been handled by his Attorneys. Fitzgerald advised that he went down to the Bat Cove on Friend Street, Boston, and he walked up to the person who seemed to be in charge and introduced himself as Attorney John Fitzgerald, and this individual introduced himself as Larry Baione. Fitzgerald said that he was looking for Peter Limone, and Larry said he was sitting right over here, and he called Peter over to Fitzgerald. Fitzgerald said he told Limone how Guy Frizzi had been up to his office threatening this 45 year-old woman and how Frizzi has been telling everyone that he is Peter Limone's partner, and he wondered if Peter could do anything about this. Limone said he could stop Frizzi from going up to his law office, if that is what he wanted.

Fitzgerald advised that last week he got a telephone call at his office from Larry Baione. Larry wanted to talk to him. Fitzgerald advised he would agree to meet Baione at Howard Johnson's Restaurant on Route 1 in Dedham, Massachusetts. Before he made the meet with Baione, he notified someone that he was going to have this meet. He advised that Baione arrived by car and the person that was with him in the car remained in the car. Fitzgerald believes this party was Phil Waggonheim. Baione told Fitzgerald that he understood that he was going to be indicted on information furnished by Joe Barboza, and he wanted to know what Fitzgerald could do to help him. Fitzgerald said that he told him that there was nothing he could do; that he does not influence Joe Barboza; that he is only his legal counsel, and Baione said that it would be worth money to him if he could tell him everything he could about

Joe and everything he could find out. Fitzgerald claimed that he told Baione that he does not discuss these matters with Joe and could not be of any help to him. Fitzgerald advised that, shortly thereafter, his girl friend, Dorothy Barchard, received a telephone call in which the caller indicated that if she did not stop associating 'with that guy,' that she and her children could be killed. Fitzgerald advised that, in addition, his wife received a telephone call in which the caller told his wife about how he, Fitzgerald, was 'keeping' Dorothy Barchard. Fitzgerald stated that he also had been told that if he would help them weaken Joe Barboza, they would have Jimmy O'Toole killed at Concord where O'Toole is presently incarcerated.

Fitzgerald was asked who made this statement to him, and he said, 'I am not going to divulge the identity of this person, but I have given the identity of this party to Jimmy O'Toole, and he will probably be in trouble when O'Toole comes out of jail.' Fitzgerald also advised that when he was checking around as to who made the telephone calls to this wife and to Dorothy Barchard, 'the office' tried to lead him to believe that it was Jimmy O'Toole's friends; that he checked with O'Toole, and this was not so. Fitzgerald said that recently, while he was out of the office, two men came up to the office and asked if 'Joe Barboza's braintrust' was there? Fitzgerald said that his secretary told him that one of the men was about 5'7", paunchy and in his late 50's, and the other one was about 6', about the same age and was smoking a cigarette held in a cigarette holder, and that both of these individuals had accents and were not from this area. Fitzgerald later had ascertained that one of these individuals was Henry Tamelo's brother. Fitzgerald stated that he blamed Al Farese for causing some of his problems and he made some statements to Farese concerning what he was going to do to Raymond Patriarca and other individuals for the trouble they are causing him, and he feels sure that, for this reason, he is now "on the hit parade." [181]

11–24–67: Detective John Doyle and Detective Robson of the Suffolk County District Attorney's Office contact Roberta Grimes, a former waitress at the Ebb Tide who worked the night Edward "Teddy" Deegan was killed. She identifies pictures of the following persons as being present at the Ebb Tide on the night Deegan was murdered: Joseph Barboza, Ronald Cassesso, Joseph Salvati, Nick Femia, Frank [Francis] Imbruglia, Freddie Chiampi, Romeo Martin, and Roy French. According to the interview summary, Grimes was aware that these men left the Ebb Tide at approximately 9:00 p.m. in groups of three or four at a time and returned within two hours. Grimes, however, refused to testify at the Deegan trial because her husband prohibited it, and she feared her family in Chelsea would be in danger.[182]

Barboza is contacted at Thatcher Island. Special Agents Rico and Condon are there to check on the "physical well being" of Barboza and his family; Frank Walsh and John Doyle have a brief discussion with Barboza about some points concerning the Deegan murder.[183]

11–30–67: Deegan defendants file a motion to obtain "Police Department reports" and information regarding "promises, rewards or inducements."[184]

Detective John Doyle and Investigator Joseph Fallon of the Suffolk County District Attorney's Office, along with Special Agents Paul Rico and Dennis Condon, meet with Joseph Barboza in Gloucester, Massachusetts. Doyle and Fallon review with Barboza information regarding the gangland murder of Rocco Di Seglio.[185]

12–7–67: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza in Gloucester, Massachusetts.[186]

12–14–67: Assistant District Attorney John Pino and Investigator Joseph Fallon of the Suffolk County District Attorney's Office, meet with Joseph Barboza in the presence of Special Agent Dennis Condon in Gloucester, Massachusetts. Pino and Fallon review with Barboza information regarding the gangland murder of Rocco Di Seglio in preparation for trial.[187]

12–20–67: Special Agent Paul Rico, in addition to Assistant District Attorney John Pino and Investigator Joseph Fallon of the Suffolk County District Attorney's Office, meet with Joseph Barboza in Gloucester, Massachusetts. Pino prepares Barboza for trial.[188]

12–23–67: William "Billy" Bennett's bullet-riddled body is thrown from a moving car on Harvard Street in Dorchester, Massachusetts. Stephen Flemmi and Francis "Frank" Salemme are later indicted for Bennett's murder. (Shelley Murphy, *Playing Both Sides Pays Off,* BOSTON HERALD, Apr. 23, 1993).[189]

12–27–67: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza in Gloucester, Massachusetts.[190]

1968

1–3–68: Special Agents Paul Rico and Dennis Condon meet with Joseph Barboza in Gloucester, Massachusetts. They tell him that he will probably be required to testify in Suffolk County Superior Court during the week of January 8, 1968, in connection with the gangland murder of Rocco Di Seglio. Barboza says that he is ready to testify and hopes good arrangements have been made for his protection since "the organization" will do everything possible to prevent him from testifying.[191]

1–8–68: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza and advise him that he would be called to testify in Suffolk County Superior Court within the next few days regarding the gangland murder of Rocco DiSeglio.[192]

1–18–68: Jerry Angiulo, Benjamin Zinna, Marino Lepore and Richard De Vincent are found not guilty in a jury trial in Suffolk County Superior Court of the gangland murder of Rocco Di Seglio.[193]

1–25–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza in Gloucester, Massachusetts.[194]

1–30–68: John E. Fitzgerald loses one leg and part of the other when a car bomb explodes in his car. Francis "Frank" Salemme and Stevie Flemmi allegedly planted the bomb. Salemme and Flemmi are indicted on October 10, 1969. Salemme is convicted on the basis of testimony from Robert Daddieco and ultimately serves 17 years; Flemmi flees on H. Paul Rico's advice. *See United States* v. *Salemme,* 91 F.Supp. 2d 141, 151 (1999). "Law enforcement officials said Mr. Fitzgerald was targeted for death because he was the lawyer for a famed Cosa Nostra soldier-turned-informer, Joseph Barboza Baron[.]" Andy Dabilis and Ralph Ranalli, *Mob Lawyer Maimed in '68 Dies,* THE BOSTON GLOBE, July 5, 2001. After the bombing, Fitzgerald and his family moved to Colorado. They relocated to Rapid City, South Dakota in 1972. Fitzgerald lived there until his death on July 3, 2001. Ed Hayward, *Man Dies 33 Years After Surviving Mob Hit,* BOSTON HERALD, July 5, 2001. Fitzgerald had been a noted judge in the South Dakota State Court system since 1992. J.M. Lawrence, *Prosecutors Rip Salemme Claim of FBI Frame Job,* BOSTON HERALD, Mar. 24, 2001.[195]

Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza.[196]

Dennis Condon files a report indicating that he will maintain contact with Joseph Barboza.[197]

1–31–68: Cartha DeLoach telephones and speaks with Director Hoover four separate times over the course of one hour and thirteen minutes. The first call is placed at 9:15 am.[964] The log of Hoover's telephone calls lists no other business calls for the day. There also appears to be no other day over a two year period where there is a similar pattern of telephone calls from DeLoach or any other aide.

2–2–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza.[198]

2–9–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza.[199]

2–19–68: Special Agent Paul Rico, Sergeant Detective Frank Walsh, and Assistant District Attorney Jack Zalkind meet with Joseph Barboza in Gloucester, Massachusetts. Zalkind reviews with Barboza the details of the Deegan murder in preparation for trial in Suffolk County Superior Court.[200]

2–21–68: Special Agent Paul Rico, Sergeant Frank Walsh, and Assistant District Attorney Jack Zalkind interview Joseph Baron about the Deegan murder. Barboza tells them that he got the okay to "hit" Deegan from Henry Tameleo.[201]

3–5/6–68: Joseph Barboza testifies in the Raymond Patriarca, Henry Tameleo and Ronald Cassesso case in federal court, involving the murder of William Marfeo. Ronald A. Wysocki, *Patriarca Prosecution Rests Case,* BOSTON GLOBE, Mar. 6, 1968.[202]

3–6–68: The *Boston Globe* reports that Ronald Cassesso's attorney, Ronald Chisholm cross-examined Joseph Barboza, in the trial of Cassesso, Raymond Patriarca, and Henry Tameleo for conspiracy to murder William Marfeo. Barboza was asked if he said that

Cassesso was present when he first told Special Agents Paul Rico and Dennis Condon about the alleged conspiracy. When Barboza said he could not recall, Barboza was shown a piece of paper that he said refreshed his memory. Barboza then said he did not tell Rico and Condon who went with him to Rhode Island. Ronald A. Wysocki, *Patriarca Prosecution Rests Case,* BOSTON GLOBE, Mar. 6, 1968.[203]

3–8–68: Raymond Patriarca, Ronald Cassesso, and Henry Tameleo are convicted in federal court of conspiring to kill William Marfeo. Joseph Barboza testified against the defendants. (Barboza was an unindicted co-conspirator, whom they allegedly tried to hire as the "hitman" to kill Marfeo. CLARK MOLLENHOFF, STRIKE FORCE: ORGANIZED CRIME AND THE GOVERNMENT 124 (1972)). With regard to Barboza's testimony, U.S. Attorney Paul Markham said, "The case in the main depended on his [Barboza's] credibility. The jury obviously believed him, believed him 100 percent. It was a significant victory." Asked how the outcome of the case would affect the government's battle against organized crime, Markham said, "To put it in a negative way, if we didn't win it, it would be all over." Walter T. Barnes, an attorney on Markham's staff, declared, "We can't overemphasize the importance of this case." Another attorney on Markham's staff, Edward Harrington, commented, "Because of these convictions there may be more information coming to us, and because of this there may be further cases developing." Robert J. Anglin, *Patriarca, 2 Others Guilty; Face 5 to 15 Years,* BOSTON GLOBE, Mar. 9, 1968.[204]

3–12–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Barboza where he is in the protective custody of the U.S. Marshals Service.[205]

3–15–68: Dennis Condon receives a $150 incentive award "in appreciation for his noteworthy performance in the investigation of the Interstate Transportation in Aid of Racketeering-Gambling case involving Raymond L.S. Patriarca and others." Condon is acknowledged for skillfully handling an important Government witness whose cooperation was vital to the conviction of Patriarca and his two associates.[206]

3–19–68: According to a memorandum by Special Agents Paul Rico and Dennis Condon, Joseph Barboza is contacted where he is in the custody of the U.S. Marshals and a check is made of his physical well-being. Barboza indicates that he is very disappointed in the attorneys who handled the Raymond Patriarca prosecution: Paul Markham, U.S. Attorney; Edward Harrington, Assistant U.S. Attorney; and Walter Barnes, Departmental Attorney; for not immediately coming down to personally thank him for his contribution to convicting Patriarca. Barboza is told that U.S. Attorney Markham had gone to Washington for, possibly, matters relating to Barboza. Barboza responded, "While these people don't want to show their appreciation, I am sure that Joe Balliro, the chief attorney for the defense, would show his appreciation in me, and I am sure that if things don't work out, that I can at least end up with $150,000 from Balliro."[207]

Special Agents Paul Rico and Dennis Condon contact attorney John Fitzgerald at Massachusetts General Hospital where Fitzgerald is recovering from injuries sustained in the bombing of his car. Fitzgerald says he has come in contact with or has knowledge of many criminals, whom he believes are all now his enemy. Fitzgerald tells the agents that he is about to write a letter to Joseph Barboza telling Barboza that because he lost a leg in this bombing, Barboza should turn on these people and provide testimony that will send them to jail. Rico tells Fitzgerald that Rico would prefer that Barboza testify about whatever he could, without Barboza being pressured into testifying against specific individuals. Rico summarizes, "If we feel that at a later date that Baron is 'holding out,' we then may ask Fitzgerald's assistance, but we do not want Baron to be motivated by [Fitzgerald's] revenge.[208]

3–20–68: In a letter from Attorney General Ramsey Clark to Director Hoover, Clark states the following: "The recent conviction of New England Cosa Nostra leader, Raymond Patriarca, and two of his cohorts is one of the major accomplishments in the Organized Crime Drive Program. I have been advised by the Organized Crime and Racketeering Section and Mr. Paul Markham, the United States Attorney in Boston, that without the outstanding work performed by Special Agents Dennis Condon and H. Paul Rico these convictions could not have been obtained." [209]

3–21–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service. Assistant District Attorney Jack Zalkind and Detective Frank Walsh both of the Suffolk County DA's Office are also present. Barboza discussed some aspects of the Edward "Teddy" Deegan murder, including the involvement of Louis Greco.[210]

3–28–68: Assistant District Attorney Jack Zalkind, Sergeant Frank Walsh, and Detective John Doyle interview Joseph Barboza about the Deegan murder.[211]

3–29–68: Special Agents Paul Rico and Dennis Condon contact attorney John Fitzgerald at the hospital where he is recovering from the car bomb. Fitzgerald tells them that he told Assistant District Attorney Jack Zalkind that he will testify in the Edward "Teddy" Deegan trial if his testimony is the difference between convicting these people and letting them go free, but he does want to testify unless his testimony is critical.[212]

By memorandum, the Boston SAC recommends to Director Hoover that Special Agent Paul Rico receive a quality salary increase: "Through his intensive and most skillful efforts, SA Rico developed four Top Echelon informants, namely, REDACTED SECTION BS 955 C–TE and REDACTED SECTION. The Top Echelon informants have furnished the day-to-day activities of Raymond L.S. Patriarca, LCN [La Cosa Nostra] boss from Providence, Rhode Island, and LCN hierarchy in the New England area. . . . Through the careful, selective use of the information derived from these informants, SA Rico was able to exploit same and develop Joseph Baron, aka Joseph Barboza, to a point where he testified against Raymond L.S. Patriarca; his underboss, Henry Tameleo; and LCN member, Ron-

ald Cassesso. This resulted in the conviction of above-named individuals and also, the indictment of LCN members Ralph Lamattina and Peter Limone in the gangland slaying of Edward Deegan[.]" [213]

3–31–68: In his performance appraisal, Dennis Condon receives an "excellent" rating and is considered outstanding in his knowledge of the hoodlum element and La Cosa Nostra (LCN) activities in the Boston area. Condon is recognized for being particularly adept in the development of informants and was instrumental in obtaining a conviction of Raymond Patriarca and several other LCN members. The appraisal also notes that five informants are assigned to Condon. He is also considered an "outstanding probative-type investigator." The review further states that Condon handled the most complicated matters, such as his handling of the Government witness in the Patriarca case. He is also considered dependable and resourceful.[214]

4–2–68: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza in Gloucester, Massachusetts, to check on his physical well-being. Barboza also stated that he spoke to United States Attorney Paul Markham.[215]

4–4–68: While in custody of the U.S. Marshals Service, Joseph Barboza is contacted by Special Agent Paul Rico, Detective Frank Walsh, and Assistant District Attorney Jack Zalkind. Walsh and Zalkind review aspects of the Edward "Teddy" Deegan murder with Barboza.[216]

4–5–68: Sergeant Frank Walsh and Detective Edward Walsh interview Geno Cognato, a bartender at Stella's Restaurant, on Boston's Fleet Street. Cognato states that he knew Ronald Cassesso and Joseph Salvati. Cognato did not know Joseph Barboza but had seen him on a few occasions. Cognato tells the detectives that Cassesso and Salvati were frequent customers of Stella's, but he never saw Peter Limone or "any of the others" in the restaurant. Cognato has no recollection of the night of Deegan's murder, and he does not recall seeing any of the men on the list in Stella's on the night of Deegan's murder.[217]

4–9–68: Special Agents James D. McKenzie, Paul Rico, and Dennis Condon check on the physical well-being of Joseph Barboza at the location where he is in the protective custody of the U.S. Marshals Service.[218]

4–17–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Barboza at the location where he is held in custody of the United States Marshals Service in Gloucester, Massachusetts.[219]

4–18–68: The motions made by the Deegan defendants for police reports are denied.[220]

4–20–68: Rudolph Marfeo and Anthony Melei are shot to death while shopping at a market in Providence, Rhode Island. *State* v. *Patriarcha,* 308 A.2d 300, 305 (R.I. 1988).[221]

4–24–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is held in the

protective custody of the U.S. Marshals Service in Gloucester, Massachusetts.[222]

Special Agent Dennis Condon reports the following on Joseph Barboza: "Baron contacted on 3/21/68 and 4/4/68 by representatives of the Suffolk County District Attorney's Office in preparation for the murder trial involving the gangland death of Edward Deegan. [Attorney John] Fitzgerald also in contact with Suffolk County authorities relative to Deegan case. *Subject should be considered armed and dangerous.*" [223]

Special Agent Dennis Condon reports that he will maintain contact with Joseph Barboza.[224]

4–26–68: Sergeant Detective Frank Walsh, Detective John Doyle, and Assistant District Attorney Jack Zalkind interview Joseph Barboza about the Deegan murder.[225]

4–29–68: Special Agent Dennis M. Condon met with FBI Director J. Edgar Hoover in Washington, D.C.[965]

J.B. Adams writes an FBI memorandum to Mr. Callahan regarding Dennis Condon stating, "He developed Joseph Baron, aka Joseph Barboza, described as the most vicious criminal in New England and one whom law enforcement generally felt could never be compromised to testify against La Cosa Nostra's head, [Raymond] Patriarca, and Patriarca's associates. SA Condon directed Baron to the point where Baron testified for the Federal Government. The trial was finalized with the conviction of Patriarca, his underboss, Henry Tameleo, and La Cosa Nostra member Ronald Cassesso in U.S. District Court, Boston, in March 1968." [226]

5–8–68: An FBI memorandum describes a letter written by Joseph Barboza to Senator Robert Kennedy, complaining about his treatment since being in federal custody.[227]

5–9–68: Assistant District Attorney Jack Zalkind interviews Joseph Barboza on the Deegan murder. Sergeant Frank Walsh takes notes of Barboza's statements.[228]

5–13–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts. The FBI summary reads, "Baron advised that United States Attorney Paul Markham and Departmental Attorney Walter Barnes had contacted him with Attorney General De Simone from Rhode Island and Colonel Walter Stone of the Rhode Island State Police. De Simone was trying to ascertain if Baron would be willing to testify against [Raymond] Patriarca in the State of Rhode Island. Baron said he listened to what they had to say but gave them no definite answer. He said he would be very much concerned for his personal safety if he had to go to Rhode Island and testify against Patriarca." [229]

5–17–68: Assistant District Attorney Jack Zalkind interviews Joseph Barboza on the Deegan murder, with Sergeant Walsh taking notes.[230]

5–20–68: Special Agents Dennis Condon and James D. McKenzie check on the physical well-being of Joseph Barboza where he is in

the custody of the U.S. Marshals Service in Gloucester, Massachusetts. Barboza expresses concern that Assistant District Attorney Zalkind is not spending enough time with Barboza in preparation for his court appearance in Suffolk County. Barboza is advised that this matter would be brought to the attention of Zalkind and John Doyle of the District Attorney's office.[231]

4–29–68: Special Agent Dennis Condon personally meets with Director Hoover in Washington.[965]

5–21–68: According to the *Boston Globe,* Joseph Barboza "pleaded guilty Monday to two counts of [c]onspiracy to murder at the outset of the Suffolk Superior Court trial of seven men in connection with the gangland slaying of Edward 'Teddy' Deegan." *Barboza Pleads Guilty,* BOSTON GLOBE, May 21, 1968.[232]

5–23–68: Director Hoover's office is informed who will testify in the Deegan trial. "Special Agents Condon and/or Rico regarding witness Baron first mentioning Deegan murder to them, referral of matter to District Attorney's office, no promises made, etc." (Document retained by the Department of Justice).[233] [Subsequently at trial, SA Condon testifies that Barboza was not shown papers or reports. Condon further testifies that no facts about Deegan's death were communicated to Barboza. Moreover, Condon testifies that it was not fair to say that he and Rico were "major figures, so to speak, with regard to the investigations surrounding the information furnished by Mr. Baron." He further testified that he was very careful not to impart any information to Barboza. *See* 7–19–68 entry.]

Assistant District Attorney Jack Zalkind, Sergeant Detective Frank Walsh, and Joseph B. Fallon meet with Joseph Barboza. Zalkind discusses Barboza's testimony before the Grand Jury with Barboza. Barboza read personally prepared handwritten notes relative to matters that Zalkind had previously discussed with him to Zalkind.[234]

5–27–68: The Edward "Teddy" Deegan murder trial begins.[235]

5–28–68: Special Agent Paul Rico notifies the Boston SAC by memorandum that an informant advised that Jerry Angiulo and Larry Baione are very concerned about the Deegan trial that recently commenced; they have tried "to reach" prospective jurors and defense witnesses, and they are going to try and reach Assistant District Attorney Jack Zalkind. The informant indicated to Rico that Angiulo said that they are going to offer Zalkind $200,000 for a guaranteed "not guilty."[236]

5–31–68: Special Agent Dennis Condon checks on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts. In his memorandum, Condon states, "Baron advised that there have been a number of occasions when Assistant District Attorney for Suffolk County, Jack Zalkind, notified him that he was going to meet with Baron in preparation for the pending Deegan murder trial in Suffolk County and then Zalkind called him to cancel the meeting. He complained that he did not feel Zalkind was spending adequate time with him in preparation for the case. How-

ever, he was advised that this would be brought to the attention of Mr. Zalkind and that Zalkind would take the matter up with him." [237]

6–5–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts.[238]

6–12–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts. According to the report, Barboza advises that "he has been in touch with Suffolk County authorities and hopes to testify in the near future in the Edward 'Teddy' Deegan murder case. Baron advised that he knows that the Rhode Island authorities want him to testify against [Raymond] Patriarca in State proceedings but he had not made up his mind whether he wants to do this as he would be concerned for his protection if he had to go to the State or Rhode Island where Patriarca had had so much influence for so many years." [239]

6–19–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza where he is being held in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts.[240]

6–24–68: Special Agent Dennis Condon prepares a memorandum regarding Joseph Barboza, describing him as "armed and dangerous." [241]

6–28–68: Special Agent Dennis Condon contacts Joseph Barboza at the Suffolk County Superior Court in Boston. Barboza is being held at the Court prior to his appearance to furnish evidence in the Edward "Teddy" Deegan murder trial. Condon writes that no matters of any pertinence are discussed.[242]

7–2/11–68: Joseph Barboza testifies at the Edward "Teddy" Deegan murder trial that he did not shoot Deegan, nor did he did see who shot Teddy Deegan. [An FBI Memorandum dated 4–6–65 contradicts this testimony. According to this memorandum, Barboza told a PCI ("Potential Confidential Informant") that he "shot Teddy Deegan with a .45 caliber gun." *See* 3–23–65 entry.] Barboza also testifies that hours before the perpetrators left the Ebb Tide for the Deegan murder Barboza told Joseph Salvati to "go outside and put Romeo's car down the far end of the parking lot." (3363–64). Barboza also testifies that he told Salvati that when Salvati saw him and the others come out the back door of the Ebb Tide to "blink your lights once to let us know where you are, in what direction in the back of the parking lot you are." (3364). Barboza further testifies that Salvati wore a disguise consisting of glasses, a moustache and a wig that made him look bald. (3367, 3370, 3372). Barboza testified that once they were in the car "I could see Joe [Salvati] putting on this wig and the snapping of the elastic. . . . [The wig] had hair around this way and it had few strands over here. It gave you a very high—there's a few strands in front that went back here and you were bald." When asked what the wig looked like from the back, Barboza responded, "You were

bald." (3391–92). Barboza also testifies that Salvati was sitting in the back of the car. (3388). Barboza tells the Court that he is testifying in part to get "a break." Barboza explains, "I am hoping that in regards to a break that what I give before this Court would be taken into consideration[.] . . . And the only promise that has been made in regards to that is that the FBI will bring it to the attention of the Judge and it shall rise and fall, in regards to the cooperation that I gave, to the Court." Yet, Barboza claims that his "hoping for a break" has nothing do with his testimony. Barboza further testifies that he was promised that his wife and child would be protected. (4455–4466, 4651–4658).[243]

7–19–68: Special Agent Dennis Condon testifies in the Edward "Teddy" Deegan murder trial. Condon states that he did not show Joseph Barboza any reports or papers concerning the death of Deegan. He further testified that he communicated no facts about Deegan's death to Barboza. Condon denies that it is fair to say that he and Rico were "major figures" in the investigations surrounding the information furnished by Barboza. Agent Condon again testifies that he was "very careful not to impart any information" about the case to Barboza.[244]

7–29–68: In his closing argument, Joseph Salvati's attorney, Chester Paris, emphasizes that the only evidence inculpating Salvati came from "the lips of Joseph Barboza, uncorroborated in every respect." (*See* David Taylor, *Deegan Trial Lawyers Call Baron 'Liar,"* BOSTON GLOBE, July 30, 1968). In his closing argument, Robert Stranziani, attorney for Peter Limone, quotes from a letter Barboza wrote to his girlfriend, "'I don't care whether they're innocent or not. They go." (*See* Ronald Wysocki, *Baron Bashed at Deegan Trial,* BOSTON GLOBE, July 29, 1968).[245]

In the prosecutor's summation at the Deegan murder trial, he made the following argument to the jury: "Can you believe Joseph Baron? I suggest to you, ladies and gentlemen, Joseph Baron—and this would apply to anyone who took the stand—that in order for that person to tell a story such as Joseph Baron told in this case, he would have to have the cooperation of the FBI, the Chelsea Police Department, the District Attorney's Office, the Federal Bureau of Investigation, the United States Attorney's Office[.]" (Prosecutor's Summation Commonwealth v. Greco, et al., No. 31601, at 7440 (Mass. July 31, 1968)).[246]

7–31–68: Joseph Salvati, Ronald Cassesso, Louis Greco, Henry Tameleo, Roy French, and Peter Limone are convicted of the murder of Edward "Teddy" Deegan. The jury deliberated for more than seven hours over a two-day period. (BOSTON GLOBE, July 31, 1968)).[247] Vincent "Jimmy" Flemmi was neither prosecuted, nor convicted for the Deegan murder. Furthermore, Joseph Barboza received no additional time beyond what he had already been sentenced for a firearms conviction. Romeo Martin and Chico Amico, also allegedly involved in the Deegan murder, were murdered in 1965 and 1966 respectively.

By teletype, the Boston FBI Office informs Director Hoover of the convictions and sentences for the Edward "Teddy" Deegan murder. Joseph Salvati and Roy French are sentenced to life. Louis Greco,

Ronald Cassesso, Peter Limone and Henry Tameleo are sentenced to death. The teletype notes that Paul Rico and Dennis Condon were instrumental in developing Barboza and recommends they receive letters of commendation.[248]

8–1–68: In a letter to Director Hoover from Congressman John W. McCormack, Congressman McCormack recommends John J. Connolly, Jr., for the FBI's favorable consideration.[249]

8–2–68: An FBI memorandum from SA (redacted) in the Boston Office to the Boston SAC advises that an informant said Francis "Frank" Salemme was very angry with the verdict in the Edward "Teddy" Deegan trial and stated that (REDACTED) was trying to make an empire for himself (REDACTED) and that something should be done regarding (REDACTED). He further indicated that it was too bad that they did not finish the guy that they wheeled into court [John E. Fitzgerald, Barboza's attorney at the Deegan trial, was injured in a car bomb in Jan. 1968. Fitzgerald used a wheelchair sometimes in court.] Salemme indicated that the DA's office had lied, the witnesses in the trial had lied and also the Feds had lied and according to the informant, the only ones that did not lie were the defendants. Informant stated that he considered Frankie Salemme one of the worst and most treacherous individuals in the Boston area. He stated that he is constantly with Larry Baione and has made a statement that he did not care about the results of the verdict in the Deegan murder case except for the verdict against Peter Limone and Henry Tameleo. "On August 2, 1968, District Attorney Garrett H. Byrne was informed of the above information by SA H. Paul Rico."[250]

8–5–68: Director Hoover commends Paul Rico and Dennis Condon by letter for their work "in the investigation of a local murder case involving Roy French and others."[251]

8–12–68: Special Agents Paul Rico and Dennis Condon check on the physical well-being of Joseph Barboza, who is in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts. Barboza advises the agents that his wife had given birth a few days ago to a healthy baby boy.[252]

8–14–68: Special Agents Paul Rico and Dennis Condon contact Joseph Barboza, who is in the protective custody of the U.S. Marshals Service in Gloucester, Massachusetts, and check on his physical well being. Though Barboza understands that he is going to be moved from his protective custody location within the next few days, he hopes to remain in contact with Special Agents Rico and Condon even if moved from the area.[253]

8–15–68: In a letter from the FBI, Dennis Condon is commended for "the excellent fashion in which he performed in the investigation of a local murder case involving Roy French and others."[254]

10–4–68: The Special Investigative Division of the Department of Justice requests an "interview of Boston hoodlum Baron [Barboza] by 2 Boston Agents [Rico and Condon] who developed Baron as a cooperative witness which resulted in the conviction of six hoodlums in connection with gangland slaying in that area. . . . Department advises Baron has indicated having additional informa-

tion to discuss with Boston agents Condon and Rico who developed his cooperative attitude." [255]

10–7–68: By airtel, Director Hoover authorizes the Boston SAC to have Special Agents Paul Rico and Dennis Condon to "proceed to REDACTED SECTION to interview Baron and obtain additional information in his possession" as requested by the DOJ.[256]

Congressman John W. McCormack writes a second letter to Director Hoover recommending John J. Connolly for Hoover's "favorable consideration." [257]

10–8–68: In a letter from Director Hoover to Congressman John W. McCormack, Hoover states: "I am indeed pleased to inform you that Mr. John J. Connolly, Jr., in whom you have expressed an interest, has been tendered an appointment as a Special Agent in the Federal Bureau of Investigation." [258]

10–10–68: The Boston SAC writes a memorandum to Director Hoover stating that Special Agent Dennis Condon has known the applicant, John Connolly, for one year and recommends him favorably for the position of Special Agent.[259]

11–1–68: The Boston SAC informs Director Hoover by airtel that Barboza appeared in Suffolk County Superior Court where "habitual criminal" indictments were filed against him, and he was sentenced to "not less than one year nor more than a year and a day" on other counts. This sentence was in connection with the conspiracy indictment for the Edward "Teddy" Deegan murder. John Fitzgerald, standing on an artificial limb with the aid of a cane, represented Barboza at the proceedings.[260] [Barboza was arrested on October 6, 1966, and convicted of weapons charges on January 25, 1967. *See* 10–6–66 and 1–25–67 entries].

The Boston SAC writes an airtel to Director Hoover stating, "Joseph Baron appeared today before Suffolk Superior Court Judge Felix Forte, Boston, Massachusetts Judge Forte, on the recommendation of the District Attorney's Office, Suffolk County, dismissed indictments against Baron stemming from Baron's alleged attempt to assault and murder Arthur Pearson inasmuch as Arthur Pearson, who was the main witness in these indictments, has subsequently been murdered by others. Joseph Baron pled guilty to all remaining indictments and Judge Forte again, on the recommendation of the District Attorney's office, in view of the cooperation that Baron had given both the federal and local authorities, sentenced Baron to not less than one year, nor more than one year and one day, which sentenced to be served concurrently with the sentence he is presently serving on the indictment of 'Conspiracy to Murder Edward Teddy Deegan.' The Judge placed on file the other indictments. It should be noted that Baron is presently doing 4–5 years on a 'Possession of Firearms' and this sentence will expire in 9/69 and that the new sentence will expire at the same time. Baron actually is being retained by the USMs and he has left this area this date to return to the military reservation in REDACTED." [261]

11–15–68: J.H. Gale writes a memorandum to F.B.I. Deputy Director Cartha DeLoach "to set forth the FBI's views with reference to the Department of Justice—'Task Force' (also called 'Strike

Force') concept on organized crime." The memorandum notes that a "principal objection [to the Task Force concept] is that the FBI's accomplishments would be submerged in the claiming of credit by the Task Force beyond its actual contribution, and they will wind up grabbing the lion's share of favorable publicity." The memorandum mentions the Boston prosecutions as primary examples of "prosecutive achievement," and states "as a result of FBI investigation, in State court in Boston, Massachusetts, six more were convicted in the 1965 slaying of Edward Deegan. La Cosa Nostra members Henry Tameleo, Ronald Cassesso, Peter Limone, and Louis Greco were all sentenced to death while two confederates were given life sentences." [262]

1969

1969: Special Agent Paul Rico tells Stephen Flemmi that he and Francis "Frank" Salemme will soon be indicted for the attempted murder of John Fitzgerald, Joseph Barboza's attorney. Rico suggested that Flemmi and Salemme flee; they heed his advice. While a fugitive, Flemmi stays in touch with Rico. Yet, Rico does not share this information with the fellow FBI agents responsible for finding Flemmi. [The FBI apprehends Salemme on December 4, 1972, and he is convicted in June 1973. Salemme serves 12 years in prison. (*United States* v. *Salemme,* 91 F.Supp.2d 141, 151–52 (D. Mass. 1999); *see also Commonwealth* v. *Salemme,* 323 NE 2d 922 (Mass. App. 1975)); 1974 entry.[263]

1–24–69: Assistant Attorney General Nathaniel E. Kossack, of the Criminal Division, states in a letter to Director Hoover, "[W]e have been recently advised by District Attorney Garret Byrne, Suffolk County, Massachusetts, that there is a possibility that Baron may be paroled within the next three months. If such proves to be the case, we feel we have the responsibility to relocate this witness and his family. Accordingly, we have made some preliminary inquiries and determined that it may be possible to send Baron to Australia." [264]

The Washington Capital News Service reports that Joseph Barboza's former attorney John E. Fitzgerald, who is marked for assassination, left the United States for a new job, a new name, and a new country. [Fitzgerald later serves as a judge in South Dakota.] [265]

1–28–69: Director Hoover responds by letter to Assistant Attorney General Nathaniel E. Kossack's January 24, 1969, letter proposing that Barboza be relocated possibly in Australia if he is paroled in three months. Director Hoover states in the letter that the FBI has "no objection to the relocation of Baron as proposed," since "the FBI investigations stemming from information furnished by Baron have been completed." [266]

3–28–69: After serving three years for armed assault with intent to murder, Vincent "Jimmy" Flemmi is released from prison. He receives a good conduct discharge from Massachusetts Correctional Institute at Walpole. Flemmi was incarcerated for this crime on March 9, 1966.[267]

"Joseph (Baron) Barboza 36, self admitted hired gun was granted freedom . . . on the condition that he leave the state and never return. Baron . . . was released . . . after a special hearing of the state Parole Board at Charles street jail. He was taken under guard to Logan Airport and put aboard a plane for a secret destination. Baron was paroled from a four to five year state prison sentence for carrying a gun. Earlier in the day, Superior Court Judge Felix Forte suspended a year-and-a-day sentence for conspiracy to murder. Also hanging over Baron's head had been habitual criminal indictments carrying sentences up to 70 years. These were dropped by Suffolk County District Atty. Garrett H. Byrne after Baron kept his promise to testify against his former gangland associates." (*Baron Free, State Put Off Limits,* BOSTON GLOBE, Mar. 29, 1969).[268]

3–31–69: In a performance appraisal, Special Agent Dennis Condon is rated excellent. He is considered outstanding in dependability, loyalty and enthusiasm, and he is "capable of handling the most complicated investigative matters with a minimum degree of supervision." The evaluation notes that Condon is not interested in administrative advancement.[269]

April 1969: Joseph Barboza is moved from Fort Knox, Kentucky, to Santa Rosa, California, by federal authorities.[270]

4–2–69: The Boston SAC advises Director Hoover by airtel that a letter was found in a box provided for prisoners to send uncensored letters from Barnstable County Jail. The letter was printed and unsigned by an unknown writer. Portions of that letter read, "There has been a security leak in the transfer of Barboza-Baron from the Barnstable Jail. Certain people now know the method in which he was taken. Steps are now being taken to recheck the route. Parties in Providence have been told to find him." [271]

4–14–69: A memorandum is written to Director Hoover with what appears to be Special Agent Dennis Condon's signature in the bottom right-hand corner. The memorandum regarding Joseph Barboza states, "Investigation is being initiated in connection with the TECIP to develop Subject as a top echelon criminal informant; therefore, Subject is being designated a target under this program." [272]

5–7–69: An FBI memorandum from SAs REDACTED SECTION to SAC REDACTED contains the following statement: "Informant advised that REDACTED and Jimmy Flemmi are in very strong with Larry Baione and Jerry Angiulo. Informant said that should they want anyone 'whacked out,' these would be the two that would do it." Special Agent Paul Rico's last name is handwritten in the bottom right hand corner of the first page. [Note: This document is heavily redacted.] [273]

6–5–69: Special Agent Paul Rico meets with John "Red" Kelley at the Charles Street Jail, where Kelley was incarcerated. Subsequently, Rico meets with Kelley on several occasions (June 6, June 25, July 8, July 9, July 10, and July 17) before Kelley testifies before the grand jury on August 14.[274]

7–10–69: According to a memorandum from Mr. Gale to T.J. McAndrews, John Buckley of the Massachusetts Council on Crime and Correction said the Raymond Patriarca logs were in the possession of an unidentified individual. Henry Petersen, Deputy Assistant Attorney General of the Criminal Division instructed Walter Barnes, Department Attorney in Boston to contact Buckley again and demand the identity of the individual in possession of the documents. The memorandum also directs Barnes to instruct Buckley that there must be no publication of the documents. If Barnes cannot successfully arrange the return of the documents, Assistant Attorney General Wilson will talk to Buckley in an effort to secure the return of the documents. If these approaches fail, the Department will consider bringing Buckley before a Grand Jury in Boston. In addition, the memorandum states that if Buckley cooperates and furnishes the identity of the individual, the Department is considering obtaining an injunction to prevent this individual from publishing these documents. If all of these efforts fail, Petersen advised that "he contemplates requesting the Bureau, by letter, to conduct an inquiry of those individuals who had possession of these documents in connection with the Patriarca and [Louis] Taglianetti cases."[275]

8–11–69: In a prosecution memorandum from Mr. Gerald E. McDowell, Organized Crime Strike Force, Boston, Massachusetts, to Mr. Thomas Kennelly, Deputy Chief, Organized Crime and Racketeering Section, U.S. Dept. of Justice, Washington, D.C., McDowell recommends prosecuting Raymond Patriarca for his role in the Rudolph Marfeo and Anthony Melei murders. This memorandum states that this case is "remarkably similar" to the Willie Marfeo case. The memorandum also indicated that there could be concurrent state and federal prosecutions. [Note: The original memorandum is not appended to the Committee's chronology and is retained in Justice Department files.]

8–14–69: John "Red" Kelley appears before a Grand Jury to answer questions regarding the murders of Rudolph Marfeo and Anthony Melei.[276] Kelley is granted immunity in exchange for his testimony.[277]

Indictments are filed, ordered, and issued for defendants Maurice "Pro" Lerner, Robert E. Fairbrothers, Rudolph Sciarra, John Rossi, Luigi Manocchio and Raymond Patriarca for the murders of Rudolph Marfeo and Anthony Melei. In particular, an indictment charges Lerner with two counts of murder and one count of conspiracy to murder.[278] [Note: Two published opinions, *State* v. *Lerner,* 308 A.2d 324 (R.I. 1973) and *State* v. *Patriarca,* 308 A.2d 300 (R.I. 1973), both state that indictments were returned against Lerner and Patriarca on June 2, 1969.]

8–19–69: In a letter from John E. Fitzgerald to Director Hoover, Fitzgerald writes, "[T]hrough the assistance of the Boston Office of the Federal Bureau of Investigation; more particularly, Special Agent in Charge Handley, Special Agents Rico and Condon and REDACTED SECTION has agreed to insure my home. . . . I have no question in my mind that the principal reason that Joseph (Barboza) Baron cooperated with the Federal Bureau of Investiga-

tion was the personal qualities manifested by Agents Rico and Condon. In the near future a book will be published telling a part of that story. This book will make a public record of my feelings toward your Agency." [279]

9–11–69: Indictment returned against Stephen Flemmi, Francis "Frank" Salemme and Peter Poulos for the murder of William Bennett. Flemmi, Salemme and Poulos flee the Boston area, traveling to Los Angeles, California.[280]

9–29–69: Francis "Frank" Salemme and Stephen Flemmi allegedly murder Peter Poulos, in the desert outside of Las Vegas. Poulos is shot three times in the head with a .38 caliber pistol. Poulos could have tied Salemme and Flemmi to the William Bennett murder. (*See* November 1967 entry). Chuck Lee, the homicide detective who investigated the Poulos slaying and built the case against Flemmi and Salemme learned that Poulos was a Boston police informant who decided to flip. Someone tipped Flemmi and Salemme off and Poulos was killed. The *Las Vegas-Review Journal* reported, "It was obvious to Lee early on that the investigation was officially being hampered, and after a few months the FBI took control of the case." Despite the fact that the Court issued murder warrants, Lee said that "'everything came to a sudden stop.'" The local police were not allowed to interview the suspects, and there was no move to extradite them. (John L. Smith, *Police Frustrated Over Federal Protection of Slaying Suspects,* LAS VEGAS REVIEW-JOURNAL, Oct. 21, 1998; *See also* John L. Smith, *Years After His Death, Bit Player in Mob has Chance to Make It Big,* LAS VEGAS REVIEW-JOURNAL, Apr. 7, 2002; *Indicted Hub Man Slain in Las Vegas,* BOSTON GLOBE, Jan. 31, 1970).[281]

10–10–69: Indictments are returned against Stephen Flemmi and Francis "Frank" Salemme for their roles in bombing John Fitzgerald's car, severely injuring Fitzgerald. (*Commonwealth* v. *Salemme,* 323 N.E. 2d 922 (1975)).[282]

Peter Poulos' body is discovered near Las Vegas, Nevada. The identity of the body is unknown at this time. A tentative identification was made on January 30, 1970, and a positive identification was made on February 2, 1970.[283]

10–15–69: In a letter from Middlesex County District Attorney John Droney to Director Hoover, Droney expresses his appreciation for the cooperation his office received from the Boston FBI Office in the investigation into the bombing of John Fitzgerald's automobile. Droney's letter explicitly states, "Through the cooperation of the Boston office, and in particular through the efforts of Special Agents James D. McKenzie and Floyd I. Clarke, we were able to obtain indictments against one Francis "Frank" Salemme and one Stephen Flemmi, both of whom are major organized crime figures in this area. This bombing took place on January 30, 1968, and from that day until the present, Special Agents H. Paul Rico and Dennis M. Condon have maintained contact with our office concerning this incident." [284]

12–13–69: Vincent "Jimmy" Flemmi stabs Lawrence Pacino and his brother, Leonard Pacino, according to an FBI memorandum.

The memorandum cites Boston police detective Ed Walsh as the source of this information.[285]

1970

1–8–70: Vincent "Jimmy" Flemmi is arrested for assault with intent to murder James Abbout. This incident occurred when Flemmi accused Abbout of being an informant for the Boston Task Force on counterfeit money. Flemmi is subsequently convicted on March 20, 1970. (*See* 3–20–70 entry).[286]

1–19–70: The Boston FBI reports that Boston police detectives suspect that Vincent "Jimmy" Flemmi is collecting shylock money for his brother, Stephen "The Rifleman" Flemmi, who along with Francis "Frank" Salemme and Peter Poulos are currently the subjects of an unlawful flight investigation.[287]

1–30–70: The Las Vegas FBI Office notified the Clark County Sheriff's Department that it had received information from the Boston FBI Office that the Boston P.D. had established tentative identification of the murder victim found near Las Vegas on October 10, 1969, as being Peter J. Poulos.[288]

2–2–70: The unknown murder victim found on October 10, 1969, near Las Vegas is positively identified as Peter J. Poulos using the victim's fingerprints.[289]

Sergeant Frank Walsh of the Organized Crime Section of the Boston Police Department is contacted by the Clark County Sheriff's Department regarding the Peter Poulos murder. Walsh stated that Poulos, known to be a loan shark and racketeer, was wanted by the Boston Police Department, along with Stephen Flemmi and Francis "Frank" Salemme, for the murder of William Bennett. All three were indicted for the Bennett murder on September 11, 1969. Flemmi, Salemme and Poulos disappeared from Boston on that date. Walsh also indicates that these three men are suspected of several more murders in the Boston area. Walsh states that it is common knowledge that Flemmi and Salemme considered Poulos to be a "weak link" and would eventually kill him.[290]

2–3–70: Sergeant Detective Frank Walsh of Boston's Organized Crime Section writes a letter to Detective Charles Lee of the Clark County Sheriff's Office. On a night prior to the September 11, 1969, William Bennett murder indictment, the letter states that "Peter [Poulos] received a telephone call from a person who stated to Mrs. Katherine Poulos [Peter's mother] that it was very important for Peter to get in touch with Steve [presumably Flemmi]. This message was given to Peter when he came home on Monday, September 8, 1969[,] and he stated to her that he was going to Cape Cod for a couple of weeks vacation. He took some clothes in a paper bag and left [in his car]. . . . On September 15, 1969, Katherine Poulos notified the office of the Organized Crime Section [of the Boston Police Department that [Peter's] car was now parked outside of her home. . . . She stated that the vehicle was put there sometime during the night by person(s) unknown. . . . Further examination of the right front fender of the vehicle disclosed what appeared to be blood." The department chemist determined that the blood was human blood. The letter advises that William Fopiano is a known

criminal who may have been in the Las Vegas area recently. The letter concludes, "There is a strong possibility that this man may be involved in this matter[.]" [291]

2–12–70: Walter T. Barnes and Edward Harrington, attorneys for the Department of Justice's Boston Strike Force write a memorandum to Henry E. Petersen, Deputy Assistant Attorney General. The memorandum opines, "I think it fair to state that it was agreed by all in the Department of Justice that at the time [Joseph Barboza] was released from Government protection every effort would be made to provide his [sic] with a job and an unspecified sum of money. However, in the event it was impossible to obtain a job for him because of [Barboza's] extensive record (36 years old—17 in prison) and inability to do anything, it was agreed that he would be provided additional money. This position was made known to [Barboza]. A year has passed and we have been unable to provide [Barboza] with a job. At the time he was released from protective custody he was given only $1,000 in Government funds[.] . . . However, he is now almost penniless and feels that he has not been given a fair chance to begin a new life. . . . In addition, it should be noted that FBI Intelligence indicates that [Barboza] has been recognized at his present location by an individual who knows some of the Massachusetts hoodlum element. . . . [Barboza] is now desperate. He states he is without any money and feels that the Government has reneged on its promise to provide him with sufficient money. He has indicated that he will publicly retract his testimony given in the aforementioned cases and will make known to the press that the Government did not give him a fair chance to go 'straight.' In the opinion of the writers if either of the above should occur, the Federal Government will receive a severe setback as the [Raymond] Patriarca and [Henry] Tameleo cases might be overturned and plunge the Government into protracted and acrimonious litigation. In addition, informants willing to testify will be almost impossible to secure. We recommend that by some manner or means [Barboza's] request be honored to the degree possible. Of course it would be made perfectly clear to him that such money would be all that he would ever receive." [292]

2–13–70: According to Boston SAC James Handley's letter to Department of Justice Attorney Walter T. Barnes, since Joseph Barboza's re-location, he "was observed and identified at a union hall for the Marine Cooks and Stewards Union. He was observed by an individual named Manuel Gonzales, a Portuguese from New Bedford, Massachusetts. . . . I also wish to call to your attention that in January, 1970, after Gonzales had observed and confronted Barboza with REDACTED SECTION two well known 'hit' men from the Boston area, Harry Johnson and Allen Leavitt Fidler, also known as 'Suitcase,' traveled to the San Francisco area and, according to informants of this office, were supposed to be making the trip to harm someone in that area." [293]

2–27–70: Maurice "Pro" Lerner's trial for the murders of Rudolph Marfeo and Anthony Melei begins.[294]

3–3–70: Henry E. Petersen, Deputy Assistant Attorney General of the Criminal Division, authors a memorandum to William

Lynch, Chief of the Organized Crime and Racketeering Section. With regard to Joseph Barboza, Petersen writes, "The memoranda submitted by Walter Barnes do not in my judgment support the expenditure of Nine Thousand Bucks. . . . The additional $4,000 requested to make up the total of Nine, obviously has no support. I am bothered by the thought on this score that Baron, if my recollection is correct, expected a $10,000 payment at the time his testimony was concluded." [295]

3–9–70: John "Red" Kelley takes the stand at the Maurice "Pro" Lerner trial. Under direct examination by Assistant Attorney General Richard Israel, Kelley testifies that no law officer or any prosecutor of any jurisdiction made any promises to Kelley before he testified and no one promised Kelley that he would receive any consideration for his testimony. Kelley testifies that he was granted immunity from prosecution for crimes related to the Marfeo/Melei murders in Rhode Island and he hopes "that my testimony will be in cooperation with and brought to the attention of the other jurisdiction [Massachusetts] in the final outcome of [the Brink's Robbery] case." [296]

3–10–70: Ronald J. Chisholm, attorney for defendant Maurice "Pro" Lerner, cross-examines John "Red" Kelley at the Rudoph Marfeo and Anthony Melei murder trial. In the exchange, Kelley states that Special Agent Paul Rico and Robert E. Sheehan "couldn't promise but they'd bring any testimony that I would give to the attention of the proper authorities, that's all they said." Moreover, without giving any detail, Kelley testifies that the Government (presumably the FBI) promised him protection. Kelley then adds that there were no other promises, "none whatsoever." In particular, Kelley states that he was not promised a new identity, saying agents of the U.S. Government "didn't promise me anything." He also testifies that the U.S. Government made "no promises at all" to relocate Kelley to another part of the world. In addition, Kelley tells the Court, "I refused to testify unless I was given immunity" for his acts in relation to the Marfeo and Melei murders.[297]

Under cross-examination by Robert S. Ciresi, attorney for defendant Robert Fairbrothers, John "Red" Kelley states that he was not being supplied with income from the U.S. Government.[298]

3–11–70: Clark County Sheriff Ralph Lamb sends Clark County District Attorney George Franklin a case summary on the Peter Poulos murder, which was compiled by Detectives Jim Duggan and Charles Lee. The case summary concludes, "[I]t becomes apparent that victim Peter J. Poulos and suspects Stephen J. Flemmi and Francis P. Salemme left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, [an apartment] was rented by one of the subjects, using the name 'Paul J. Andrews.' On or about 9/27/69 victim Poulos and suspects Flemmi and Salemme left the apartment in Los Angeles en route to Las Vegas. . . . Suspects Flemmi and Salemme shot and killed victim Peter J. Poulos leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim Poulos ever arrived at Las Vegas.

. . . To date no trace of either suspect has been found. . . . [Sgt. Frank Walsh] can . . . testify to the fact that [Poulos, Flemmi, and Salemme] were, and are now under indictment for murder, and that Poulos was a potential witness against them." The Detectives request that murder warrants and complaints be issued for Flemmi and Salemme for the murder of Poulos.[299]

3–12–70: A warrant for the arrest of Stephen Flemmi and Francis "Frank" Salemme is issued in Clark County, Nevada. Judge Roy Woofter signs the warrant charging Flemmi and Salemme for the murder of Peter Poulos.[300]

3–13–70: Special Agent Paul Rico testifies at the Maurice "Pro" Lerner trial for the murders of Rudolph Marfeo and Anthony Melei. Prosecutor Richard Israel conducts the direct examination of Rico. The following exchange takes place:

Q: Now, in the course of any of your conversations with Mr. Kelley, did you make any promises to him regarding his making statements in your presence, any promises regarding the statements he might have made in your presence?

A: I made no promises to him.

Q: Now, regarding any testimony which he might give, did you make any promises to him regarding any testimony he might give?

A: I made a statement to him.

* * *

Q: You made certain statements to him?

A: Yes, I did.

Q: Regarding what?

A: I told him than any cooperation that he gave to the United States Government will be brought to the attention of the proper authorities.

Q: Now, did you make any statements to him regarding testimony that he might give in Rhode Island?

A: No, I did not.

* * *

Q: Did you make any promise or any statements to him as to what might happen if he were to make statements to authorities from Rhode Island?

* * *

A: I made no such statements.

Rico also testifies that he told Kelley that the U.S. Government, meaning the U.S. Marshals Service, would give him personal security, but Rico did not describe to Kelley the kind of personal security and protection that Kelley might expect to receive.[301]

Rico is then cross-examined by Ronald J. Chisholm, attorney for defendant Lerner. During the examination, Rico states that neither he nor anyone in his presence told Kelley that he would be provided with a new identity. Rico also testifies that he did not tell Kelley that he would be relocated to another part of the world. When asked what members of the U.S. Government were going to provide Kelley with personal security, Rico responds that the U.S. Marshals Service agreed to provide such security. Yet, Rico tells the Court that he spoke with "Theodore F. Harrington" of the Department of Justice—not a representative of the U.S. Marshals Service—about Kelley's security. Rico also states that he promised Kelley that he would bring any cooperation Kelley gave to the attention of the proper authorities. The proper authorities Rico was referring to were Walter Barnes, of the Strike Force in New England and Garret Byrne, Suffolk County District Attorney.[302]

3–16–70: Vincent "Jimmy" Flemmi's trial for assault with intent to murder James Abbout begins. Joseph Balliro represents Flemmi.[303]

3–19–70: Vincent "Jimmy" Flemmi leaves the courthouse, where he is on trial for the James Abbout case, and becomes a fugitive.[304]

3–20–70: Despite his absence, the jury returns a guilty verdict against Vincent "Jimmy" Flemmi for assault with intent to murder James Abbout. Flemmi is apprehended and arrested on October 28, 1970. (*See* 10–28–70 entry).[305]

3–27–70: Maurice "Pro" Lerner is convicted of murdering Rudolph Marfeo and Anthony Melei and conspiracy to murder. John "Red" Kelley, an FBI cooperating witness handled by Special Agent Paul Rico, provides crucial testimony against Lerner. The jury also returns verdicts convicting Robert Fairbrothers, John Rossi, Rudolph Sciarra, and Raymond Patriarca only of conspiring to murder Marfeo and Melei. These defendants are later sentenced to ten years in prison. As for the indictments charging these defendants with the murders of Marfeo and Melei, the jury is unable to reach a verdict.[306]

3–30–70: The Boston SAC sends an airtel to Director Hoover recommending incentive awards for Special Agents Paul Rico and Robert Sheehan "for their outstanding accomplishments in the development of and handling of John J. ["Red"] Kelley." Kelley was "the star witness" in the prosecution of Raymond Patriarca, Rudolph Sciarra, Maurice "Pro" Lerner, Robert Fairbrothers, and John Rossi. Kelley will also be a witness in several other Federal cases. According to the airtel, "The handling of Kelley posed numerous problems on a day-to-day basis as he has always been a professional thief and 'standup guy' and the idea of being a witness against many of his associates was repulsive to Kelley but all this was overcome by the patience, diligence and intellectual approach of SAs Rico and Sheehan. Both Rico and Sheehan were in close contact with the Attorney General's Office in Providence concerning the testimony of Kelley, the preparation of the case and both appeared as witnesses in corroboration on the part of Kelley's testimony." [307]

3–31–70: In an FBI memorandum to Mr. DeLoach, J.H. Gale writes, "With the murder conspiracy conviction of New England Mafia boss Raymond Patriarca and four other racket figures in Rhode Island on 3/27/70, it is believed appropriate to bring to your attention the truly remarkable record established by SA [Paul] Rico in organized crime investigations during recent years. The achievements in question primarily involve SA Rico's development of high-level organized crime informants and witnesses, a field in which he is most adept. SA Rico's development of Boston mobster Joseph Barboza, a vicious killer and organized crime leader in his own right, set off a chain of events which have seen the surfacing of a number of additional racket figures in New England as cooperative witnesses during the past few years. Making use of compromising information he had received from other top echelon informants he had previously turned, Rico brought Barboza to the point where he testified against Patriarca and two of his La Cosa Nostra (LCN) subordinates in a[] . . . [g]ambling case resulting in [the] conviction of all three in Boston Federal Court on 3/8/68. . . . SA Rico also induced Barboza to testify as the state's key witness in Massachusetts in the gang slaying of hoodlum Edward Deegan. In this case, Rico was additionally instrumental in developing a second witness, attorney John Fitzgerald, resulting in the 7/31/68 murder convictions of LCN members Henry Tameleo, Ronald Cassesso and Peter Lamone [sic], who were sentenced to death; one additional death sentence for another hoodlum, and life sentences for two others also convicted in this case. Following the above major achievements, Rico was instrumental in the development and handling of notorious Boston hoodlum John ["Red"] Kelley as an informant and witness. Kelley was the state's principal witness in the recently concluded trial of Patriarca and four others in Rhode Island for the murder of Rudolph Marfeo. Patriarca and four others were convicted of murder conspiracy while Maurice "Pro" Lerner, the gunman, was convicted of first-degree murder. This is considered an achievement of major dimension causing telling disruption at organized crime's top-level in New England. At the Director's approval, this has been called to the Attorney General's attention by memorandum of 3/31/70. . . . Further, SA Rico's development of Boston gang leader REDACTED SECTION as an informant resulted in the obtaining of a wealth of information regarding high-level organized crime activities in New England including a number of murders. REDACTED SECTION. SA Rico's overall performance has also contributed materially to the development REDACTED SECTION and were induced to cooperate following Kelley's defection." The memorandum states that La Cosa Nostra plotted to kill Rico and Kelley in August 1969 "for the disruption Rico had caused in La Cosa Nostra circles through his development of informants and witnesses." Appropriate precautionary measures were taken to prevent harm to Rico. The memorandum recommends the following: "In recognition of SA Rico's superior performance which has resulted in the murder convictions of Patriarca and four of his racket associates, it is recommended that SA Rico be granted an incentive award in an amount to be decided by the Administrative Division. SA Rico's efforts have virtually decimated the Mafia's top-level structure in New England and his proven ability to develop organized crime in-

formants and witnesses would be of significant value to the Bureau in an area such as Miami, which is his first office of preference." [308]

Special Agent Paul Rico's performance rating report for the period of April 1, 1969, to March 31, 1970, states the following: "During the rating period, SA Rico has been assigned exclusively to the development of criminal informants and investigations of LCN [La Cosa Nostra] members and their associates. He is considered outstanding in this category and is responsible for the development of several PCs and informants who have been converted into Government witnesses, the most outstanding one of whom is John J. ["Red"] Kelley, notorious armored car robber in this country. Through his resourcefulness, ingenuity, and aggressiveness, he developed Kelley which at this time, has resulted in the conviction of Raymond L.S. Patriarca, LCN boss, New England area, and other members of the LCN and their close associates. . . . Also indicted through the efforts of SA Rico have been Gennaro [Jerry] Angiulo, acting boss, LCN, Boston, and other prominent hoodlums in this area. His knowledge of duties and the know-how of application both in investigative matters and development of informants is outstanding. . . . During the rating period, SA Rico has handled REDACTED top echelon criminal informants all of whom are considered to be outstanding, and also REDACTED PCs. He is considered outstanding in this regard." [309]

4–1–70: Director Hoover sends a congratulatory letter to Special Agent Paul Rico: "It is with considerable pleasure that I commend you and advise that I have approved an incentive award of $300.00 for you in recognition of the excellence of your services in developing and handling sources of information of great importance to the Bureau in the criminal field. A check representing this award will be sent to you at a later date. It is obvious that you have not only fulfilled your duties with a high degree of professional skill but have approached your assignments with a dedication that truly serves as an inspiration to your associates. I want you to know how much I appreciate your valuable contributions to our work which have enabled us to fulfill our vitally important obligations." [310]

5–4–70: The *Boston Globe* reports that Boston police detective William W. Stuart said last week that he believed Henry Tameleo, Louis Greco and Peter Limone were innocent of the Edward "Teddy" Deegan murder. (BOSTON GLOBE, May 4, 1970).[311]

6–24–70: A memorandum from Director Hoover to SAC REDACTED attaches a letter dated June 17, 1970, from John E. Fitzgerald, Jr. In the letter, Fitzgerald wrote, "In all my dealings with [Paul Rico] I have never found him making unethical promises or deals or undertaking committments [sic] which he could not fulfill. . . . In closing, although I lost a leg in the so called 'war against organized crime,' if I had to do it over again I would follow the same road, and my motivations would largely be the result of the integrity, professionalism, and the high traditions of your organization as exemplified in my eyes by Paul Rico." [312]

July 1970: Joseph Barboza is told by Dennis Condon that his life was in danger on this date (July 1970) while he is in California. Based on information furnished to Condon from confidential

sources of the FBI, Condon concluded that Barboza's life was in "serious jeopardy." Condon further testifies "that in January of 1970 we received information that two individuals were coming to the San Francisco area to either kill or do bodily harm to an individual in this area. We did not know at that particular time the identify of the intended victim but as a precautionary measure, I did advise Mr. Baron about those people coming to the area."[313]

7–5–70: Joseph Barboza kills Clay Wilson.[314]

7–11–70: While at a friend's (Larry Hughes) house back East, Joseph Barboza talks with attorney F. Lee Bailey. Barboza testifies at the Clay Wilson murder trial that a retainer was paid to Bailey by Frank Davis "on behalf of Raymond Patriarca." When Barboza and Bailey are alone, Bailey hands Barboza an envelope containing $800 and says, "Somebody left it in my office. I don't know who left it for you." Barboza and Bailey discuss his "Mafia testimony" and that Bailey would arrange to see him. Barboza gives Bailey his address and telephone number in Santa Rosa, California.

7–17–70: Joseph Barboza is arrested in New Bedford, Massachusetts, on narcotics and firearms charges. Once informed of his arrest, the Massachusetts Parole Board revokes his parole. Barboza is held on $100,000 bail and taken to the Bristol House of Correction after pleading innocent in New Bedford Municipal Court. He had been free for 16 months. (*Informer Baron Arrested, Parole Revoked,* BOSTON GLOBE, July 18, 1970; *Baron Seized, Held on Arms, Pot Charges,* BOSTON GLOBE, July 17, 1970). [While in prison, Barboza apparently tells William Geraway about the Clay Wilson murder. Later, Geraway is able to recount to police that Barboza said he killed Dee Mancini's husband, and that there were two female witnesses (one to the killing and one to the burial). *See* 10–5–70 entry.][316]

7–20–70: According to the *Boston Globe,* "Firearms and narcotics charges against underworld informer Joseph (Barboza) Baron, 37, were dropped yesterday by Dist. Atty. Edmund Dinis in a surprise move." Before charges were dropped, Dinis said federal officials telephoned him and said they were concerned with Barboza's welfare and that Barboza has been "most cooperative with them and given them vital testimony." The article continues, "When Baron was arrested he told officials he came to New Bedford on orders from Federal officials 'to help restore law and order in the West End,' where there had been over a week of racial turmoil." An FBI spokesman responded, "Baron is not at the present time, nor has he been since March of 1969, under the control of the US government. Nor is he used as an emissary." The charges against Barboza are supposedly dropped because Barboza had no legal representation at the arraignment, making it unconstitutional. Barboza is taken to the Bristol County House of Correction on a parole violation detainer because Barboza violated a provision of his parole prohibiting him from ever returning to Massachusetts. (*Charges Against Baron Dropped,* BOSTON GLOBE, July 21, 1970; *see also Charges Against Baron are Dropped,* BOSTON GLOBE, July 20, 1970).[317]

7–21–70: Joseph Barboza is housed in Massachusetts' Walpole State Prison for violating parole. (*Prison Officials Fear for Baron's Safety,* BOSTON GLOBE, July 21, 1970).[318]

From July 21, 1970, until September 25, 1970, Joseph Barboza shares the same Walpole cell blocks as William Geraway. *Informers Hit Joe Baron With Charge of Murder,* BOSTON GLOBE, Oct. 15, 1970.[319]

7–22–70: Director Hoover writes a memorandum to the Attorney General that describes how Joseph Barboza was a significant government witness and yet was arrested on July 17, 1970, in New Bedford, Massachusetts. The memorandum further states, 'On July 20, 1970, the charges against Barboza were nolle-prossed by the District Attorney's Office in that Barboza's rights had been violated as he was not represented by counsel. Barboza was released; however, the parole board revoked his parole and returned him to the Massachusetts Correctional Institution, Walpole, Massachusetts, where he is supposed to stay until October 5, 1970." This memorandum is copied to the Deputy Attorney General and the Assistant Attorney General of the Criminal Division.[320]

7–29–70: Jerome Sullivan, a reporter for the *Boston Globe* writes, "Joseph (Barboza) Baron . . . is recanting his testimony which put four men in Death Row at Walpole, two others in prison for life, and stuck Cosa Nostra chief Raymond L.S. Patriarca in a Federal prison for five years. First indication of Baron's turn-around came this morning when Attorney Joseph J. Balliro filed a motion for a new trial in Suffolk Superior Court for Henry Tameleo[.] Balliro, in filing his motion, also presented an affidavit signed by Joseph (Barboza) Baron, stating that Baron wants to recant his testimony against Tameleo and three others convicted in the same murder case, and now wants to tell the truth." Joseph Barboza's July 28, 1970, affidavit states in pertinent part, "That I wish to recant certain portions of my testimony during the course of the [Edward "Teddy" Deegan] trial insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco [sic] in the killing of Teddy Deegan." [It is interesting to note that Barboza does not suggest recanting his testimony regarding Ronald Cassesso and Roy French who were, in fact, participants.] (Jerome Sullivan, *Baron Admits Perjury in Deegan Murder Trial,* BOSTON GLOBE, July 29, 1970; *see* 10–16–78 entry).[321]

7–30–70: According to the *Boston Globe,* Raymond Patriarca attorney Charles Curran "filed an affidavit by [Joseph Barboza] Baron, which asserted that Baron was ready to present testimony 'which will exonerate' Patriarca, [Henry] Tameleo and Ronald Cassesso in the death of William Marfeo." (*Baron Wants to Change Story,* BOSTON GLOBE, July 30, 1970).[322]

According to the *Boston Globe,* Peter Limone files a motion for a new trial. Accompanying the motion is "an affidavit signed by police detective William W. Stuart of Mattapan, stating that he (Stuart) has information that Limone and three co-defendants are innocent of the Deegan killing." Henry Tameleo filed a similar motion yesterday on the basis that Joseph Barboza wants to recant his tes-

timony. (*Limone Files Appeal of Deegan Slay Conviction,* BOSTON GLOBE, July 30, 1970). [Note: Louis Greco and Ronald Cassesso later file similar motions. *See Appeal for 4th in Slaying,* BOSTON GLOBE, Aug. 18, 1970.]

8–3–70: The Boston SAC notifies Director Hoover by airtel that the Deputy Chief of the Strike Force Edward Harrington met with Suffolk County District Attorney Garrett Byrne and Assistant District Attorney Jack Zalkind. At this meeting, Byrne said the affidavit signed by Barboza and filed with the motion for a new trial was not sufficient to warrant a hearing as it simply contains a general statement. District Attorney Byrne is going to confer with the judge in the Edward "Teddy" Deegan murder trial, Judge Felix Forte, and request that the motion is denied on this basis. The District Attorney also plans to confer with John Fitzgerald who testified in the Deegan case. [Note: Assistant District Attorney Zalkind meets with John Fitzgerald on August 7, 1970. *See* 8–7–70 entry.] The airtel also states, "Boston informant reports that Baron had been seeking $250,000 from the defense on the promise of helping them out." Attorney Fitzgerald advised that Barboza wanted him to contact Joseph Balliro to obtain money from him for changing Barboza's testimony. During the last week, Attorney F. Lee Bailey called Barboza's wife and told her not to pick up a Western Union money order that had been forwarded to her because other funds would be sent to her.[323]

8–7–70: In New York City, Attorney John Fitzgerald, Assistant District Attorney Jack Zalkind, and Detective William Powers of the Suffolk County District Attorney's Office meet to discuss a 1969 meeting in Massachusetts between Fitzgerald, Joseph Barboza, and James Southwood, which Channel 5 in Boston filmed for the purpose of a television special. According to the transcript of the New York City meeting, Barboza claimed to Fitzgerald that he had 50 pages of material that if he left out, would overturn three cases without Barboza being charged with perjury. Barboza also allegedly told Special Agent Paul Rico that a guy named Jimmy was missing and buried at the Cape. Fitzgerald says Barboza was trying to leave the impression that he killed someone. Fitzgerald relates a discussion he had with Barboza where Barboza felt he could return to the streets of Boston by contacting Joseph Balliro. Barboza said, "I got enough that will convince any Court that I was lying, so we will change the testimony and we will pick up a bundle of dough and everything will be straighten [sic][.]" Southwood allegedly told Edward Harrington that Barboza was willing to say Louis Greco was innocent, which upset Barboza. Barboza said his testimony was that Ronald Cassesso and he went to Peter Limone, and that Romeo Martin never had any dealings with Limone. Later, Barboza supposedly told Harrington that he never said any of the men were innocent, according to Special Agent Dennis Condon.[324]

8–20–70: The *Boston Globe* reports, "Superior Court Judge Joseph Ford signed an application in Suffolk Superior Court yesterday authorizing the issuance of a warrant charging underworld informer Joseph (Barboza) Baron with violation of his probation. The Probation Department of Suffolk is seeking to have the probation

revoked and have Baron serve a four to five year suspended sentence he received on various charges in 1967." (*Baron Faces Parole Charge,* BOSTON GLOBE, Aug. 21, 1970; *see also* Edward Counihan, *Court Asked to Release Baron from Walpole,* BOSTON GLOBE, Aug. 11, 1970).[325]

8–25–70: According to the *Boston Globe,* Attorney F. Lee Bailey filed a petition for a hearing on behalf of Joseph Barboza. The petition requested that Barboza be allowed to take a lie detector test to prove that his testimony in the Edward "Teddy" Deegan murder trial was false. Assistant District Attorney Jack Zalkind tells the court that his office is against the use of a lie detector test because it is inadmissible in court. (*Hearing on Baron Test Continued,* BOSTON GLOBE, Aug. 25, 1970).[326]

A memorandum from Boston REDACTED to Director REDACTED designated "urgent" states, "Pursuant to a telephonic request of Donald Barboza, brother of Joseph Baron, Donald Barboza was interviewed late P.M. yesterday and early A.M. today. Donald said Baron requested him to contact SA Dennis M. Condon and to relate the following to him: He, Baron, is scheduled to be transported from MCI, Walpole, Mass., Four A.M., August Twentyseventh next, in connection with hearing in Superior Court, Boston, that date. Baron wanted SA Condon, Walter Barnes, Chief of Strike Force, Boston, and John Partington, Deputy USM, Providence, R.I., who was in charge of Baron's detail, to meet and talk to him at Five A.M., August Twentyseventh next so that F. Lee Bailey would not be aware of this contact. Donald Barboza said Baron made statement that there would be no polygraph and that he, Baron, was just trying to move these people for some money; that his arrest in New Bedford, Mass., 'screwed up' this move; that attorney Joe Balliro 'screwed him up' by going into court with the affidavits. Baron told his brother to relay the fact that his wife has his papers re[garding the] Deegan murder trial and on which numerous handwritten notations of Assistant Suffolk County District Attorney Zalkind appear, who prosecuted this case. Baron also told his brother that F. Lee Bailey assured him that the probation violator warrant recently served on him would not become effective until the end of his present sentence on October Fifth next; that since he will actually be released from the parole violation on September Twenty-third, next, because of having given blood, the latter warrant will not affect his continued incarceration. Barboza told his brother that Bailey also assured him that the District Attorney in Bristol County could not do anything with the drug and gun charges for which he was arrested in July last. Boston Office will advise Barnes of Barboza's desire to see him and UACB, SA Condon will not see Barboza." [327]

8–27–70: F. Lee Bailey writes a memorandum to Joseph Balliro relaying the following information: "This is a status report of the present situation with respect to [Joseph Barboza] Baron and his proposed recantation of testimony given before the Superior Court in *Commonwealth* v. *French.* Although I have necessarily excluded a few matters as confidential between Mr. Baron and myself, he has authorized me to inform you as to the matters described below. As you recall, when I met with Baron at his request in New Bed-

ford, he stated that he had felt for some time that he should make a direct effort to right the injustice which his testimony had caused. He indicated that he had been assured all along that (especially in the murder cases) a conviction was unlikely, and after the conviction occurred he was told to expect that due to trial errors the Supreme Court would reverse the cases, and of course there would never be a re-trial; therefore, no permanent harm would be done to anyone whereas the government would have accomplished its primary objection: much publicity about prosecuting organized crime. After he learned that the Supreme Court affirmed the convictions and discussed this fact with many friends, he became persuaded that these men might be executed for something they hadn't done and therefore took steps on his own to make his feelings known to the victims of his testimony. His arrest in New Bedford following my agreement to represent him was of course an unanticipated and unfortunate intervening factor, and has prevented me from going over exhaustively with Baron all of the events that led up to his trial testimony and caused it to seem credible. Nonetheless, after many hours of conversation with him at Walpole I am convinced that I have most of the details of what actually took place. It appears that the reports you have described given to three different police officers in three different departments by persons other than Baron correctly describe the [Edward "Teddy"] Deegan killing and the attempt on the life of [Anthony] Stathopoulos. It appears that Mr. [Roy] French did in fact shoot Deegan, that Mr. [Ronald] Cassesso was present with Baron in the car and conspired to kill Stathopoulos but was not involved in the Deegan killing, and that [Joseph] Salvati and Louis Greco were not present at all. Further, [Henry] Tamelio [sic] and [Peter] Lemone [sic] had nothing to do with arranging Deegan's murder nor had they any reason to believe that it was going to occur. The person sitting in the rear of the automobile which the Chelsea Police Captain saw was in fact bald and was Vincent Flemmi. Romeo Martin in fact shot Deegan but the role ascribed to Greco as the third assailant of Deegan in fact involved another man whose last name begins with "C" as you had earlier suggested to me. All of this information will be verified by polygraph test within the next few days, but I believe that an additional affidavit from Baron naming the actual participants together with a statement by Cassesso, who has never testified, would be helpful in corroboration. I have had no response to my letter to the Attorney General asking for help in writing [sic] the injustice that Baron has caused. . . . If the law enforcement authorities are interested in correcting the wrongful convictions which were obtained in the Superior Court, they have the power to do so and they certainly by this time have every reason to believe that a terrible mistake has been made. I will do everything I can consistent with Baron's legal rights to aid in attaining this result. I am very hopeful that before much more time goes by someone in authority will recognize the serious responsibilities to be faced and confer with me about some reasonable and practical means of setting these clients free. Until that time there is not very much that I can do directly except to try to prevent Baron's continued incarceration. I must be frank in saying that because of his past experience he has some feeling that he can trade his own free-

dom (as he did before) for the conviction (even if wrongful) of people whom the law is out to get."[328]

Santa Rosa's *Press Democrat* reports that Raymond "Patriarca was granted parole by the Rhode Island Parole Board after serving five years of a 10-year sentence." (*Ex-Crime Boss Patriarca Paroled in Rhode Island,* PRESS DEMOCRAT (Santa Rosa, CA), Aug. 27, 1970; *see also Patriarca* v. *State,* No. 74–44–M.P. (Dec. 9, 1974)).[329]

8–28–70: In a memorandum to James Featherstone, Deputy Chief Counsel of the Department of Justice's Organized Crime and Racketeering Section, Edward F. Harrington and Walter T. Barnes, attorneys with the Organized Crime Section, describe their interview with Joseph Barboza conducted that day. In the interview, Barboza explains he was offering to recant to obtain money from "the underworld." He indicates that he would leave the area once he got the money. Barboza states that F. Lee Bailey "made him sign the affidavit." According to the memorandum, Barboza claims that his Deegan testimony was truthful. He says he will not take the lie detector test scheduled for August 31, 1970. (*See* 10–31–78 entry which explains that this memo was provided to a court during one of Louis Greco's appeals).[330]

Walter Barnes and Edward Harrington interview Joseph Barboza at Walpole State Prison, according to an "urgent" teletype from Boston REDACTED to Director REDACTED. Barboza says his performance in court on August 27, 1970, at the last habeas corpus proceeding was just an act. He is really still on the side of government; he just wants the organization to think that he was with them. Barboza says that he was only indicating that he would recant because the organization is paying him money. The teletype informs that Barboza is extremely disturbed about his probation revocation warrant and wants District Attorney Garrett Byrne to lift this warrant. Barboza would like his wife relocated, and he would like to return to Fort Knox, Kentucky. He reiterates that his testimony in the Edward "Teddy" Deegan trial was truthful and a lie detector would prove this. He advises that Frank Davis of Rhode Island, a close associate of Raymond Patriarca, operates the Hi-Lo Construction Company. Davis paid Barboza in connection with this recent move on two occasions. The Strike Force is considering bringing the Davis matter before a federal grand jury in Rhode Island.[331]

Robert Walsh writes a *Boston Globe* article on Joseph Barboza's appearance in court the day before in a habeas corpus hearing: "Under direct questioning by F. Lee Bailey, Baron's lawyer, Baron admitted visiting Massachusetts, despite terms of his parole, on five occasions. But he claimed he did so under FBI auspices on four of those five occasions. . . . He said that, on one occasion, he was asked by Federal agents to 'work' on a case involving the theft of a $500,000 painting." (Robert E. Walsh, *Baron Returning to Walpole for Week on Parole Violation,* BOSTON GLOBE, Aug. 28, 1970).[332]

8–31–70: In a letter to Department of Justice attorney Walter Barnes, Joseph Barboza states: "[F. Lee] Bailey said he is not bound by the secrecy of Atty. and client relationship. . . . Bailey

wants me to take a lie detector test Monday, [and] I said no because of the fact the guys on death row were taking it, which is today, and that I am to[o] upset to take one right now, [and] if I did later it would prove affirmative that I was telling the truth. . . . I am going to wait till the twelved [sic] before I take a lie detector test or the eleventh if I take a test! But if Rico was here he'd help me." [333]

September 1970: Lawrence Patrick Hughes' testimony at the Clay Wilson murder trial indicates that from September 1970 to March 1971, Hughes has about a dozen contacts with John Doyle of the Suffolk County District Attorney's Office regarding stolen bonds in Joseph Barboza's possession. During one of their conversations, Doyle asks Hughes to photocopy the stolen bonds.[334]

9–1–70: According to William Geraway, Joseph Barboza receives a letter from attorney F. Lee Bailey summarizing their conversations and purportedly describing details of Barboza's murders and false testimony. Geraway states in an affidavit that Barboza showed the letter to Geraway in prison. Further, Geraway claims that Barboza was aware that he was waiving the attorney-client privilege by permitting Geraway to read the letter.[335]

Joseph Barboza writes a letter to Walter Barnes and Edward Harrington, stating that he received a letter from F. Lee Bailey informing Barboza that he will no longer receive legal services from Bailey or his associate, Gerald Alch. Barboza comments that he is "not at liberty" to reveal why Bailey made this decision. Barboza also writes that he would like to discuss a criminal matter regarding inter-state conspiracy. Barboza continues, "I suggest that I be brought to the Federal Bldg. on a writ-of-habeas-copus [sic] [and] have present FBI Agent Paul Ricco [sic], FBI Agent Dennis Condon, Special Atty. Walter Barns [sic], [and] Asst. U.S. Atty. Ted Harrington because I have also other information that concerns them to the utmost." [336]

9–2–70: The *Boston Globe* quotes portions of F. Lee Bailey's August 27, 1970, letter to Joseph Balliro. The article states that "the real truth, as Baron's counsel, Bailey, relates it in a letter to attorney Balliro, is that the four sentenced to death for the Deegan slaying had nothing to do with it." (Jerome Sullivan, *Bailey Says Baron Clears Death Row Four,* BOSTON GLOBE, Sept. 2, 1970).[337]

F. Lee Bailey files a motion for leave to withdraw as Joseph Barboza's counsel in Suffolk Superior Court. Bailey's motion states that Barboza "held a secret meeting with attorneys for the United States Department of Justice without the knowledge or consent of [Bailey.]" After this meeting, "Barboza refused to take a lie detector test on the Deegan killing, as he had promised Bailey he would. He also claimed he had not understood his [July 28, 1971] affidavit offering to recant parts of his Deegan trial testimony when he signed it." Bailey claims that both Barboza's refusal to take the lie detector test and his secret meeting with federal authorities violated their agreement. (Motion for Leave to Withdraw as Counsel, *Baron* v. *Moore* (Sept. 2, 1970); Alan Jehlen, *Baron Reportedly Fluctuates on Whether Grieco [sic] was Involved in Murder,* PEABODY TIMES,

Apr. 14, 1971; *see also* Robert E. Walsh, *Baron Letters May Be Key to Death Row,* BOSTON GLOBE, Sept. 3, 1970).[338]

9–3–70: The *Boston Globe* writes, "Some 'interesting material' is contained in three letters which Joseph Barboza wrote to Suffolk County Dist. Atty. Garrett [sic] H. Byrne[.] Byrne, questioned about the letters this morning, said he could not reveal their contents but acknowledged their receipt and said the letters along with a report from Federal officials who talked to Baron, contained 'some interesting material.'" (Robert E. Walsh, *Baron Letters May be Key to Death Row,* BOSTON GLOBE, Sept. 3, 1970).[339]

9–14–70: Maurice "Pro" Lerner is sentenced to consecutive life sentences for the murders of Rudolph Marfeo and Anthony Melei, in addition to a ten-year sentence for conspiracy to murder.[340]

9–21–70: The Boston SAC advises Director Hoover by airtel: "[Joseph Barboza] Baron's parole violation time expires on 9/23/70. Baron [is] being brought into Suffolk Superior Court on that date to be arraigned on Probation Violation charges. Suffolk County District Attorney plans to have the Probation Violation proceedings continued pending the outcome of motions filed for new trial in the [Edward "Teddy"] Deegan murder case, so as to insure Baron's presence in this area. District Attorney contemplates confining Baron in a local county house of correction. Indications are that Baron will be indicted on [a] gun charge in Bristol County stemming from his arrest on gun charges in New Bedford, Mass. on 7/17/70." [341]

9–28–70: In a letter to Edward Harrington, Joseph Barboza pleads, "Ted, when you [and] Walter came down to see me, you [and] Walter asked me not to do something [and] I didn't. How long can the little money I bled out of those creeps last, what'll happen to my wife [and] babies then? Bailey, said I'll come running to him in the end, *I never will!!* . . . That's all I want is that job, to be moved to a new location [and] new I.D. [and] I'll be out of your hair [and] Walters completely! I'll never complain again." [342]

10–1–70: Santa Rosa police receive two letters from two Massachusetts state prisoners, William Geraway and Lawrence Wood, about the Clay Wilson murder.[343]

10–5–70: The Boston SAC informs Director Hoover by airtel, "Enclosed is a copy of [a] memo [by] SA Dennis M. Condon containing a letter received from Geraway. . . . San Francisco [FBI Office] subsequently advised that the Chief of Police from Santa Rosa and the Assistant District Attorney will be in Boston on 10/6/70, to interview [William] Geraway and [Lawrence] Wood." [344]

In a memorandum from Special Agent Dennis Condon to the Boston SAC, Condon writes, "On 10/5/70, the San Francisco Office advised telephonically of the following letter received by Chief of Police, Santa Rosa, in Santa Rosa, California, on 10/1/70 and was mailed from South Walpole, Massachusetts on 9/29/70." Relevant portions of William Geraway's letter follow: "A former Boston loanshark and 'hit' man from the Mafia was living in your city recently. He is now in custody here but will return to your city upon release from here. While in Santa Rosa, he murdered a man and

buried the body with the help of a female. Two witnesses were within 50 feet when the man, Joseph Barboza Baron, killed the victim. I know from Baron what the victim was wearing, how many times he was shot and why, and who the witnesses were. I know this because he wanted me to move the body if my appeal should come through soon since he is afraid the female will eventually divulge the whereabouts of the body. Please send a detective or Attorney General's representative to this prison immediately along with a polygraph expert. Another man of this unit, Lawrence Wood, has knowledge and is willing to appear before a Grand Jury there after we convince you of the facts in an institutional interview—in keeping with their attitude of secrecy and cooperation, the Department of Corrections will make us available as witnesses there. We will give you two eyewitnesses in the location of the body. . . . Interview Lawrence Wood and myself, me first[.]" Condon also notes that Chuck Hiner, Supervisor of the FBI, San Francisco Office, advised that the Chief in Santa Rosa called William Debham of the Massachusetts State Police, who said that he would give Geraway and Wood a polygraph test. Hiner said that the Chief in Santa Rosa was concerned since one of Barboza's friends has been missing for a couple of months.[345]

Lieutenant William Bergin of the Massachusetts State Police obtains affidavits from William Geraway and Lawrence Wood averring that Joseph Barboza killed an unidentified individual in Santa Rosa, California in early July 1970. The affidavits state that a woman named Paulette, who lives with Dee (believed to be Dee Mancini), knows the location of the body and supposedly helped bury it. California officials feel that if Geraway and Wood's information is accurate, the deceased could be either Raymond Pinole or Clay Wilson, Santa Rosa associates of Barboza. Director Hoover is informed of these affidavits in an airtel from the Boston SAC October 6, 1970.[346]

10–6–70: Two Santa Rosa investigators interview William Geraway and Lawrence Wood at the Massachusetts State Prison about their letters discussing the Clay Wilson murder.[347]

The Boston SAC notifies Director Hoover by airtel that the Chief of the Santa Rosa Police Department, D. Flohr, and Assistant District Attorney of Sonoma County, Edward Cameron, will interview William Geraway and Lawrence Wood at Walpole State Prison on this date.[348]

10–8–70: According to a teletype from the Boston FBI Office to Director Hoover, the Chief of the Santa Rosa Police Department, Melvin Flohr, and Edwin Cameron of the Sonoma County District Attorney's Office left Boston this morning to return to Santa Rosa, California. William Geraway and Lawrence Wood furnished affidavits implicating Joseph Barboza of a murder in Santa Rosa in early July 1970. The victim is believed to be Dee Mancini, Clay Wilson or Raymond Pinole. An eighteen-year-old female named Paulette, who lived with Dee Mancini, allegedly helped bury the body. The teletype also warns that Geraway has a reputation for furnishing false information.[349]

10–12–70: Santa Rosa police find the buried body of Clay Wilson.[350]

Special Agent Ahlstrom and Lieutenant Brown of the Sonoma County Sheriff's Office contact Dee Wilson who denies any knowledge of her husband Clay's murder.[351]

10–13–70: In a teletype, the San Francisco FBI Office notifies Director Hoover of the following: "Chief of Police Melvin Flohr, Santa Rosa, Calif., just advised that Paulette Ramos, Santa Rosa, under questioning by local authorities, disclosed that Joseph Baron shot and killed Clay Wilson, local Santa Rosa hoodlum, several months ago. Ramos admitted assisting Baron with disposal of [the] body by burying in wooded area several miles outside Santa Rosa. Ramos led local authorities to said area and a body has been recovered. Chief Flohr states body being examined today; however, due to badly decomposed condition, positive identification has not been made." [352]

In a memorandum from Gerald E. McDowell to File, McDowell states that Joseph Barboza made a collect call to Walter Barnes, and McDowell made notes of their conversation. According to McDowell, Barboza states the following: '"The only lie detector test I ever agreed to take had to do with my gun charge.'" Barboza also adds, "As far as the Deegan trial coming up I stand on the transcript as being the gospel truth." [353]

10–15–70: Norfolk County District Attorney George Burke holds a press conference where he says the Clay Wilson murder came to his attention about three weeks ago when he was contacted by two inmates in Walpole State Prison. (Bony Saludes, *S[anta] R[osa] Murder Charge for Gangland Informer,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 16, 1970; *see also* Bony Saludes, *S[anta] R[osa] Murder Charge for Gangland Informer,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 15, 1970. Joseph Barboza reportedly telephones Sonoma County District Attorney Kiernan Hyland from his Barnstable prison cell to discuss the Clay Wilson murder case. While Hyland does not disclose the content of the conversation, he said Barboza apparently was on a "fishing expedition," trying to learn what the authorities had against him.[354]

A teletype from the Boston FBI Office to Director Hoover and the San Francisco Office reads, "Joseph Baron telephonically contacted Boston office of FBI this A.M. He said he had been in telephonic contact with his wife who told him she had been contacted at her home by two police officers who informed her that the body of Clay Wilson had been recovered in that area, that he was a prime suspect and that his residence was searched. Baron alleged that he had a good relationship with Clay Wilson and that he was being 'framed.' It is felt that the San Francisco Office should notify local authorities in Santa Rosa that Baron, through telephonic conversation with his wife, is now aware of the recovery of Clay Wilson's body and the fact that he is considered a prime suspect. Baron is still being held in the Barnstable County Jail, Barnstable, Mass., in lieu of [$100,000] bail for possession of a gun and has a detainer on him as a probation violator. If murder process obtained relative

to him, it is felt that [the] Sheriff of the Barnstable County Jail should be promptly notified."[355]

Joseph Barboza tells an FBI agent that he took trips back to Boston.[356]

10–16–70: A teletype from the San Francisco FBI Office to Director Hoover and the Boston Office informs that Dee Mancini witnessed Joseph Barboza shoot Clay Wilson in the presence of Paulette Ramos.[357]

10–22–70: Lieutenant Brown of the Sonoma County Sheriff's Office completes a police report on the Clay Wilson murder.[358]

10–28–70: Vincent "Jimmy" Flemmi is arrested. He was convicted on December 1, 1970, in Suffolk Superior Court for attempted murder and subsequently sentenced to fourteen to eighteen years at the Walpole State Prison.[359]

10–30–70: The Boston FBI sends Director Hoover a teletype advising, "Lawrence Wood, inmate, MSP at Walpole, who, with inmate William Garaway [sic], provided affidavit implicating [Joseph Barboza] Baron in [Clay Wilson] murder, sent word to State Police that he wanted to be taken out of Walpole on a ruse and talk to SP and FBI. This was accomplished and Wood provided the following information: Data he provided re[garding] Baron's story of murder in California accurate. However, at request of Garaway [sic], he has provided defense in [the Edward "Teddy"] Deegan murder trial, Suffolk County, Mass., four affidavits, not yet signed. First affidavit pertains to Baron's statements that he did not know what word recant meant. Wood said this affidavit is true; that Baron did [not] know what word meant. Second affidavit concerns Baron allegedly telling him that he testified falsely re[garding] Deegan murder trial, as well as other miscellaneous data concerning Baron's custodial detention by U.S. Government. Wood said facts provided by Baron re[garding] his handling by Government accurate but that facts re[garding] Baron allegedly admitting he testified falsely re[garding] Deegan murder trial not true; that Baron never told him this story but facts dictated to him by Garaway [sic]. Third affidavit concerns data Baron allegedly told Wood that all information he testified to in federal trial of Raymond Patriarca flase [sic]; that data provided to him for testimony via coaching of federal agents, specific names not set forth. Wood said this is all false, that Baron never told him this; that this data also provided to him for affidavit by Garaway [sic]. Fourth affidavit alleges Baron told him that authorities, not specified, brought Anthony Stathopoulos to him so that he, Baron, could tell Stathopoulos what he should testify about. Wood said again this is not true but facts provided to him by Garaway [sic] for affidavit. Wood claims Garaway [sic] is to receive [$35,000] from 'Office,' he, Wood, [$25,000]; that Garaway [sic] told him Jerry Angiulo (LCN Head, Boston) will spend a million dollars to tip over the Deegan case, realizing this is the last hope of the 'Office' to bail themselves out. Wood has had no personal contact with anyone re[garding] this plan other than Garaway [sic]; claimed Garaway [sic] in process of putting together a lengthy affidavit in which Garaway [sic] will allege Baron told him he lied re[garding] Deegan and Patriarca cases, specifying FBI

agents, U.S. Attorney, Task Force Attorneys and Suffolk County Officials as being responsible for this testimony." [360]

11–2–70: The FBI interviews Lawrence Wood at Walpole State Prison. Joseph Barboza told Wood the following information: (1) the federal government promised Barboza $20,000 but did not give it to him; (2) federal officials gave Barboza alcohol and marijuana at Gloucester, Massachusetts; (3) the affidavit William Geraway provided to Lieutenant Bergen of the Massachusetts State Police regarding the Clay Wilson murder was true; (4) Barboza wanted to kill Paulette Ramos and Dee Wilson; (5) Barboza said that he killed two other individuals on the West Coast; (6) Barboza admitted killing Frankie Balliro and New Bedford Police Chief Frank Durfee; (7) Wood said that he was in the process of providing information about the Frank Durfee murder to the Massachusetts State Police and the New Bedford Police; (8) Barboza, confided that he killed Carlton Eaton; (9) Barboza told Wood "that he personally whacked out six people since he had been released by the United States Government"; and (10) [Barboza provided Geraway with specific details about 2 murders at the Mickey Mouse club.] [361]

11–5–70: Edward Harrington, Attorney in Charge of the Organized Crime and Racketeering Section in Boston, writes a memorandum to James W. Featherstone, Deputy Chief of the Organized Crime and Racketeering Section at the Department of Justice. The memorandum states that: Walpole State Prison inmates William Geraway and Lawrence Woods told the Santa Rosa, California, Chief of Police that Joseph Barboza told them that Barboza murdered someone in Santa Rosa. Through attorney Ronald Chisholm, Geraway has had Woods create false affidavits claiming that Barboza told Woods that he did not testify truthfully at the Edward "Teddy" Deegan and William Marfeo murder trials. Woods now says that Barboza never talked to him about the Deegan and Marfeo cases, but Barboza did discuss the Clay Wilson murder. According to the memorandum, "[i]nformation received from a witness now in the protective custody of [the Suffolk County District Attorney's Office] indicates that [Barboza] had tried to obtain $500,000 from the organization in this area with the promise of recanting his testimony. This witness has furnished information about a meeting between [Barboza] and F. Lee Bailey where Bailey gave [Barboza] $800 and told him that 'the poeple' [sic] had agreed to the $500,000 but that he, Bailey, would not act as the intermediary." Barboza dropped F. Lee Bailey and "would not go through for the organization." The memorandum provides background information indicating that Geraway has lied to law enforcement in the past regarding capital cases. In conclusion, the memorandum states, "Since [Barboza] has now done a turn-about, drop[ped] F. Lee Bailey and refused to go through for the organization, in order to upset the Deegan murder convictions and the Patriarca [William Marfeo murder] case, his wife and children could now be in danger as a result of the organization." [362]

11–9–70: William Geraway signs an affidavit stating in relevant part: "[Joseph Barboza] Baron admitted to me that five out of the six men he gave testimony against, four of whom are on death row, were innocent, and he stated that [F. Lee] Bailey and [Gerald] Alch

knew many details of this. The men he named as being innocent are Henry Tameleo, Peter Limone, Ronald Casseso [sic], Louis Grieco [sic] and Joseph Salvati. Baron admitted that a federal case resulting in convictions against Tameleo, Casseso [sic] and Raymond Patriarca [for the murder of William Marfeo] was also based upon perjured testimony, and that this, too, was known to Bailey's law firm." Geraway further states that on September 1, 1970, a ten-page letter from Bailey was delivered to Barboza, and Barboza allowed Geraway to read the letter, effectively waiving the attorney-client privilege. Geraway claims that "Bailey said that . . . Baron had admitted to committing perjury against [Jerry] Angiulo, [Raymond] Patriarca and four men on death row." Geraway also states in his affidavit that Bailey said, "Innocent men's lives have been destroyed by your testimony." The affidavit continues, "Bailey pleaded with Baron to come forth for once in his life and tell the truth, just because it's right[.]" [363]

11–13–70: Edward J. Harrington Jr., as the Chief Public Defender for Massachusetts, writes a letter to the Public Defender of Sacramento County. [Note: Chief Public Defender Edward J. Harrington Jr. should not be confused with Attorney in Charge of the Boston's Organized Crime and Racketeering Section Edward F. Harrington.] Harrington undercuts William Geraway and Lawrence Wood's credibility, informing the Public Defender that Geraway was called a "chronic liar" in court. Harrington suggests that California further investigate the allegations before extraditing Barboza.[364]

11–16–70: In a memorandum concerning Lawrence Hughes, Special Agent Dennis Condon notifies Edward Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, that Hughes has been kept in the protective custody of the Suffolk County District Attorney's Office as a potential witness for the last two months. The Suffolk County District Attorney's Office is requesting assistance in finding Hughes employment.[365]

Edward Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, writes a letter to Gerald Shur of the Department of Justice's Criminal Division regarding Lawrence Hughes. Harrington's letter states, "It is requested that employment be procured for Lawrence P. Hughes. Mr. Lawrence P. Hughes . . . has been kept in protective custody by the Suffolk County District Attorney's Office as a potential witness for the last two months. Hughes furnished information relative to a meeting in the woods in the Freetown, Massachusetts area between Joseph [Barboza] Baron and Frank Davis, an associate of Raymond L.S. Patriarca, relative to negotiations for a change of testimony on the part of Baron to release the organized crime figures that he had testified against. Hughes also was present when F. Lee Bailey turned over $800 to Baron and told him (Baron), 'The people would pay the $500,000 but he would not be the intermediary.' Hughes will testify to this in a hearing relating to a motion for a new trial which has been filed by six Cosa Nostra members who had previously been convicted for the first-degree murder of Boston gangster Edward Deegan. . . . Although tried in the state court, the conviction resulted from the joint cooperation of federal and state

authorities in Massachusetts. The Deegan murder case, one of the most significant organized crime convictions in New England, resulted in four other defendants being sentenced to death and the two other defendants being sentenced to life imprisonment. Although tried in the state court, the conviction resulted from the joint cooperation of federal and state authorities in Massachusetts . . . The Suffolk County District Attorney's Office, which has been extremely cooperative with the Strike Force, is requesting Strike Force assistance in obtaining employment for Hughes until this matter is resolved." [366]

11–18–70: Judge Felix Forte of Suffolk County Superior Court dismisses motions for a new trial in the Edward "Teddy" Deegan murder case, according to an airtel from the Boston SAC to Director Hoover.[367] Five defendants were seeking new trials: Peter Limone, Henry Tameleo, Ronald Cassesso, Louis Greco, and Joseph Salvati. The sixth defendant, Roy French, did not seek a new trial. *See 5 Denied Retrials in Gang Slaying,* BOSTON GLOBE, Nov. 20, 1970.[368]

December 1970: Lawrence Patrick Hughes (a.k.a. Larry Brown) and his wife meet with Special Agent Dennis Condon, and Assistant District Attorneys Jack Zalkind, and John Doyle in Dedham, Massachusetts, to discuss relocating Hughes to Texas, according to Hughes' testimony at the Clay Wilson murder trial.[369]

12–1–70: The Boston SAC informs Director Hoover by memorandum that an investigation disclosed that Joseph Badway, a close associate of Raymond Patriarca, was involved in meetings discussing Joseph Barboza changing his testimony to effect the release of Patriarca and other La Cosa Nostra (LCN) members in exchange for a large sum of money. [The majority of this memorandum has been redacted.] [370]

Vincent "Jimmy" Flemmi is convicted in Suffolk Superior Court for attempted murder. He is subsequently sentenced to 14 to 18 years at Walpole State Prison.[371]

12–3–70: An airtel from the Boston SAC to Director Hoover apprises Hoover that "Lt. Det. William Bergin, Mass. State Police, attached to Norfolk County DA's Office, and assigned to handle MCI, Walpole, Mass., advises he received two affidavits from inmate William Geraway, dated 11/24/70. Geraway alleges Attorney Ronald Chisholm has furnished him $150, then $200 and a $395 watch, as well as a promise of $35,000 to furnish affidavits and testify in court relative to statements made to Geraway by [Baron] about innocence of individuals convicted on Baron testimony. Geraway alleges that Baron did make such statements but he, Geraway, was not aware that he could not ethically accept these things. Admits at instigation of Attorney Ronald Chisholm, who was in contact with Jerry Angiulo, he, Geraway, was to 'fill in' inmate Lawrence Wood with information provided by Baron to Geraway so that Wood could also submit affidavits." In addition, the airtel informs that Geraway wanted to meet with Edward Harrington, but Harrington will not meet with Geraway since he is a "self-admitted liar." [372]

12–23–70: Director Hoover notifies the Boston SAC in a memorandum regarding Boston of the following: "By return mail both Boston and San Francisco advise the Bureau concerning any prosecution pending against the subject. Also include details as to the stage to which the prosecutive steps have progressed." A copy of this memorandum is sent to the San Francisco Office.[373]

12–28–70: In an airtel, the Boston SAC informs Director Hoover: "[Joseph Barboza] Baron has been indicted in Bristol County on gun carrying charges, armed assault and possession of marijuana. No trial date has been set and he is held in $100,000 bail. He is also being held for Suffolk County authorities for Probation Violation. He is currently in custody in the Hampden County Jail in Springfield, Mass. A request for his removal to California has been received by Governor of Mass. from California authorities to face a murder charge in Sonoma County, California." [374]

1971

1–5–71: Anthony Stathopoulos executes an affidavit that states in part: "Officer [John] Doyle told me that [Joseph Barboza] Baron had told him that [Louis] Grieco [sic] was in the alley shooting [Edward "Teddy"] Deegan. Someone from the District Attorney's staff had told me the seating arrangement of the defendants in the courtroom before I testified. On September 8, 1967, I was taken by Boston police officers to the County Jail at Barnstable where I had a talk with Joseph Baron. We talked about the events of March 12, 1965, and about testimony that both he and I were going to give before a grand jury about that night. I told Baron that I wasn't sure that Charles Moore had set up the shooting so that, since I wasn't sure, I would not want to involve him. I asked Baron about [Vincent "Jimmy"] Flemmi because Baron, had told me in Charles Street Jail that he, Baron could straighten me out with Flemmi. Baron told me that he was going to keep Flemmi out of it because he said that Flemmi was a friend of his and the only one who treated him decently. Before the trial in 1968, I talked with Mr. Zalkind about the lawyers for the defendants wanting to talk with me before the trial. I thought that I would so that I would know what kind of questions they would ask me when I was on the witness stand. Mr. Zalkind told me that I shouldn't do this because someone was trying to kill me. Since the trial I learned from Mr. Bailey about police reports and I talked with Mr. Zalkind about the reports. The reports were attached together and the first was headed 'John Doyle's office' and related to the events of September 8, 1967, and the second related to certain statements made by Officer Robson about talks with me in June and July of 1967 [*see* 6–22–67 entry]. Mr. Zalkind informed me, in August or September of 1970, to the best of my memory, that the second report had been delivered to Mr. Zalkind by Officer Doyle sometime after the trial was over and that Mr. Doyle believed that a copy of the second report had been delivered to one of the lawyers for the defendants by a police officer. I also talked with Officer Doyle who had some papers in his hand. He said that this was what the defense lawyers were talking about. He read parts of it to me. He asked me if parts were accurate and I agreed with him." [375]

1–12–71: The Assistant Attorney-in-Charge of the Department of Justice's San Francisco Office, Phillip Michael, writes a memorandum to Edward Harrington. Michael informs Harrington that he had a lengthy conversation with Sonoma County District Attorney Kiernan Hyland on January 11, 1971. Michael told Hyland that the Department of Justice had no desire to interfere with Joseph Barboza's pending murder prosecution. However, the Department of Justice wanted to "satisfy ourselves, (1) that Barboza was not being framed, and (2) that Barboza was represented by competent counsel. . . . Hyland believes Barboza became involved with Clay Wilson, the victim, in connection with stolen non-negotiable bonds Barboza was attempting to sell. Wilson was a known criminal operator in Santa Rosa who apparently attempted to cheat Barboza, not knowing the character or propensities of Barboza. Barboza also became quite friendly with Wilson's attractive wife, who is a known user of hard narcotics." According to the memorandum, Hyland told Michael that the first information they received about the murder came from Massachusetts prisoners, who provided "vague, sketchy and inaccurate" information, yet enough to stimulate the investigation. The prisoners did not know the location of the body and other crucial information. Michael comments, "Hyland sees no organized crime ramifications to this crime," because everybody involved were just local and known to local law enforcement for years. Hyland also does not believe the women were persuaded to frame Barboza. Michael informs Harrington that Hyland discussed this matter frankly and invited Michael to review his files. Michael advised Hyland that an attorney from the Boston Strike Force might contact him, which caused him no concern. The memorandum concludes, "Let me know if you wish me to make any new contact with Hyland or assist you further in this matter." [376]

2–10–71: The Governor of Massachusetts signs extradition papers on Joseph Barboza for the State of California. [This information is contained in an airtel from the Boston SAC to Director Hoover.] [377]

2–22–71: A Santa Rosa *Press Democrat* article reports that a Massachusetts judge denies Joseph Barboza's request to fight extradition to California for the Clay Wilson murder. *Massachusetts Judge Denies Baron Block to Extradition,* PRESS DEMOCRAT (Santa Rosa, CA), Feb. 22, 1971.[378]

According to an airtel from the Boston SAC to Director Hoover, Joseph Barboza waives extradition and is turned over to California authorities for removal to California.[379]

2–24–71: Joseph Barboza is due to arrive in California to stand trial for the Clay Wilson murder. (Bony Saludes, *Two Deputies Returning with Accused Murderer,* PRESS DEMOCRAT (Santa Rosa, CA), Feb. 23, 1971).[380]

2–25–71: The *Boston Herald Traveler* reports, "Federal authorities sought [Joseph Barboza] Baron's parole as a reward for his cooperation[.] . . . [A]t the request of local and federal officials, the State Parole Board, in a most unusual move, scheduled a parole hearing for Baron at the Charles St. jail[.]" The parole hearing was held in March 1969, and Barboza was granted parole with the fol-

lowing stipulations: Baron was to be released into the custody of Walter Barnes of the Justice Department, and Baron was not to return to Massachusetts without the parole board's permission. (Thomas C. Gallagher, *Was Baron's Parole Legal?,* BOSTON HERALD-TRAVELER, Feb. 28, 1971.) [381]

3–1–71: Joseph Barboza pleads not guilty to the murder of Clay Wilson.[382]

Spring 1971: According to a July 11, 1995, affidavit by Joseph Barboza's former biographer James Southwood, "[I]n the spring of 1971, Mr. Barboza said: 'Louis Greco wasn't in the alley!' I have previously made this known to Mr. Louis Greco's then attorney. To this end, Mr. Barboza apparently sent a message to Raymond Patriarca, boss of the New England Mob, who was presently in jail as a result of Mr. Barboza's testimony, that the writer, James Southwood, was in possession of the Grand Jury minutes of the so-called 'Teddy Deegan Murder' case. Among those convicted in this case was Louis Greco. Mr. Barboza told me that the Grand Jury minutes would prove that he lied in the courtroom. He instructed me to return the Grand Jury minutes to Attorney Joseph Balliro. To the best of my knowledge, the Barboza copy of the Grand Jury minutes was given to Attorney Balliro in the summer of 1971." [383]

3–4–71: Edward Harrington, Chief Public Defender for Bristol-Dukes-Nantucket Counties, writes to Marteen Miller Public Defender of Sonoma County. Harrington informs Miller that he has been representing Joseph Barboza. The letter apprises that the alleged murder date, time and place is of "great concern to us in Massachusetts." Harrington states, "[W]e came within an eyelash of establishing that he was in Massachusetts at about the time of the alleged murder." Harrington also undercuts Geraway and Woods' credibility stating, "it is my opinion that Garraway [sic] and Woods are playing a game with the California authorities for the sole purpose of going to California on a vacation." [384]

3–7–71: Joseph Barboza informs Edward Harrington by letter that he was arraigned on March 1 and appointed a public defender named Marteen Miller. Barboza writes that Miller informed him that he would see Harrington in a day or two. Barboza then pleads, "You promised me you'd be down two weeks after I left. . . . [P]lease come down like you promised me, this can throw my case wide open[.]" [385]

3–23–71: Edward "Ted" Harrington, Attorney in Charge of the Organized Crime and Racketeering Section in Boston, writes a memorandum to James Featherstone, Deputy Chief of the Organized Crime and Racketeering Section. Harrington notifies Featherstone of his trip to California: "The purpose of this trip is to confer with former government witness, Joseph [Barboza] Baron, presently imprisoned pending a charge of first degree murder[.] In keeping with the government's obligation to Baron, I have assured Baron that this office would take all proper steps to insure that he receives a fair and impartial trial on his pending murder charge. This obligation must be kept in view of the fact that many law enforcement officials in the Boston area consider that the pending murder charge has been concocted by the underworld as a means

of retaliating against Baron. This belief is supported by the fact that the murder investigation was initiated by information provided by cell mates of Baron in a Massachusetts prison who advised state authorities that Baron had admitted to them of his involvement in this murder. These same cell mates subsequently advised the same state authorities that they have been receiving monies from Attorney Ronald Chisholm, syndicate lawyer in the Boston area. . . . I have been informed that he intends to call me as a witness in his behalf. This trip to confer with Baron is important to the interests of the government in that it is a fulfillment of this office's commitments to do all within its power to insure that Baron suffers no harm as a result of his cooperation with the federal government. The writer will do nothing to attempt to dissuade the prosecution from bringing its case but will alert them of the possibility that the murder is a Mafia frame. The fulfillment of this obligation is also in the practical interests of the government as Baron may otherwise determine that the government has failed him in his time of need and, it is my judgment, that he will then retaliate against the government by submitting false affidavits to the effect that his testimony in the Patriarca and Deegan cases was in fact false, and thus tarnish those most significant prosecutions." [386]

3–25–71: Edward F. Harrington, U.S. Attorney in Charge of the Organized Crime Strike Force visits Joseph Barboza in prison in California. Harrington also reportedly visits with Barboza's attorney, Marteen Miller, District Attorney Kiernan Hyland, and Sheriff Don Striepeke. As Harrington leaves California, he says, "I just made a courtesy call. I just happened to be in town." According to the *Press Democrat,* Harrington has a good rapport with Barboza and has communicated with him on underworld matters for about four years. Miller says he and Harrington discussed Barboza, but not the Clay Wilson case. District Attorney Hyland states that Harrington made no requests of him. (Bony Saludes, *Special U.S. Agent Visits The Baron,* PRESS DEMOCRAT (Santa Rosa, CA), Mar. 26, 1971).[387]

Director Hoover writes a letter to Sheriff of Sonoma County Don Striepeke thanking him for writing a letter commending FBI agents Dennis Condon, James Scanlan, and Albert Rose in connection with the extradition of Joseph Barboza.[388]

3–26–71: The State of California formally charges Joseph Barboza for the murder of Clay Wilson.[389]

3–27–71: In a letter from Barboza to Ted Harrington, Barboza writes, "[I]f I still have my sanity by the time trial come around[,] I'll see you Denny [Condon], [John] Doyle and Paul [Rico]." [390]

3–29–71: William Geraway's affidavit states, "[O]ne of the men against whom [Barboza] gave perjured testimony was a man named Joseph Salvati[.] That Salvati was entirely innocent of participation or complicity in the crime[.] That he had testified at trial that when a witness or witnesses had described one of the men in the getaway vehicle as bald or balding, he stated that this man was Joseph Salvati, when in reality it was a man named Joseph Romeo Martin[.] He said his motive for placing Salvati on the scene of the

murder was a personal feud[.] Baron stated that Salvati had no part in the crime whatsoever, nor any knowledge that it was to happen." [391]

3–31–71: In a memorandum to James Featherstone, Deputy Chief of the Organized Crime and Racketeering Section, Edward "Ted" Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, summarizes his meeting in California regarding Joseph Barboza. Harrington states that he met with Sonoma County District Attorney Kiernan Hyland on March 25, 1971, and advised him that the Department of Justice was not attempting to interfere with his prosecution of Barboza for the Clay Wilson murder. Rather, Harrington was fulfilling his promise to Barboza to advise the District Attorney's Office of the possibility that Barboza was being framed for the Wilson murder in retaliation for Barboza's cooperation with the government in major organized crime prosecutions. Harrington also informs Featherstone that he conferred with Chief Public Defender Marteen Miller and told him about the possibility of a frame. In addition, Harrington told Miller that Dennis Condon, Paul Rico and Suffolk County Investigator John Doyle were available to testify on behalf of Barboza, and "they possess information which would tend to discredit the veracity of prospective state witnesses Garroway [sic] and Wood." While speaking to Barboza at the Sonoma County Jail, Harrington writes that Barboza "told me that the underworld would take no steps to overturn the [Edward "Teddy"] Deegan murder conviction until he was convicted of the pending murder charge, at which time the underworld believed that he (Baron) would be willing to file an affidavit that he gave false testimony at the Deegan trial in return for monies which he would then need to support his wife and children while he served a term of life imprisonment." [392]

4–14–71: Alan Jehlen writes an article in the *Peabody Times* (Essex County Newspapers) entitled "Was Louis Grieco [sic] framed by Joe Baron?" The article reports, "There are strong indications that underworld informer Joseph (Barboza) Baron, the star government witness at the [Deegan murder] trial, may have lied." [393]

A *Boston Globe* article about the Clay Wilson trial in California states, "The situation [of Joseph Barboza on trial for murder in California] is 'delicate' for the government because Baron reportedly has told them that if they don't get him off the hook in the California murder he will blow the whistle on how he cooperated with them in the Deegan case." (Jerome Sullivan, *Informer Baron to Switch Story?,* BOSTON GLOBE, Apr. 14, 1971).[394]

4–16–71: The *Peabody Times* (Essex County Newspapers) reports that Boston Detective William W. Stuart swore in an affidavit that he gave evidence to John Doyle, Chief Investigator for the Suffolk County District Attorney's Office, that Louis Greco, Peter Limone, Henry Tameleo, and Joseph Salvati were innocent of the Edward "Teddy" Deegan murder. Doyle, however, did not care, saying the men were probably guilty of other crimes. Stuart's affidavit states that Edward "Wimpy" Bennett told him an account similar to Joseph Barboza's trial testimony, but with different participants.

(Alan Jehlen, *Byrne had Evidence of Grieco's [sic] Innocence,* PEABODY TIMES, Apr. 16, 1971).[395]

In another *Peabody Times* (Essex County Newspapers) article, William Geraway reportedly told Suffolk County District Attorney Garrett Byrne about four murders that Joseph Barboza told Geraway about in prison. Byrne did not respond. Geraway then gave Norfolk County District Attorney George G. Burke information about another murder Barboza committed recently, which led to Barboza's arrest for the Clay Wilson murder. (Alan Jehlen, *'The Taking of a Life is a Serious Matter,'* PEABODY TIMES, Apr. 16, 1971).[396]

4–20–71: Raymond Patriarca files a Motion to Vacate in U.S. District Court in Boston with affidavits from William Geraway, according to an airtel from the Boston SAC to Director Hoover dated 4/30/71.[397]

4–30–71: The Boston SAC informs Director Hoover by airtel that since the filing of Raymond Patriarca's "Motion to Vacate," Walpole inmate William Geraway advised that he was furnishing a false affidavit for Ronald Cassesso in an attempt to free Cassesso in the Edward "Teddy" Deegan murder. In return, Geraway was supposed to receive $10,000, given by Cassesso's relative to Geraway's sister on the evening of 4/29/71. After the meeting, Geraway's sister turned over the money to Norfolk County authorities. Attorney Edward Harrington, who is handling the Raymond Patriarca motion, is fully aware of those developments.[398]

5–13–71: James "Whitey" Bulger is opened as an informant by Special Agent Dennis Condon. Bulger is closed on 9–10–71 due to "unproductivity." [399]

6–4–71: A *Press Democrat* article states that two FBI agents visited Joseph Barboza in his California prison cell last week. The agents returned to the East Coast with affidavits signed by Barboza affirming his testimony, which resulted in the convictions of several Mafia figures in 1968.[400]

6–9–71: The *Peabody Times* (Essex County Newspapers) reports that according to inmate Kenneth Landers, Anthony Stathopoulos testified that Louis Greco was at the Edward "Teddy" Deegan murder scene out of fear for his life, believing that Roy French would kill him. Stathopoulos testified for the state to put French safely behind bars. (Alan Jehlen, *Two Support Innocence of Convicted Killer,* PEABODY TIMES, June 9, 1971).[401]

A *Peabody Times* article discusses a letter F. Lee Bailey sent to Joseph Barboza in prison which summarized their conversations. The letter includes Barboza's admission that he killed more than twenty people, and that Barboza's testimony against Raymond Patriarca, Jerry Angiulo, and the Edward "Teddy" Deegan defendants was false. According to Bailey, Barboza showed the letter to a fellow inmate while in prison, which may have broken the attorney-client privilege on everything Barboza said to Bailey, including the names of officials with whom Barboza said he worked out the false testimony. Bailey declined to release the letter without a court ruling, but Bailey said William Geraway's affidavit about the

contents of the letter was accurate. The article further states that Barboza told Geraway that he included Joseph Salvati in the Deegan murder because Salvati owed him $400. After members of the Justice Department's "Strike Force" on Organized Crime, Walters and Harrington, visited Barboza in prison, he refused to recant his testimony or take a lie detector test as he promised Bailey. Bailey then withdrew as Barboza's counsel. Outraged by Bailey's withdrawal, Barboza threatened Bailey's family. Bailey also said he saw two police reports by three reliable informants which were fairly consistent with each other and with Barboza's statements at Walpole State Prison, but very different from Barboza's trial testimony. (Alan Jehlen, *Two Say Greco Innocent of Deegan Murder,* PEABODY TIMES, June 9, 1971).[402]

8–2–71: Director Hoover informs the Attorney General by memorandum that Boston Police Commissioner Edmund McNamara has requested that he be allowed to review the transcripts of the electronic surveillance on Raymond Patriarca. Further, during the 1968 trial of Patriarca, "logs of the FBI electronic surveillance were made available to the Court for in camera inspection. It appears that the newspapers then acquired copies of this material."[403] (*See also* Richard Connolly, *The Story of the Patriarca Transcripts,* BOSTON GLOBE, Sept. 21, 1971).[404]

8–3–71: By memorandum, Director Hoover notifies the Attorney General that the Boston Office has received a letter from Suffolk County District Attorney Garrett Byrne requesting copies of all references in the Raymond Patriarca surveillance to incidents and people in Suffolk County. A note on the memorandum reads, "District Attorney Garrett H. Byrne has been cooperative with the FBI in matters of mutual interest. His office handled the successful prosecution in State Court of the perpetrators of the robbery of Brinks, Inc., which occurred in Boston, 1/17/50, the basic evidence having been developed by FBI investigation."[405]

8–6–71: Assistant Attorney General of the Criminal Division, Will Wilson, writes a memorandum to Director Hoover in response to the Director's request for advice as to whether Boston Police Commissioner Edmund McNamara should be allowed to review the transcripts of the electronic surveillance on Raymond Patriarca. Wilson writes, "It is our view that Commissioner McNamara's request should be declined." The memorandum also states, "We have uniformly declined requests from state and local investigative and prosecutive agencies for transcripts of unauthorized electronic surveillances involving members of organized crime. Strict adherence to this policy is particularly necessary where, as here, a question of law may exist as to the use which may be made of such information by such agencies and where future state prosecutions involving the subjects of such electronic surveillance may be jeopardized as a result of its disclosure and use."[406]

8–10–71: Will Wilson, Assistant Attorney General of the Criminal Division advises Director Hoover that Suffolk County District Attorney Garrett Byrne be denied access to all references in the transcripts of the Raymond Patriarca electronic surveillance to incidents and people in Suffolk County. Wilson states, "It is our view

that District Attorney Byrne's request should be declined for the same reasons set forth in my memorandum to you dated August 6, 1971," expressing our view that a similar request by Boston Police Commissioner Edmund L. McNamara should be denied. (*See* 8–6–71 entry).[407]

8–11–71: An airtel from Director Hoover to the Boston SAC states, "[A]ttached is a copy of a letter from Will Wilson, Assistant Attorney General, Criminal Division, dated August 10, 1971 . . . concerning the request of District Attorney Garrett H. Byrne, Suffolk County, Massachusetts, that he be allowed to obtain copies of all materials contained in the transcripts of the electronic surveillance maintained on Raymond L.S. Patriarca. The Boston office should be certain that both District Attorney Byrne and Police Commissioner McNamara are told that this is the instruction from Assistant Attorney General Wilson that their request for this electronic surveillance material be declined." [408]

9–10–71: James "Whitey" Bulger is closed as an informant due to "unproductivity." John Connolly later reopens Bulger on 9–18–75.[409]

9–15–71: The Boston SAC informs Director Hoover by airtel that the Boston FBI Office received two letters, dated 9/10/71 and 9/13/71, from Lawrence Wood, an inmate at Walpole. Wood complains that he is being abused by members of "the organization." He also states that Joseph Barboza is innocent of the Clay Wilson murder, and he is being framed by the Mafia. Wood states that a man from Rhode Island and Boston committed the murder and that mafia attorney Ronald Chisholm paid off a woman witness. The airtel states that Wood's 9/13/71 letter "has serious overtones of suicide[.]" [410]

9–21–71: In a letter from William Geraway to Suffolk County District Attorney Garrett Byrne, Geraway states, "(If you had submitted Baron to a polygraph, a number of men would not be on death row and/or in prison today, but of course you couldn't do that because your subordinates, WITH YOUR KNOWLEDGE, were rehearsing with him his perjured testimony.) The cases smell so badly that their odor is beginning to reach even the most secluded public nostrils. . . . Please keep one thing in mind, all you can do to me, all the government can do, is keep me in prison the rest of my life for a crime I didn't commit. If that is the price for seeing that the men on the [Edward "Teddy"] Deegan murder receive fair treatment and that Baron is convicted of murder, then let it be." [411]

9–22–71: The Sonoma County District Attorney requests that William Geraway be brought from Walpole State Prison in Massachusetts to testify in the Clay Wilson murder trial.[412]

9–27–71: Joseph Barboza's attorney, Marteen Miller, requests that prisoner Lawrence Wood be brought to California to testify on Barboza's behalf in the Clay Wilson murder trial. Wood, a fellow inmate with Barboza and Geraway, initially implicated Barboza in the murder and later retracted his statement. (*See* 9–15–71 entry).[413]

10–13–71: Edward Harrington reportedly visits Joseph Barboza in prison in California. Greg Evans, investigator for Marteen Miller, Barboza's attorney, reportedly picks Harrington up at the airport. Harrington also meets with District Attorney Kiernan Hyland, Assistant District Attorney John W. Hawkes, and Sheriff Don Striepeke. When asked the purpose of his visit by a reporter, Harrington replies "no comment." Harrington says his purpose for being in California was the Organized Crime Task Force's interest in some recent bookies arrested in San Francisco. (Bony Saludes, *U.S. Lawyer Visits Baron,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 14, 1971).[414]

10–18–71: Edward Harrington writes a memorandum to File regarding his trip to California. The memorandum notes that "on October 13, 1971, I spoke with Assistant District Attorney John Hawkes and advised him that I was in Santa Rosa. . . . The [Sonoma County] Sheriff also said that I had previously told the District Attorney that if [Joseph Barboza] Baron were convicted on the pending murder charge that I would get him off with a light sentence. I denied that I had ever made this statement to the District Attorney. . . . The Public Defender wanted Special Agent [Dennis] Condon and me to testify for the defense with specific reference to the reason for Baron's relocation to the Santa Rosa, California, area and to the fact that Baron sought, without success, to receive permission to carry a gun while he was in California from federal authorities. The Public Defender also asked me to request John Doyle of the Suffolk County District Attorney's Office to testify on behalf of the defense with respect to the credibility of prospective state witness William Geraway. On October 14, 1971, I received permission from the Sheriff of Sonoma County to speak with Baron[.] . . . I made [it] clear to Baron that both the FBI and the Department of Justice were doing all within their power to insure that Baron received a fair and impartial trial."[415]

10–19–71: The Clay Wilson murder trial in California begins.[416]

10–24–71: The *Press Democrat* reports, "Public Defender Marteen Miller disclosed Friday he will call as a defense witness Edward Francis Harrington, attorney in charge of the U.S. crime task force for the Justice Department. Mr. Harrington's planned appearance is not unexpected since he visited the 39-year-old New Bedford, Mass., man twice in the county jail—Oct. 13 and last March 25. Mr. Miller's announcement confirmed speculation the Justice Department is trying to help Mr. Baron, one of its top informants against Mafia figures on the East Coast. . . . Mr. Miller said he plans to call Mr. Harrington and two FBI agents from the East to support Mr. Baron's contention he killed Mr. Wilson in self defense. He said the government officials, among other things, will explain why Mr. Baron carried a gun in spite of the fact he was on parole from Massachusetts and it was illegal for him to carry guns." (Bony Saludes, *The Defense Strategy: Mafia Planned to Kill Baron,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 24, 1971).[417]

10–26–71: Sonoma County District Attorney Kiernan R. Hyland writes the following to Director Hoover: "The enclosed copy of a news article which appeared in our local Sunday paper indicates

that the defense intends to call two FBI agents from the East as witnesses for the Baron. This is disconcerting for the prosecution because it presents a picture of a house divided against itself. The murder for which we are prosecuting the Baron has nothing to do with his Mafia connections. When and if FBI agents testify as defense witnesses, it would be appreciated that they do me the courtesy of contacting me first and allowing me to interview them concerning their possible testimony." The article Hyland encloses states that Public Defender Marteen Miller will call Edward Harrington and two FBI agents from the East to support Barboza's contentions that he killed Clay Wilson in self-defense. [Bony Saludes, *The Defense Strategy; Mafia Planned to Kill Baron,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 24, 1971.] [418]

Sonoma County District Attorney Kiernan Hyland writes an identical letter to U.S. Attorney General John Mitchell. Hyland states that the defense's motion to call Edward "Ted" Harrington "is disconcerting for the prosecution because it presents a picture of a house divided against itself. The murder for which we are prosecuting the Baron has nothing to do with his Mafia connections. When and if Mr. Harrington testifies as a defense witness, it would be appreciated if he would do me the courtesy of contacting me first and allowing me to interview him concerning his possible testimony." [419]

11–8–71: Special Agent Paul Rico is subpoenaed to testify for Joseph Barboza in the Clay Wilson murder trial on November 18, 1991.[420]

11–12–71: In the Clay Wilson murder trial, FBI Agent Frederick Wallace's testimony for the prosecution is stipulated.[421]

11–15–71: Edward Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, writes a memorandum to James Featherstone, Deputy Chief of the Organized Crime and Racketeering Section. The memorandum is a response to Featherstone's request to set forth the testimony expected from Special Agents Rico and Condon and [Harrington] on behalf of Joseph Barboza in the Clay Wilson murder trial. Harrington states, "It is my judgment that the federal officials involved should respond to Baron's subpoena as it is essential that the government should fulfill its commitment to Baron to do all within its power to insure that he suffers no harm as a result of his cooperation with the federal government." Harrington also states that the defense wants him to testify to the extent of Barboza's cooperation with the federal government, the names and stature of the individuals convicted by his testimony, and the steps taken by the federal government to ensure Barboza's safety. The defense wants Condon to testify as an expert witness regarding organized crime in the New England area, and about secret underworld movement during the spring and summer of 1970 to set up Barboza to be killed. Likewise, the defense wants Rico to testify as an expert in organized crime in the New England area and about information he received from the Spring to Winter of 1969 regarding the underworld's plans and movements to kill Barboza.[422]

11–17–71: An FBI Teletype from Director Hoover to the Boston and Miami SACs directs Special Agents Dennis Condon and Paul Rico to comply with subpoenas requiring their appearance at Joseph Barboza's murder trial. Since Department of Justice Attorney Edward Harrington will also testify in this trial, he will be in the courtroom to protect Rico and Condon's interests.[423]

11–18–71: William Geraway testifies in the Clay Wilson murder trial. [Geraway testifies for about two days.][424]

11–21–71: Lieutenant Ed Maybrun of the Sonoma County Sheriff's Office receives a call from "Mr. Lawrence W. Brown" of New Bedford, Massachusetts (supposed to be Lawrence Hughes). Brown (Hughes) says that after reading the newspapers he believes he has some items that police in California were looking for in the Joseph Barboza trial. Brown says he received some bonds from Barboza, and he had 100 certified copies. The bottom of the report indicates that the FBI apparently received a copy of this police report.[425]

11–29–71: Edward F. Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, notifies James Featherstone, Deputy Chief of the Organized Crime and Racketeering Section, of the upcoming testimony in the Clay Wilson murder trial by Paul Rico, Dennis Condon, and Edward Harrington. Harrington states that he will testify as to the names of the underworld figures against whom Joseph Barboza testified, steps taken by the Federal Government to protect Barboza, that the government changed Barboza's name to Bentley and relocated him to California, and that Harrington denied Barboza's request to carry a gun for his protection. Harrington further states that Rico and Condon will testify that they both advised Barboza while he was in protective custody in Massachusetts that they had received information that the La Cosa Nostra (LCN) was attempting to locate and kill Barboza prior to his testifying for the government. Harrington's memorandum further states that Rico will testify that on February 3, 1970, he advised Barboza that the LCN knew he was in Massachusetts and that two individuals were going to do a "hit" on possibly Barboza. Rico advised Barboza to immediately leave the Massachusetts area and return to California. Harrington further states that Condon will testify that he advised Barboza that in January 1970 two well known "hit men" from the Boston area, Harry Johnson and Allan Fidler, traveled to the San Francisco area, possibly to kill Barboza. Harrington also states that Condon and Rico will testify that William Geraway is considered by law enforcement as a "congenital liar."[426]

12–1/2–71: Lawrence Hughes testifies in the Clay Wilson trial (the defense attempted to suppress Hughes' testimony). Hughes testifies that he gave photocopies of bonds and stock certificates to an FBI agent (Sheehan). Hughes called the Sonoma County Sheriff's Office to tell them about the existence of the bonds. Hughes was told that the Sonoma County DA would call him back; instead, the FBI called Hughes. The FBI asked Hughes why he didn't come forward about the bonds, and Hughes told them because Harrington's office said they wanted to pass the bonds on to California. Hughes got this impression from Doyle. Hughes read in the news-

paper that there were $150,000 to $300,00 worth of bonds important to the Clay Wilson murder that were missing. Hughes didn't understand because in March 1971 the FBI told him to get a copy of the bonds and then they said they didn't want the bonds. In November or December 1970, Hughes met with Jack Zalkind (and maybe John Doyle also) and told Zalkind of Barboza's comment about laying a guy's wife an hour after burying him. Zalkind told Hughes that if it's true that Barboza said that, Hughes should keep his mouth shut and not get involved. Hughes was asked by his brother to go see Joe Balliro to sign an affidavit saying that 3 or 4 men in jail for the Deegan murder were innocent. Hughes heard Barboza himself say the men were innocent, but Hughes refused to sign the affidavit. According to Hughes, Barboza contacted "them" and said that he had lied in the Deegan case, and he would recant his testimony for $500,000. Hughes said it was not the case that "they" contacted Barboza and asked him to recant or come forward and say he lied.[427]

12–2–71: An FBI Teletype dated February 2, 1971, from the San Francisco Office to Director Hoover and the Boston FBI Office apprises that Dennis Condon, Paul Rico and Edward Harrington were interviewed by District Attorney Kiernan Hyland and members of his staff regarding their possible testimony in the Clay Wilson murder trial. The teletype reads, "Hyland advised that Hughes testified that in July, 1970, Baron provided him with access to bonds stolen in California (the State's theory is that Baron killed Wilson as a result of an argument over the disposition of these bonds) and that Baron allegedly admitted to Hughes that he, Baron, had slept with Wilson's wife one hour after he had killed Wilson." District Attorney Kiernan Hyland "implied that Hughes also told the FBI [previously] that Baron had possession of the aforementioned bonds." The February 2, 1971, teletype refers to a previous teletype dated November 24, 1970, from the Boston FBI Office to the San Francisco FBI Office. The previous teletype "set[] forth information provided by Hughes to the FBI at the time of this interview on [November 24, 1970], at New Bedford, Massachusetts. Pertinent information contained in referenced teletype was previously made available by FBI, San Francisco, to Sonoma County District Attorney's Office. Just prior to using Hughes as a prosecution witness, the District Attorney turned over to defense counsel the substance of the referenced teletype. Referenced teletype had set forth therein that Hughes had been in contact with Boston Office of the FBI in September [1970], and had not made any statements re[garding] any knowledge of Baron's involvement in California homicide. The February 2, 1971, teletype continues, "As the Bureau is aware, Hughes, after his contact with the FBI in September of [1970], was put in touch with Suffolk County District Attorney's Office, as his information had a bearing on the Organization's attempts to overturn the [Edward "Teddy"] Deegan murder case in which Baron had testified. . . . District Attorney Hyland states that there was no question in his mind that Hughes was sent out from the Boston area to solidify the case against Baron. Strike Force Attorney is of opinion that Hughes has been corrupted by LCN [La Cosa Nostra] and instigated to furnish false testimony. In interview of SAs Condon, Rico, and Strike Force Attorney Harrington by public de-

fender, he requested the results of the FBI interview in September [1970] of Hughes and identity of agent who conducted the interview. Strike Force Attorney advised public defender that SA Condon had interviewed Hughes but could not testify concerning interview without obtaining a grant of authority. Strike Force Attorneys from Boston, Massachusetts, have this date requested that SA Condon's grant of authority be expanded to include that fact that on September [23, 1970], he interviewed Lawrence Hughes with SA David Divan. At this time Hughes told him about the alleged meeting between Bailey and Baron in July [1970], at which time the figure of [$500,000] was agreed upon for a change of testimony, and an earlier meeting between Baron and Frank Davis, close associate of Raymond Patriarca and others, in May of [1970]. But Hughes failed to give any information concerning Baron's involvement with stolen bonds or the murder. Strike Force Attorneys feel strongly that in the best interest of the government, this request for testimony should be granted. . . . Defense also calling John Doyle, Chief Investigator, Suffolk County District Attorney's Office, Boston, Massachusetts, as Doyle has been in constant touch with Hughes since September [1970] and never received any information from Hughes relative to Baron's alleged admission of involvement in California murder." (*See also* Bony Saludes, *The Baron Murder Trial, A Surprise Witness,* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 2, 1971).[428]

An authorization letter stamped December 2, 1971, from the U.S. Attorney General John Mitchell to Special Agent Paul Rico authorizes Rico to testify in the Clay Wilson murder trial "concerning the following facts and their surrounding circumstances: (1) That when [Joseph] Barboza was in a protective status in Massachusetts awaiting call as a witness you advised him that efforts were being made by criminal elements to locate him for the purpose of killing him before his appearance as a witness; and (2) On or about February 3, 1970, you advised Barboza to leave the Massachusetts area immediately because of a potential threat to his life. This authorization is subject to the following requirements: (1) You may not disclose any information which might result in the identification of a confidential informant or source of information; (2) You may not identify any of the places where Barboza was held in protective status; (3) You may not disclose any other information or produce any material acquired as a result of your official duties or because of your official status; and (4) Any information concerning material in Department of Justice files may not be provided without express authority from the Department of Justice."[429]

An authorization letter stamped December 2, 1971, from the U.S. Attorney General John Mitchell to Special Agent Dennis M. Condon authorizes Condon to testify in the Clay Wilson murder trial "concerning the following facts and their surrounding circumstances: (1) That when Barboza was in a protective status in Massachusetts awaiting call as a witness you advised him that efforts were being made by criminal elements to locate him for the purpose of killing him prior to his appearance as a witness; and (2) That on or about January, 1970, Harry Johnson and Allan Fidler traveled from the Boston area to the San Francisco area, that they

traveled extensively in the northern California area, and that they were apprehended and the circumstances surrounding their apprehension, detention and identification by local police, as well as the facts concerning these events of which you advised Barboza. This authorization is subject to the following requirements: (1) You may not disclose any information which might result in the identification of a confidential informant or source of information; (2) You may not identify any of the places where Barboza was held in protective status; (3) You may not disclose any other information or produce any material acquired as a result of your official duties or because of your official status; and (4) Any information concerning material in Department of Justice files may not be provided without express authority from the Department of Justice." [430]

An authorization letter stamped December 2, 1971, and memorandum from the U.S. Attorney General to Edward F. Harrington authorizes Harrington to testify in the Clay Wilson murder trial concerning the following facts: (1) The names of the persons against whom Barboza testified in federal and state court; (2) Barboza was maintained in a protective status by the United States; (3) The government relocated Barboza to California under a changed identity; (4) The government assisted Barboza in entering a cooking school; (5) Barboza requested authorization to carry a gun and authorization was not obtained. The memorandum listed the following restrictions: (1) You may not identify any of the places where Barbosa [sic] was held in protective status; (2) You may not disclose any of the techniques employed in effecting Barbosa's [sic] change in identity; (3) You may not disclose any other information or produce any material acquired as a result of the performance of your official duties or because of your official status; and (4) Any information concerning material in Department of Justice files may not be provided without express authorization from the Department of Justice." [431]

12–3–71: Joseph Barboza testifies in his own defense in the Clay Wilson murder case in California: "They [the Feds] told me I was to be called Joe Wilson." Barboza was relocated from Louisville, Kentucky, to Santa Rosa, California, in 1969 because the Mafia was after him. Barboza went back east to try to dispose of some stolen bonds and had a clandestine meeting in the woods with a group of men—Frank Davis, Ralph Keating, Donald Barboza, Leonard Hughes, Herbert Jesus, and James Southwood, a reporter. Barboza told them he was going to recant his testimony in exchange for money. Barboza said he lost his address book which contained names of FBI, Santa Rosa police, US Marshals, Justice Department, special attorneys for the Justice Department, state police, etc. Barboza talked to Ronald Cassesso and Henry Tameleo and discussed his testimony in the Edward "Teddy" Deegan case. Barboza got $1000 per month from the Office for a couple of months, and then the money stopped. Barboza saw Bailey 3 or 4 times at Walpole in regards to recanting his testimony. That is why Barboza was being paid. Barboza signed an affidavit saying he would recant his testimony, but he never did recant. Barboza later told Bailey he would not recant. He and Bailey had no more conversations after that. Barboza was told by the Justice Department

not to carry guns, and if he were caught, they would not help him. Barboza was arrested on gun charges on 7/17/70 in Massachusetts. (See 7–17–70 entry). However, those charges were dropped on 7/21/20 by District Attorney Dinnis. Dinnis said that before charges were dropped, federal officials telephoned him and said they were concerned with Barboza's welfare and that Barboza has been cooperative with them and given them vital testimony. (*See* 7–21–70 entry).[432]

On cross examination in the Clay Wilson trial, Joseph Barboza admits to signing an affidavit saying he would recant portions of his [Edward "Teddy"] Deegan testimony, but he never did recant his testimony. Barboza also says the Mafia was paying him to recant, but that he was just "fooling" the Mafia. Barboza testifies that he told federal authorities on September 17, 1971, that he had no intention of recanting his Deegan testimony.[433]

The *Press Democrat* reports that Edward Harrington has visited Joseph Barboza twice at the county jail since Barboza was extradited from Massachusetts. (Bony Saludes, *U.S. Mafia Battle Told in Santa Rosa Court,* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 3, 1971).[434]

12–6–71: Interrogatories are filed for Jack Zalkind in the Clay Wilson murder trial, which Zalkind later answers by telephone.[435]

12–7–71: In a memorandum from Henry Petersen, Acting Assistant Attorney General of the Criminal Division, to Attorney General John Mitchell, Petersen attaches a memorandum and a copy of the FBI report of the interview with Lawrence Patrick Hughes. The attached memorandum "requests the Attorney General's authorization to permit Special Agent Dennis M. Condon to include certain additional matters in his testimony in a criminal case." [436]

Attorney General John Mitchell writes a letter to Dennis Condon expanding the extent of Condon's testimony at the Clay Wilson murder trial to the following: (1) You interviewed Lawrence Hughes on Sept. 23, 1970 with Agent Divan; (2) the interview took place in a FBI vehicle in the parking lot of the VA hospital in Brockton, Mass; (3) the length of the interview; (4) the interview related to the Winter of 1969 to present; (5) Hughes gave no information about Barboza's involvement with stolen bonds or the Wilson murder.[437]

Henry E. Petersen, Acting Assistant Attorney General of the Criminal Division notifies Director Hoover by memorandum of testimony by an FBI agent in the *State of California* v. *Joseph Barboza.* Petersen writes, "Attached for your information is a copy of a communication from the Attorney General to Agent Dennis M. Condon enlarging the scope of the testimony which he is authorized to provide at the *Barboza* trial." The attached letter from the Attorney General to Condon expands the authority extended to Condon to testify at the Clay Wilson murder trial. (See entry above).[438]

12–8–71: Edward Harrington, Paul Rico, and Dennis Condon testify in Joseph Barboza's defense at the Clay Wilson trial in California. Harrington testifies that Barboza was a federal government witness in cases brought against Raymond Patriarca, Henry

Tameleo, Ronald Cassesso, and others starting in 1968. The government's "security arrangements" with Barboza began prior to his giving testimony and approximately a year after he ceased testifying. Barboza was released from protective custody in March 1969. Harrington was not asked about visiting Barboza in prison in California in March 1971. According to Dennis Condon's testimony, a "confidential source" informed Condon that Barboza's "life was in serious jeopardy." Condon testifies that he discussed this with Barboza in January 1970. When asked if he knew whether Barboza was negotiating with the Mafia to change his testimony in the Edward "Teddy" Deegan case, Condon replies, "I would have to respectfully decline to answer that question, sir, on the basis of instructions from the Attorney General of the United States." Prosecutor Hyland responds, "We'll respect Mr. Condon's statement." (*See* 12–2–71 entry). Paul Rico testifies that he knew of attempts on Barboza's life. Rico informed Barboza that during the 1968 trials, the Mafia blew up Attorney John Fitzgerald's car to "point out the seriousness of their efforts." Rico says he last talked to Barboza in April 1970 in Massachusetts. Rico denies that Barboza indicated to him that Barboza was setting up negotiations with the Mafia. (*See* 12–2–71 entry). (*See also* Bony Saludes, *Baron Admits Mafia Tie—But Not to Being 'Enforcer'* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 8, 1971).[439]

According to a *Press Democrat* article, Barboza testifies that he sent word to the Mafia through his long-time New Bedford friend, Leonard Hughes, that he would change his William Marfeo and Edward "Teddy" Deegan testimony in exchange for $500,000. But Barboza says he never intended to recant. It is not clear if the Mafia contacted Barboza to recant or if Barboza contacted the Mafia. (Bony Saludes, *Baron Admits Mafia Tie—But Not to Being an 'Enforcer,'* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 8, 1971).[440]

A memorandum from Edward F. Harrington, Attorney in Charge of the Boston Strike Force, to James Featherstone, Deputy Chief of the Organized Crime and Racketeering Section, states, "On today's date, Attorney Harrington and Special Agents Dennis Condon and Paul Rico appeared before Superior Court Judge Murphy in voir dire, at which time the judge decided that the area of testimony to be given by the three Federal witnesses would be in conformity with the Attorney General's grant of authority."[441]

12–9–71: The *Press Democrat* reports that Edward Harrington and two FBI Special Agents, Paul Rico and Dennis Condon, confirmed in court that Joseph Barboza was an important government witness against the Mafia, which endangered his life. Earlier in the trial, District Attorney Marteen Miller said he would call these witnesses to explain why Barboza carried a gun. Harrington testified that Barboza was the chief witness in a successful Massachusetts prosecution of six Mafia members for the Edward "Teddy" Deegan murder. Harrington also said Barboza was a witness for the March 1968 prosecution of Raymond Patriarca. Harrington confirmed that security arrangements were made for Barboza prior to and for a year after he was a prosecution witness. Harrington said the government's policy was not to inform local authorities that a relocated witness was in their community. District Attorney Miller's in-

vestigator, Greg Evans, testified that William Geraway told him that Geraway received the information about Barboza killing Clay Wilson from Ronald Cassesso. (Bony Saludes, *U.S. Agents Tell of Baron,* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 9, 1971).[442]

12–10–71: John Fitzgerald testifies on Joseph Barboza's behalf in the Clay Wilson murder trial. The *Press Democrat* reports that Fitzgerald testified for the sole purpose of impeaching Geraway, saying he knew Geraway and called him a "pathological liar." The *Press Democrat* also reports that Jack Zalkind answered interrogatory questions by phone in the judge's chambers. Zalkind replied "no" when asked if Lawrence Hughes told Zalkind about Barboza's statement about having sexual intercourse with murder victim Clay Wilson's wife an hour after burying Wilson. Zalkind did admit, though, that he spoke to Hughes and that Hughes was in protective custody in 1970 and 1971. Zalkind then requested copies of the testimony of Geraway, Hughes, and Barboza, but did not state why he wanted them. *See* Bony Saludes, *Baron's Ex-Attorney Takes Stand,* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 10, 1971;[443] *see also* Sonoma County Court Record.[444]

12–13–71: Joseph Barboza pleads guilty to the second degree murder of Clay Wilson.[445]

12–14–71: An FBI teletype from the San Francisco FBI Office to Director Hoover and the Boston and New York FBI Offices states, "[Barboza] changed his plea from not guilty to guilty in local court to second degree murder and was subsequently ordered to confinement at Vacaville, California, for preconfinement examination. Final sentence date to be set. Investigation continuing."[446]

Joseph Barboza is sentenced to five years to life for the murder of Clay Wilson.[447]

12–31–71: Joseph Barboza sends a letter to Edward Harrington at the Federal Building on Congress Street in Boston, Massachusetts.[448]

1972

1972: Joseph Barboza and author Bob Patterson sign a contract to collaborate on a book called *In and Outside the Family.* Barboza is obligated to supply documents, memos, and photographs to Patterson. James Chalmas (aka Theodore Sharliss) is under written contract with Barboza to pay advances to Patterson.[449] In his book, *Strike Force, Organized Crime and the Government,* Clark R. Mollenhoff writes in relevant part the following regarding the Raymond Patriarca tapes: "The Federal Bureau of Investigation bugged the office of New England's crime boss, Raymond Patriarca, from March 1962 until July 1965. Monitoring of conversations . . . was stopped on orders from President Lyndon Johnson who told the public he was against obtaining evidence in this way. . . . The Johnson Administration's decision to assure 'fair play' for Fred Black, Jr., had repercussions throughout the country. Since by disclosing the complete bugging file on Black the Department of Justice had enabled him to avoid a federal prison term, it had to apply the same rule now in similar cases. . . . The decision threatened to overturn the conviction of Louis (The Fox) Taglianetti, who had

been convicted of federal income-tax evasion in 1966. . . . Under the new 'Black' rule, Taglianetti had to be given access to any government information that dealt even remotely with him while he was under investigation. In May 1967, Justice Department lawyers delivered the airtels of the bug in the Patriarca office to Chief Judge Edward Day of the United States District Court in Providence. Judge Day reviewed them all, and concluded that only ten had to be made available to Taglianetti and his lawyers. Those ten airtels appeared in the federal court record, and a tremor went through the East Coast Cosa Nostra and the entire political-criminal world of New England. (p.119–20). . . . Many of the conversations related to gangland murder victims: Samuel Lindenbaum and Steven Hughes in Middleton, Massachusetts; Joseph Francione, gunned down in Revere; and Henry Reddington, killed in his Weymouth home. Patriarca was told 'Joe Barboza of East Boston' killed Francione. (p. 123). . . . The so-called 'Taglianetti logs' were made public by Judge Day on May 19, 1967. . . . On June 20, 1967, a federal grand jury indicted Patriarca on charges that he and two others had conspired to engineer the murder of William Marfeo over a competitive gambling enterprise Marfeo was running. . . . Named as a coconspirator, but not as a defendant, was the man they had tried to hire in 1965 as the 'hit man' to kill Marfeo. Joseph (Barboza) Baron, named in the tapes by [Henry] Tameleo as the man who had murdered Joseph Francione, had decided to cooperate with the Attorney General's office in April, immediately before the revelation that Patriarca's office had been bugged. (p. 124). . . . The tapes gave federal and local investigators reason to join forces in developing the Joseph (Barboza) Baron testimony. So long as the case originated from Baron's discussion and not from the FBI eavesdropping it could be used to prosecute. Baron voluntarily furnished a statement to agents of the FBI in April of 1967 concerning the offense in 1965. (p. 125). . . . Bob Blakey had been a Special Prosecutor in the Organized Crime and Racketeering Section of the Justice Department from August 1960, until June 1964. He declared that the Taglianetti airtels were far and above the best information that he had obtained. [I read] . . . investigation reports that were the product of the use of normal investigative methods. There is just simply no comparison in the two kinds of reports. In light of this, I find it nothing short of incredible that Mr. Clark and others would seriously suggest that the use of electronic-surveillance techniques is "neither effective nor highly productive. (p. 129). Louis the Fox thought he was sly when he had his lawyers request the disclosure of all FBI eavesdropping records. (p. 130). . . . Though the bugging of Patriarca's headquarters in Providence had taken place when the results were not admissible evidence in state or federal courts, the revelation of the ten airtels in connection with Taglianetti's income-tax case produced the example that Professor Blakey needed to demonstrate that Ramsey Clark didn't know what he was talking about." (p. 131). CLARK R. MOLLENHOFF, STRIKE FORCE: ORGANIZED CRIME AND THE GOVERNMENT 120, 123–25, 129–31 (1972).[450]

1–7–72: Edward Harrington writes Joseph Barboza a letter promising, "I'll call Gary to see about his recalling the probation violation warrant. I'm sure he'll do it. After the warrant is revoked,

I don't think you'll have any trouble being eligible for a decent program to present to the Parole Board." [451]

1–10–72: Joseph Barboza sends a letter to Special Agent Dennis Condon at the FBI Building in Boston, Massachusetts.[452]

1–11–72: Joseph Barboza receives a letter from the Department of Justice in Washington, D.C.[453]

1–14–72: In a letter to William Geraway, Detective Sergeant Tim Brown of the Sonoma County Sheriff's Office thanks Geraway for his assistance in the Clay Wilson murder trial and describes the details Geraway provided about the murder.[454]

1–16–72: Barboza sends a letter to District Attorney Garrett Byrne at the Suffolk County District Attorney's Office in Boston, Massachusetts.

1–17–72: William Geraway drafts a letter to Kiernan Hyland the Sonoma County District Attorney. Geraway states that he "had to practically force Mr. Fahey to call Mr. Bailey" and that Detective Sergeant Tim Brown threatened to return Geraway to Massachusetts without testifying because Geraway refused to go for a ride with him over a route Geraway knew from memory.[455]

1–19–72: Edward Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, sends a letter to Lois Eggers, Correctional Counselor at the California Medical Facility in Vacaville. Harrington informs Eggers, "It is the United States Government's desire that the State of California place Bentely [sic] [Joseph Barboza] in a constructive correction program designed for his ultimate release as a contributing member of society. . . . The government also requests that Bentely's [sic] significant contribution to law enforcement in the organized crime field be weighed when his eligibility for parole is considered." [456]

1–21–72: The California Department of Corrections prepares a Cumulative Case Summary stating that before the Clay Wilson murder, Barboza "claims that he had protective custody through the FBI, constantly carried a gun and wore a bullet-proof vest." [457]

1–25–72: California Department of Corrections Counselor Albert Ng comments, "A figure in the New England area underworld, his activities there are unknown, but his value as a witness is attested by a letter from U.S. Department of Justice, organized crime and racketeering action [sic], dated 1–19–72. [Barboza] is making a satisfactory adjustment in RGC general population. So far, he has not indicated any desire for protective custody. Request for CMF for his transfer to fill work/crew position #902 in bakery is noted. In view of the complexity in this case, [Barboza] is a marginal work/crew candidate. Accordingly to 4th termer status, age 40, ineligible for camp or minimum custody, he is also suitable for Folsom. To either CMF as 'H' or Folsom." [458]

1–28–72: William Geraway sends a letter to Attorney General John Mitchell. According to the letter, "FBI Agent Dennis Condon told Det. Sgt. Tim Brown that Baron is 'The most dangerous man on the East Coast.'" [459]

Joseph Barboza sends a letter to Edward Harrington at the U.S. Post Office and Courthouse in Boston, Massachusetts. Barboza also sends a letter to Special Agent Dennis Condon at the FBI in Boston.[460]

By memorandum, Edward Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, notifies Gerald Shur of the Department of Justice's Criminal Division that Barboza has advised Harrington that he will be eligible for parole in four years. Per Barboza's request, Harrington asks whether the Department of Justice would be willing to attempt to find employment for him once he is paroled. Harrington writes, "The development of Joseph Barboza as a government witness was the single most important factor in the government's successful drive against organized crime in the New England area. It would be in the best interest of the United States to maintain a continued concern for the personal problems of an individual who has contributed so greatly to the government's campaign against organized crime." [461]

2–1–72: The California Department of Corrections approves Joseph Barboza's transfer. The document states, "Folsom transfer endorsed as most appropriate in light of all case factors. . . . [Barboza] is designated a SPECIAL CASE-DEPARTMENTAL-NOTORIETY because he is of special interest to the United States Department of Justice, Boston Field Office, Organized Crime and Racketeering Section. They request notification by telephone of any unusual developments in this case. FBI Agents [Edward] Ted Harrington and Dennis Condon. [Note: Harrington is the Attorney in Charge of Boston's Organized Crime and Racketeering Section, not an FBI agent.] This interest stems from subject's testifying against the Mafia in the first successful prosecution of a top Mafia Chief." The transfer was recommended by Correctional Counselor Albert Ng and approved by Associate Superintendent James A. Kane.[462]

2–7–72: Edward F. Harrington, Attorney in Charge of Boston's Organized Crime and Racketeering Section, writes a letter to Raymond Procunier, Director of the California Department of Corrections. The letter states, "This is to advise you that [Barboza] . . . is an individual whose development as a witness on behalf of the United States Government was the most important breakthrough in the government's campaign against organized crime in the New England area. . . . [Barboza's] personal security could be a matter of some concern for your department[.] It is requested that the possibility of underworld retaliation against [Barboza] for his cooperative effort on behalf of the United States Government be a factor considered by you in determining the appropriate facility for his incarceration." [463]

2–14–72: William Geraway's affidavit reads, "He [Barboza] is aware, and letters he wrote from this prison affirm that awareness, that the Justice Department would like very much to see him killed, thereby placing blame on alleged mafia members and removing for all time both a threat and an embarrassment. . . . It is my understanding that Attorney Bailey was to be called as a prosecution witness, and with the rebuttal case available to them, why the

prosecution allowed a [second] degree pleading remains a mystery."[464]

2–25–72: The Correctional Counselor at the California Correctional Institution at Tehachapi, T.R. Fahey, writes a letter to Edward Harrington. Fahey advises that Joseph Barboza was transferred from the California Medical Facility at Vacaville to Tehachapi on 2–18–72. He appeared before the screening committee on February 22, 1972, and made some comments that Fahey believes would interest Harrington. Fahey writes that Barboza claimed that he was offered $500,000 to change his testimony in Federal Court, and was considering this offer so his wife would not have to live on welfare. Fahey further states that Barboza also said that changing his testimony would require legal maneuvers since his testimony in court was true. Fahey relays this information to Harrington in case Barboza attempts to change his prior testimony.[465]

March 1972: FBI Supervisory Special Agent John Morris is assigned to the Boston FBI Office until approximately November 1991.[466]

3–7–72: Attorney General Robert Quinn writes a letter to Massachusetts State Senator Joseph Ward regarding allegations made by William Geraway to Senator Ward about Barboza. Quinn writes that he inquired into the allegations and was told investigations (presumably about Barboza) were underway by the District Attorneys of Suffolk and Norfolk Counties, and the FBI. Therefore, Quinn writes, "to avoid any interference with current investigations, no direct action has been undertaken by this office with regard to Mr. Geraway's allegations."[467]

3–8–72: A letter from Edward Harrington, Attorney in Charge of the Boston Strike Force, to T.R. Fahey, Correctional Counselor of the California Department of Corrections states in relevant part: "Thank you for your letter dated February 25, 1972[,] relating to Joseph [Barboza's] conversation with members of your screening committee. This information is of great value to the federal government. . . . I greatly appreciate your taking the time to keep us informed of this matter."[468]

5–2–72: FBI Director J. Edgar Hoover dies.

5–17–72: In a letter from Edward Harrington to Joseph Barboza, Harrington states that he received Barboza's letter dated May 7, 1972, and indicates that he will be "very happy" to talk to the person writing Barboza's book. Harrington promises to introduce the writer to "other individuals who would have background information relating to your career."[469]

5–24–72: Joseph Barboza testifies before Representative Claude Pepper's Select Committee on Crime about organized crime's involvement in sports, specifically horse racing. Barboza reportedly testified under heavy guard because he had been given special protection since his testimony against Raymond Patriarca.[470]

The Boston FBI Office advises the Acting Director by teletype that Edward Harrington advises the FBI that Joseph Barboza is in Washington D.C. on subpoena from Claude Pepper's Select Com-

mittee and is to appear before the Committee the following day, Thursday, May 25. The teletype states, "Baron will reportedly give testimony re[garding] race fixing and organized crime. Justice Department was not aware of Baron's subpoena and is not in agreement with his appearance before [the] Committee."[471]

5–26/29–72: U. S. House of Representatives investigator Roy Bedell conducts an interview of Joseph Barboza, a part of which was recorded. Barboza describes the Edward "Teddy" Deegan murder in detail and makes no mention of Joseph Salvati.[472]

6–1–72: A Montana state prison report states: "Rec'ed from U.S. Marshall [sic] Wash D.C. PC will receive all PC Privileges. 'Any questions' concerning this man will be referred to Lt. King." [The word "confidential" is crossed out.][473]

6–2–72: A letter from R.E. Coyle, Assistant Director, Law Enforcement Liaison, California Department of Corrections, to Chris Nolde, Associate Counsel, Select Committee on Crime, states in relevant part: "[P]rior to [Barboza's] transfer to Washington, he alerted other inmates at the institution where he was housed that he was en route to Washington to testify." The letter continues, because of Barboza's "inability to keep his identity and activities limited, . . . I [must] take very stringent action to insure his protection. . . . Effective this date, I have directed that he is a protective custody case. . . . He will not under any circumstances come in contact with other inmates."[474]

6–4–72: Raymond Patriarca is found not guilty at a second jury trial of charges alleging he was an Accessory to Murder. During the trial, John "Red" Kelley again testified about the alleged meeting that took place in front of the Gaslight Restaurant.[475]

6–13–72: Joseph Barboza receives a letter from Edward "Ted" Harrington.[476]

In a letter from Joseph Barboza to Marteen Miller, Barboza says that the writer of his book will interview Edward Harrington, Dennis Condon, John Doyle, Col. Walter Stone, Superintendent of the Rhode Island State Police and others who have consented.[477]

6–15–72: Joseph Barboza sends a letter to Edward "Ted" Harrington at the U.S. Post Office and Courthouse in Boston, Massachusetts.[478]

6–16–72: Joseph Barboza sends a letter to Edward "Ted" Harrington at the U.S. Post Office and Courthouse in Boston, Massachusetts.[479]

6–19–72: Edward Harrington's letter to Joseph Barboza states, "You are well aware, I know, that there is no requirement for you to testify in any new cases in order for the Dept. of Justice to bring to the attention of the Parole Board at the appropriate time the contribution which you have already made to the government's campaign against organized crime."[480]

6–20–72: A memorandum from Folsom State Prison, Represa, Associate Warden H. Morphis, to the Visitor Processing Officer grants "approval to Mr. and Mrs. Sharliss of San Francisco to visit [Barboza]."[481]

6–21–72: In a letter from Joseph Barboza to a friend, Barboza shows his gratitude for her work on putting together his biography. He writes, "But if in some way through this book that it should cause and add to the public awareness of the diabolical menacing foothold which the mafia is embracing this country so that at least one person will stand up and fight then your work . . . and my endeavorments [sic] will not entirely in the least be in vain!" [482]

6–22–72: A letter from William Geraway to Joseph Barboza says that policeman Bill Stuart "gave a police report to Gerry [Angiulo] on Romeo Martin giving him information on the [Edward "Teddy"] Deegan murder; Gerry then ordered Romeo killed[.]" [483]

6–28–72: Joseph Barboza receives a letter from the Department of Justice in Washington, DC.[484]

6–29–72: Joseph Barboza sends a letter to Special Agent Dennis Condon.[485]

July 1972: According to William Geraway, in July of 1972, Congressional Investigator Roy Bedell from the Select Committee on Crime, visits him at the state prison in Walpole. Geraway claims that it was clear to him that Bedell "intended to utilize the interviews as a screen to get into the record from me 3 points which would allow Joseph Barboza Baron freedom: 1) That Baron had killed Wilson in self-defense, which is absurd; 2) That Baron's testimony against men in Massachusetts had not been perjury; 3) To get into the record from my own lips that Baron does not have a second body in Sonoma County." (*See* William Geraway Affidavit, Feb. 13, 1973).[486]

7–2–72: Joseph Barboza describes sending items to "the Greek" in a letter to Greg Evans.[487]

7–5–72: Joseph Barboza receives a letter from the Department of Justice.[488]

7–7–72: Joseph Barboza receives a letter from U.S. Department of Justice, Section of Organized Crime in Boston, Massachusetts.[489]

7–9–72: Folsom State Prison Correctional Lieutenant F. Gaul writes a memorandum to J. Campoy, Correctional Captain. The memorandum informs that Mr. Sharliss came to visit Joseph Barboza and was denied entry because of lack of personal identification. Mr. Sharliss was extremely agitated and hostile towards the Corrections Lieutenant. Sharliss even tacitly threatened the Lieutenant, explicitly stating that he "would be sorry [that he] did not show [Sharliss] more respect and courtesy and take more responsibility on my own." [490]

7–10–72: Joseph Barboza sends a letter to Edward "Ted" Harrington, which was returned to Barboza.[491]

7–18–72: Joseph Barboza sends a letter to Edward "Ted" Harrington.[492]

7–24–72: A letter from Joseph Barboza to a friend, states that "I learned to cook Chinese food while cooking aboard ship to the orient and I know a lot of secrets to their cooking. But I hurt my back in Kowloon [and] collected $18,500, strange how well my back feels

now?" [Note: This probably indicates that Barboza faked the injury.] [493]

7–28–72: Joseph Barboza sends a letter to Edward "Ted" Harrington.[494]

8–4–72: Joseph Barboza sends a letter to Special Agent Dennis Condon.[495]

Joseph Barboza's letter to a friend states that there have been over six attempts on his life.[496]

8–5–72: A letter from Joseph Barboza to a friend states that Ted Sharliss "will always let you [Barboza's friend] use a car to come and visit." Barboza tells her that he wrote Sharliss and told him to give a copy of the manuscript of Barboza's book to her. Barboza also tells his friend that he told Sharliss that he could not stand "evasiveness and being undependable" and wanted to "clear the air" with him and "strengthen our friendship." Barboza also tells his friend that he told Sharliss that he would give him 25% of his book's profits, speculating that would be around $200,000. He also states that he told Sharliss that he "wanted to see him because somebody admitted to perjury in my case, so that it would be best and was for the best he [sic] hadn't gone to N.Y. . . . now that this [sic] as been brought to light." Later he states that he has to "watch that the Mafia and lawyers like F. Lee Bailey, Joe Balliro, Ronnie Chisholm don't try to influence them behind our backs or try to frighten him. Believe me I know what I am talking about! Marteen Miller and Greg Evans have the transcripts and are overly knowledgeable on the case which they will supply. I hope?" [497]

8–9–72: The Supervising Officer of the California State Prison at Folsom in Represa, California, states in a memorandum to J. Campoy, Correctional Captain, that "Greg Evans attorney from Sonoma County came to the institution this date, for an interview with [Barboza]. The interview took place in the Adjustment Center starting at 1150 and terminating at 1405." [498]

8–10–72: Joseph Barboza writes to a friend that he received a letter from Washington and the earliest he will be returning to Washington to testify before Claude Pepper's Committee is September 10th. Barboza also tells the friend that Ted Sharliss is an informant. Barboza tells the friend that she is the "top one in my book of trust" and that "Ted [Sharliss] is my friend with love but its mixed with ulterior motives. I know what I am talking about!" Barboza further tells her that he has been writing to a guard in a county jail back east for six years.[499]

8–14–72: Joseph Barboza sends a letter to Edward "Ted" Harrington in Boston.[500]

8–15–72: Joseph Barboza sends a letter to Detective John Doyle in Boston, Massachusetts.[501]

In a letter to a friend, Joseph Barboza tells her about two phone calls he received today—one from D.C. and the other from Boston. The call from Boston was from a man from D.C. Barboza tells her that the news he received from the two individuals was "tremendous." Barboza writes, "The man in Boston was with the guy who

wrote the confessions and it turned out powerful, too powerful for words in this letter, as to the other call it was powerful too, I suggest you get up here somehow. If you don't tomorrow because in two weeks I'll be gone I won't know for sure till Friday. The news today I received was so far out, I am in a trance over it! I am going to have to write the Codfish and see if I can get him up here as soon as he can [sic] it is rather urgent. If he doesn't come up here than [sic] I'll know he is purposely avoiding me for an avid reason." [502]

8–22–72: In a letter from Joseph Barboza to Dennis Condon and Edward "Ted" Harrington, Barboza states, "But the fear of others concern is the [Romeo] Martin case, and Stewart's police report to Jerry [Angiulo] on the [Edward "Teddy"] Deegan matter[.]" [503]

8–23–72: Joseph Barboza sends a letter to Special Agent Dennis Condon in Boston.[504]

8–24–72: Joseph Barboza sends a letter to Edward "Ted" Harrington at Congress Street in Boston.[505]

8–31–72: A letter from Edward "Ted" Harrington to Joseph Barboza states, "Responding to your August 22, 1972, letter. I am not only unaware of the contents of Geraway's alleged confession, but was even unaware of its very existence. However, I am informed that District Attorney Burke is planning to use Geraway as a witness against Cassesso for the attempted bribe of Geraway, and District Attorney Byrne is still holding Geraway in reserve as a witness pending any future legal developments in the Deegan case. I would suggest that you might consult with your Attorney Miller in California and determine whether to file a motion for a new trial in your case based on Geraway's newly discovered testimony, depending on your joint assessment of its weight. As far as the federal government is concerned, it appears that Geraway's allegations relate strictly to state matters. As I have previously stated, your cooperation with the federal government will be brought to the attention of California Parole Authorities at the appropriate time." A handwritten note at the bottom reads, "Copy sent to D. Condon on 8/31." [506]

9–7–72: A letter from Joseph Barboza to a friend regarding Edward "Ted" Harrington states, "I received a letter today from one of our big brothers back East. Tell Greg that Ted Harrington wrote me and said that Suffolk County DA has Geraway who will testify that Ronnie Cassesso tried to bribe him on the Deegan case and he told me some other very good news about the future. Yes I am going to Washington in December or January. Do you want to meet me there[.] [My friend], in that letter from back East I got today, the man said the Government would bring it to the Parole Board's attention the great service I did the government. I should have a lot of people speaking up for me so that my chances look much better than average." [507]

9–8–72: Joseph Barboza receives a letter from Edward Harrington regarding filing a motion for a new trial.[508]

9–9–72: Joseph Barboza sends a letter to Edward Harrington, replying to Harrington's letter of September 8, 1972.[509]

9–11–72: Montana state prison notes that California asked that they place Joseph Barboza in one of its camps "as quietly as possible." [510]

9–15–72: Joseph Barboza sends a letter to Dennis Condon in Boston. He also sends a letter to Roy Bedell, Staff Investigator for the U.S. House of Representatives Select Committee on Crime.[511]

9–29–72: Joseph Barboza sends a letter to Greg Evans, Investigator for the Sonoma County Public Defender's Office. The letter is described as "legal informative." [512]

10–17–72: In a letter from Edward "Ted" Harrington to Joseph Barboza, Harrington writes, "[L]ast week the District Attorney of Norfolk County returned an indictment against Ronald Cassesso and his aunt in the attempt to bribe you with respect to your testimony in the Deegan murder case. Geraway was the state's witness in this matter. It would appear that Geraway is again cooperating with state authorities and you might consider whether his testimony would be of value in your own case." [513]

10–27–72: Joseph Barboza's personal property is transferred to Folsom State Prison in California from Eel River Conservation Camp #31. An item listed in the property transfer receipt includes an RCA 2-Track Tape Player. An item listed on Barboza's Inmate Property Card includes one Trial Transcript.[514]

10–30–72: Joseph Barboza is transferred to Montana State Prison in Deer Lodge, Montana. Items listed as Barboza's personal property include: one RCA cassette recorder, three cassette tapes and one legal trial transcript. The clothing receipt form indicates that the prison received from Barboza one RCA cassette recorder and four cassette tapes and turned them over to the store. A shipping order indicates that Barboza requested that all his personal clothing in the possession of the institution, which most likely includes all of the items listed on the clothing receipt form, be sent to his friend in San Francisco, California.[515]

11–1–72: Joseph Barboza writes in a letter to a friend: "[Greg Evans] will convey to you some information he is trying to seek from the head of the Federal Task Force Ted Harrington in regards to Counter Part and Massachusetts *this is very important!* I hope Greg told you what he is doing for me and gave you the info he gave me at Folsom!!!!" [516]

11–2–72: Joseph Barboza requests the following people be allowed to visit and correspond with him in Montana State Prison: Ted Sharliss and his wife; Greg Evans; Edward Harrington; and Dennis Condon.[517]

A letter from Joseph Barboza to a friend regarding Edward "Ted" Harrington states, "Did you send Greg a photo stat of that news clipping? Tell him to send you the letter from Ted Harrington and make sure he photo stated a copy for himself! Also to inform you about the answer he received from Boston regarding Nepco's *hold,* ask him to explain that to you." [518]

11–3–72: Joseph Barboza sends a close friend four cassette tapes and a recorder.[519]

11–9–72: Joseph Barboza writes a letter to a friend regarding his book stating, "You did not tell me what you thought about what Patterson wrote so far. How is [it]? I would like a copy right away. Also who did Paterson see back East—Colonel Stone? Harrington? Condon? Doyle? Who besides Brandt?" [520]

11–13–72: Joseph Barboza's letter to a friend regarding his belongings states, "So you haven't gotten my belongings yet that I sent you. Well you will and please list what was sent you, I have my reasons. Give the Greek back his electric razor, I never used it. Give the pants and white shirt to some stumble bum, Folsom gave me those to wear! Blah! Keep the yellow jacket and blue one. Here is a clipping my brother sent me, I am inserting the clipping with this letter." Barboza also explains that "the part of the manuscript that was stolen was the part that I gave Ted that was typed up, I do not have the rest, that was handwritten because I gave it to you through Ted to type up. I also have the same amount hand written in a vault in Washington, D.C." Later he also tells the friend that "I've now wrote to Coyle in Sacramento, Greg, Bodell in Wash., Harrington in Boston, Colonel Stone in Rhode Island, let's see if I get any news. I am most anxious to hear what Doubleday's offer was since they have had the book 1 week now." [521]

11–14–72: Greg Evans, investigator for the Sonoma County Public Defender's Office, requests permission from the Montana State Prison to correspond with Barboza.[522]

11–15–72: In a letter to Greg Evans, Joseph Barboza writes that he received a letter from Edward "Ted" Harrington the previous day. Barboza states, "He'll tell you what he actually means by calling him." [523]

11–16–72: A letter from Joseph Barboza to a close friend states, "Who are these friends of Ted's that he [h]as told about me and who is this Harry that g[a]ve you a late call, I want [h]is last name. I have my reasons. Forget about the call to Bedell, I'll handle it myself. I mean this and I want to hear no more about it. . . . You mentioned a blurb by some Dude from back East. WHAT DUDE? Ted [Sharliss's] friends and the cops were concerned that if something hot was going to happen at the Hosp. What friends [h]as he been talking to? And what [h]as he been telling them? I suspect what added to the cause of me being here is what he says on his phone. I don't want him mentioning my name on his phone and to be introducing you to people as my friend like white guy with the rings. I am trembling right now because I have been called a liar, and also a lot of crap is going on out there that is making me sick to my stomach! Patterson, his misses and all those so called righteous citizens who look down their noses at me because they consider themselves true citizens of society. They sure are and they stink! All trying to take their best shot because of the money involved in the Book. [H]as it ever dawned on you that the most Ted ever did for me concerns the Book where he has an end, everything else he [h]as stalled and lied about. Everybody has a price tag, well I don't and I am sick of the Book and you'll hear

how sick I am of the book very shortly by what I am going to do!" [524]

11–21–72: (Mrs. Joseph Barboza) requests permission from the Montana State Prison to correspond with Barboza. She lists her address as "To Special Agent Dennis Condon—FBI Bldg. Boston, MA." As her character references, Mrs. Barboza lists Dennis Condon and Edward Harrington.[525]

12–5–72: Regina Sharliss, wife of Ted Sharliss, requests permission from the Montana State Prison to correspond with Joseph Barboza. As a character reference, Regina Sharliss lists FBI Special Agent Bernard Feeney in the San Francisco Office.[526]

12–12–72: Joseph Barboza's letter to a friend states that he has "[g]ot a feeling nothing will get off the ground on this Book till at least Feb. Looks like the powers to be are having their way. Just so happens a court matter concerning the Deegan murder and those convicted come up about that time." Barboza also directs his friend to call Edward "Ted" Harrington at 617–223–3390.[527]

12–13–72: A letter from Joseph Barboza to a friend states, "I wrote Greg Castnite and told him to call you concerning the incident I had here and that you would tell him. Lets hope he calls Honey. I'll be sending you back the manuscript within the next couple of days. I'll send it to the office I don't like the idea of it laying in your mail box all day. Well tomorrow will be 1 year ago I was sentenced, also I waited 15 months for trial, that is 27 months, also another 3 months in jail back East that's 30 months I have been in. When I see the Parole Board in May I'll have 35 months in and in our jurisprudent society only 17 months will count. Now if it happened in Montana I would fully understand this thought of thinking. Smile. I just missed by something like 80 days when the law went into effect after I got sentenced, in March 1st 1972 and law passed granting all jail time awaiting trial would count, only to March 1st, it was not retroactive preceding that. But letters were written to Sacramento by Marteen Miller and letters from Sacramento stated that they would consider very seriously those additional 15 months when determining my parole. I found this out while I was at Folsom [.] This year I've spent from the Santa Rosa Jail, to Vacaville, to Tehachapie, to Wash., to Folsom, to Eel River to here. Of all of them, this is the worse situation I've been in. . . . I do want Ted Harrington and Colonel Stone to add something to the Book; they know what they are talking about. Give Patterson, Harrington's telephone number and tell him to call him for a statement, and Colonel Stone. These two people especially Stone are well known in New England. It will enhance the sale of the Book around there. Get this [my friend], its your book too!!" [528]

12–14–72: Francis "Frank" Salemme is apprehended in New York City by FBI Special Agent John Connolly. (*Commonwealth* v. *Salemme,* 323 N.E. 2d 922 (1975).[529]

A letter from Joseph Barboza to a close friend states, "I wrote to Ted Harrington and asked him to write something like Claude Pepper did. I am sure if he does it will be much better and much more

knowledgeable! I am sure he will. Got to keep plugging Honey, if we are going to get this thing done right."[530]

12–21–72: Special Agent John Connolly is recommended to receive a group incentive award for his effort in identifying Francis "Frank" Salemme, a badly wanted fugitive, whom Connolly and two other agents "observed walking on a street in New York City."[531]

12–26–72: Joseph Barboza's letter to a close friend states, "Well, it looks like the book [h]as to be shelved until I get home. I am not going to say anything more about it. A lot of plans have to be postponed until I do get the Book going. But time will work itself out. I'll be coming out broke so we'll have to plan and adjust to it until I get his Book going on my own. . . . Yes, the same guy named Geraway who testified against me in Santa Rosa and who later wrote that he was bribed to do it, is testifying against some people convicted in the Deegan trial, who bribed him and told him to say that I told him I lied on the Deegan trial."[532]

12–27–72: Edward "Ted" Harrington informs Joseph Barboza by letter: "I will be very happy to meet with your ghost writer and provide him background on you and your dealings with the organization here in New England and your significance as the first government witness to testify against the organization in this area. . . . I will be quite happy to write some remarks in the preface extolling your contribution to law enforcement in the organized crime field."[533]

1973

1973: Joseph Barboza submits lists of people with whom he has correspondence privileges at the Montana State Prison in Deer Lodge, Montana, including Edward "Ted" Harrington, Dennis Condon, Greg Evans, a friend, and his wife. His wife is listed in the care of FBI Special Agent Dennis Condon.[534]

Vincent Teresa writes in his book, *My Life in the Mafia,* the following about Joseph Salvati: "One of the first to go was a guy named Edward Teddy Deegan. Deegan was with the McLaughlin group. He and two of his friends, Harold Hannon and Wilfred Delaney, had been holding up some of [Jerry] Angiulos' bookmakers, and it was costing the Office a lot of money. . . . On March 12,1965, Barboza hit him on orders from Pete Limone, Angiulo's right arm. . . . There was one bad thing about that hit. Two guys went to jail for murder that had nothing to do with setting it up: [Henry] Tameleo and Joe the Horse Salvucci [sic][.] . . . Tameleo didn't authorize the hit. Barboza said Tameleo did, but that wasn't true, according to Tameleo. Tameleo said he found out about it the next morning when he read it in a newspaper. I don't know if he was telling the truth, but I guess in a way it's justice. Tameleo set up a lot of other people and got away with it. The guy I really feel sorry for is Joe the Horse. He wasn't a bad guy, and he was just a flunky. What Barboza did wasn't right. After that, Barboza became the top gun for the McLeans and the Office. He handled more hits than any one guy during the war. On October 20, 1965, he and Chico [Joseph] Amico caught Punchy McLaughlin

alone at the Spring Street Metropolitan Transit Authority turnaround in West Roxbury. Punchy had been shot twice before during the war, in November 1964 and in August 1965, but he'd survived both. He didn't survive this one. Barboza cut him down for good." [535]

Vincent Teresa also writes that Barboza "handled more than twenty-three murders, most of them on his own—I mean, they weren't ordered by the Office. Romeo Martin is a typical example of what I mean." Regarding the Romeo Martin murder, Teresa says, "This was in 1965 [sic—1966], in July. I'd been out all day with Castucci and Romeo playing golf. Romeo was planning to leave for Florida the next day with his wife. He'd just gotten married and was going to Florida for sort of a honeymoon. After we'd played golf, I told Romeo to come over to the Ebbtide for a steak dinner and a couple of drinks. While we're talking, he said that he and Barboza, after busting up a club, had had an argument. He said he'd shaken the owner down for more money than he was supposed to and had held out on Barboza. Barboza had found out and threatened to kill him. . . . When he went outside, Barboza and Cassesso were waiting for him. They grabbed him. Took him someplace, and pumped five slugs into him before dumping his body. When the cops found him, [Henry] Tameleo blew his top at me. . . . [H]e said[,] Why didn't you get a hold of Joe and stop it?' . . . [I responded,] Christ, Henry [Tameleo], they were supposed to be friends. Who knows this animal is going to kill him? That's how treacherous Barboza was. The slightest thing, the slightest word and he'd want to kill you." [536]

Teresa also comments that "Barboza was a stone killer with a terrible temper." [537]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following: "McLean had his own mob, but he had some friends that worked on the fringes with the Office, like Joe Barboza, Steve [The Rifleman] Flemmi, and his brother, Vinnie the Butcher [Vincent "Jimmy" Flemmi]. Vinnie got that nickname because he got his kicks out of cutting his victims up." [538]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following: "Barboza went into the club [searching for a member of the McLaughin mob named Ray DiStasio] and caught DiStasio cold. The trouble was, a poor slob named John B. O'Neil, who had a bunch of kids, walked in to get a pack of cigarettes. Barboza killed them both because he didn't want any witnesses. DiStasio got two in the back of the head and O'Neil got three. It was a shame. I mean, this O'Neil was a family man—he had nothing to do with the mob. Barboza should have waited. That's why he was so dangerous. He was unpredictable. When he tasted blood, everyone in his way got it." [539]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following: "Then there was one by Vinnie the Butcher. He killed a guy called Francis Regis Benjamin was a holdup artist who was also a friend of some of the McLaughlin mob. Anyhow, Vinnie and Benjamin got into an argument at Walter's Lounge. The Butcher got a hold of a gun—it was a cop's gun—and shot Benjamin. He took

the body out to a housing project in South Boston, cut the head off, and cut up the rest of the body." [540]

Vincent Teresa writes in his book, *My Life In The Mafia,* that Barboza went to Joseph Francione's apartment as a favor for his friend, Johnny Bullets. Francione had cut Bullets out of a deal, so Barboza shot Francione through the back of the head.[541]

Vincent Teresa writes in his book, *My Life In The Mafia,* that "Barboza and Chico Amico knew Hughes and Lindenbaum were heading for Lawrence to take over some numbers and lottery action" and "dropped Hughes and Lindenbaum right in their seats." [542]

Vincent Teresa writes in his book, *My Life In The Mafia,* that Barboza was not a made member and he did not "live by the same rules that made people do." He further stated that "[Barboza] killed for the hell of it whenever he lost his temper." [543]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following: "In 1962 the Federal Bureau of Investigation slipped an illegal electronic bug into [Raymond Patriarca's] office on Atwells Avenue in Providence. Between 1962 and 1965, the FBI listened daily to Patriarca's conversations with such men as Henry Tameleo and Vincent Teresa. And on October 6, 1966, the mortal blow was struck. It was on that date that Joseph (The Animal) Barboza and three colleagues were arrested by police in the heart of Boston. In Barboza's car, police found a fully loaded Army M-1 rifle and a .45 caliber pistol. The law then began applying a squeeze that was to force Patriarca to make fatal mistakes. Barboza was a violent, uncontrollable enforcer [.]" [544]

Vincent Teresa writes in his book, *My Life In The Mafia,* that the story that has been going around about the two individuals, Thomas DePrisco and Tashe [Arthur] Bratsos, who supposedly raised seventy thousand dollars for Barboza's bail, was not true. According to Teresa, DePrisco and Bratsos went all over Boston shaking down bookies and nightclubs to raise the bail Barboza needed. The last place they went on the shakedown trail was the 416 Lounge, also called the Nite Lite Café. They entered the Lounge like "Gangbusters" and asked for money to help Barboza out. The patrons, who included Larry Baiona, [sic] Ralphie Chong, Joe Black, and Phil Waggenheim, refused to help. DePrisco and Bratsos then proceeded to hold them up with a gun and demanded them to empty their pockets, stating, "We'll take what we want." DePrisco and Bratsos were then killed and "the mob took [only $12,000] from their pockets," not [$70,000]. Teresa continues, "Now what Baiona, [sic] Chong and Waggenheim didn't know was that there was a police informer in the place, a guy by the name of Joe Lanzi. He was a bartender and part-time owner of the Four Corners bar and he was in the joint at the time Bratsos and DePrisco came barging in." Teresa further states, "Then on April 18, 1967, they caught up with the informer, Lanzi. Three of [Jerry] Angiulo's enforcers—Benjamin DeChristoforo, Carmine Gagliardi, and Frank Oreto—were driving through Medford at four in the morning. In the front seat of their car was Lanzi, who they'd just shot." Once Barboza heard about what was going on, "He got a message to

Chico [Joseph] Amico, who was his closest friend, and gave him orders to whack out Waggenheim. The mob found out, and they hit Chico right outside Alfonso's Broken Hearts Club, where he'd been trying to put an arm on some people to help Barboza. Barboza went wild when he heard what happened. He called Patriarca a fag, and he promised he'd hit everyone in sight for killing Chico. . . . [Henry] Tameleo said, '[G]o see Butch [Frank Miceli of the New Jersey assassination squad] and get a supply of shotguns and rifles. Barboza's got to get hit." Teresa also writes, "It wasn't long after that that Barboza found out he was going to be killed. I guess [District Attorney] Byrne told him, and two FBI agents who were working on him, Paul Rico and Dennis Condon, told him. They convinced him that Patriarca had double-crossed him and was going to have him killed. Barboza was frantic. He didn't want to die, and he didn't want to be an informer. He hated informers." [545]

Vincent Teresa writes in his book, *My Life In The Mafia,* that Raymond Patriarca told him and Henry Tameleo that Joseph Barboza is "gonna get killed in or out of the can." Patriarca continued, "You send the word to him—and that's all there is to it." [546]

Vincent Teresa writes in his book, *My Life In The Mafia,* that after he listened to Raymond Patriarca's tirade regarding Joseph Barboza, Teresa told Barboza's friend Al that Patriarca said, "[W]herever [Barboza] is, he's gonna get it. That's all I can tell you. Now you can tell Joe." According to Teresa, "About a week later the FBI agents met with Barboza again, and he began talking. What the hell could the guy do? Patriarca had shoved his back to the wall. It was the dumbest play Patriarca ever made. If he'd done what [Henry] Tameleo wanted him to do—convinced Barboza everything was forgiven and then, when he got out of jail, whacked him, there wouldn't have been any trouble. But when Barboza started talking, there was hell to pay. First Barboza claimed that Patriarca, Tameleo and Ronnie Cassesso had conspired with him to kill Willie Marfeo. That was true." As a result of Barboza's testimony, "They were all convicted, even though the actual murder was handled by the New Jersey assassination squad. Barboza wasn't through talking, though. He accused Tameleo, Cassesso, Roy French [an Angiulo enforcer], Lou Grieco [sic], Pete Limone, and Joe the Horse Salvucci [sic] of planning and carrying out the Teddy Deegan murder. I told you before how that was done. . . . I still don't think Tameleo was in on that one. . . . Joe the Horse was just an innocent sucker who Barboza didn't like, but he's doing life because of what Barboza said. He never had anything to do with the hit." [547]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following regarding Barboza's involvement in the Witness Protection Program: "The FBI, unable to handle the job alone, called in an elite, trusted contingent of sixteen deputy U.S. marshals, headed by Deputy Marshal John Partington, an experienced law officer with the highest credentials. For the next sixteen months, the marshals would have the task of living with Barboza and his family, keeping them safe and in a proper frame of mind for the trials that were to come. During those sixteen months, Hoover would often

call personally to determine how the Barboza protection detail was progressing and what problems were faced." [548]

Vincent Teresa writes in his book, *My Life In The Mafia,* the following regarding John Partington of the U.S. Marshal's Service: "Partington was the man in charge of 95 percent of all the protection details the deputies moved me on, whether it was to New England or Florida, New York or Washington. He's what they call a security specialist, and there are only ten like him in the country. He headed the detail that protected Joe Barboza long before the federal government ever came up with the Witness Protection Program. He lived for sixteen months with Barboza, day and night. . . . He's protected every top mob witness from Barboza to [John] Red Kelley to me and Bobby Daddieco as well as scores of others." [549]

1–14–73: Joseph Barboza's letter to Greg Evans states that he received a few letters from Edward Harrington and that he also received a phone call from Congressional lawyer Chris Nolde. He also writes that he received a couple of letters from Roy Bedell.[550]

1–19–73: In a letter from Edward "Ted" Harrington to Joseph Barboza, Harrington lists 57 individuals who are either killed or missing. Harrington provides the information because it "might be valuable to [Barboza] in the preparation of [his] book." [551]

2–7–73: Edward Harrington requests permission from the Montana State Prison to correspond with Joseph Barboza. Harrington lists John Kehoe and Garrett Byrne as his character references. Harrington states that he has known Barboza for six years, since 1967. Harrington lists his occupation as Criminal Attorney for the Department of Justice and his address as Washington, DC.[552]

2–20–73: FBI Special Agent John J. Connolly, Jr., is assigned to the Boston FBI Office, where he stays until December 1990.[553]

2–27–73: Edward "Ted" Harrington writes in a letter to Joseph Barboza: "Even though I am going to be in private practice, do not hesitate to ask me for my assistance to aid you in obtaining a better life in the future." [554]

3–15–73: In a letter from Barboza's friend to Edward "Ted" Harrington, Barboza's friend writes, "On March 8th, Joe [Barboza] had a visit from a Bill Terry of the FBI who questioned Joe about the stocks and bonds. After a long conversation, he was asked that should a trial come up concerning the bonds, would Joe testify. Joe had told him he would have to check with you." [555]

3–18–73: In a letter to Greg Evans, Joseph Barboza states that he was disappointed Marteen Miller and Edward "Ted" Harrington would not be able to appear before the Parole Board on his behalf. He further says that "the FBI came here to see me on the stocks and bonds[.]" Barboza also indicates, "There is also a Washington D.C. report in the files concerning an investigation made on Geraway." He also states that "Ted H. is leaving the Dept. at the end of this month. That's another setback for me when I see the Board." [556]

3–20–73: In a letter from Ted Harrington to the California Board of Parole, Harrington brings Barboza's cooperation with the U.S. Government to the Board's attention. Harrington further states that one of the reasons John J. "Red" Kelley and Vincent Teresa cooperated as government witnesses was because Barboza broke the "code of silence" and survived the underworld's reprisal.[557]

3–21–73: Joseph Barboza's letter to Greg Evans indicates that Colonel Stone promised Barboza a letter. He requests that Evans ask Edward "Ted" Harrington to ask Stone about the letter. He also indicates that Roy Bedell was going to write a letter and "submit his investigative findings and report concerning Geraway[.]" [558]

3–28–73: Edward "Ted" Harrington's letter to Joseph Barboza states, "I have written to the California Board of Parole advising them of your contribution to the federal effort against organized crime and asking the Board to take it into consideration when deeming whether to grant you parole. . . . Because it would constitute a conflict of interest under federal law, I will be unable to be your attorney with respect to negotiations over your book; but be assured that I will do what I can to aid you in getting your book published. I am in the process of speaking with all those whom you requested in order that they might also send letters to the Parole Board in your behalf." [559]

4–16–73: A letter from Alice Darr, California Department of Corrections, to Roger W. Crist, Warden of Montana State Prison, reads, "On March 13, 1973, I requested a progress report as Mr. Bentley's case is scheduled for review by the California Adult Authority sometime during the week of April 30, 1973." [560]

4–19–73: A letter from Glen Darty, Florida State Attorney to William Geraway acknowledges Geraway's appearance as a voluntary witness for the State of Florida during the 1967 murder trial *State* v. *John Sweet.*[561]

5–9–73: A letter from the Records Officer of the California State Prison at Folsom to the Warden at the Deer Lodge, Montana State Prison states that Joseph Barboza's case "was reviewed by the California Adult Authority on April 30, 1973, and was referred to their Administrative Officer, Joseph Spangler, to prepare a request to the Montana Parole Authorities to conduct a parole hearing. You should be hearing from Mr. Spangler in the near future." [562]

5–14–73: Joseph Barboza writes in a letter to Greg Evans that Roy Bedell was investigating William Geraway. Barboza states, "I gather his cooperation will include his findings of Mr. Geraway." [563]

5–24–73: In a letter from Joseph Barboza to Greg Evans, Barboza tells Evans that he does not understand why the State of Montana will make the parole decision. Barboza writes, "Ted Harrington said he definitely would come if I wanted him and I do want him[.]" [564]

5–26–73: Joseph Barboza writes to Greg Evans and tells him that Edward "Ted" Harrington told him in a letter that he would appear before the California or Montana Parole Board if necessary. Roy Bedell also said he would cooperate.[565]

6–1–73: Edward F. Harrington writes in a letter to Robert Miles, Director of the Parole Board, Montana State Prison at Deer Lodge: "I have been requested by Joseph Bentley, who will appear before the Montana Parole Board on June 26, 1973, to testify as a witness in his behalf. I am the former Attorney in Charge of the Department of Justice's Organized Crime Strike Force for New England and am extremely knowledgeable of Bentley's contribution to law enforcement in its efforts against organized crime. Bentley was the chief federal government witness in the prosecution which resulted in the conviction of Raymond L. Patriarca . . . Henry Tameleo . . . and Ronald Cassesso[.] He was also the chief State of Massachusetts witness in the Boston gangland murder trial of Edward Deegan . . . which resulted in the conviction of first-degree murder of six major underworld figures, including . . . Joseph Silvati [sic][.] The conviction of Patriarca is considered by knowledgeable law enforcement officials to have been the most important organized crime case in the history of New England law enforcement. Government witnesses John J. 'Red' Kelley, alleged mastermind of the Plymouth mail robbery, and Vincent C. Teresa, who were developed by the United States subsequent to Bentley and whose testimony resulted in the conviction of many major syndicate leaders in the New England area have advised that one of the reasons that they decided to cooperate with the federal government was on account of the fact that Bentley had first broken the syndicate's 'code of silence' and had survived the underworld's reprisal. Bentley's defection from the organized underworld and his decision to become a government witness against his former associates constitutes the single most important factor in the success of the federal government's campaign against organized crime in the New England area. Bentley's significant contribution to law enforcement as the pivotal figure in the government's effort to combat organized crime should be weighed when his eligibility for parole is considered. Please advise me if the appearance of witnesses before the Montana Parole Board is in conformity with your practices." [566]

6–11–73: The Francis "Frank" Salemme trial begins. The trial ends on June 15, 1973, with Salemme being convicted. (*Commonwealth* v. *Salemme,* 323 N.E. 2d 922 (1975)).[567]

6–13–73: In a memorandum from Gerald E. McDowell, Attorney in Charge of the Boston Field Office, to James J. Featherstone, Deputy Chief, Organized Crime and Racketeering Section, McDowell writes regarding the Parole Hearing for Joseph Barboza: "[I]t is crucial that the Department favorably act upon this request. While I have taken a conservative position on the matter of Ted's compensation—limiting the request to reimbursement of travel expenses and per diem—Ted is in private practice and could use the fee." According to McDowell, since Barboza's parole will probably be denied, it needs to be clear to him that his continued incarceration is his fault rather than any lack of diligence by the Department of Justice to bring the fact of his cooperation to the Board's attention. It is best not to give Barboza the impression that the Department of Justice has abandoned him in light of the fact that La Cosa Nostra (LCN) has continually pressured Barboza to change his Edward "Teddy" Deegan testimony, in order to free major LCN

figures. The memorandum continues, "While the government has evidence which would eventually blunt the LCN attempt to get Barboza to perjure himself, on behalf of [Henry] Tameleo and [Peter] Limone," this would involve us in long, expensive court hearings, which would do no good. Ted Harrington is the "best equipped to represent us in a careful responsible manner" at the hearing since he has maintained complete familiarity with Barboza's situation over the years.[568]

William B. Lynch, Chief of the Organized Crime and Racketeering Section, writes a memorandum to Henry E. Petersen, Assistant Attorney General of the Criminal Division, entitled "Recommendation that Ted Harrington be appointed a Special Attorney (without compensation) to represent the department at parole hearing." The memorandum states that Barboza is a former government witness and is incarcerated in the Montana State Penitentiary. The California authorities transferred him to Montana to serve out his sentence since California could not guarantee his safety. Barboza is due to have a parole hearing soon. Although Barboza will not likely be paroled, "It is my judgment that a representative of the Dept. appear at the hearing to give a factual account of Barboza's cooperation in state and federal prosecutions against the leaders of New England's Organized Crime family[.]" [569]

6–19–73: Joseph Barboza writes a letter to Greg Evans stating that he received a letter from Roy Bedell on June 18, 1973. Bedell told Barboza that he was writing a letter on Barboza's behalf to California. Barboza says he testified before Congress as a favor to "Colonel Stone who promised emphatically to write a letter to the Board for me." [570]

6–22–73: A memorandum from A.J. Mehrens of the Montana Board of Pardons to Joseph Barboza states that there is nothing in Barboza's file indicating that Joseph Spangler or anyone from the California Adult Authority gave Montana permission to bring Barboza before the Montana Board of Pardons for parole consideration. Further, the memorandum indicates that even if Montana receives notification that Barboza is eligible to come before the Montana Board, the Montana Board will also have to approve his parole.[571]

6–29–73: A letter from Bobby C. Miles, Director of the Montana Board of Pardons, to Joseph Spangler, Administrative Officer of the California Adult Authority, "We have been besieged by telephone calls and letters (copies enclosed) requesting the Montana Parole Board to hold a parole hearing for Mr. Bentley (Barboza). . . . [W]e cannot and will not hear his case unless your agency initiates the request under the Western Interstate Corrections Compact." [572]

7–16–73: A letter from Raymond Brown, Chairman of the California Adult Authority, and written by Joseph A. Spangler, Administrative Assistant, to Bobby Miles, Director of the Montana Board of Pardons states, "[Y]ou will be receiving a request for your Board to hear [Joseph Barboza] in a parole consideration hearing." Brown promises to provide the criminal and social history of Barboza. He notes that Barboza is a fourth termer and was committed less than two years ago for second-degree murder. His prior convictions in-

clude: robbery by force, assault with a deadly weapon, kidnapping, etc. He later escaped prison and became involved in attempted auto theft and assault with a deadly weapon. The letter states, "We would appreciate your Board granting a hearing to [Barboza] when they meet on July 31st or August 1st, which will eliminate the necessity for [Barboza] being transferred to California for a hearing before the Adult Authority," which he is legally entitled to under California law.[573]

7–19–73: A letter from Barboza's friend to Ted Harrington states, "Joe called me last night and informed he will be seeing the Parole Board in Montana[.] . . . Joe asked me to get hold of you, and to ask you to try and reach John Fitzgerald with the news." In a postscript, Barboza's friend states that she "[u]nderstand[s] the book is progressing, and that you met with Hank [Messick]." [574]

7–20–73: The Rhode Island Supreme Court sustains Raymond Patriarca's conviction of conspiracy to murder Rudolph Marfeo. (*State* v. *Patriarca,* 308 A.2d 300 (R.I. 1973)).[575]

7–24–73: A memorandum from Henry Petersen, Assistant Attorney General of the Criminal Division to Attorney General Elliot L. Richardson, states in relevant part: "Barboza is due to have a parole hearing before the Montana Board of Pardons, Deer Lodge, Montana, on July 31, 1973. . . . The Department has had an understanding with Barboza that at such time as he becomes eligible for parole, the Department would bring to the attention of the authorities the fact of his cooperation with the Department of Justice as a witness against major organized crime figures in New England. Barboza has requested that Edward F. Harrington be the witness at the hearing." According to the memorandum, Harrington, Rico and Condon were responsible for developing Barboza as a successful witness. Barboza probably will not be paroled. We will take no position on the desirability of his parole. Petersen informs, "It is important that it be clear to Barboza . . . that his continued incarceration is his own fault, rather than due to the Department's failure to keep its promise to bring the facts of his past cooperation to the attention of the Parole Board." [576]

7–31–73: The Rhode Island Supreme Court denies Maurice "Pro" Lerner's motion for a new trial and affirms each conviction and sentence. *State* v. *Lerner,* 308 A.2d 324, 330 (R.I. 1973).[577]

At the request of the California Adult Authority, Joseph Barboza has a hearing before the Montana Parole Board. The Montana Parole Board recommends that Barboza be granted parole. The California Adult Authority will now hold its own hearing on Barboza's parole request. Edward F. Harrington testifies on Barboza's behalf. (*The Baron May Get Parole,* PRESS DEMOCRAT (Santa Rosa, CA), Sept. 4, 1973; Richard Connolly, *Baron Asks Parole From Life Sentence,* BOSTON GLOBE, Aug. 30, 1973).[578]

The Rhode Island Supreme Court affirms the convictions of Robert E. Fairbrothers, John Rossi and Rudolph Sciarra. *State* v. *Fairbrothers,* 112 R.I. 100 (R.I. 1973).[579]

Joseph Barboza writes a letter to Greg Evans stating, "How can I ever thank you and Marty for what you two and Ted H. did for

me today. Words can never even begin to express what I feel[.] . . . The Parole Board said this is the fastest hearing in the history of Montana . . . I didn't even say one word! Except thank you and floated out in a dream that I never thought would come, truthfully! You, Marty and Ted H. made this all come true. Nobody did I ever owe so much to!" He says he and Evans have to speak.[580]

8–24–73: In a letter to Greg Evans, Joseph Barboza writes that Edward "Ted" Harrington moved and a letter to him was returned. Barboza says it is "rather important for many reasons" that he contact Harrington. He asks Evans for help in achieving this goal.[581]

8–30–73: The *Boston Globe* reveals that Joseph Barboza was "in protective custody at the State Prison in Deer Lodge, Mont. He was moved from a California prison after his life was threatened." The article also states that Barboza is seeking parole from his life sentence. Richard Connolly, *Barboza Asks Parole From Life Sentence,* BOSTON GLOBE, Aug. 30, 1973.[582]

8–31–73: The *Boston Herald* reveals that Joseph Barboza is "in protective custody in Montana." (*Baron in Parole Plea for 1970 Cal. Murder,* BOSTON HERALD, Aug. 31, 1973; *see also* Rick Foote, *Prisoner Fears For Life, Warden Ponders Transfer,* MONTANA STANDARD, Sept. 1, 1973).[583]

9–6–73: In a letter from Joseph Barboza to Greg Evans, Barboza expresses a great deal of self-pity. He says he realized he is going back to Folsom State Prison, and states, "one week today since the story broke [.]" [Barboza is referring to articles in the *Boston Globe,* 8–30–73, and the *Boston Herald,* 8–31–73, indicating that he is now in protective custody at the state prison in Deer Lodge, Montana. *See* 8–31–73 entry.] He also says that he was "on the brink of realizing my goal and I woke up one morning and there it is all gone and taken away from me in the form of the newspapers." He also says that after noting that he will be going back to Folsom, "I do realize I must open my case but how I will proceed in my case I have not decided yet, I do realize in regards to my case, I must make sure that I be *my* own man. When the case is in court and I am on the stand, I will cause a scandal that will be nationwide." He goes on to say that "before I do start my case I will contact attorney Joseph Balliro, of Boston, and have a long interview with him. Through that interview I am *sure* that I will tighten up my defense quite considerably. Barboza continues, "I have never sat down with you and told you many things but believe me only one person out of all the people back in Boston involved in law did not forget me after they reaped in the political gains, security and rewards that I caused them so that today as they abandoned me, reneged on promises, they leave me alone to fight the revenge of the Mafia." Barboza later says, "I am going to pull the covers on some very righteous appearing people and believe me of all of the words I have ever spoken to you I hold all the pieces to cause it!" Barboza then makes a strong statement indicating he will move forward with his plan.[584]

10–25–73: A letter from Joseph Balliro to the Clark County Sheriff's Office states that Francis "Frank" Salemme is currently incarcerated at Walpole serving a sentence imposed several months ago.

The letter states that this a formal notification of his whereabouts and his demand that he be taken to Nevada for trial in connection with the complaint made against him for the murder of Peter Poulos. Balliro writes, "I would also call to your attention that the warrant of arrest from your County has been lodged against Mr. Salemme here in the Commonwealth of Massachusetts since January 31, 1973, and that no further action has been taken against him by the State of Nevada." [585]

10–26–73: R.E. Coyle from California Department of Corrections writes to Joseph Barboza: "Hopefully, one of these days that thick skull of yours will be penetrated and you will understand most of us want to make sure you survive so that you will once again be a free man. At the present time, I don't have any information regarding your California release. . . . I note in the letter you say you're very depressed and under great pressure." [586]

11–19–73: A letter from Joseph Barboza to Greg Evans states that Barboza expresses extreme frustration at not getting out of prison. He states, "When all this fails, I still have a case to open up in court. A case that would blow up into a proportion and magnitude beyond your wildest imagination." [587]

11–26–73: Joseph Barboza's letter to Greg Evans reads, "Received a letter from Ted Harrington just recently in which he said he wrote Spangler about my case and on my behalf." [588]

12–17–73: Joseph Barboza is reportedly involved in an incident at the Deer Lodge Prison in Montana where a guard's jaw was broken. (*The Baron in Prison Fracas,* PRESS DEMOCRAT (Santa Rosa, CA), Dec. 18, 1973; *see also* Montana State Prison Rule Infraction Report).[589]

1974

1974: Stephen "The Rifleman" Flemmi returns to Boston on Special Agent Paul Rico's advice after being a fugitive since 1969 for the Fitzgerald car bombing. As Rico promised, Flemmi was released on bail and the attempted murder charges against him were dropped. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141 (D. Mass. 1999; *see also* 9–11–69 entry).[590]

1–2–74: A letter from Barboza's close friend to Ted Harrington states in relevant part: "I'm glad you put me in contact with [Hank Messick]. Believe it or not, they are going to dedicate the book to you." According to Barboza's friend, Joseph Barboza has been in touch with his brother to contact some people back East, including Dennis Condon. Also, Barboza is getting in contact with Joseph Balliro.[591]

1–9–74: Joseph Barboza writes to a friend: "Hey baby, This is very important! You must write Ted H[arrington], Denny [Condon], each in Boston. Then you must write the Attorney General Israel marked confidential and personal and also Colonel Stone Superintendent of the State Police, State Police Headquarters Rhode Island. In each letter that you type to A.G. Israel State House Rhode Island and to Colonel Stone do not sign your name, but tell them these letters can be verified by Ted H[arrington] and FBI Special

Agent Denny Condon. Tell them I would like to see the 4 of them together before California takes any action on my case. I wish to discuss with them about Romeo Martin concerning Raymond Patriarca, Jerry Angiulo, Henry Tameleo, Ronnie Cassesso and Chico Amico and Bill Stewart. It concerns a police report and the Blue Bunny! Then I will wait until Ted H[arrington] and Denny contact you and if there is no response then I will have a letter sent to the Providence Journal and Record American." [592]

1–14–74: A Joseph Barboza letter to a friend states, "Honey by now you got those letters concerning Israel [and] Stone. I want you to call from Carson's office, and he can put Denny [Condon] on the line for you too. Once Israel hears you want to talk to Stone on the phone his boss Israel will get him for you. I want the 4 together to see me Denny, Ted H[arrington], Israel and Stone. This is vitally important if you got the other letters I explained what to say to Carson and from him to do after all he wouldn't want to obstruct justice in a capital case!([Smiley face in original]. . . . If you still don't understand the Israel, Stone, Ted H. Denny matter concerning Romeo Martin or didn't get the letter, tell me I'll write right away because this is *important* remember Israel and Stone shall not know your name stress it to Carson and for him to stress it to Ted H. and Denny not to let Israel or Stone know. But don't let them in anyway stop you from delivering that message to Israel the A.G. of Rhode Island. Let the ole man deal, he knows their games dislikes and horrors after 7 years I should. . . . Don't take all those legal matters lightly, especially blackie and the cover blown, also we still haven't heard from Santa Clara still yet. I hope not until we get Israel all souped up! Glad to hear Denny wrote you, yes he has the most class but has viper blood in him too! . . . So glad to hear you disturbed the——so well [blank line in original]. Wait till you go in the Romeo and Israel bay! HAH." [593]

1–23–74: A memorandum from the Boston Special Agent in Charge to the Director of the FBI attaches a "copy of a letter received by SA Dennis M. Condon from a female acquaintance of Baron [Barboza] in San Francisco, California[.] . . . A copy of this letter has been made available to Attorney Gerald McDowell, Boston Strike Force, U.S. Dept. of Justice; Attorney Edward F. Harrington, former head of the Strike Force; Attorney General Richard Israel, Rhode Island; and Col. Walter Stone, Superintendent, Rhode Island State Police, to comply with Baron's request re Israel and Stone. Mr. McDowell and Mr. Harrington had previously advised that Baron's credibility as a witness had been seriously diminished by events that have transpired in regard to him since his testimony in Federal and State Courts in 1968 and this is also the opinion of authorities in the Organized Crime Section of the Justice Department at Washington, D.C. . . . Boston sees no useful purpose in interview of [Barboza] at this time and events referred to by him occurred prior to his testimony in 1968. It is felt that this is another effort on part of [Barboza] to obtain Government support in bid for parole. Strike Force will not consider any future prosecutions based on [Barboza] testimony." [594]

1–28–74: A letter from Joseph Barboza to Greg Evans says he is in transit back to California because he broke a guard's jaw. He

also says Special Agents Paul Rico and Dennis Condon, along with an FBI agent from Montana, will testify at a new trial "concerning the bonds and stocks." [595]

1–29–74: According to an airtel from the Butte SAC to the FBI Director, Joseph Barboza is interviewed at his request by the FBI at the Missoula County Jail in Missoula, Montana, where he is completing his incarceration for a second-degree murder conviction in California. According to the memorandum, "Baron advised that he desired the Justice Department be informed of the fact that he is willing to furnish new testimony against Raymond Patriarca and his henchmen concerning the murder of Romeo Martin, who was shot and killed in July, 1966. He stated that his motives for doing this were that he has a grudge against Patriarca and his lieutenants and wishes them to remain in jail and also because of the fact that Patriarca and the 'New England Family' have a contract for his death outstanding in the amount of $100,000.00." Barboza states that Romeo Martin was shot and killed for two reasons: First, Martin furnished information to Suffolk County, Massachusetts, Detective Billy Stewart, who was on Patriarca's payroll, concerning the shooting and death of Edward "Teddy" Deegan; and, Second, prior to providing information regarding the Deegan murder, Martin attempted to buy into and control a penny arcade in which Patriarca was interested, without advising his lieutenant or Patriarca. Barboza claims to have set up Martin, with William Geraway's assistance, by advising him by telephone that Martin was to meet with Ronald Cassesso and Joseph Dimico. Barboza further claims that his "assignment during [the Martin] murder was to drive a back-up car, and immediately prior to the meeting, he made the last phone call to Martin giving him the time of the meeting and thus setting him up." Barboza stated that "the murder was ordered by Raymond Patriarca, and the plans for it were formulated by his lieutenants, Henry [Tameleo] and Jerry [Angiulo]." Barboza also indicates that he is afraid of being returned to California in light of the contract Patriarca has issued for him. Barboza also states that he wants Rhode Island Attorney General Israel, who was actively investigating the Martin murder to receive the foregoing information.[596]

2–1–74: Joseph Barboza is transferred back to California from Montana after striking a prison guard. Barboza is in San Quentin, California, by February 2, 1974. (*See* Airtel Memo from SAC, Boston to Director, FBI (Feb. 19, 1974); Airtel Memo from SAC, Butte to Director, FBI (Feb. 12, 1974); Letter from Joseph Barboza to Greg Evans (Feb. 2, 1974)).[597]

2–11–74: An airtel from the FBI Director to the SACs in Butte and Boston states, "He now appears to be bargaining for a quick release and has furnished information concerning the murder of a New England hoodlum, Romeo Martin, July, 1965. Baron's [Barboza] information concerning the Martin murder has been furnished to Massachusetts officials and they have concluded that Baron would not make a credible witness and William Geraway, who is presently incarcerated in Massachusetts and whom Baron has stated would corroborate his information, is also considered by Massachusetts officials as a pathological liar. The Boston office

sees no useful purpose to be served in detailed interviews of Baron at this time, and Butte has been so advised by Boston airtel dated 2–5–74." [598]

2–14–74: Lieutenant John S. Regan of the Massachusetts State Police and Richard Hoffman, Assistant District Attorney at the Norfolk Complex in Massachusetts interview Joseph Barboza at San Quentin Prison. (*See* Airtel from SAC, San Francisco, to Director, FBI (Mar. 28, 1974)).[599] The purpose of this interview is to obtain information and possible testimony from Barboza against William Geraway regarding the murder of David Sidlauskas. Regan and Hoffman believe Geraway may have told Barboza about the murder while they were in prison at Walpole State Prison. (Airtel from SAC, Boston, to Director, FBI, (Feb. 19, 1974)).[600]

In a letter from Joseph Barboza to Marteen Miller, Barboza tells Miller he does not want to testify.[601]

2–19–74: An memorandum from the Boston SAC to the Director of the FBI concerns the veracity of Joseph Barboza's information about the Romeo Martin murder. The airtel advises that "Strike Force Head Gerald McDowell, Boston, Massachusetts, and Justice Department officials have previously indicated they would not proceed with [Barboza] as a major witness in future prosecutions as his credibility has been diminished by events since 1968." Further, "Attorney General Richard Israel, Rhode Island, advised Mr. McDowell he would not proceed on any future prosecutions with [Barboza] as a major witness." Moreover, "District Attorney Garrett Byrne, Suffolk County . . . advised he would not proceed with [Barboza] as a major witness in future prosecutions as happenings since 1968 have detracted from his value as a witness." The memo further states that "[Barboza's] information regarding Martin may be brought up at this time as another effort to obtain support in his bid for parole." [602]

The Boston SAC writes an airtel to the FBI Director informing him that William Geraway furnished many affidavits to defense lawyers for those convicted on Barboza's testimony in an effort to upset the convictions. Geraway's affidavits alleged that Barboza told him that he had lied in earlier prosecutions.[603]

An airtel from the Sacramento SAC to the FBI Director states that the San Francisco Office will contact logical authorities concerning a possible interview with Joseph Barboza at San Quentin Prison.[604]

A letter from Joseph Barboza to Greg Evans states, "Somewhere somehow if I have to do this alone I will strive with every fibre of my being to get out and if I have to use a Boston Criminal Attorney Joe Balliro purely out of satisfaction I will & a small Watergate will develop, & Walpole prison doors will open." [605]

5–28–74: The *Boston Globe* reports, "[Anthony] Stathopoulos now says in an affidavit that [Joseph Barboza] Baron told him he lied during the trial by omitting the name of a participant out of friendship. Boston Police Officer William Stuart in an affidavit stated that the late Romeo Martin, one of the alleged participants in the Edward "Teddy" Deegan slaying, said that [Louis] Greco and [Jo-

seph] Salvati were not involved. Writer James Southwood, who was planning a book about Baron, said Baron told him that Greco was not in the Chelsea alley the night Deegan was shot." (William F. Doherty, *Pair Charge Perjury, Seek New Trial in Deegan Killing,* BOSTON GLOBE, May 28, 1974).[606]

6–4–74: fter Joseph Barboza is turned down by the California Parole Board, he writes to Marteen Miller asking, "Are we ready to do what we should have did [sic] two years ago? If it is at all possible to get Greg [Evans] up here and tell me what is happening or intended, I would appreciate it." [607]

7–19–74: The Boston SAC writes an airtel to the FBI Director directed to the attention of Supervisor William A. Harwood. The airtel states that Ted Baier, Special Agent, California Bureau of Identification and Investigation in Sacramento, California, received a telephone call from an attorney with the last name of Evans from the Sonoma County Public Defender's Office. Evans advised Baier "that through a friend of a friend who is currently incarcerated at Folsom State Penitentiary in Folsom, California, [Evans] had received a note stating for him to contact" Baier and tell him that Joseph Barboza fears that his life is in danger. Baier advised that he did not contact anyone other than the Sacramento Division of the FBI.[608]

9–4–74: The Miami SAC writes an airtel to the FBI Director regarding the Top Echelon Criminal Informant School at the FBI Academy in Quantico, Virginia, which states the following: Although a previous airtel recommended that Miami recommend one agent to receive Top Echelon Informant training, the Miami office would like to send two qualified experienced agents to this training session—SA Francis Pieroni and SA Paul Rico. According to the airtel, "Rico has for years been outstanding in the development of Top Echelon Criminal Informants and it is felt that his participation in this program would be of value not only to the Miami Division, but also his participation in this school would be of mutual value to all who attend." [609]

9–23–74: A letter from Raymond C. Brown, Chairman of the California Adult Authority to Gerald E. McDowell, Chief Attorney of the Organized Crime Strike Force states in relevant part: "I don't know what [Barboza] has indicated to you, but he is a most prolific letter writer. He can't keep his mouth shut. . . . We are fully aware that if something should happen to [Barboza] it might further affect your witness development program in the New England area. However, we aren't getting much help from [Barboza]." [610]

10–24–74: An FBI Memorandum states that some U.S. Attorneys at the 1974 National Conference of U.S. Attorneys expressed a belief that the FBI was overly protective of their informants and that every effort was made so that informants would not be prosecuted so that the informants would continue to provide intelligence information. Furthermore, some of the U.S. Attorneys apparently believe that the FBI wants the informants to avoid prosecution so that the informant would advance in the hierarchy of organized crime and become a greater value to the FBI's investigations. In

the FBI's defense, the memorandum states that these suggestions were false and that it has long been an established practice of the FBI to apprise the informant that it will not approve any criminal activity by the informant and will support prosecution of any such violations.[611]

11–13–74: The William Bennett murder charges against Stephen Flemmi are dismissed, as they had already been against Francis "Frank" Salemme. (*United States* v. *Salemme,* 91 F.Supp. 2d 141 (D. Mass. 1999)).[612]

1975

1975: Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* that he is "responsible for putting fifty guys away in trials and maybe another three hundred guys because of information I gave to police in various states." (p.4). He further states that "right now . . . there are more than seven hundred guys under federal protection. All of them have squealed on the mob. They're talking because the government is providing them with something that they can't get anymore from their own: protection, real protection." (p.107–08).[613]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* that "the only guy who had the guts to say it was all up to me, that I had no obligation to [testify in a case in Newark since I fulfilled all my promises or] do any more if I didn't want to, was Ted Harrington." (p.33).[614]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* the following regarding Claude Pepper's congressional committee and the committee's hearing on horse race fixing: "That committee didn't know what time of day it was. [T]hey had Joe Barboza testify about fixing races, and Joe never fixed a race in his life. He was an enforcer, a mob assassin, not a moneymover." (p.47).[615]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* the following regarding bugging devices: "Another thing that has shaken the mob real bad has been bugs [the electronic listening devices that the FBI placed on mafia bosses around the country]. That really hurt. A lot of secrets became common knowledge to the FBI. . . . I remember when Raymond learned he'd been bugged. He was half out of his mind to think it could happen to him. He blamed everybody but himself[.]" (p. 101).[616]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* the following regarding Joseph Barboza: "Take Joe Barboza. He was one of the toughest enforcers around in New England before he became a federal informer. He had a reputation on the street of being a violent, violent guy with a terrible temper. The cops were afraid of him, street people were scared of him, even me—as close as I was to the guy, I'd never so much as cross a bridge alone with him in a car. You never knew what would set the guy off. There was one incident I remember in particular involving Joe. This happened on Bennington Street in East Boston. It was about one in the afternoon, and I was standing on the corner. Barboza was in a car with Guy Frizzi, a street guy that Joe was close with at the time. They were driving along Bennington Street when some poor guy with his

wife and two little kids cut Barboza off by accident. Joe went wild. He started chasing this guy, blowing the horn and yelling out the window: 'You mother . . . you son-of-a-bitch . . . I'll get you[.]' Finally, Joe caught up with the guy and cut him off. The driver was smart enough to lock all his windows and doors. Barboza and Frizzi pounded on the windows and then jumped up on the hood of this guy's car, smashing at the windshield. At the same time Barboza was yelling nasty things he planned to do to the guy's wife. I remember seeing the poor little kids, crying their eyes out, hanging on to their father while their mother is screaming her head off. Now, while all this was happening, there was a cop standing on a nearby corner, just watching. Finally, the cop turned away and walked down the street. He was scared to death of Barboza himself. Joe wasn't through though. He ran back to his car and got out a baseball bat and started pounding on the car. He smashed the fenders, the windows, everything. He almost destroyed the car before some cops finally came over and tried to calm Joe down. While they were trying to cool Joe, they told this poor driver who's sitting there in his smashed-up car to get the hell out of the area fast and forget about the damage. I was standing there all the time watching it, laughing my head off. At the time it was funny. Now I think back and it ain't so funny. The driver would have been killed if Joe had got his hands on him, and all because he accidentally cut Joe off in traffic." (p.111–113).[617]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* that Louis Greco had an ongoing feud with Benny Zinna and, in fact, attempted to kill Benny Zinna by firing two shots at him. He further states that "Grieco [sic] himself was a vicious, vicious guy. He was always losing his temper. He was six-two, weighed about two twenty, and he had hands on him like Virginia hams. He could kill you with his bare hands. He never had to do much fighting because everyone was afraid to tangle with him. He was a bumbling idiot and he had a gimp. His close friends used to call him The Gimp, but nobody else dared. Grieco [sic] had feuds with a lot of guys." (p.119–122).[618]

Vincent Teresa writes in his book, *Vinnie Teresa's Mafia,* the following regarding an IRS agent: "There was one guy in particular in New England who was a big [Internal] Revenue [Service] hotshot. He was way up the ladder. He was supposed to be a big racketbuster while he was on the street. He'd hit the after-hours joints, the gambling spots. He made all kinds of noise. The only thing that no one knew was when he was going to raid the Coliseum; he used to call Nick Giso up. 'Hey, Nicky,' he'd say. Sure enough, he'd come busting in and they wouldn't find a thing. He tipped a lot of the boys off when he was raiding them. Sometimes they'd have stand-ins there to take a bust to make it look good. Then he got out of the IRS. That's when he started making really big money. He had a lot of connections with IRS bosses, and he had the confidence of the mob. He could fix almost anything." (p.145–146). (*See also* 8–14–62 entry).[619]

1–3–75: In a letter from Joseph Barboza to William Lynch, attorney for the Organized Crime Section of the Criminal Division, Barboza discusses how the Mafia sent Lawrence Hughes to testify

against Barboza in the Clay Wilson trial. He further explains that he killed Clay Wilson in self-defense. Barboza also states, "My public defender attorney advised me at the end of the [Clay Wilson] trial to plead guilty to 2nd degree. I did so disgruntly [sic]. The next day newspaper headliners read 'Too Late for Baron—a Hung Jury.' If you want to know why my attorney advised me to plead guilty ask Ted Harrington, it was a political pressure move, and I got caught up in it again." Barboza also stated that he "came up with the idea that I'd play games with the Mafia by going back there and leading them to believe I would recant my testimony for the right price[.] [B]y doing that I could stop any danger happening to my wife and children. . . . I would leave and leave the Mafia hanging." At the end of the letter, Barboza pleads with Lynch, asking him for "help in that I see the parole board in May" and "if I am released that the Gov't would still be interested enough to help me with REDACTED. . . . I turn to you at the advise [sic] of FBI Agent Dennis Condon. Will you help beat this Mafia revenge?" [620]

3–7–75: A letter from John C. Keeney, Acting Assistant Attorney General, Criminal Division, to Joseph Barboza states in relevant part: "Your subsequent conviction of a most serious offense precludes our making a commitment to you at this time to render to you any additional assistance whatsoever. At such time as your release from confinement is imminent and upon your request, we shall review your request in light of the then existent circumstances and determine whether the assistance you desire is warranted." [621]

5–27–75: Special Agent Paul Rico retires from the FBI. He became an FBI agent on February 26, 1951. Shortly after retiring from the FBI, Rico becomes Director of Security for World Jai Alai. (*See U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208 (D. Mass. 1999)).[622]

9–17–75: A memorandum from Gerald E. McDowell, Chief Attorney of Boston's Organized Crime Strike Force, to Gerard T. McGuire, Deputy Chief of the Organized Crime and Racketeering Section, states: "I have enclosed an article from the *Boston Globe* which all but gives the L.C.N. [La Cosa Nostra] a blueprint on how to find Joseph Barboza and kill him. . . . [Additionally,] it now appears quite likely that he will be released this fall. . . . Bill Lynch has strong negative feelings about extending any more assistance to Barboza. Bill feels that the Department went to a lot of trouble to give Barboza a chance at a new life as a relocated witness and Barboza repaid us by murdering a man in California. . . . Whatever our final decision on Barboza we should give a lot of thought to any response to his requests. He was the key witness in one of the most important cases this section has ever won, and his survival, or lack thereof, has current importance in the development of witnesses in the New England area." [623]

9–18–75: James "Whitey" Bulger again opened as an FBI informant. (FBI Report by Charles S. Prouty (Aug. 13, 1997); *see also* Dick Lehr and Gerard O'Neill, BLACK MASS 16; and *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208 (D. Mass. 1999), which states that Bulger was opened as an informant on September 30, 1975, but which does not recognize that FBI Special Agent Dennis

Condon had already opened Bulger as an informant four years earlier).[624]

9–19–75: An FBI Memorandum from the San Francisco, California, Office states, "By LHM . . . Boston advised Bureau that information received from reliable source indicating members of Boston LCN [La Cosa Nostra] family [are] interested in making determination as to where [Joseph] Barboza [is] located upon his parole in order [that] they could kill him. Information received that member of organization located in Boston area stated sizeable amount of money available to [a] person who sets up Barboza from organization in order that he be killed. Above LHM based on information developed by REDACTED. Referenced report indicates that REDACTED advised on REDACTED the De Sciscio and/or Russo had advised while in San Francisco area that a $100,000 contract on Barboza or $25,000 available for 'lining him up.' REDACTED SECTION."[625]

An airtel from the Boston SAC to the FBI Director states, "Enclosed for the Bureau are four copies of an LHM setting forth info received from sources indicating [that] the LCN [La Cosa Nostra] is interested in locating" Joseph Barboza and killing him. This memorandum also states that Barboza's murder "would represent a lethal blow to the Witness Protection Act and would serve as a deterrent for future potential witnesses in the Boston area."[626]

A U.S. Government Memorandum states that an official from the DOJ advised that Joseph Barboza will be paroled soon and "the word on the street in Boston is that the bad guys know [Barboza's] name and they plan on publicly executing him." The DOJ official requests that we offer technical assistance to the State of California if needed, such as documentation or employment. The "FBI have [sic] already requested help in [the] form of job assistance. This is being done."[627]

10–30–75: Joseph Barboza is "quietly paroled" from Sierra Conservation Camp in California where he served four years for the murder of Clay Wilson. Two underworld figures, one being J.R. Russo, were reportedly in California in August and said to be looking for Barboza. (*Former New England Mafia Figure Paroled,* PRESS DEMOCRAT (Santa Rosa, CA), Nov. 7, 1975). A San Francisco Police Report notes that Barboza was paroled to San Francisco and is residing with a friend. The report further states that Barboza works as a cook at the Rathskeller Restaurant.[628]

11–1–75: Joseph Barboza lives at Ted Sharliss' residence from this date until November 15, 1975. (This information is contained in an FBI memorandum dated December 16, 1976).[629]

11–28–75: Joseph Salvati's attorney, Martin K. Leppo, files a petition for commutation for Salvati.[630]

1976

1976: The Attorney General issues the first guidelines for the FBI on use of informants. (*United States* v. *Salemme,* 91 F.Supp. 2d 141, 150 (D. Mass. 1999)).[631]

Stephen Flemmi provides information that allows Special Agent John Connolly to turn a co-conspirator into a cooperating witness

who identified Joseph Russo as Barboza's killer. Russo pleads guilty in 1992. (*United States* v. *Salemme,* 91 F.Supp. 2d 141, 151 (D. Mass. 1999)).[632]

James "Whitey" Bulger, Stephen Flemmi, and John Martorano meet Back Side restaurant owner Francis X. Green at his restaurant and threaten his life unless he repays a $175,000 debt. Green then contacts Edward Harrington and asks what he should do. The case is turned over to the FBI. The FBI supposedly interviews Green and later denies that an interview took place. About a year later, the case is dropped because of Green's supposed reluctance to testify against Bulger. ((*United States* v. *Salemme,* 91 F.Supp. 2d 141, 156 (D. Mass. 1999); Dick Lehr & Gerard O'Neill, BLACK MASS 32–37 (2000)).[633]

1–26–76: Frank Walsh, the Boston Police Sergeant responsible for investigating Joseph Salvati's involvement in the Edward Deegan murder, recommends a commutation of Salvati's sentence.[634]

1–27–76: The Massachusetts Parole Board votes unanimously to deny Joseph Salvati's petition for a hearing.[635]

2–11–76: Joseph Barboza (a.k.a. Joe Donati or Denati—after release from Wilson murder; Bentley, Baron) is murdered in San Francisco. According to an FBI Memorandum from the San Francisco, California, Office dated June 8, 1978: "[A]t about 3:40 PM, Baron was shot and killed as he attempted to enter his personal automobile parked at the intersection of 25th Avenue and Moraga Street, San Francisco, California. Baron had just departed residence of Theodore James Sharliss, 1717–25th Avenue. Baron was visiting Sharliss for several hours and was returning to his apartment where he was residing with his girlfriend. Baron walked to his vehicle, a 1969 Ford Thunderbird, two door, parked on Moraga Street. As Baron reached the driver's door, a white 1972 Ford Econoline van pulled up and stopped beside Baron and his automobile. The cargo door on the right side of the van was thrust open and several shots were fired. A white male American wearing a red ski cap, pointed at the top, was observed by witnesses firing a shotgun out of the right side of the van. The van drove off at a high rate of speed and was abandoned some five blocks from the murder scene." (*See also* San Francisco Police Department Report; *Killer Barboza Slain,* BOSTON HERALD, Feb. 12, 1976).[636]

2–20–76: Jack Zalkind, the Assistant District Attorney in charge of prosecuting Joseph Salvati for the Edward Deegan murder, recommends a commutation of Salvati's sentence.[637]

2–23–76: A teletype from the Los Angeles FBI Office to the Director and the San Francisco FBI Office concerns the details of an interview of Richard Sydney Watson that took place at Orange County Jail on February 22, 1976. Relevant portions of that interview summary follow: "Watson claimed that while in local custody in Ohio in December, 1975, he met another inmate named Ronnie Lane. He said that Lane told him that Joey Barboza has killed a man in SF while residing there under a new identity which had been supplied by the government after Barboza testified for the government in the trial of Raymond Patriarca. He said that Lane

mentioned that Barboza frequented Luigi's and the La Pentera Restaurants in SF 3 or 4 times a week. Watson said that he was booked into the Orange County Jail on January 16, 1976, and came into contact with another inmate Ken Hoffman. . . . According to Watson, Hoffman told him that there had been a $300,000 contract put out on Barboza but no one had been able to find him. Watson said that he told Hoffman that he had heard that Barboza frequented Luigi's and the La Pentera restaurants. Hoffman told him he would relay this information to his uncle and if Barboza was where he said, that he would get his cut. Four days before Barboza was killed, Watson said that Hoffman told him the two 'torpedos' each from two separate groups were going to stake out these restaurants. Four days later Watson read in the newspaper that Barboza had been killed." [638]

4–9–76: Gerald Alch, a former employee of F. Lee Bailey, signs an affidavit based on interviews with Joseph Barboza at Walpole State Prison in July and August 1970. Alch states that Barboza said all allegations made by him at the Edward "Teddy" Deegan trial with regard to the involvement of Peter Limone in the crime were false. Barboza said that during his conversation with prosecutors he was interrogated in regard to Limone's involvement in such a way as to cause him to believe that by incriminating Limone, he would be strengthening his position with regard to the promises made to him by the authorities. Since Barboza believed the authorities were not keeping their promises, he had no obligation to adhere to his false implication of Limone. Barboza indicated that he had in his possession notes which he utilized for testimony preparation which had in their margins handwriting on Limone's alleged implication. As a result of these interviews, an affidavit was prepared for Barboza's signature, which "to the best of my recollection, was brought to him . . . by my then associate Colin W. Gillis, Esquire, before whom he acknowledged the contents thereof to be true and did execute said affidavit." [639]

May 1976: Hank Messick writes an article in the *Boston Globe* about Joseph Barboza and his book. Messick writes, "In time he [Barboza] smuggled out the manuscript. [Barboza's friend] typed it and, on the recommendation of former Boston Strike Force chief Edward F. Harrington, brought it to me to make into a book." [640]

5–16–76: An FBI teletype from Boston to the Director and the San Francisco Office states, "BS 1544–CTE [Whitey Bulger] advised that he heard that Jimmy Charlmis [Ted Sharliss], formerly from Boston and currently residing [in] San Francisco, is the individual who set up Joe Barboza to be killed by the 'outfit' and the 'outfit' people are discussing taking [Sharliss] out because he is considered a weak link to their involvement in the 'hit' on Barboza." [641]

5–19–76: According to an FBI teletype from Boston to the Director and the San Francisco Office, "Joseph M. Williams, Jr., Supervisor, Investigation Unit, Commonwealth of Massachusetts Parole Board, advised FBI, Boston, that source close to REDACTED SECTION advised [Ted Sharliss] former associate of Joe Barboza prior to his [Sharliss'] leaving the Boston area years ago, is the individual who

set up Barboza to be killed and now they (LCN) intend to kill [Sharliss] to insure [sic] he never talks. Strike Force Chief, New England area, has had continuing interest in developments surrounding Barboza killing due to serious impact on witness program and has continually expressed interest in use of FGJ in event evidence developed regarding individuals responsible for hit. Strike Force Chief advised of above informant information and has expressed intent in having Sharliss subpoenaed before FGJ, Boston." [642]

5–24–76: An FBI teletype from Boston to the Director and the San Francisco Office informs, "REDACTED SECTION advised that the 'outfit' is going to eliminate Jimmy Charlmis [Ted Sharliss] who helped them line up Baron for a 'hit' on the west coast. They don't want to take a chance on him folding up." The teletype continues, "[O]n REDACTED SECTION advised that the Italian outfit had Joseph Baron 'taken out.' They also 'took out' [Patrick] Fabiano because of his connections with Joe Baron. Fabiano had been holding the outfit up over the years, example: getting money from them, etc., because he would not corroborate Baron in Court. They were waiting until they got Baron to 'take out' Fabiano." [643]

5–25–76: FBI teletype from the San Francisco Office to the Director and Boston regarding Joseph Barboza states, "Bureau and Boston office should be alert to the fact that during recent contact with TE [(Top Echelon Informant)], he has furnished some information concerning REDACTED SECTION. TE stated that he would in the near future furnish extensive information concerning these two areas of criminal activity; however, desired to give the matter further thought and noted that REDACTED SECTION. At time of last contact, TE indicated that he would consider testifying if his testimony became necessary in the above matters. On REDACTED it was determined that REDACTED SECTION." [644]

5–27–76: An FBI Memorandum from the San Francisco Office states that Ted Sharliss was interviewed by the San Francisco FBI Office. Sharliss is told that he is going to be eliminated. Sharliss denies any involvement or knowledge concerning the Barboza murder.[645]

5–28–76: According to an FBI Memorandum from the San Francisco Office, Ted Sharliss is re-interviewed by the San Francisco FBI Office. The memorandum states, "He admitted that during November, 1975, he furnished LCN [La Cosa Nostra] figure Joseph Russo of Boston, information as to Sharliss' address at San Francisco and that [Joseph Barboza] Baron was visiting with him on a daily basis. Sharliss admitted subsequent thereto he was in telephonic contact with Russo on other matters, including contacts a day or two prior to the murder. On practically each contact Russo inquired as to whether or not Baron was still in the area and maintaining contact with Sharliss. He stated that he always advised Russo that he was. Sharliss emphatically denied any involvement in the murder of Baron other than the fact that he furnished Russo the whereabouts of Baron. He admitted that by furnishing this information to Russo he had 'given Baron up.' Sharliss stated that he believes Russo was responsible for Baron's murder, however, de-

nied knowing who handled the hit. He denied receiving any money, consideration, or favors." [646]

June 1976: Special Agent John Connolly accepts a diamond ring from James "Whitey" Bulger and Stephen Flemmi, according to Connolly's Indictment.[647]

Theodore James "Ted" Sharliss is interviewed concerning information he had regarding the Barboza murder. Sharliss informs that Barboza lived at Sharliss' residence from November 1 to November 15, 1975. Barboza later moved to an apartment with his girlfriend. Barboza visited with Sharliss on a daily basis. On February 11, 1976, Barboza was murdered just outside Sharliss' residence at 1710—25th Avenue, San Francisco. According to the interview summary, "Sharliss advised that during the latter part of 1975, he received a telephone call at his residence from Joseph Russo, a Boston La Cosa Nostra (LCN) Lieutenant and well known 'outfit' hit man. Russo asked Sharliss to meet an individual in the lobby of the Hilton Hotel in Downtown San Francisco. . . . [T]he individual . . . at the Hilton Hotel was none other than Russo. Russo asked Sharliss if he 'would like to make some big bucks'. Sharliss immediately knew that Russo wanted him to kill or handle the contract on Baron. Russo talked of $25,000 for the contract and Sharliss reiterated that he wanted nothing to do with killing Baron and that he wanted to take a 'neutral position.' Russo became extremely mad and pointed out to Sharliss that he had made friends with a 'lying bum' who testified about 'George' and a number of other guys that he put on Death Row. Sharliss noted that when Russo mentioned 'George' he was referring to Raymond Patriarca, head of the New England LCN. Russo calmed down, left the hotel, and told Sharliss 'keep your mouth shut,' don't say anything to him (Baron) or anybody else." Sharliss also states that he had no other personal contact with Russo, but did talk with Russo by telephone on a number of occasions after the November 1975 contact including a day or two before the Baron murder. During those calls, Russo asked Sharliss if "that lying bum [is] still out there." (FBI Memorandum, Dec. 16, 1976).[648]

8–20–76: A teletype to the FBI Director regarding Joseph Barboza states: "For information of Las Vegas, Joseph Barboza was a well known hoodlum figure and 'hitman' in the Boston area who testified against Raymond Patriarca, New England La Cosa Nostra (LCN) Leader, and numerous other hoodlum figures during 1967–1968." [649]

October 1976: A San Francisco FBI Office memorandum states, "John Frederick Loewe, bookmaking associate and confidant to Sharliss, provided information to the San Francisco FBI that during January 1976, he accompanied Sharliss to the Hilton Inn, San Francisco International Airport (SFIA). Sharliss related to Loewe that he (Sharliss) was to meet with Larry Baione, the number two man in the Boston La Cosa Nostra (LCN). Loewe believes Sharliss mentioned the name of the other individual from Boston who was with Baione. Loewe did not recall this individual's name. Loewe believes Sharliss mentioned at this time or it may have been at a later date that Baione and his associate had discussed the hit on

Baron with him. During late March or early April, 1976, Sharliss told Loewe he met with the same two individuals at the SFIA Hilton Inn. Loewe, who was arriving from Las Vegas on April 2, 1976, was met by Sharliss. On the drive home from the airport Sharliss told Loewe that he had been to the airport at least once, possibly twice that morning. After dropping Loewe off at his residence, Sharliss returned to the airport to meet with the previously mentioned individuals from Boston. The purpose of the meeting was for Sharliss to collect $5,000 for 'lining up' Baron. Hotel registration records at the SFIA Hilton . . . and others . . . in the airport complex were checked for the time period in question with negative results. REDACTED SECTION." (FBI Memorandum, Oct. 26, 1977; *see also* FBI Memorandum, Dec. 16, 1976, for virtually the same synopsis of facts). [Note: According to the December 16, 1976, memorandum, Sharliss later told Loewe that he did not get the $5,000 and has never received any money.] [650]

11–3–76: John Frederick Loewe takes a polygraph exam. The results provide that "no specific, consistent significant psychological responses were detected which indicate[s] deception when Loewe answered relevant questions." (FBI Memorandum, Oct. 26, 1977).[651]

The San Francisco FBI Office writes a memorandum stating that they administered a polygraph examination of an individual whose name is redacted.[652]

11–15–76: Suffolk County District Attorney Garrett Byrne opposes a commutation of Joseph Salvati's sentence.[653]

11–29–76: A memorandum from Joseph M. Williams, Jr., Supervisor of the Massachusetts Parole Board's Investigation Unit, to the Board of Pardons, Special Attention Board Member Wendy Gershengorn indicates that [Joseph] Salvati associated with a number of Italians tied to organized crime. "The 'word' from reputable law enforcement officers was that [Salvati] was just thrown in by Barboza on the murder because he hated subject, that Joseph Barboza was asked by people was this true and that Barboza denied this." [654]

12–17–76: John Loewe is unable to positively identify Larry Baione from a spread of representative photographs. REDACTED SECTION. (FBI Memorandum, Oct. 26, 1977).[655]

12–29–76: Richard Castucci, a nightclub owner and bookmaker associated with the Winter Hill Gang, is murdered after Special Agent John Connolly tells James "Whitey" Bulger that Castucci is an FBI informant, according to John Connolly's Indictment.[656]

1977

2–28–77: The Massachusetts Parole Board denies Joseph Salvati's second petition for a commutation hearing because Salvati had served an insufficient amount of time to warrant a hearing.[657]

5–20–77: Special Agent Dennis Condon retires from the FBI.[658]

August 1977: Edward Harrington serves as the U.S. Attorney for Massachusetts from August 1977 until October 1981.[659]

8–9–77: Phillip Sumner contacts the San Francisco FBI Office and relays the following: "On the evening of August 5, 1977, Sumner viewed a television news special dealing with the February 11, 1976, murder of [Joseph Barboza] Baron. In brief, Sumner related that he was incarcerated at Soledad Prison, California, during 1973–1974. Sumner had occasion to meet Red Hogan, a fellow inmate who told Sumner that he was originally from Boston, Massachusetts. Hogan related to Sumner that he served time at Walpole State Prison, Boston, Massachusetts, with Joe Barboza. Hogan also showed Sumner letters received by him from Barboza using the name of Joe Bentley at a prison facility in Montana, believed to be Deer Lodge. The letter writing continued between September 1973 to September 1974. Because of his close association with Hogan and statements by Hogan that he was going to kill Barboza, Sumner feels convinced that Hogan is definitely involved in the Barboza murder." The memorandum states that Sumner's information, in part, has been verified and investigation continues to further identify and locate Hogan. (FBI Memorandum, Oct. 26, 1977).[660]

10–13–77: FBI Special Agents Thomas Daly and Peter Kennedy interview Francis X. Green about his loan of $175,000 from James "Whitey" Bulger's associates and Bulger's threat on Green's life if he did not repay the loan. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[661]

10–26–77: An FBI memorandum states, "Investigation concerning the murder of Joseph Baron in San Francisco, California, on February 11, 1976, continued and eventually focused on Baron's closest personal friend and associate in San Francisco, Theodore James Sharliss."[662]

12–21–77: Florida Attorney Richard Barest states the following in an affidavit: "I was contacted and retained by Mr. [Louis] Greco to attempt to prove his innocence to a murder charge that he felt he was being 'set up' on involving the alleged murder of one [Edward] Teddy Deegan, which was approximately two years old. He advised me of things to check out because he felt he could prove he was in Florida at the time the offense was committed, and that he was 'totally' innocent of that offense, and that he would be willing to take a lie detector test on that specific crime. Pursuant to his request, my investigator set up an examination with a respected polygraph operator who was then working as the official police polygraph operator for the City of Miami Police Department. I gave my approval of the test, with the only specific instructions to the polygraph operator was that he confine his questions strictly to the Teddy Deegan homicide, and that he could ask anything he desired about that case with reference to Louie [sic] Greco's alleged participation therein. My recollection is that Mr. Greco's responses were truthful and that he did not participate in the Teddy Deegan homicide." (*See* 11–14–67 entry).[663]

1978

4–29–78: A report of Special Agent John Morris' performance rating for the rating period of 1/15/78 to 4/15/78 states, "He is imaginative, innovative and extremely industrious and has no hesitation

in tackling major projects or complicated which place a heavy demand on his time, often to the detriment of his family. SA Morris possesses all the necessary attributes to be an outstanding Bureau executive."[664]

5–8–78: William Geraway writes to a Justice Department official: "I testified in a Florida murder trial that was contracted out of Boston[.]" This trial was *State* v. *John Sweet* in 1967. The trial focused on the killing of Charles Von Maxcy which had "been arranged or procured through the Boston area."[665]

5–16–78: Handwritten notes from Butch Carlstadt indicate that Tim Brown taped conversation between Barboza and Ted Sharliss. The notes further indicate that there are twelve 7" reel-to-reel tapes, which were in the possession of Rick Oliver at (707) 527–2127. He appears to be a local homicide detective.[666]

10–11–78: Louis Greco takes two polygraph examinations. The results of Louis Greco's first polygraph examination are determined to be inconclusive. In the second polygraph, the examiner finds that Greco was truthful when he said he was not in Massachusetts when Edward "Teddy" Deegan was killed; not present when Deegan was killed; and was not in Massachusetts on March 12, 1965.[667]

10–16–78: According to an F. Lee Bailey affidavit, Bailey was contacted in about July 1970 by a party whose name was Frank, who had been in recent communication, through intermediaries, with Joseph Barboza, and that Barboza wished to set the record straight as to certain perjured testimony he had given in state and federal courts. A meeting was set in New Bedford, Massachusetts. Barboza told Bailey that Roy French and Ronnie Cassesso were in fact involved, but Cassesso indirectly. Henry Tameleo and Peter Limone were not involved, but Barboza implicated them because he was led to understand by various authorities that in order to escape punishment on charges pending against him, he would have to implicate someone of "importance." Barboza told Bailey the story he told at court was in very large measure a fabrication. He implicated Louis Greco because of a personal grudge. The authorities generally assured him that a conviction was unlikely. He stated that because he had become a government witness he would not expect to live more than a day if he were committed to the general population in Walpole, as he feared. He authorized Bailey to advise counsel for some of the defendants as to his intent, and as to what he hoped to accomplish, and further authorized Bailey to publish his revised version of the Edward "Teddy" Deegan murder (in which he had admitted personal involvement), so long as he would not wind up in jail. Subsequently, Barboza was arrested in New Bedford. After his arrest, he told Bailey that he had been informed by persons in authority, whom he did not name, that federal agents would arrange for his release provided he discharge Bailey and terminate his efforts to recant his trial testimony. Prior to this time, Barboza had agreed to take a polygraph test. Subsequent to his incarceration he informed Bailey that he had been told that if he submitted to such a test he would spend the rest of his years behind bars.[668]

10–19–78: Attorney Al Farese's affidavit states that Farese reviewed John Fitzgerald's testimony at the Edward "Teddy" Deegan trial where Fitzgerald said that Joseph Barboza had two pending indictments against him, one involving the stabbing of Arthur Pearson where Barboza is charged as a habitual criminal. Farese said Fitzgerald told him "[t]hey are willing" to have Arthur Pearson say that Chico Amico stabbed him and that Nick Femia and Joseph Barboza came over to help Pearson. Barboza would then not be guilty of a habitual criminal charge. If that were not enough, Fitzgerald said Greco would "whack out Pearson." In addition, Fitzgerald said they would give Barboza $25,000 not to testify. Farese stated that at no time was Fitzgerald present with Greco in his house and this conversation he testified to had never taken place. Farese said in April or May 1973, he received a telephone call from Fitzgerald, who was in South Dakota. Fitzgerald told Farese that he was going "to clear the guy with the gimpy leg," meaning Greco, because he was innocent.[669]

10–27–78: Theodore Sharliss is indicted for conspiring to violate Joseph Barboza's civil rights.[670]

10–28–78: The *Press Democrat* reports that a federal grand jury indicted Theodore J. Sharliss in the murder of Joseph Barboza. Sharliss allegedly set Barboza up to be murdered in San Francisco in 1976. Sharliss is indicted on conspiracy to violate Barboza's civil rights. (*Indictment Returned in Slaying,* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 28, 1978).[671]

10–31–78: Edward F. Harrington files an affidavit to be used against Louis Greco's Motion for New Trial.[672]

11–3–78: In a Massachusetts Superior Court Order denying a new trial for Louis Greco, the judge states the Commonwealth's submitted materials include an affidavit by U.S. Attorney Edward Harrington. The judge chooses to rely on Joseph Barboza's testimony in the Clay Wilson case and the Harrington affidavit to evaluate Barboza's testimony in the Edward "Teddy" Deegan murder case. (*Commonwealth* v. *Grieco* [sic], Case No. 31601 (Suffolk Ct. Sup. Ct., Nov. 3, 1978)).[673]

11–6–78: The Massachusetts Parole Board unanimously denies Peter Limone a commutation hearing.[674]

11–13–78: John E. Bates, the Superintendent of Framingham Correctional Institute where Joseph Salvati has been imprisoned for over five years, recommends to the Massachusetts Parole Board that Salvati's sentence be commuted.[675]

1979

1979: The FBI assigns Special Agent in Charge Lawrence Sarhatt to the Boston office. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 203 (D. Mass. 1999)).[676]

An FBI report reflects what was said at a dinner between James "Whitey" Bulger, Stephen "The Rifleman" Flemmi, and FBI agents. (The Court found that the dinners were held to celebrate milestones. Although FBI procedures require that all contacts with informants be documented, there was only one, a 1979 report reflect-

ing matters discussed at these dinners. There was no record of the gifts exchanged.) (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 149, 150 (D. Mass. 1999)).

January 1979: Special Agents John Connolly and John Morris tell U.S. Attorney Jeremiah O'Sullivan that James "Whitey" Bulger and Stephen "The Rifleman" Flemmi are informants. (DICK LEHR & GERARD O'NEIL, BLACK MASS 65 (2000).[677]

1–24–79: Theodore Sharliss enters a guilty plea to the charge of violating Title 18 U.S.C. § 241, Civil Rights—Murder and Conspiracy, for setting up Joseph Barboza's murder. (This information is contained in an FBI Memorandum from San Francisco to Director dated June 6, 1979.) Sharliss agrees to testify against the killers. (*Man Gets 5 Years for 'Mafia Killing,* PRESS DEMOCRAT (Santa Rosa, CA), Mar. 1, 1979).[678]

1–29–79: A prosecution memorandum from Gerald E. McDowell, Attorney in Charge of the Boston Strike Force, and Jeremiah T. O'Sullivan, to Gerald T. McGuire, Deputy Chief of the Organized Crime and Racketeering Section, recommends the indictment of twenty-one individuals for their involvement with Anthony Ciulla in a five-state pari-mutuel thoroughbred horse race fixing scheme. The following are important points made in this memorandum. Numbers in parentheses coincide with page numbers in the memorandum. [Note: The original memorandum is not appended to the Committee's chronology and is retained in Justice Department files.] "The Boston Strike Force recommends the indictment of the twenty-one individuals listed below, including the principals of the Winter gang, for their involvement with Anthony Ciulla in a multi-state pari-mutuel thoroughbred horse race fixing scheme involving race tracks in five states." The net profits were almost two million dollars. (1) Ciulla and Barnoski met with Howard Winter "and six of his associates" in late 1973 to discuss a race fixing scheme. "Winter and his partners would provide the money necessary to carry out the scheme." (4) The six associates included Bulger and Flemmi. The memo states that after the initial meeting with Winter, Ciulla and Barnoski met with Winter's other partners in the scheme—John Martorano, Joseph McDonald, James Sims, John Martorano, James Bulger and Stephen Flemmi. Bulger and Flemmi "would help find outside bookmakers to accept the bets of the group." (4) "Ciulla and the Winter group then began to fix races at tracks around the country." The scheme lasted for 2 years and more than 200 races were fixed. (5) "James L. Sims—The case against Sims rests solely on Ciulla's testimony." (55) Suggests that Bulger and Flemmi be further investigated. Indicates that they not be indicted because "the cases against them rest, in most instances, solely on the testimony of Anthony Ciulla." Suggests that the cases against Bulger and Flemmi (and others) might become stronger if indictees cooperated. (62) There are redacted sections with no indication of the reason for the redaction.

2–1–79: Joseph Salvati files his third petition for a commutation hearing with the Massachusetts Parole Board.[679]

2–2–79: Indictments are handed down in the Anthony Ciulla racehorse-fixing case. James "Whitey" Bulger and Stephen "The Ri-

fleman" Flemmi warn John Martorano and Joe McDonald, and Martorano flees. (DICK LEHR & GERARD O'NEIL, BLACK MASS 67–68 (2000)).[680]

2–16–79: The Massachusetts Parole Board denies Joseph Salvati's petition for a commutation because "this petition has been presented too soon following conviction of Murder-First Degree."[681]

2–27–79: Theodore Sharliss is sentenced to five years in prison for setting up Joseph Barboza's murder. (*See Man Gets 5 Years for 'Mafia Killing,* PRESS DEMOCRAT (Santa Rosa, CA), Mar. 1, 1979).[682]

3–12–79: Jack Zalkind, the Assistant District Attorney in charge of prosecuting Joseph Salvati for the Edward Deegan murder, recommends that Salvati's sentence be commuted for a second time.[683]

3–15–79: Frank Walsh, the Boston Police Sergeant responsible for investigating Joseph Salvati's involvement in the Edward Deegan murder, recommends that Salvati's sentence be commuted for a second time. Walsh says he had "never become aware that Mr. Salvati has been even remotely connected with firearms or physical violence."[684]

3–28–79: A memorandum from the Boston SAC to the FBI Director states, "Caption matter [Joseph Baron] contains information that has enduring investigative value beyond the established destruction period and is essential to our investigative needs. In view of the foregoing, this file will be retained until such a time as these criteria no longer apply. An annual review will be conducted by the Boston Division and when this file is no longer essential for investigative reference it will be destroyed and FBIHQ properly notified."[685]

3–31–79: A memorandum from the Boston SAC to the FBI Director states that under John Morris' direction, "Operation Lobster has been broadly acclaimed as one of the most successful law enforcement endeavors in the history of the Boston area. Also during this rating period [4/16/78 through 3/31/79], Supervisor Morris directed and provided leadership to several Agents on his squad in bringing to a successful conclusion a 'bust out' case, an east coast horse race fixing scheme and the indictment of several subjects under the RICO Statute for local burglaries and drug dealing. All of these cases received considerable notoriety in the Boston area and were of significant impact against Organized Crime in the Boston area."[686]

4–16–79: The FBI Director informs the San Francisco Office by teletype of the following: "The Bureau is aware of the sensitivity of the informant issue in this matter and the FBI's obligations. However, the informant and the contacting agent should be aware that REDACTED SECTION unless the informant's complete knowledge REDACTED in this case is known. Unless the informant chooses to provide all relevant information to the FBI regarding his knowledge REDACTED in this investigation, it will be very difficult REDACTED SECTION as it appears he has chosen not to recall vital information. San Francisco attempt to resolve this matter with the informant prior to his scheduled appearance before the federal

grand jury in order that such appearance can be avoided if possible."[687]

5–15–79: An airtel from the San Francisco SAC to the FBI Director regarding a San Francisco telephone call to Special Agent John Connolly on May 14, 1979, states: "San Francisco continuing efforts to obtain a prosecutable case against Joseph Anthony Russo and any Boston LCN [La Cosa Nostra] associates for the murder of Barboza."[688]

7–6–79: Defendant Luigi Manocchio appears on a warrant for the murders of Rudolph Marfeo and Anthony Melei and is arraigned. Manocchio pleads not guilty.[689]

Vincent James "Jimmy the Bear" Flemmi dies in prison.[690]

12–7–79: San Francisco Strike Force Attorney Michael Kramer requests that Special Agent John Connolly of the Boston FBI Office testify on January 10, 1979, in San Francisco regarding Connolly's interview of Ted Sharliss.[691]

12–20–79: An FBI airtel from the San Francisco SAC to the FBI Director indicates that Joseph Russo's FBI Number is 677 979 A.[692]

1980

1980: James "Whitey" Bulger and Stephen "The Rifleman" Flemmi start giving the FBI evidence against Jerry Angiulo, Boston mafia boss for the Raymond Patriarca family. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 152 (D. Mass. 1999)).[693]

Kenneth "Bobby" Conrad, a prime witness in a Boston murder, disappears. James "Whitey" Bulger and Stephen "The Rifleman" Flemmi associates tell authorities that Conrad is buried in Nova Scotia. (Jonathan Wells, Jack Meyers and Maggie Mulvihill, *Whitey Gang Victims May be Buried in Canada,* BOSTON HERALD, Dec. 11, 2000).[694]

Stephen "The Rifleman" Flemmi provides Special Agent John Connolly with information regarding the murder of Federal Judge James Wood by major drug dealers. Connolly later tells superiors that the contacts Flemmi made in the investigation, at Connolly's direction, may have created the false impression that Flemmi was involved in drugs. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 205 (D. Mass. 1999)).[695]

3–28–80: The *Press Democrat* reports that Federal authorities have reopened the Joseph Barboza murder case because of new information. The article says that the Department of Justice wants to find Barboza's killer because his murder threatened the success of the Witness Protection Program. Jerry Angiulo, Ilario Zannino, J.R. Russo and others were reportedly subpoenaed to appear before a grand jury. (*Jury May Probe Hit Man's Death,* PRESS DEMOCRAT (Santa Rosa, CA), Mar. 28, 1980).[696]

4–12–80: According to Brian Halloran's statements to the FBI, on this date he drove Louis Litif to Triple O's in South Boston for a meeting with James "Whitey" Bulger. Halloran later witnesses Bulger and an associate bring Litif's body out of the back door of

the South Boston bar and put it in the trunk of Litif's new Lincoln. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[697]

July–August 1980: Agent John Morris tells Special Agent John Connolly that the Lancaster Garage was bugged; Connolly, in turn, tells James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, two targets of the investigation. (*U.S.* v. *Salemme,* 91 F.Supp.2d 141, 151 (D. Mass. 1999)).[698]

7–2–80: Joseph Salvati submits his fourth petition for a commutation hearing with the Massachusetts Parole Board.[699]

September 1980: Special Agent John Connolly reopens Stephen "The Rifleman]] Flemmi as an FBI informant. *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 151 (D. Mass. 1983).[700]

11–18–80: Special Agents John J. Cloherty, Jr., and Robert R. Turgiss meet with Massachusetts Department of Corrections officials to discuss allegations that Joseph Salvati was using Framingham Correctional Institute's canteen as a conduit for drugs into the institution. At this meeting, the FBI also alleges that Salvati was operating a gambling ring using the prison's telephones and computer equipment. (*But see* 12–30–82 entry stating that Salvati was found not guilty of these charges).[701] On this same day, the Massachusetts Parole Board votes to deny Salvati a commutation hearing.[702]

11–28–80: An FBI airtel from the San Francisco SAC to the FBI Director informs, "On 11/25/80, the enclosed REDACTED was located, which places Russo in San Francisco prior to the murder and corroborates the Sharliss testimony. The whereabouts of Russo, at this time, is unknown. As a result of this finding, San Francisco will now seek an indictment against Russo. San Francisco Strike Force Chief requests that an expedite latent fingerprint and handwriting analysis be conducted by the Bureau Laboratory." [703]

December 1980: SAC Lawrence Sarhatt decides to continue using James "Whitey" Bulger and Stephen "The Rifleman" Flemmi as informants. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 205 (D. Mass. 1999)).[704]

12–2–80: In an FBI Memorandum justifying the use of James "Whitey" Bulger as an informant, Special Agent John Connolly falsely credits Bulger with breaking open the Joseph Barboza murder case. Connolly claims that the FBI had "no positive leads" in the Barboza slaying until Bulger offered a helping hand. Dick Lehr, *The Official Bulger FBI Files: Some Tall Tales,* BOSTON GLOBE, July 21, 1998.[705]

1981

1981: Supervisory Special Agent John Morris tells superiors that Stephen Flemmi's information has been used in six successful applications for electronic surveillance, including the two highest priority organized crime investigations in Boston, one being 98 Prince Street. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 152 (D. Mass. 1999)).[706]

Early 1981: Assistant Special Agent in Charge Robert Fitzpatrick meets with James "Whitey" Bulger. Fitzpatrick later testifies that he had misgivings about continuing to use Bulger and Stephen Flemmi as informants because they were not sufficiently productive, and they engaged in serious criminal activity. *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 207 (D. Mass. 1983).[707]

January 1981: According to Brian Halloran, he is summoned to a meeting with James "Whitey" Bulger, Stephen "The Rifleman" Flemmi, and John B. Callahan, former head of World Jai Alai and Winter Hill Gang associate and financial adviser. (DICK LEHR & GERARD O'NEIL, BLACK MASS 146 (2000)).[708]

Assistant Special Agent in Charge Robert Fitzpatrick is assigned to the Boston FBI Office. (DICK LEHR & GERARD O'NEIL, BLACK MASS 53 (2000).[709]

1–6–81: The San Francisco SAC sends an airtel to the FBI Director regarding a telephone call to Special Agent John Connolly on January 5, 1981. [This document is heavily redacted, apparently including all parts relating to Connolly.] [710]

1–9–81: With the help of James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, the FBI wiretaps Jerry Angiulo's headquarters at 98 Prince Street in Boston. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 206 (D. Mass. 1999)).[711]

1–26–81: An FBI Memorandum from J.M. Jones to Mr. Stames states, "Subject [Ted] Sharliss has stated that he met with Joseph A. Russo in 1975 and Russo offered a murder contract on [Joseph Barboza] Baron to him for $25,000.00." [712]

February 1981: The FBI is told that James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were involved in cocaine distribution with Brian Halloran. The FBI is also told that bookmakers are required to pay Bulger and Flemmi to operate in South Boston. *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208 (D. Mass. 1983).[713]

2–6–81: An FBI memorandum from the San Francisco Office to the Director and the Boston, Los Angeles, and Las Vegas' Offices states, "[Ted] Sharliss received a five year sentence to the custody of the Attorney General under the plea agreement which required that he cooperate and testify against others who are responsible for the murder of [Joseph Barboza] Baron." Sharliss was interviewed several times by the FBI and stated that he met with Joseph Russo in San Francisco in the latter part of 1975, where Russo offered Sharliss a murder contract on Barboza for $25,000. The memorandum continues, "During this period of time when Sharliss was being interviewed and providing information about Russo, the investigators felt that there was insufficient evidence at that time to possibly indict Russo for conspiracy in the murder of Baron." Sharliss was interviewed by a case agent and two Strike Force attorneys on January 19, 20, 21 and 22. Based on the evidence, interviews, and reexamination of the case, on January 22, Strike Force Chief Michael Sterrett declined to prosecute the case against Russo. This determination was made in part for the following reasons: Sharliss was the only main witness and was considered

"weak'; Sharliss had questionable credibility since had he lied to the FBI and the Strike Force in the past; Sharliss had a severe drinking and drug problem during the time of the conspiracy and murder that worsened after the murder and existed while he gave information to the government; and, finally, there were no additional witnesses and no physical evidence left to be uncovered. On this date, "Michael Sterrett receive[s] official word of concurrence in his decision not to prosecute this matter" from the Deputy Chief of the Organized Crime and Racketeering Section.[714]

March 1981: Roger Wheeler, Sr., decides to sell the Hartford fronton of World Jai Alai to break its ties with the New England mafia. Edmund H. Mahony, *Former FBI Agent Arrested,* HARTFORD COURANT, Oct. 10, 2003.[715]

3–9–81: A memorandum from Supervisory Special Agent John M. Morris to the Boston SAC regarding Henry Tameleo, Benjamin DeChristoforo and Joseph Salvati states, "Since 1/9/81, all personnel of the C–3 Squad, augmented by agents from other squads and resident agencies, have been fully assigned to assist in various aspects of Title III coverage in two (2) cases code named REDACTED and Mandarin, 00: BS."[716]

3–17–81: A memorandum from Special Agent John J. Cloherty, Jr., to the Boston SAC regarding Henry Tameleo and others states, "It has been determined through Boston investigation entitled REDACTED that Joe 'the Horse' Salvati is aware that REDACTED were subpoenaed for above."[717]

4–15–81: A memorandum from the Boston SAC to the FBI Director recommends awards and commendations for Special Agent John J. Cloherty, Jr., Special Agent John Connolly, Jr., and Supervisory Special Agent John Morris for their work in the Myles J. Connor, Jr., 1st degree murder prosecution.[718]

5–11–81: A World Jai Alai expense report indicates that Paul Rico and World Jai Alai entertained FBI Special Agents Tom Dowd and Jerry Forrester in the Bahamas. [Note: Rico testified at the Alcee Hasting Impeachment trial before the Senate that Tom Dowd's wife was an employee of Miami Jai Alai.][719]

5–15–81: According to a memorandum from Special Agent Shaun T. Rafferty to the Boston SAC: "On 5/15/81, Joseph Williams advised that on 5/9/81, Henry Tameleo was visited in prison by the following individuals: Donald Fraser and Ronald Shurtleff. Both have robbery arrests and Fraser is on parole."[720]

5–26–81: The Massachusetts Parole Board unanimously denies Peter Limone a commutation hearing.[721]

5–27–81: Roger Wheeler, Sr., owner of World Jai Alai, is shot dead at Southern Hills Country Club in Tulsa, Oklahoma. John Martorano shoots Wheeler, and Joe MacDonald is the getaway driver. Others implicated are James "Whitey" Bulger, Stephen "The Rifleman" Flemmi and H. Paul Rico. Edmund H. Mahony, *Former FBI Agent Arrested,* HARTFORD COURANT, Oct. 10, 2003; *see also U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208–9 (D. Mass. 1999).[722]

July 1981: Tulsa and Connecticut investigators get a tip from Boston that the Winter Hill Gang is involved in the Wheeler murder.[723]

7–7–81: A memorandum from Special Agent John J. Cloherty, Jr., to the Boston SAC regarding Henry Tameleo and others states, "As Boston investigation entitled (REDACTED) has determined Salvati aware (REDACTED) subpoenaed and there is no indication at this time that Con-Puter, Inc. in violation of any statute within Bureau jurisdiction, it is recommended that captioned matter be placed in a closed status." [724]

Late July 1981: H. Paul Rico is brought out of retirement to investigate allegations of corruption by then-U.S. District Judge Alcee Hastings of Florida. He poses as a Mafioso in an FBI "sting" of Hastings. (*See* Marjorie Williams, *The Perplexing Case of Judge Alcee Hastings; Is He a Victim of His Own Greed? A House Panel Must Decide,* WASHINGTON POST, July 7, 1988; Ralph Ranalli, *Ex-FBI Man to Testify at Mob Trial,* BOSTON HERALD, Aug. 4, 1997).[725]

7–29–81: Kenneth Conrad's daughter, Elizabeth Conrad Parent, learns from Special Agent John Connolly about her father's death. "When [Parent] expressed her desire to retrieve her father's body, she said Connolly told her not to pursue it and to keep quiet about the murder. 'This is an ongoing investigation and I'd appreciate it if you didn't do anything about it for a while,' Parent recalled Connolly saying. 'We've got informants. You could jeopardize them.' Connolly did not identify the informants, Parent said. In a telephone conversation two years later, Parent said she thanked Connolly for helping her collect on her father's life insurance policy[.]" (Jonathan Wells, Jack Meyers, & Maggie Mulvihill, *Whitey Gang Victims May Be Buried in Canada, Woman Says Agent Knew About Dad's Murder,* BOSTON HERALD, Dec. 11, 2000).[726]

October 1981: Edward "Ted" Harrington leaves his position as U.S. Attorney for the District of Massachusetts, according to an affidavit he executed on December 31, 1981.[727]

9–11–81: H. Paul Rico signs an indemnification agreement with the FBI to assist the FBI in furtherance of its investigation of alleged misconduct by then-U.S. District Court Judge Alcee Hastings.[728]

12–31–81: Edward "Ted" Harrington executes an affidavit that states: "At some time in 1975 or 1976, I recall running into Francis X. Green in a restaurant in downtown Boston. Mr. Green accosted me in a jovial fashion with words to the effect of 'Hey, don't you say hello to your old campaign supporters?' after which we exchanged brief social pleasantries. At that time, I did not recognize Mr. Green, and that is the first occasion upon which I recall having met him. Thereafter, I may have run into him in a similar situation on one other occasion before becoming U.S. Attorney." [730]

Late 1981/Early 1982: Special Supervisory Agent John Morris accepts a case of fine wine from James "Whitey" Bulger and Ste-

phen "The Rifleman" Flemmi, with Special Agent John Connolly's involvement, according to Connolly's indictment.[730]

1982

1–6–82: Brian Halloran contacts the Boston FBI and says he wants to cooperate. He tells the Boston FBI that James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were involved in the murder of Roger Wheeler, Sr., owner of World Jai Alai. The FBI dismisses Halloran's story. Within weeks, Halloran is gunned down. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208–09 (D. Mass. 1999)).[731] Halloran apparently tells the FBI that Bulger and Flemmi offered him the Wheeler contract and that they told him that Special Agent Rico would set up the murder. (*See* Edmund Mahony, *Did the FBI Hinder the Investigation into the 1980's Jai Alai Killings?; A Tale of Murder and Frustration,* HARTFORD COURANT, Nov. 9, 1997, at A1).[732]

1–7–82: The *Herald American* reports that police are saying the heroin distribution ring involving Framingham inmates and outsiders originated with an organized crime family in New York and allegedly involved organized crime figures and convicted murderers Henry Tameleo and Joseph Salvati. (Paul Corsetti and James O. Welch, *Prison Drug and Gaming Ring Busted,* HERALD AMERICAN (Boston), Jan. 7, 1982).[733]

3–28–82: The *Boston Globe* reports that Joseph Salvati, along with Henry Tameleo, Benjamin DeChristoforo, and Francis Imbruglia, were indicted in a drug dealing, gaming, and institutional corruption scandal being conducted at Framingham. (*New England News Briefs, Prison Probe Indictments,* BOSTON GLOBE, Mar. 28, 1982).[734]

3–29–82: The Massachusetts Parole Board unanimously denies Peter Limone a commutation hearing.[735]

April 1982: Supervisory Special Agent Morris informs Special Agent John Connolly, who in turn informs James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, that Brian Halloran is giving the FBI information about Bulger and Flemmi's participation in the Roger Wheeler murder. (*See* Connolly Indictment at 11).[736]

Early May 1982: The FBI denies Brian Halloran's request to be placed in the Witness Protection Program and tells him his relationship with the FBI is terminated. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 209 (D. Mass. 1999)).[737]

5–11–82: Brian Halloran and Michael Donahue are murdered. Jimmy Flynn is arrested for the murder and acquitted. The FBI is involved in the investigation and arrest of Flynn. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 210 (D. Mass. 1999)). [Jimmy Flynn later appeared as a judge in the movie *Good Will Hunting.*][738]

According to Special Agent John Connolly, he filed reports prior to Brian Halloran's death noting that James "Whitey" Bulger claimed the Mafia was going to kill Halloran. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[739]

May–June 1982: Supervisory Special Agent John Morris is sent to Georgia for a training program. He asks Special Agent John Connolly for money to bring his secretary-girlfriend along. Connolly gets $1000 in cash from James "Whitey" Bulger and Stephen "The Rifleman" Flemmi and gives it to Morris. Morris knows that the money came from Bulger and Flemmi. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 154 n.4, 210 (D. Mass. 1999)).[740]

Special Agent John Connolly informs James "Whitey" Bulger and Stephen "The Rifleman" Flemmi that John Callahan is being sought as a witness in the Wheeler investigation. (Connolly Indictment at 12).[741]

6–30–82: A performance appraisal report of Supervisory Special Agent John Morris for the rating period of July 7, 1981, to June 30, 1982, states, "In the area of informant development and direction, he was directly involved in the development of one of the most valuable and highly placed Top Echelon Organized Crime informants. . . . As a direct result of Supv. Morris' managerial skills, he has developed and sustained, a program, the results of which are potentially the most significant fight against the LCN [La Cosa Nostra] in the New England area, even in the United States in recent history." [742]

7–16–82: In a letter from FBI Director William Webster to Paul Rico, Webster thanks Rico for his role in the Alcee Hastings investigation.[743]

8–4–82: John Callahan is found dead in his trunk in Miami. Callahan had apparently been dead for weeks. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1999)).[744]

9–23–82: Administratively, Stephen "The Rifleman" is closed as an informant, but Flemmi is not told. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1999)).[745] [Note: He is reopened on July 10, 1986.]

11–3–82: The *Hartford Courant* reports that the Justice Department organized a meeting of all involved federal and state agencies in Tulsa to trade information. Participants say nothing happened and it seemed as if federal officials were trying to learn what evidence the state and local agencies possessed. The Justice Department then asked for any information on Paul Rico because he was being called out of retirement to help in an undercover investigation of a federal judge in South Florida (Alcee Hastings). Everyone balked at the request for information on Rico. (HARTFORD COURANT, Nov. 3, 1982).[746]

11–12–82: A performance appraisal for Special Agent John Connolly for the rating period of November 15, 1981, to November 12, 1982, states, "SA Connolly's performance in this area . . . is truly exceptional. He independently has developed, maintained, and operated a corps of extremely high level and productive informants. His direction and their resultant information has [sic] brought about results exceeded by none in the Boston Division's Organized Crime Program. Most significantly, he skillfully developed a high ranking LCN [La Cosa Nostra] figure who is presently the only member source in New England and one of very few devel-

oped since enactment of legislation dealing with organized crime nearly two decades ago. His performance has been at the level to which all should aspire to attain but few will realistically reach." [747]

12–16–82: In a letter from Supervisory Special Agent John Morris to Brian Callery, Chairman of the Massachusetts Parole Board, Morris says he forwarded copies of Callery's letter to the Suffolk County District Attorney and the Organized Crime Strike Force.[748]

12–30–82: In a memorandum from Tammy E. Perry, Assistant to the Director, to the Massachusetts Advisory Board of Pardons, Perry reports that Joseph Salvati was found not guilty of charges that he was operating an illegal gambling ring inside Framingham Correctional Institute.[749]

1983

1–3–83: The Massachusetts Parole Board grants Peter Limone a commutation hearing.[750]

1–27–83: Supervisory Special Agent (SSA) John Morris' letter, written by SSA James Ring, to Massachusetts Parole Board Chairman Brian Callery states the following about Peter Limone: "Current law enforcement intelligence reflects that Peter Limone continues to be considered an important cog in the Boston Organized Criminal element. Should Mr. Limone be released, he would enjoy a position of elevated status within the Boston Organized Crime Structure." Morris' letter is a response to Callery's December 7, 1982, letter regarding Limone.[751]

Feb. 1983–May 1986: In this time period, records show 46 contacts between Stephen "The Rifleman" Flemmi and the FBI, even though Flemmi was administratively closed as a source in September 1982. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1999)).[752]

February 1983: James "Whitey" Bulger is elevated to Top Echelon informant status. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1999)).[753]

3–31–83: Acting Supervisory Special Agent James Ring writes a memorandum to the Boston SAC stating, "On 3/30/83, SA John Connolly, Jr. set up a meeting between [James] Ring, and SA Connolly with Secretary of Public Safety Charles Barry and Deputy Secretary of Public Safety Dennis M. Condon. Secretary Barry was advised that the FBI had received a letter from the Massachusetts Parole Commission concerning one Peter Limone[.] [T]he FBI responded . . . stating that current FBI intelligence indicated that Limone was an important member of organized crime[.] Barry stated that he would immediately look into the matter to insure that the Governor would be operating with a full set of facts and would be aware of the FBI's response to the Parole Board. Secretary Barry will also advise if there is any indication of any illegal activities or corruption connected with the attempted release of Limone." [754]

April 1983: Oklahoma City authorities seek permission from the FBI Director to interview James "Whitey" Bulger and Stephen

"The Rifleman" Flemmi about the Roger Wheeler murder. Assistant Special Agent in Charge Robert Fitzpatrick denies the request by saying he already interviewed Bulger concerning the Wheeler and John Callahan murders. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1983)).[755]

4–22–83: Massachusetts Parole Board Investigator Joseph Williams submits a report regarding Peter Limone to the Parole Board. The report states that Williams "would clearly call him [Limone] a member of the 'Family' of organized crime here in Boston." [756]

4–25–83: Suffolk County District Attorney Newman Flanagan writes to Brian Callery, Chairman of the Massachusetts Parole Board, to urge against clemency for Peter Limone. Flanagan says he is informed that Limone was, is, and will continue to be a close associate of organized crime figures.[757]

4–27–83: Roy French executes an affidavit that states, "I am stating for the record that Louis Greco and Henry Tameleo, Peter Limone were not in fact involved with me directly or indirectly in the shooting death of 'Teddy Deegan,' on March 12, 1965." [758]

May 1983: Special Agent John Connolly urges the Boston SAC to reopen Stephen "The Rifleman" Flemmi as an informant because he voluntarily continues to provide high quality information. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 211 (D. Mass. 1983)).[759]

5–9–83: Jury selection begins in defendant Luigi Manocchio's trial for the murders of Rudolph Marfeo and Anthony Melei.[760]

5–24–83: Assistant Attorney General for the State of Rhode Island David Leach signs an affidavit stating that he met with John J. "Red" Kelley on May 21, 1983, and that Kelley told him that certain portions of Kelley's prior testimony regarding the Marfeo/Melei murders were false. Such false portions include: (1) his prior testimony regarding promises, rewards, or inducements; (2) his prior testimony regarding the cutting down of the murder weapon; and (3) his prior testimony regarding the meeting outside the Gaslight Restaurant. (Leach Affidavit, May 24, 1983).[761] According to a newspaper article, "Leach says in his affidavit that Kelley has said several times before that the only thing he was promised in exchange for his testimony 'was that his cooperation would be brought to the attention of the appropriate authorities.' But Kelley said last Saturday, according to Leach's affidavit, that the FBI 'told him that he would be taken care of for life, and that he was bitter that that in fact was not done.'" Karen Ellsworth, *Witness Against Patriarca Says He Lied at Trial in '70,* PROVIDENCE JOURNAL-BULLETIN, May 28, 1983.[762]

Detective Urbana Prignano signs an affidavit stating that he met with John J. "Red" Kelley on two occasions. He first met with Kelley in the presence of Leach. At that time, the three discussed certain discrepancies briefly, such as the Gaslight issue, Mr. Vendituoli's automobile, etc. Prignano also met with Kelley on May 23, 1983, at an undisclosed location. The following are relevant portions from the affidavit of that meeting: "[I] said to Mr. Kelley, 'You're supposed to be such a sharp person in planning criminal ac-

tivities. I cannot believe that you would make such an error in saying that you met with people when you knew this building burned.' He then stated to me emphatically that he never knew that the Gaslight had burned. . . . He [Kelley] then rose from his seat and said to me, 'I'm going to tell you something, but I'm going to deny I ever said it to you. I'll call you a liar.' He said, 'The FBI suggested that I put Raymond [Patriarca] in front of the Gaslight the evening that I met with him.' I said, 'I don't believe it.' He said, 'I'm telling you the truth. Mr. [Paul] Rico, the FBI agent, suggested this to me.' I said, 'Well, why did you go along with it?' He said, 'Well, my life was in their hands', and he said, 'What would you do?' And I did not answer that question. I then asked him, 'Did the meeting ever take place?' He said, 'Yes, it did take place.' I said, 'Where?' He said, 'It took place near a Brink's building.' I said, 'I know of a Brink's counting place which is on Carpenter Street.' He also stated there was a large parking lot in that vicinity where he said, 'I'll even tell you the car that Raymond pulled up in.' He said he came in a Lincoln Continental with a driver. I said, 'Did you see the driver?' He said no. He said, 'What happened down at the Gaslight actually happened in the vicinity of this Brink's building in a large parking lot.' We then went to other subject matters that were pertaining to this trial. I said, 'John, what about the controversy over the weapons?' He said to me, 'I have an armorer, Appleton. Does that answer your question?' I said, 'Yes. I understand what you're telling me.' We left that subject matter, and I went back again to the Gaslight. I said, 'I can't understand why the FBI agent would tell you that you met Raymond at the Gaslight.' He said, 'I'll, give you my opinion why. I believe Rico wanted to show an affiliation between Raymond and the Gaslight.'" He also stated that Rico's boss stated that the Government had spent 14 to 15 million dollars up to this period of time and came up with a big zero, and he indicated with his finger. He also said that Rico told him to say that he and Raymond went into the Gaslight for a drink; but he stated to me, 'I do not remember if I stated that in the Grand Jury or not.'" [763]

5–25–83: David Leach files an amended response to Luigi Manocchio's previously granted motion for promises, rewards and inducements. The State formally takes the position that notwithstanding prior representations of law enforcement personnel and John J. "Red" Kelley himself, "At some point he [Kelley] was promised or led to believe by a federal agent that 'I would be taken care of for the rest of my life." (Amended Answer to Promises, Rewards and Inducements. (May 25, 1983)). In addition, the State gives the defense a Financial Disbursement Report from the U.S. Marshal's Service. The report was generated on May 6, 1983, and signed by the Chief of the Witness Security Division of the U.S. Marshal's Service on May 10, 1983. The report indicates that Kelley was a member of the Witness Protection Program since May 1970 and that he was receiving alimentation payments in the form of subsistence, housing, medical, travel, documents, relocation, trial, and moving expenses from 1971 to 1982. He receives no less than $114,848.06 for his testimony.[764]

6–1–83: In the trial of *State* v. *Manocchio,* under direct examination by Rhode Island Assistant Attorney General David Leach, John J. "Red" Kelley testifies that in exchange for his testimony at the Maurice "Pro" Lerner trial, he was to receive and did in fact receive a new identity, relocation to another part of the country, and subsistence allowance. Kelley admits to lying at the Lerner trial in 1970 and again at the [Raymond] Patriarca trial in 1972 about being promised a new identity, relocation and subsistence allowance. Kelley states that the reason he lied was because "Agent [Paul] Rico told me I shouldn't tell all of these things because it looked like I was being paid; that I should just do as he said, and everything would come out all right." Kelley also testified at the Lerner trial that he cut down a shotgun for use in the murders. However, at the Manocchio trial, Kelley admitted that his armorer actually "cut down" the weapon. Kelley said Rico told him not to mention the armorer's role in the murders because the armorer was an important FBI informant that Rico wanted to keep on the streets in an effort to dismantle the Boston group of the Patriarca crime family. In addition, Kelley testified at the Lerner trial that the gang had a key meeting with Patriarca prior to the murders at a particular restaurant. However, at the Manocchio trial, Kelley admitted that the meeting did not take place at the restaurant he previously named. Kelley stated that Rico wanted him to put the meeting at that particular restaurant to establish a phony connection between Patriarca and the owner of the restaurant, effectively assisting Rico in his investigation against the restaurant owner. According to Kelley, the FBI had invested millions of dollars in trying to tie the owner of the restaurant to Patriarca, but up to that point, their investigation had not been successful. Rico apparently believed that Kelley's testimony about that particular restaurant would produce valuable circumstantial evidence against the restaurant owner. The Supreme Court of Rhode Island later grants a new trial to Lerner because of perjury. (Manocchio Trial Transcript (portions); Karen Ellsworth, *Sciarra Given Term For Contempt,* PROVIDENCE JOURNAL-BULLETIN, June 3, 1983; *Lerner* v. *Moran,* 542 A.2d 1089 (R.I. 1988).[765]

6–2–83: Under cross-examination at the Luigi Manocchio trial by Manocchio's attorney Martin K. Leppo, John J. "Red" Kelley testifies that Paul Rico promised Kelley a new identity, that Kelley would be relocated to another part of the country, and that Kelley would be given a subsistence allowance from 1970 to 1981. He also testifies that Rico kept all of these promises. However, Kelley did testify that Rico did not follow through with his promise that he would continue to give Kelley a place to live. Kelley also testified that Rico promised him that he would be taken care of for the rest of Kelley's life and Rico did not follow through on that. Kelley admitted to lying before the Grand Jury on more than one occasion and to other tribunals in the State of Rhode Island at the insistence of Rico. *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 183 (D. Mass. 1999).[766]

The Boston FBI Office sends a teletype to the FBI Director, marked to the attention of the Public Affairs Office of the Office of the Public Responsibility, Organized Crime Section. The message

states that FBI cooperating witness John J. "Red" Kelley testified at the trial of Luigi Manocchio, who is allegedly involved in the Rudolph Marfeo/Anthony Melei murders, that he lied at the behest of Special Agent Paul Rico at the prior trials of the other defendants involved in the Marfeo/Melei murders regarding promises made to Kelley in exchange for his testimony. Kelley also lied about the location of where an alleged meeting took place. The message further states that substantial news media attention is being given to the fact that Kelley lied in court at the behest of Rico. Handwritten notes on the message state: "No action for OPR at present—former employee allegedly involved. J. CID should handle." [Note: The Committee is notified on March 13, 2002, that the Office of Professional Responsibility "found no record of an investigation of Mr. Rico in connection with these allegations." Further, a search of FBI indices uncovered no criminal investigative files suggesting that an investigation was undertaken by the FBI's Criminal Investigative Division, which includes the Organized Crime Section.] [767]

6–13–83: A Superior Court finds Luigi Manocchio guilty on two charges of accessory before the fact and one charge of conspiracy to commit murder. (*See* Karen Ellsworth, *Manocchio Guilty On All Charges in Mob Murders,* PROVIDENCE JOURNAL-BULLETIN, June 14, 1983); *State* v. *Manocchio,* 496 A.2d 931 (R.I. 1985)).[768]

6–15–83: In a memorandum from the Boston SAC to the FBI Director, the SAC recommends that Supervisory Special Agent John Morris be censured for losing four FBI serials. The communications were teletypes entitled "Narcotics Policy Matters; Implementation of Federal Task Force." [769]

7–1–83: In a letter from U.S. Attorney William Weld to Brian Callery, Chairman of the Massachusetts Parole Board, Weld urges the rejection of Peter Limone's commutation petition. Weld refers to communications from the FBI and Suffolk County District Attorney's office "which you have already received." Weld cites the fact that the "best information" indicates that Limone will assume control of the Boston Organized Crime's day-to-day operations if released.[770]

7–12–83: James F. Ring, a legal assistant at Bingham, Dana & Gould, finishes *World Jai Alai: A Chronology.* This 196 page report takes the position that the World Jai Alai organization had been treated unfairly by a variety of investigators.[969]

7–15–83: Maurice "Pro" Lerner files an application for post-conviction relief in Rhode Island Superior Court based on John "Red" Kelley's perjurious testimony at Lerner's trial in 1970, claiming in part that Kelley "admitted under oath that he testified falsely at [Lerner's] trial and that he knew, and the FBI, through its agent, knew that his testimony at [Lerner's] trial was false and perjurious." [771]

7–25–83: A letter from Clyde Groover, Jr., Assistant Director of the Admin. Services Division, to Supervisory Special Agent John Morris states, "Careful consideration has been given to the information furnished concerning the loss of FBI documents which were charged to your custody. It is apparent that you failed to exercise sufficient care to adequately safeguard this Government property.

In the future, you will be expected to be more careful in handling Bureau property entrusted to you so that there will be no recurrence of a dereliction such as this." [772]

8–1–83: In a 5–2 vote, the Massachusetts Parole Board votes to grant a commutation to Peter Limone. The two dissenting members, Brian Callery and Michael Magruder, vote against Limone's commutation because the Suffolk County District Attorney's Office, the U.S. Attorney's Office, and the FBI reported that Limone is and will continue to be an important member of organized crime. Shelley Murphy, *Parole Panelists Cite Retaliation After Vote,* BOSTON GLOBE, June 19, 2001.[773]

8–24–83: Luigi Manocchio is sentenced for a period of two consecutive life sentences, plus ten years, in the custody of the Warden of the Adult Correctional Institutions. (*See* Tracy Breton, *Manocchio Gets 2 Life Terms for Gangland Slaying,* PROVIDENCE JOURNAL-BULLETIN, Aug. 25, 1983).[774]

8–25–83: A prosecution memorandum from Jeremiah T. O'Sullivan to David A. Margolis Chief of the Organized Crime and Racketeering Section of the Department of Justice in Washington, D.C, requests permission to indict Jerry Angiulo and his principal associates (five Angiulos, Zannino and Granito), including three Capo Regimes, for their role in several murders, including the murders of Walter Bennett, William Bennett and Joseph Barboza. The following are important points made in this memorandum. Numbers in parentheses coincide with page numbers in the memorandum. [Note: The original memorandum is not appended to the Committee's chronology and is retained in Justice Department files.] Discusses indictment of five Angiulos, Zannino and Granito. Two pages on the Bratsos/DePrisco murders were redacted. Discusses the Walter and William Bennett murders. Walter Bennett held Larry Zannino responsible and was going to kill Zannino with the assistance of Flemmi and Salemme. The memorandum further states, "Unfortunately for Bennett, Flemmi and Salemme were secretly aligned with Patriarca and the L.C.N. and were under orders to kill Bennett when he made a "move" on Zannino." (14) Flemmi, Salemme and Patriarca, along with Richard Grasso, Robert Daddieco and Hugh Shields, were listed as unindicted co-conspirators in the William Bennett murder. (14) The memorandum continues, "While it is widely known that the Boston L.C.N., through Salemme and Flemmi, were responsible for [Richard] Grasso's murder, there does not exist at this time sufficient proof to allege it as a predicate offense." (15) The memorandum also states, "Francis Salemme and Stephen Flemmi were charged with being accessories and co-conspirators to this murder [William Bennett]. However, at the time of the state trial, they were fugitives. Daddeico subsequently refused to testify against Flemmi and the charges were then dismissed." (105) The memorandum mentions a wiretapped telephone call from Stephen Flemmi to Gennaro Angiulo where Flemmi indicates he was present at the murder of William Bennett. (108) The memorandum continues, "Barboza was placed in the witness protection program under the name Joseph Bentley and relocated to the San Francisco, California, area in 1969. . . . Barboza was removed from the witness protection program when

indicted on the murder charge." (117) The William Bennett murder was prosecuted in Suffolk County in the early 1970s. Daddeico testified against Hugh Shields and William Stuart (and Grasso, who was already dead). Flemmi and Salemme were charged, and Daddeico later refused to testify against Flemmi. Intercepted conversations were redacted—for example, at page 106. [Note: There are numerous sections redacted for "witness not previously identified." This makes it very difficult to review the documents.] Chuck Hiner was prepared to testify that in July of 1976 he and Sharliss agreed to record a telephone call between Sharliss and Russo.

9–12–83: In a letter from U.S. Attorney William Weld to Governor Michael Dukakis, Weld urges the rejection of Peter Limone's commutation request. Weld writes, "Confirming our conversation of earlier today, it is the understanding of this office and of the Boston Organized Crime Strike Force that top-level members of organized crime in Boston desire to have Peter Limone assume charge of the day-to-day operations of organized crime in this area[.] The Federal Bureau of Investigation, the Suffolk County District Attorney, and [the U.S. Attorney's Office] all submitted letters to the Massachusetts Parole Board regarding Mr. Limone's petition." [775]

November 1983: FBI Special Agents Montanari and Brendan Cleary interview James "Whitey" Bulger and Stephen "The Rifleman" Flemmi about the Roger Wheeler and John Callahan murders. Bulger and Flemmi deny any involvement, but refuse polygraphs and object to be photographed. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 212 (D. Mass. 1999)).[776]

1984

January 1984: The *Boston Globe* reports that James "Whitey" Bulger, Stephen "The Rifleman" Flemmi, and Kevin Weeks forced Stephen and Julie Rakes to sell them the Rakes' liquor store in South Boston for $67,000. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[777]

Joseph Lundbloom of the Boston Police Department tells Special Agent John Connolly of the extortion of the Rakes family. Connolly says the FBI would probably not act unless Rakes agreed to wear a wire. Connolly fails to report the information he learned from Lundbloom. (Connolly Indictment, 8–9). Several days after Lundbloom speaks to Connolly, Bulger allegedly tells the Rakes that he knew of their contact with the FBI and told them to "back off." (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[778]

1–11–84: In a letter from FBI Director William Webster to Supervisory Special Agent John Morris, Webster commends Morris for his "significant achievements in connection with the 'Bostar' investigation" and encloses an incentive award for his achievements.[779] [Note: "Bostar" refers to the bugging of 98 Prince Street in Boston, which targeted Jerry Angiulo and the top tier of Boston's Mafia. *See* DICK LEHR & GERARD O'NEIL, BLACK MASS 93, 119 (2000).]

2–12–84: An informant tells the FBI that Bobby Daddeico called Stephen "The Rifleman" Flemmi and told him that two "Feds" had visited him and wanted him to be a witness against the Angiulos

and Larry Baione. Daddeico said he "would not testify under any circumstances and if he was brought back he might have some things to say which the authorities would not want to hear." The write up of the FBI document goes on to say that "he [Daddeico] has a lot of guilt over what he did to Frankie Salemme even though Frankie had it coming." He also said that he would not hurt Flemmi.[780] [Note: The *Boston Herald* reports, "Charges against Flemmi were dropped when a key government witness, Robert Daddeico, disappeared. Daddeico's disappearance also forced the government to drop murder charges against Salemme and Flemmi for the gangland slaying of William 'Billy' Bennett of Mattapan." Shelley Murphy, *Playing Both Sides Pays Off; Flemmi Tight with Italians and Irish,* BOSTON HERALD, Apr. 23, 1993.] [781]

6–22–84: In *Peter Joseph Limone and Louis Greco* v. *Commonwealth,* No. 94–223, 94–224, (S.J. Ct. Suffolk County, June 22, 1984), the Court holds, "The information in the Evans report identifies an entirely different set of killers. If disclosed and properly developed, the information could have had considerable relevance to the credibility of Baron's testimony which was at the core of the Commonwealth's case, and it would have supported the defendants' alibi and other defenses. Quite simply, the jury might have concluded that a reasonable doubt existed as to Baron's identification of the killers and their activities, which doubt necessarily, would have included Limone and Grieco [sic]. I am not dissuaded from this view as to Grieco [sic] by the somewhat ambiguous identification testimony of [Anthony] Stathopoulos and Mr. [John] Fitzgerald's testimony." Thus, the Court ordered the applications for leave to appeal by Limone and Greco from the denial of their motions for new trial be allowed in part.[782]

7–11–84: A letter from Ronald Cassesso to "The Review Committee" states, "I am telling you unequivocally that Mr. [Louis] Greco was not even in the state of Massachusetts during any of the time periods testified to by Mr. [Joseph Barboza] Baron. . . . I, myself, would be willing to submit to a polygraph examination relative to Mr. Greco's involvement." [783]

7–18–84: Jack Zalkind writes to the Massachusetts Parole Board recommending a commutation for Louis Greco.[784]

November 1984: John McIntyre is murdered after he told the FBI that James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were in a plot to ship guns to the IRA. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 215 (D. Mass. 1999)).[785]

1984–85: A DEA Title III investigation, targeting James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, is frustrated. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 150 (D. Mass. 1999)).[786]

1985

1985: At a dinner at Supervisory Special Agent John Morris' home, Morris, in Special Agent John Connolly's presence, tells James "Whitely" Bulger and Stephen "The Rifleman" Flemmi that they would not be prosecuted for anything on the 98 Prince Street tapes. In addition, Morris tells them, "[Y]ou can do anything you

want as long as you don't 'clip' anyone." (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 152 (D. Mass. 1999)).[787]

8–6–85: Luigi Manocchio's judgments of conviction are vacated. *State* v. *Manocchio,* 496 A.2d 931 (R.I. 1985) (On April 21, 1986, the U.S. Supreme Court, in *Rhode Island* v. *Manocchio,* 106 S.Ct. 1627 (1986), grants a petition for writ of certiorari, vacates the August 6, 1985, judgment, and remands the case to the Supreme Court of Rhode Island to analyze in light of *Delaware* v. *Van Arsdall,* 475 U.S. 673 (1986), a case discussing harmless error. The Supreme Court of Rhode Island vacated the judgments of conviction on April 6, 1987; this time in light of a harmless-error analysis. *State* v. *Manocchio,* 523 A.2d 872 (R.I. 1987).[788]

10–7–85: San Francisco District Attorney General Arlo Smith through Eugene Sweeters, states that in exchange for Theodore Sharliss' complete and truthful testimony in *United States* v. *Gennaro J. Angiulo, et al.,* Sharliss will not be prosecuted by California for his role in the murder of Joseph Barboza.[789]

10–13–85: The *Press Democrat* reports that in preparation for Gennaro Angiulo's trial, his attorney Anthony Cardinale, tells the press that federal authorities were trying to link Angiulo to the assassination of Joseph Barboza. (Bony Saludes, *Underworld's Bloody Link to S[anta] R[osa],* PRESS DEMOCRAT (Santa Rosa, CA), Oct. 13, 1985).[790]

11–12–85: Specialist Russell Davey gives latent print testimony in federal court in Boston. According to an FBI memorandum regarding Ted Sharliss and Joseph Barboza, "Davey testified that two latent fingerprints developed on . . . a Hilton Hotel Registration card[,] are the finger impressions of Joseph Anthony Russo[.]" (FBI memorandum from R. Gilbarte to Mr. York (Nov. 13, 1985)).[791]

11–12–85: Joseph Salvati files a petition for a commutation hearing with the Massachusetts Parole Board.[792]

1986

1986: According to Judge Wolf's decision, "With continued assistance from [Stephen] Flemmi and [James "Whitey"] Bulger, the FBI used the evidence intercepted there to develop a case which secured the convictions, in 1986, of [Jerry] Angiulo, [Ilario] Zannino and much of the rest of the leadership of the LCN [La Cosa Nostra] in Boston." ((*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 152 (D. Mass. 1999)).[793]

1–6–86: The Massachusetts Parole Board grants Joseph Salvati a commutation hearing.[794]

2–4–86: In a letter from the Massachusetts Parole Board to Boston SAC James Greenleaf, the Massachusetts Parole Board requests information about Joseph Salvati because the Board is considering a petition filed by Salvati for commutation of a life sentence that he is serving for the crime of murder. The Massachusetts Parole Board sends similar letters to Michael V. Fair, Commissioner of the Department of Corrections; Frank Trabucco, Com-

missioner of the Department of Public Safety; and Newman Flanagan, Suffolk County District Attorney.[795]

2–26–86: Jerry Angiulo is found guilty on RICO charges. (*Jury Finds Mafia Boss Guilty,* PRESS DEMOCRAT (Santa Rosa, CA), Feb. 27, 1986).[796]

3–24–86: A letter from Boston SAC James Greenleaf and signed by Supervisory Special Agent James Ring to Jack Curran, Chairman of the Massachusetts Parole Board regarding the Board's request for information on Joseph Salvati states, "Concerning Joseph Salvati, investigation by the FBI and Massachusetts State Police placed Salvati in contact with Frank Oreto during November and December of 1985, and particular details regarding a meeting between these two individuals in the vicinity of the Museum of Fine Arts in Boston has already been provided to you by the Massachusetts State Police and is therefore not being reiterated. I hope that this information will assist you in carrying out your duties as Chairman of the Massachusetts Parole Board." [797]

April 1986: A federal indictment is returned against John McIntyre, seventeen months after his disappearance.[798]

7–15–86: State prosecutor [Name REDACTED by Committee] gives Bobby Daddeico $500.[799]

12–1–86: Seven members of the Massachusetts Parole Board vote to deny Joseph Salvati's petition for a commutation hearing. All seven point to the receipt of information from the FBI that Salvati met with Frank Oreto as the reason for their denial.[800]

1986 or 1987: Supervisory Special Agent John Morris accepts $5000 cash from James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, with Special Agent John Connolly's involvement. (Connolly Indictment at 7–8).[801]

FBI Special Agent James J. Lavin III testifies that he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by James "Whitey" Bulger after Special Agent John Connolly reminded him that Bulger was an indispensable informant. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[802]

1987

1987: Nadine Pellegrini, Assistant Massachusetts Attorney General, writes a memorandum to Sydney Hanlon, Chief of the Narcotics Division on an unknown date, presumed to be in 1987. The memorandum concerns the upcoming Peter Limone commutation hearing stating, "[T]he FBI and State Police have informant information which is 'fairly solid', according to [Jeremiah] O'Sullivan, that Limone continues his loan sharking operations from prison with the help of his brother. Limone and his family continue to receive income from this operation. O'Sullivan further indicated that there would be no problem using such information as a basis for a public statement." [803]

The Massachusetts Parole Board votes a second time on Louis Greco's commutation request. Jack Curran, who voted against com-

mutation for Greco the first time, approves a commutation this time. Robert Gittens, who allegedly said he would recommend a commutation to Governor Dukakis when he served as the Governor's Deputy Legal Counsel in 1984, now, as a member of the Board, votes against Greco's commutation.[804]

1–15–87: Associate Justice Bulman of the Superior Court of Rhode Island issues an opinion denying Maurice "Pro" Lerner's application for post-conviction relief. In denying Lerner's application, "[T]he Court finds that witness John J. Kelley committed perjury in the 1970 trial of the captioned indictments before this Court: 1. In failing to disclose, when asked, the full extent of the promises made him by federal agent Rico[;] 2. In claiming he alone altered the murder weapons[;] 3. In describing the meeting outside the Gaslight Restaurant[;] and[,] 4. As to the color of Vendituoli's automobile." (*Lerner* v. *Moran,* No. PM833005 (R.I. Superior Ct., Jan. 15, 1987)).[805]

March 1987: James "Whitey" Bulger tells South Boston realtor Raymond Slinger that someone hired him to kill Slinger. Bulger tells Slinger he will not kill him if Slinger gives Bulger $50,000. Agents John Newton and Roderick Kennedy fail to document or follow up on realtor Raymond Slinger's claim. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 250–51 (D. Mass. 1999)).[806]

4–6–87: Under a harmless error analysis, judgments of conviction are vacated for Luigi Manocchio. *State* v. *Manocchio,* 523 A.2d 872 (R.I. 1987).[807]

June 1987: The Massachusetts Parole Board votes to grant Peter Limone a second commutation hearing.[808]

8–28–87: A commutation hearing is scheduled for Peter Limone. Barbara D. Johnson, Pardons Coordinator, sends a letter to Massachusetts Attorney General James Shannon inviting him to attend or submit his viewpoint.[809]

10–19–87: Boston SAC James Ahearn writes a letter to John J. Curran, Jr., Chairman of the Massachusetts Parole Board, regarding Peter Limone. The letter details Limone's contacts with members of organized crime. Ahearn's letter is a response to Curran's request for information concerning Limone.[810]

10–28–87: Boston SAC James Ahearn writes a second letter to John J. Curran, Jr., Chairman of the Massachusetts Parole Board, regarding Peter Limone. This letter provides additional information about Limone's contacts with members of organized crime that was previously under seal and impounded by the U.S. District Court.[911]

11–16–87: The Massachusetts Parole Board unanimously denies Peter Limone executive clemency.[812]

1988

1–20–88: When being considered for the federal bench, Judge Edward F. Harrington writes to Delaware Senator Joseph Biden, Chairman of the Senate Judiciary Committee. He states, "As a public prosecutor, I developed such significant accomplice witnesses as Joseph Baron, Vincent Teresa, 'Red' Kelley, William Masiello

and many others whose use as witnesses I always made available to local prosecutorial authorities. Cooperation with local law enforcement was my hallmark."[813]

1–29–88: Edward Harrington writes a second letter to Delaware Senator Joseph Biden stating, "I never used an accomplice witness unless I was convinced that he was telling the truth and his testimony had been corroborated to the fullest extent possible. Nor did I ever condone any wrongdoing on any witness' part."[814]

1988–89: Winter Hill member Joseph Murray approaches the FBI and implicates James "Whitey" Bulger and Patrick Nee in the Brian Halloran and Michael Donahue murders. Murray also alleges that Agents John Connolly and John Newton and others are selling information on law enforcement activities to Bulger and Stephen Flemmi. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 256–58 (D. Mass. 1999)).[815]

1988: At Special Agent John Connolly's request, Stephen Flemmi begins to provide information on Francis "Frank" Salemme, who was just released from prison for the John Fitzgerald car bombing. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 153 (D. Mass. 1999)).[816]

Supervisory Special Agent John Morris warns James "Whitey" Bulger and Stephen Flemmi that the FBI has tapped the phone of a Roxbury bookmaker, John Baharoian, who worked for them. Indictments result from the wiretap, but do not include Bulger or Flemmi. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[817]

Agent James Blackburn testifies that he never pursued allegations that James "Whitey" Bulger was shaking down a South Boston drug dealer after Special Agent John Connolly told him it was not true. (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[818]

Francis "Frank" Salemme was "made" in the Mafia after his release from prison, reportedly achieving the rank of Capo Regime, or Underboss, in the Patriarca family. (Jules Crittenden and Ralph Ranalli, *Alleged Mob Boss Left Behind Bloody Trail,* BOSTON HERALD, Aug. 13, 1995).[819]

June 1988: Supervisory Special Agent John Morris learns of a federal wiretap on telephones used for illegal gambling activity and tells Special Agent John Connolly. Connolly arranges a meeting between himself, Morris, James "Whitey" Bulger, and Stephen Flemmi so Morris could directly advise them of the wiretap. (Connolly Indictment at 13–14).[820]

6–10–88: The Rhode Island Supreme Court vacates Maurice "Pro" Lerner's conviction. The Court held "that Kelley's perjury at Lerner's trial relating to the extent of promises made to Kelley by the FBI in exchange for his testimony and Special Agent Rico's corroboration of that perjury were material to Kelley's credibility and therefore to the issue of Lerner's guilt." The Court ruled that "Kelley's perjury, elicited by the FBI, constituted material exculpatory evidence withheld in violation of the applicant's due process rights." *See Lerner* v. *Moran,* 542 A.2d 1089, 1091, 1093 (R.I. 1988).[821]

8–8–88: The Massachusetts Parole Board writes a letter to Boston SAC James Ahearn requesting an update on the status of the FBI's investigation of the contacts between Frank Oreto and Joseph Salvati.[822]

10–17–88: Joseph Salvati applies for a commutation hearing with the Massachusetts Parole Board.[823]

1989

3–14–89: The Massachusetts Parole Board votes six to one in favor of granting Joseph Salvati a commutation hearing.[824]

3–29–89: The *Boston Globe* reports, "Seven persons, including prominent Boston defense attorney Joseph J. Balliro, have been indicted by a federal grand jury on charges of conspiring to conceal millions of dollars of a Mafia drug kingpin's profits from the Internal Revenue Service in false companies established in the Bahamas, Panama and the United States. The 37-page indictment was handed down last Thursday," March 23, 1989, and is unsealed today. (Elizabeth Neuffer, *Balliro Among Seven Indicted,* BOSTON GLOBE, Mar. 30, 1999).[825]

March 1989: A warrant issued for the arrest of Stephen Flemmi and Francis "Frank" Salemme for the murder of Peter Poulos is recalled.[826]

June 1989: Agents Edward Clark and Edward Quinn interview Joseph Murray, but do not ask about the allegations he made that: (1) FBI Agents John Connolly and John Newton were selling information regarding wiretaps, to James "Whitey" Bulger and Stevie Flemmi; and (2) James "Whitey" Bulger and Pat Nee murdered Brian Halloran and Bucky Barrett. (*see* 1988–89 entry). However, a subsequent memorandum drafted from Assistant SAC Dennis O'Callahan to FBI headquarters states that Murray's allegations were unsubstantiated. Murray's information is not provided to agents working on the Brian Halloran investigation. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 256–58 (D. Mass. 1999)).[827]

6–7–89: In a letter from Leonard J. Henson, Assistant District Attorney of Suffolk County and Chief of the Organized Crime Division, to Supervisory Special Agent James Ring, Henson advises Ring of the upcoming commutation hearing for Joseph Salvati. Henson asks the FBI for "any information that your office has with regard to Mr. Salvati's involvement with the Deegan murder as well as his past and present status with organized crime elements in the area." A notation at the bottom states that information previously had been submitted to the Board of Pardons by Special Agent Ring.[828]

6–16–89: Connecticut crime boss William Grasso is murdered. Many experts on the Mafia say that Grasso, who was found shot to death along a bank of the Connecticut River outside Hartford, would not have been killed without the authorization of the New York families. Grasso was considered to be the second highest ranking Mafioso in New England behind Raymond Patriarca, Jr. Yet, some believe Grasso was the real power while Patriarca serves mainly as titular head. (Matthew Brelis, *U.S. to Seek Longer Term*

for Patriarca, BOSTON GLOBE, Mar. 14, 1992; Kevin Cullen, *Two Seen as Likely Replacements for Grasso as Leader in Mob,* BOSTON GLOBE, June 19, 1989).[829]

7–14–15–89: Special Agent Paul Rico testifies at a Senate Impeachment Trial Committee hearing on the articles of impeachment filed against U.S. District Court Judge Alcee Hastings. Rico testifies about his involvement in the Hastings' investigation.[830]

8–14–89: Former Suffolk County Assistant District Attorney Jack Zalkind recommends commuting Joseph Salvati's sentence for a third time. He refers to his earlier letter of March 12, 1979.[831]

8–15–89: Retired Boston Police Detective Frank Walsh recommends commuting Joseph Salvati's sentence for a third time. He refers to his earlier letter of March 15, 1979.[832]

8–16–89: Suffolk County District Attorney Newman Flanagan opposes commuting Joseph Salvati's sentence.[833]

8–21–89: Joseph Salvati appears before the Massachusetts Parole Board in a commutation hearing.[834]

9–18–89: A prosecution memorandum from Diane M. Kottmyer, Chief Attorney, Boston Strike Force, to David Margolis, Chief, OC&RS Criminal Division, discusses a proposed indictment of Russo, Carrozza, Baione, Ferrara, LePore, Mercurio and Tortora. The following are important points made in this memorandum. Numbers in parentheses coincide with page numbers in the memorandum. [Note: The original memorandum is not appended to the Committee's chronology and is retained in Justice Department files.] The memorandum charges an array of criminal activity. The memorandum states, "In exchange for protection and a new identity, Barboza agreed to become a government witness." (60) The memorandum continues, "Following his testimony Barboza entered the witness protection program and was relocated to San Francisco under the name of Joseph Bentley. Barboza was expelled from the program when he was indicted in 1970 on murder charges." (60) Sharliss will testify at trial that Russo offered him $25,000 to kill Barboza. (61)

10–29–89: Raymond Patriarca, Jr., presides over a Mafia induction ceremony held in Medford, Massachusetts. The induction ceremony is secretly tape recorded by the FBI pursuant to a court order. (*Former Patriarca Boss Sentenced to an Eight-Year Term, PR* NEWSWIRE, June 17, 1992). The tape, believed to be the first ever recording of a mafia induction ceremony, is the cornerstone in the racketeering case against reputed organized crime boss Raymond Patriarca, Jr., and six other defendants. The tape is secretly recorded in a clapboard house at 34 Guild Street in Medford, where four inductees take a blood oath to kill anyone who violated the organization's secrecy, federal authorities say. (*Prosecutor Defends Mafia Ceremony Tape as Evidence,* TELEGRAM & GAZETTE (Worcester, MA), Mar. 26, 1991).[835]

11–30–89: The Massachusetts Parole Board informs Boston SAC James Ahearn that a hearing was held on Joseph Salvati's commutation. The Board states that Salvati's relationship with Frank Oreto was a question at the hearing and that the Board was aware

of contacts between Salvati and Oreto in 1986. The Board requests information from the FBI about Salvati's relationship with Oreto.[836]

12–1–89: James Ahearn, the Boston SAC, writes a letter to John Curran, Chairman of the Massachusetts Parole Board, in response to the Board's November 30, 1989, letter requesting information about a relationship between Joseph Salvati and Frank Oreto. Ahearn writes that Salvati was intercepted on telephone lines seven times from January 1985 to January 1986. Ahearn also writes that Marie Salvati met with Oreto on November 9, 1985. The FBI concludes that Salvati had no ownership or managerial relationship with Oreto's loanshark business and that Marie Salvati probably met with Oreto to borrow money.[837]

12–8–89: The Massachusetts Parole Board votes 5–0 to approve clemency for Joseph Salvati.[838]

1990

1990: A raid by the DEA, Suffolk County Organized Crime Squad, and the IRS on the South Boston Liquor Mart extorted from the Rakes by James "Whitey" Bulger and Stephen Flemmi reveals a receipt indicating the FBI bought liquor there at discount prices for its Christmas party. The receipt indicates that the liquor was bought by Agent "Dick Baker (friend of John Connolly)." (Shelley Murphy, *Cases Disappear as FBI Looks Away,* BOSTON GLOBE, July 22, 1998).[839]

3–26–90: The *Boston Globe* reports, "In what federal authorities called an 'unprecedented assault' on the leadership of the New England Mafia, federal authorities have indicted alleged Mafia boss Raymond J. (Junior) Patriarca and 20 reputed members of the Patriarca crime family in three states on charges including racketeering, illegal gambling, extortion, drug trafficking and murder. The indictments, unsealed [on March 26], effectively accuse almost all of the Patriarca crime family's reputed top leaders, charging alleged Patriarca underboss Nicholas L. Bianco, consigliere, or adviser, Joseph A. (J.R.) Russo and four of the organization's six reputed lieutenants with a pattern of crimes that span the past 15 years. Federal authorities said . . . that the indictments resulted from five years worth of investigation that utilized federal undercover agents, electronic surveillance and cooperating witnesses. (Elizabeth Neurer, *Indictment Aimed at Mob Net Patriarca, 20 Others,* BOSTON GLOBE, Mar. 27, 1990).[840]

4–9–90: Joseph J. Balliro is acquitted in federal court by Judge Edward Harrington of helping a fugitive and reputed mobster evade income taxes. The *Boston Globe* reports that "Balliro had been charged with helping Salvatore Michael Caruana, whom he sometimes represented, evade federal income taxes by helping him invest in the Islander Hotel in the Bahamas." (Paul Langner, *Balliro Cleared of Aiding Tax Evasion; Charge Dismissed Against Lawyer,* BOSTON GLOBE, Apr. 10, 1990). According to Balliro's attorney, Richard M. Egbert, his successful representation of fellow defense attorney Joseph Balliro was his "proudest moment." Mat-

thew Brelis, *Lawyer Defends His Choice of Clients,* BOSTON GLOBE, Dec. 12, 1993.[841]

6–25–90: The Massachusetts Parole Board unanimously denies Peter Limone a commutation hearing.[842]

8–16–90: A memorandum from Weldon Kennedy to FBI Director Sessions states that Supervisory Special Agent John Morris received a letter of censure, one-year's probation, and fourteen days suspension without pay for his involvement in the unauthorized disclosure of information to the *Boston Globe.* Special Agent John Connolly receives a letter of censure for the same offense. Morris' discipline is based on the conclusion that he had made unauthorized disclosures of information to a local newspaper reporter and failed to be forthright on certain related issues. With regard to Connolly, Connolly had imposed upon Morris to initiate an unauthorized contact with Morris' *Boston Globe* reporter.[843]

December 1990: Special Agent John Connolly retires from the FBI.[844]

1991: Seventeen months after approving Joseph Salvati's clemency petition, the Massachusetts Parole Board forwards its recommendation to Governor William Weld.[845]

November 1991: Supervisory Special Agent John Morris leaves the Boston Office. (*See* March 1972 entry).[846]

11–25–91: Agent Jean F. Wynn writes a memorandum the Boston SAC regarding Angelo Marotta, Joseph Salvati's first cousin. Wynn observed Marotta standing near a window, making phone calls, and seeming very alert to others walking by to the "extent of seeming 'surveillance conscious.'" Wynn notes that Salvati is a first cousin of Marotta and that during a letter writing campaign Marotta was able to obtain a favorable letter from State Department of Corrections Official Michael Fair. In 1989, Fair was hired as president of Marotta Companies.[847]

December 1991: Raymond Patriarca, Jr., whose father founded the New England Patriarca crime family, pleads guilty to conspiracy and racketeering charges. (*Reputed Mobsters Admit Racketeering,* TULSA TRIBUNE, Jan. 23, 1992).[848]

1992

1–22–92: Joseph Russo pleads guilty to the murder of Joseph Barboza. Five accused members of New England's largest crime family plead guilty in Boston to racketeering, kidnapping and murder charges but deny that they belonged to the Mafia. On the day their trial is to start, a daylong change of plea hearing is held and guilty pleas are offered by Joseph Russo, Vincent Ferrara, Robert Carroza, Dennis LePore, and Carmen Tortora. Russo receives a sentence of sixteen years imprisonment and must forfeit $758,000. Vincent Ferrara receives twenty-two years and wins immunity from prosecution for murder and attempted murder. He is ordered to pay $1.1 million. Robert Carrozza is given nineteen years and ordered to pay $878,200. Dennis Lepore receives fourteen years and will have to pay $766,700. Finally, Carmen Tortora is given thirteen years and will have to pay $2,000. (*See Nation Briefly,* OR-

ANGE COUNTY REGISTER, Jan. 23, 1992; *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 151–152 (D. Mass. 1999)).[849]

6–17–92: The former Boss of the Patriarca Family is sentenced to an eight-year term of imprisonment following his plea of guilty to charges of racketeering and violations of the Travel Act. Judge Mark L. Wolf sentences Raymond Patriarca, Jr., to a 97-month term of incarceration followed by a three-year period of supervised release and a $50,000 fine. (*Boss Sentenced to an Eight-Year Term,* PR NEWSWIRE, June 17, 1992).[850]

9–1–92: Dugald F. Cameron, private investigator of Massachusetts, signs an affidavit stating that he and John Cavicchi met with Robert Gittens, Assistant Legal Counsel to Massachusetts Governor Michael Dukakis, on February 15, 1984, about Louis Greco. Gittens told Cameron and Cavicchi that he would recommend that the Governor commute Greco's sentence.[851]

1993

1993: Frank Walsh's affidavit states that Joseph Salvati was never a suspect until Joseph Barboza mentioned him.[852]

In his book *The God Son, A True-Life Account of 20 Years Inside the Mob,* Willie Fopiano writes the following: "It went like this: A petty thief named Teddy Deegan was suspected of killing Anthony Sacramone [sic], a cousin of Rico Sacramone [sic]. Rico [Sacrimone] wanted revenge, and got the rest of the Barboza gang to help him carry it out" [Nick] Femia, Romeo Martin, Chico Amico, Ronnie Cassesso and, of course, Barboza himself. Romeo Martin knew Deegan a little and won him over by telling him about an easy score at a finance company. When Deegan and Martin drove up to the back door of the place, Barboza, Femia, Amico, and Cassesso were waiting. Barboza ran up and shot Deegan five times. That was in March 1965. It was known even then who shot Deegan and why, but twenty-six months later Barboza ratted on Ronnie Cassesso and also put the finger on five other men: Henry Tameleo, Peter Limone, Louis Grieco [sic], Roy French, and Joe "the Horse" Salvati. Tameleo was an important man in the family. Along with Limone, Grieco [sic], and Cassesso, he was sentenced to the chair, and spent almost five years on death row before capital punishment was thrown out. Salvati and French drew life sentences. Of all of them, only Cassesso had anything to do with the crime. The others were innocent. . . . Salvati, who was just a doorman at an after-hours joint, wouldn't swat a mosquito. . . . He was also behind in shylock payments to Barboza. . . . The prosecutor, Jack Zalkind, today is in private practice and I've heard from reliable sources that even he now thinks that some of the men—especially Joe Salvati—might be innocent." (127–28). Fopiano also writes that "Joe Barboza [was] known as 'the Killing Machine.'" (115) (Willie Fopiano, The Godson, A True-Life Account of 20 Years Inside The Mob 127–128).[853]

1–19–93: Governor Weld denies Joseph Salvati's commutation citing the "seriousness of the crime" and Salvati's long criminal record. Weld also denies Louis Greco's request for a commutation.[854]

7–30–93: Detective Sergeant Bruce A. Holloway writes a memorandum to Lieutenant Detective James T. Curran regarding an interview with former State Police Lieutenant Richard Schneiderhan. Holloway writes, "Lt. Schneiderhan stated that sometime after the murder of Edward T. Deegan he recalled overhearing a conversation between, then Assistant Attorney General Donald Con and Attorney John Fitzgerald who represented Joseph Barbosa [sic], whereby Attorney Fitzgerald advised Attorney Con that his client, Joe Barbosa [sic] threw Joseph Salvadi [sic] into the mix because of a dispute over money. Fitzgerald went on to state that Joe Salvadi [sic] owed Joe Barbosa [sic] some money and that when Barbosa [sic] associates Arthur Bratsos and Richard DePrisca made an attempt to collect from Salvadi [sic], he refused to pay as did many others; however when Salvadi [sic] refused, he also said words to the effect, 'I'm not going to pay, and you ain't going to see daylight.' This angered Barbosa [sic] which prompted him to retaliate by throwing Joe Salvadi [sic] into the mix." [855]

8–2–93: Joseph Balliro's affidavit states in relevant part: "I represented a co-defendant, Henry Tameleo, in the trial of the Commonwealth of Massachusetts against Joseph Salvati, and others, that concluded with a conviction on July 31, 1968. With respect to the overall conduct of the trial I served in the role that is generally referred to as lead counsel. Joseph Salvati was represented at the trial by Attorney Chester Paris, who at the time was a young but competent trial lawyer, and associated with me in practice at my office. . . . Without Barboza's testimony the case could not have gone to the jury—and if the jury were to disbelieve Mr. Barboza as to the identity of any one of the participants there simply was no other evidence on which to base a conviction. From the outset of the preparation for the defense of Joseph Salvati, it was the strong belief of all the defense lawyers that Mr. Salvati was not only innocent, but that Joseph Barboza had substituted Mr. Salvati as a participant for some other individual, who had actually participated, and who Mr. Barboza was seeking to protect. At the time of the trial I did not know who that other person was. . . . I have recently (within the past three weeks) been furnished a three page police report that purports to be a statement by Thomas F. Evans of the Chelsea Police Department. . . . I have carefully reviewed the three page police report authored by Lieutenant Thomas F. Evans and can categorically state that I was not aware of the existence of that report or its contents until the last few weeks; nor, am I aware that any other counsel, including Chester Paris who represented Joseph Salvati had any awareness of the report or its contents. . . . The failure of the Commonwealth to provide the defendants with the report of Lieutenant Evans seriously undercut the ability of the attorneys to conduct a proper investigation and prepare an adequate defense." [856]

8–3–93: In an affidavit, Jack Zalkind states that if he had seen the Chelsea police report sooner, he would have ordered an "intensive investigation" into Joseph Salvati's involvement.[857]

8–19–93: Sergeant Detective Bruce A. Holloway writes a memorandum to Lieutenant Detective James T. Curran regarding a follow-up investigation with former State Police Lieutenant Richard

Schneiderhan. The letter states that Schniederhan told Holloway that "he does not believe that the group involved in the [Edward 'Teddy' Deegan] murder would have allowed Joe Salvati to participate in such an event. More importantly he does not believe they would have allowed him to hang around with them at all." [858]

10–1–93: Lieutenant Detective James T. Curran and Sergeant Detective Bruce A. Holloway of the Massachusetts Office of Special Investigations interview Roberta Grimes, who police placed in the Ebb Tide as an employee to collect information on some of the characters who frequented the place. Grimes recalls a visit by two M.D.C. police detectives who showed her a photo array. She also recalls the names and faces of Joseph Barboza and Roy French.[859]

10–4–93: Sergeant Detective Bruce A. Holloway writes a memorandum to Lieutenant Detective James T. Curran regarding a discussion Holloway had with Judge John Fitzgerald. Holloway writes the following about this discussion: "Judge Fitzgerald does recall hearing the rumors about Joseph Salvati and others not being involved [in the Edward 'Teddy' Deegan murder] and that Joe Barbosa [sic] was owed money. However, he stressed that at no time did he inquire of Barbosa [sic] anything relative to these rumors. Additionally, he stated that Barbosa [sic] never told him of a plan to frame anyone relative to the Deegan case and he never supplied him with any information which he, Judge Fitzgerald, deemed to be exculpatory." [860]

10–12–93: James M. McDonough, legal assistant in the Suffolk County District Attorney's Office, signs an affidavit stating, "I was aware and saw a report that had been authored by Lieutenant Thomas Evans of the Chelsea Police Department about the Deegan murder. . . . [T]o the best of my memory and belief the copy of the report is the same copy that was in the prosecutor's file during prosecution of the defendant's case." [861]

10–27–93: Robert J. McKenna, Jr., Assistant District Attorney for Suffolk County, writes a letter to Jack Zalkind regarding Joseph Salvati. Zalkind apparently requested a meeting with McKenna to discuss the affidavit Zalkind executed for *Commonwealth* v. *Salvati, et al.* McKenna says he talked with Robert Gittens and Jack Cinquegrana and is denying Zalkind's request because the case is presently before the Superior Court.[862]

12–1–1993: A hearing on a Motion for a New Trial for Louis Greco, represented by John Cavicchi; Joseph Salvati, represented by Victor Garo; and Peter Limone, represented by Robert Sheketoff, takes place. Robert McKenna represents the State of Massachusetts and Judge Banks presides.[863]

1994

12–23–94: Former Special Agent John Connolly informs James "Whitey" Bulger and Stephen Flemmi that they would soon be arrested. (Connolly Indictment at 15).[864]

1995

January 1995: Stephen Flemmi informs Francis "Frank" Salemme that an indictment would be coming down on him shortly. (Connolly Indictment at 15–16).[865]

1–5–95: Stephen Flemmi is arrested for conspiring to extort bookmaker Burton Krantz; James "Whitey" Bulger and George Kaufman are also charged. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 148 (D. Mass. 1999)).[866]

1–9–95: The FBI admits to the U.S. Attorney's Office that James "Whitey" Bulger is an informant. (*U.S.* v *Salemme,* 91 F.Supp. 2d 141, 295 (D. Mass. 1999)).[867]

1–10–95: James "Whitey" Bulger, Stephen Flemmi, and Francis "Frank" Salemme are indicted on multiple charges of federal racketeering, extortion, and other crimes. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 151–152 (D. Mass. 1999); Shelley Murphy, *Mafia Leaders Still Don't Know When to Shut Up,* BOSTON GLOBE, Jan. 11, 1995)).[868]

1–29–95: The *Boston Globe* reports that Jerry Padalino, Special Agent in Charge of U.S. Customs, publicly stated in 1995 that Customs officials considered John McIntyre a fugitive, affirmatively stating, "We have no proof that he is dead." (Kevin Cullen, *IRA Man Tells a Tale of Betrayal,* BOSTON GLOBE, Jan. 29, 1995).[869]

7–11–95: John Cavicchi, attorney for Louis Greco, signs an affidavit stating that Cavicchi read in a February 17, 1994, news article that Joseph Balliro represented Joseph Barboza and "one Flemmi." Jimmy Flemmi was one of those named in the informant's statement as being involved in the Edward Deegan murder. Cavicchi obtained an affidavit from Richard Barest, a former Florida judge who represented Greco when he surrendered to authorities in Florida. Barest said he pleaded with the Massachusetts lawyers to let him fight the extradition of Greco, but stated they were more interested in reading *Time* than listening to what he had to say. Barest specifically mentioned "Joe Bellino," but Cavicchi knew that he meant Joe Balliro. The affidavit states, "I returned to Massachusetts and asked Balliro for the Florida investigation of Greco. [Balliro] told me it had been shredded. In October or November 1994, I visited Greco at the Bay State Correctional Center. He stated that Balliro told him to waive his extradition hearing."[870]

James Southwood's affidavit states, "In the course of making preparations to write a book for Joseph Barboza Baron about his life as an assassin for the New England Mafia and while a reporter for the *Boston Herald Traveler,* Barboza, in early 1969, gave me scrapbooks about the Boston Gang War and numerous documents pertaining to three major trials at which he testified against New England Mafia bosses and others. Subsequently, at a time in 1970, when he claimed to me that the U.S. Justice Department had betrayed him by breaking promises made in exchange for his court testimony, he said that he was recanting his testimony that sent men to Death Row. At this time, a date I believe to be in the spring of 1971, Barboza said: 'Louie [sic] Greco wasn't in the alley!' To this end, Barboza apparently sent a message to Raymond Patriarca

[that] Southwood was in possession of the grand jury minutes of the so-called Teddy Deegan murder case. . . . Barboza told me that the Grand Jury minutes would prove that he lied in the courtroom. He instructed me to return the grand jury minutes to Joseph Balliro. To the best of my knowledge, the Barboza copy of the grand jury minutes was given to Balliro in the summer of 1971." John Cavicchi is the notary.[871]

7–24–95: Louis Greco's affidavit states, "In 1968, when I was waiting for my hearing in Florida on the murder charges, . . . [Joseph] Balliro came to Florida. I did not ask for Mr. Balliro, nor did I know who sent him. Mr. Balliro said that I should come back to Massachusetts. He told me that things would turn out allright [sic]. As a result of his advice, I signed some papers and returned to Massachusetts. He never told me that he represented [Joseph] Barboza-Baron, nor did I know. He never told me, nor did I know that he represented Flemmi. He did not tell me, nor did I know that he was representing Henry Tameleo. Had I known the above, I would have remained in Florida. In Massachusetts, I was represented by Attorney Lawrence O'Donnell and his office. I have since learned that during the handling of this case, his office also represented Henry Tameleo, Roy French, and Ronald Cassesso, co-defendants in this case. Had I known this, I would have had a different lawyer. To the best of my memory, none of the evidence regarding my difficulty in walking, and inability to run was presented at trial." John Cavicchi is the notary.[872]

12–30–95: Louis M. Greco dies in prison.[873]

12–31–95: Supervisory Special Agent John Morris retires from the FBI.[874]

1996

4–3–96: In a letter from James D. Herbert, Assistant U.S. Attorney of the Organized Crime Strike Force, to Ralph Martin, Suffolk County District Attorney, Herbert writes that Assistant U.S. Attorney Brian T. Kelly recently debriefed Anthony Ciulla. Ciulla was friendly with Barboza and was his driver. Ciulla has no personal knowledge of the Edward "Teddy" Deegan murder. However, Ciulla claims Barboza discussed the Deegan murder in Ciulla's presence. According to the letter, "Ciulla believes Salvati is innocent because Barboza never mentioned Salvati when he described the Deegan murder. According to Ciulla, Barboza did mention the other individuals convicted in the case . . . as well as Vincent 'The Bear' Flemmi." [875]

12–18–96: Governor William Weld writes to the Executive Council, recommending that Joseph Salvati's sentence be commuted, subject to their advice and consent.[876]

1997

1–7–97: Governor William Weld writes to the Executive Council, recommending that Salvati's sentence be commuted, subject to their advice and consent.[877]

1–15–97: Retired Boston Police Detective Frank Walsh recommends a commutation of Salvati's sentence for the fourth time.[878]

1–22–97: Former Suffolk County Assistant District Attorney Jack Zalkind recommends a commutation of Salvati's sentence for the fourth time.[879]

2–5–97: Governor William Weld writes to the Executive Council, recommending that Joseph Salvati's sentence be commuted, subject to their advice and consent.[880]

The Governor's Executive Council unanimously votes 8–0 to commute Joseph Salvati's sentence.[881]

Massachusetts Governor William Weld commutes the sentence of Joseph Salvati.[882]

3–27–97: Special Agent John Connolly sends a letter to Judge Mark Wolf purporting to be from three unnamed members of the Boston Police Department. The letter says the Massachusetts State Police, FBI, and DEA are guilty of prosecutorial misconduct in the investigations of James "Whitey" Bulger, Stephen Flemmi, and Francis "Frank" Salemme. The letter states that Boston Police Detective Frank Duwan, the Massachusetts State Police, DEA, FBI, and the Justice Department Organized Crime Strike Force furnished or relied on false information in efforts to prosecute Bulger and Flemmi. (Connolly Indictment at 16).[883]

6–3–97: James "Whitey" Bulger's identity as an FBI informant is made public. In response to the May 22, 1997, Federal Court's order, the government disclosed that Bulger had been a government informant. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 309 (D. Mass. 1999)).[884]

6–24–97: The *Boston Globe* reports that while William Weld was a U.S. Attorney, he learned that James "Whitey" Bulger was an informant. Weld requested surveillance on Bulger and was told that the FBI did not tap active informants. The article also states that Bulger secretly tape-recorded "years' worth" of conversations with FBI agents. (Mike Barnicle, *Jimmy Bulger: Fox in FBI Co-op,* BOSTON GLOBE, June 24, 1997).[885]

7–3–97: The Deputy Attorney General directs the Department of Justice and the FBI to initiate an Office of Professional Responsibility investigation to determine whether any Government official committed criminal acts in connection with investigations into the New England La Cosa Nostra and the Winter Hill Gang.[886]

7–8–97: The Office of Professional Responsibility (OPR) investigation to determine whether any Government official committed criminal acts in connection with investigations into the New England La Cosa Nostra and the Winter Hill Gang begins on this date. The investigation concludes on August 14, 1997 (with a report published as Appendix I to the Report). The OPR anticipates—but does not conduct—a second phase of investigation. The investigation "uncovered no evidence that any potentially criminal acts were part of a continuing crime which would bring the acts within the statute of limitations. In addition, we examined and found a number of vio-

lations of FBI rules and regulations which would have warranted administrative action if those employees were still employed by the FBI. However, no current FBI employees were found to be in violation of FBI policies." [887]

September 1997: Stephen Flemmi files an affidavit in court claiming that "he was told by [Robert] Daddeico some 12 years ago after the bombing charges against Flemmi were dropped that Daddieco had set up [Frank] Salemme for the [John] Fitzgerald bombing and had lied about Flemmi's alleged involvement." Patricia Nealon, *Informant's Treatment Questioned,* BOSTON GLOBE, May 6, 1998.[888]

9–29–97: Sergeant Kevin Manning writes a letter on behalf of Sheriff Jerry Keller, Las Vegas Police Department, to Deputy U.S. Marshal Tom Bezanson. Keller states that the Department is reviewing the murder case of Peter Poulos and would like to interview Stephen Flemmi and Francis "Frank" Salemme for possible prosecution. [Note: According to Dave Hatch, Las Vegas Police Department, Cold Case Review, he was later informed that Flemmi and Salemme could not be interviewed regarding the Poulos murder while under federal indictment.] [889]

1998

1998: Joseph "J. R." Russo, the person who killed Joseph Barboza, dies of natural causes in prison. (BostonMafia.com, visited Feb. 5, 2002).[890]

1–6–98: The *Boston Herald* reports on the hearing before U.S. District Court Judge Mark L. Wolf. The *Herald* writes, "Winter Hill wiseguy and FBI informant Stephen Flemmi said he was rewarded for his work for the agency with a free pass on murder, attempted murder and fugitive charges in the mid-1970's, defense lawyers alleged. . . . The lawyers are trying to get racketeering charges against Flemmi, New England Mob boss Francis P. 'Cadillac Frank' Salemme, 64, and wiseguys Robert DeLuca and John Martorano thrown out of court on a variety of legal bases. . . . Flemmi claimed he was warned of the indictments by his FBI 'handler,' agent H. Paul Rico, and allowed to flee. But in 1974, Rico told him it was safe to come back and that the murder and attempted murder charges would be taken care of. [Attorney Anthony] Cardinale said Flemmi's chief accuser in the case, Robert Daddieco, was an FBI cooperating witness who had also been developed by Rico. Rico made sure his promise to Flemmi was kept, Cardinale said. 'What happens? Daddieco changes his testimony and says Flemmi was not with him (at the [John] Fitzgerald bombing) and that he lied to the grand jury,' Cardinale said. 'They control Daddieco and he changes his testimony to get Flemmi off the hook.' The murder charges against Flemmi were dropped when Daddieco disappeared. Flemmi was also never prosecuted as a federal fugitive per Rico's promise, Cardinale said." Ralph Ranalli, *Mobster: I had License to Kill; Flemmi Says He Knew He was Murderer,* BOSTON HERALD, Jan. 7, 1998.[891]

Early 1998: In preparation to testify in pretrial hearings in *U.S.* v. *Salemme,* Stephen Flemmi informs Special Agent John Connolly

through an intermediary that he will testify that Supervisory Special Agent John Morris—not Connolly—alerted him to the indictments coming against James "Whitey" Bulger and Flemmi. In return, Connolly tells the intermediary to inform Flemmi to testify that Morris learned of indictments through Washington, which received a "pros memo." (Connolly Indictment at 17–18).[892]

April 1998: John Morris, Organized Crime Squad Supervisor in the FBI's Boston Office from 1977–1983, testifies under immunity that he believes an intentional leak from his squad led to the killing of Brian Halloran. Before Halloran's murder, Morris told Special Agent John Connolly, handler for James "Whitey" Bulger and Stephen Flemmi, that Halloran was incriminating them in Roger Wheeler's murder. Morris fully expected Connolly to relay this information to Bulger and Flemmi. *U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208 (D. Mass. 1999).[893]

Robert Fitzpatrick, Assistant Agent in Charge of the Boston FBI Office during the early 1980s, testifies that he also thought James "Whitey" Bulger was a suspect in Roger Wheeler murder, but his superiors decided to keep him as an informant. (*United States* v. *Salemme,* 91 F.Supp. 2d 141, 209 (D. Mass. 1999)).[894]

5–5–98: During a criminal hearing in federal court, Condon testifies that he "spent two years in the early 1970's trying to hunt down [Francis "Frank"] Salemme and associate Stephen 'The Rifleman' Flemmi. But Condon insisted that, at the time, he had no idea Flemmi was an FBI informant—even though FBI documents show that another agent he worked closely with, H. Paul Rico, had recruited Flemmi five years earlier. In fact, one 1967 document even shows Condon had been designated as Flemmi's 'alternate contact agent' for times when Rico was out of town. Condon was also the handling agent for James Bulger, who he had opened as an informant on May 13, 1971. Condon, however, insisted that he never saw the document and that Rico never told him he had been designated as Flemmi's alternate handler." (Ralph Ranalli, *Former FBI Agent Testifies Salemme's '72 Bust No Setup,* BOSTON HERALD, May 6, 1998). At the hearing, Salemme's attorney, Anthony Cardinale, tried to show that Flemmi received preferential treatment because he had been feeding the FBI information. The *Boston Globe* writes, "But under cross-examination by Assistant U.S. Attorney James D. Herbert, Condon said he had no 'specific information' on where Flemmi could be found, and said neither he nor any other agent hindered the search for Flemmi. Condon said he had no contact with Flemmi while he was a fugitive, had never taken a phone call from him, and had not interceded with state prosecutors to get the charges against Flemmi dropped." (Patricia Nealon, *Informant's Treatment Questioned,* BOSTON GLOBE, May 6, 1998).[895]

June 1998: The Justice Department appoints John Durham to head a task force investigation into whether Boston FBI agents obstructed the investigation of the jai alai-related murders or otherwise broke the law during their relationship with James "Whitey" Bulger and Stephen Flemmi. Edmund Mahony, *FBI Agents Face*

Scrutiny by Prosecutor; Questions of Obstruction in Jai Alai Murder Cases, HARTFORD COURANT, June 28, 1998, at A1.[896]

December 1998: Raymond Patriarca, Jr., is released from prison. (BostonMafia.com, visited Feb. 5, 2002).[897]

1999

1999: John Martorano, a Winter Hill Gang hitman, begins cooperating with federal investigators. Martorano admits to killing twenty people, including Roger Wheeler, Sr. Martorano said Whitey Bulger and Stephen Flemmi told him to kill Wheeler. Martorano says that former FBI Special Agent Paul Rico, through a third party, provided him with information he used to locate and kill Wheeler in Tulsa. (Shelley Murphy, *Mobster Pleads Guilty to Murder,* BOSTON GLOBE, Oct. 1, 1999; Ralph Ranalli, *FBI Agents Wander Who's Next in Probe,* BOSTON GLOBE, Jan. 23, 2000).[898]

7–12–99: Agent Daniel M. Doherty debriefs John Martorano.[899]

7–14–99: John Durham and Gary Bald meet with Victor Garo about Garo's concern that FBI agents engaged in improper, and possibly criminal, conduct in the investigation, prosecution, and confinement of Joseph Salvati.[900]

8–23–99: John Durham and Gary Bald write to Victor Garo asking for another meeting concerning the role of the FBI in Joseph Salvati's case.[901]

9–9–99: The Justice Department task force reaches a plea agreement with John Martorano, a Winter Hill Gang hitman. The plea agreement states, "In exchange for a 12½ year prison term, Martorano has agreed to plead guilty to 10 murders in Massachusetts, along with one in Florida and another in Oklahoma. He will also provide investigators with details on eight other murders that took place in Massachusetts as far back as 1965." Martorano is expected to admit to killing Roger Wheeler, Sr., and John Callahan at the instruction of James "Whitey" Bulger and Stephen Flemmi. (Andrea Estes, *Murderous Rats Mobster Ties Bulger, Flemmi to Murders,* BOSTON HERALD, Sept. 10, 1999).[902]

9–14–99: Agent Daniel M. Doherty debriefs John Martorano.[903]

9–15–99: District Court Judge Mark L. Wolf issues a 661-page opinion sharply criticizing the FBI's handling of James "Whitey" Bulger and Stephen Flemmi. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141 (D. Mass. 1999)).[904]

Judge Wolf concludes that someone in the FBI probably tipped James "Whitey" Bulger and Stephen Flemmi that Brian Halloran was informing on them, which led to Halloran's murder. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 208–214 (D. Mass. 1999)).[905]

Judge Wolf concludes that Special Agent Paul Rico helped Stephen Flemmi escape the country before being prosecuted for a car bomb planted in defense attorney John Fitzgerald's car. Fitzgerald lost a leg but survived. Judge Wolf writes that it appeared Rico arranged to have the charges against Flemmi dropped. (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 181–182 (D. Mass. 1999)); *see also* As-

sociated Press Newswires, *Salemme Claim of FBI Frame-up Draws Criticism from Prosecutors,* Mar. 24, 2001).[906]

9–21–99: Linda Reardon, a Bell Atlantic employee, allegedly tells her father, Edward G. Duff, about electronic surveillance by the FBI on certain South Boston telephone lines. Duff allegedly tells Richard Schneiderhan who tells Kevin Weeks. Weeks allegedly tells one of the targets of the electronic surveillance.[907]

John Martorano pleads guilty to killing ten people in the 1970's on behalf of a racketeering enterprise. The *Boston Globe* reports, "A plea agreement calls for his cooperation against Bulger, Flemmi and any former FBI agents being targeted in an ongoing corruption probe. Martorano also agreed to plead guilty to second-degree murder charges in Oklahoma and Florida, two states with the death penalty, with assurances that he'll only face a 15-year prison term. He's also confessed to another 8 murders . . . for which it appears he will never be charged." U.S. District Judge Mark Wolf accepts Martorano's plea but postpones any decision on whether he will go along with a government recommendation to sentence Martorano to 12½ to 15 years imprisonment. (Shelley Murphy, *Mobster Pleads Guilty to Murders,* BOSTON GLOBE, Oct. 1, 1999).[908]

12–9–99: Francis "Frank" Salemme reaches a plea agreement on racketeering, loansharking, and extortion. In exchange, murder charges were dropped. He is sentenced to eleven years in prison. As part of the plea agreement, he agrees to testify against former FBI Special Agents John Connolly and Paul Rico, and Winter Hill gang leaders James "Whitey" Bulger and Stephen Flemmi. (Shelley Murphy, *Salemme Pleads Guilty to Racketeering,* BOSTON GLOBE, Dec. 10, 1999; J.M. Lawrence, *Prosecutors Rip Salemme Claim of FBI Frame Job,* BOSTON HERALD, Mar. 24, 2001; Ralph Ranalli, *Salemme Reportedly to Testify Against Bulger,* BOSTON GLOBE, Mar. 13, 2001).[909]

12–13–99: Stephen Flemmi signs an affidavit stating the following: "(1) For many years, including the 1980's, I acted as a confidential informant for the FBI; (2) My FBI handler was Special Agent John Connolly; (3) In or near 1987, I reported to John Connolly about information I knew concerning a number of meetings involving Anthony St. Laurent of Rhode Island and other members of the LCN [La Cosa Nostra] regarding the 'shakedown' of a Las Vegas bookmaker; (4) At some point, I received reliable information that an associate of the Las Vegas bookmaker was planning to assassinate Anthony St. Laurent because St. Laurent had threatened the bookmaker's 15 year old daughter; (5) I immediately gave this information to Connolly. At that point, Connolly told me that St. Laurent was also a confidential informant for the FBI. Connolly asked me to intercede and stop the attempted assassination. I was able to accomplish this task." [910]

12–22–99: Former FBI Special Agent John Connolly is arrested and charged along with James "Whitey" Bulger and Stephen Flemmi for racketeering, racketeering conspiracy, obstruction of justice, and conspiracy to obstruct justice. Flemmi is also charged with passing classified information to Francis "Frank" Salemme.

(Edmund Mahony, *Former FBI Agent Indicted,* HARTFORD COURANT, Dec. 23, 1999).[911]

2000

1–14–00: John McIntyre's remains are found, after Bulger gang lieutenant Kevin Weeks, who faced racketeering charges in late 1999, cut a deal with investigators and led them to the grave. (Bulger and Flemmi allegedly killed McIntyre after McIntyre offered to cooperate with the authorities. According to U.S. District Judge Mark Wolf, "There is circumstantial evidence to suggest that [FBI Agent Roderick] Kennedy may have told [FBI Special Agent John] Connolly about McIntyre's cooperation . . . and reason to be concerned that Connolly may have told Bulger and Flemmi." (*U.S.* v. *Salemme,* 91 F.Supp. 2d 141, 214–15 (D. Mass. 1999)).[912]

1–21–00: In a letter from John Cavicchi, Peter Limone's attorney, to John Durham, Cavicchi apparently encloses a file on a redacted case and says the only published opinion on the F. Lee Bailey affidavit is *Greco* v. *Workman,* 481 F. Supp. 481 (1979).[913]

1–28–00: Agent Daniel M. Doherty debriefs John Martorano.[914]

2–10–00: Agent Daniel M. Doherty prepares a Report of Investigation. He indicates he interviewed "CS–00–098739" on July 12, 1999, and January 28, 2000, and that the confidential source told him that Joseph Barboza and Vincent James Flemmi admitted to killing Edward "Teddy" Deegan's murder. The report states, "The CS (Confidential Source) also stated, that either just prior to or immediately after the time period that Barboza began cooperating with law enforcement, that he, Barboza, told the CS to mind it's own business and not to intervene, because 'They' (the LCN) screwed me and now I'm going to screw as many of them as possible. Barboza further stated, that he was not interested in guilt or innocence. Barboza again reiterated to the CS that the CS should just stay out of it. Barboza told the CS that the CS was a friend and that he, Barboza, would not bother the CS."[915]

Agent Daniel M. Doherty writes a memorandum to Fred Wyshak, Assistant U.S. Attorney, stating that John Martorano advised that he was a close associate to Joseph Barboza in the mid-1960s. Martorano said that subsequent to the Edward "Teddy" Deegan murder, Barboza admitted to Martorano that he, Barboza, killed Deegan. On a separate occasion, Vincent "Jimmy" Flemmi told Martorano that he, Flemmi, killed Deegan. Just prior to or immediately after the time period that Barboza began to cooperate with law enforcement, Barboza told Martorano to mind his own business and not intervene. Barboza said La Cosa Nostra screwed me and now "I'm going to screw as many of them as possible." Barboza further said he was not interested in innocence or guilt.[916]

3–20–00: The government waits until this day, two months after John McIntyre's body was discovered, to dismiss the indictments against McIntyre in *United States* v. *Murray et al.*[917]

5–25–00: Less than six months after learning sufficient facts to verify both the government's wrongful conduct and John McIntyre's fate, the McIntyre Estate presents a duly authorized Notice of Tort

Claim, pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq*. The tort claim gives notice to the FBI of McIntyre's injuries and wrongful death caused by the negligent or wrongful acts or omissions of certain employees of the Boston FBI Office. The plaintiff files the complaint on March 2, 2001. Among other things, the Estate's administrative claim and complaint allege that former agents of the FBI conspired to protect and shield James "Whitey" Bulger and Stephen Flemmi from prosecution in exchange for their agreements to provide information to aid the FBI in its prosecution of La Cosa Nostra. The complaint also alleges that the Boston FBI Office ignored the Attorney General's Guidelines; that the individual agents knew or should have known that Bulger and Flemmi were committing violent crimes, including the murder of informants cooperating with law enforcement; that despite this knowledge the agents failed to prosecute and blocked investigations into Bulger and Flemmi; and that as a direct and proximate cause of the negligence of these agents, Bulger, Flemmi, and Weeks murdered McIntyre after he agreed to become an FBI informant in 1984.[918]

6–20–00: Peter Limone files a Motion for a New Trial.[919]

7–2–00: Peter Limone's counsel moves to intervene in *United States* v. *Stephen J. Flemmi et al.,* Crim. No. 94–10287–MLW (D. Mass.), before U.S. District Court Judge Mark L. Wolf. Judge Wolf denies intervention but indicates that certain documents might be discoverable in this proceeding. Judge Margaret Hinkle, Justice of the Superior Court, thereafter gives notice to the U.S. Attorney's Office of Limone's request for discovery of matters relating to the motion. The local U.S. Attorney's Office agreed to review its files. (This leads to the parties each receiving a telephone call from John H. Durham, Special Attorney with the U.S. Attorney's Office. This telephone contact was followed by a letter to the parties from Durham dated December 19, 2000, enclosing 26 pages of FBI documents.) (*See also* 12–19–00 entry).[920]

7–27–00: Francis Imbruglia says in an affidavit, "I am stating under oath and of my own personal knowledge that Peter Limone, Henry Tameleo, and Louie [sic] Greco had nothing to do with . . . the murder of Teddy Deegan."[921]

8–30–00: In a letter to John Cavicchi, who is Peter Limone's attorney, Roy French writes, "[M]y affidavit was right on the money with the exception of Joseph Salvati. . . . For the record, I have no memory of Joseph Salvati being a part of my involvement with the shooting death of 'Teddy Deegan.' He in no way aided me directly or indirectly . . . to truly defeat the testimony of Tony Stathopoulos. [Stathopolous testified that he saw Louis Greco come out of the alley.] [T]here is enough evidence to support that any stride of walking or slowly running or hurriedly walking, was an impossibility to perform by Louie [sic] Greco.[922]

9–19–00: Peter Limone files a Motion to Vacate Conviction and Dismiss Indictments.[923]

9–28–00: In an unsealed indictment, James "Whitey" Bulger, Stephen Flemmi, and several underlings are indicted on 21 murders, extortion, distribution of drugs, obstruction of justice, racketeering, and money laundering.[924]

10–11–00: Former Special Agent John Connolly is indicted on a range of charges, including providing tips to James "Whitey" Bulger and Stephen Flemmi to eliminate threats to their operations and misleading grand jury investigations in the Winter Hill Gang extortions.[925]

11–14–00: Joseph Balliro, counsel for Henry Tameleo at the Edward "Teddy" Deegan trial, submits an affidavit attesting that he received a memorandum from F. Lee Bailey, and "it obviously exculpates Mr. Limone from being in any way responsible for the death of Mr. Deegan." Balliro says he never represented Stephen Flemmi or Nick Femia. He has no knowledge of any information that Freddie Chiampa or Frank [Francis] Imbruglia had about the Deegan murder. He represented Joseph Barboza and Vincent "Jimmy" Flemmi 35–40 years ago on matters unrelated to the Deegan matter, and he never received any information from Barboza about the Deegan murder. Balliro says he did receive information about the Deegan murder from Vincent "Jimmy" Flemmi. Balliro says Flemmi's information is exculpatory for Limone and others charged and convicted of the murder. Balliro says he would divulge the information upon court order. (*Commonwealth* v. *Limone,* Cr. No. 32367, 69–70 (Suffolk Cty. Sup. Ct., Nov. 14, 2000)).[926]

11–15–00: An indictment of former Massachusetts State Police Officer Lieutenant Richard J. Schneiderhan, Edward G. Duff, and Linda Reardon is handed down for conspiracy to obstruct justice, obstruction of justice, and aiding and abetting. Schneiderhan and Duff are related through marriage as brothers-in-law. Duff is Reardon's father. The indictment states that Schneiderhan maintained a personal friendship with Stephen Flemmi since the 1950s; Schneiderhan maintained a personal, non-law enforcement relationship with John Martorano from the late 1960s to about 1978; and Schneiderhan helped James "Whitey" Bulger escape capture by informing him that certain Boston telephone lines were tapped.[927]

12–19–00: John Durham, Special Assistant U.S. Attorney, writes a letter to John Cavicchi, attorney for Peter Limone, regarding the disclosure of FBI documents relating to the March 12, 1965, murder of Edward "Teddy" Deegan. The letter states in relevant part: "Joint Task Force's [JTF] search first determined that around the time Deegan was murdered, Vincent James Flemmi was an FBI informant. According to the file maintained in support of efforts to develop Flemmi as an informant, focus on Flemmi's potential as a source began on about 3/9/1965. The first reported contact with Flemmi was by FBI Boston Special Agent H. Paul Rico on 4/5/1965. The informant file was officially opened and assigned to SA Rico on 4/15/1965 and reflects that Flemmi was contacted a total of five times as an informant, each time by SA Rico. The dates of contact were 4/5/1965, 5/10/1965, 6/4/1965, 7/22/65 and 7/27/1965. Flemmi's file was closed on 9/15/1965 after Flemmi was charged with a crime, unrelated to the Deegan murder." John Durham makes 26 pages of FBI documents available to Joseph Salvati and Limone relating to the Deegan murder. However, Judge Margaret Hinkle notes that the documents produced are "heavily redacted." (*Com-*

monwealth v. *Limone,* Cr. No. 32367, 32369, 32370 (Suffolk Cty. Sup. Ct., Jan. 5, 2001); *see* 1–5–01 entry).[928]

2001

1–2–01: Ronald Cassesso attorney Ronald Chisholm reveals that Cassesso admitted to participating in the Edward "Teddy" Deegan murder and that four of the six convicted were innocent, but were convicted by Barboza's false testimony. Cassesso told Chisholm that he was approached by Special Agent Paul Rico in 1967 while awaiting trial. Rico told Cassesso that he could escape prison by corroborating Barboza's testimony—Cassesso refused. Edmund H. Mahony, *Murdered Said Four More Innocent in '65 Slaying, Lawyer Says,* HARTFORD COURANT, Jan. 3, 2001, at A8.[929]

Joseph Balliro executes an affidavit stating that in the summer of 1967, Vincent "James" Flemmi told Balliro that Joseph Barboza planned the Edward "Teddy" Deegan murder and Flemmi participated in it. Flemmi also stated that Barboza substituted Joseph Salvati for Flemmi because Salvati disrespected Barboza. Flemmi also stated that Henry Tameleo and Peter Limone did not arrange the murder, and Louis Greco was not a participant, but Barboza implicated them because they also disrespected Barboza.[930]

1–5–01: Judge Hinkle's Order granting Peter Limone a new trial states, "[T]he jury would likely have reached a different conclusion by this previously UNDISCUSSED evidence for two reasons. First, the new evidence [Durham's Dec. 19, 2000, disclosure of 26 pages of FBI documents] casts serious doubt on Barboza's credibility in his account of Limone's role. Second, the new evidence reveals that Vincent James Flemmi, a participant of some sort in the Edward "Teddy" Deegan murder, was an FBI informant around the time of the murder." (*Commonwealth* v. *Limone,* Cr. No. 32367, 32369, 32370, slip op. at *14 (Suffolk Cty. Sup. Ct., Jan. 5, 2001)).[931]

1–30–01: The Suffolk County District Attorney's Office signs a non-prosecution motion stating, "Now comes the Commonwealth in the above-captioned matter [*Commonwealth* v. *Salvati*] and respectfully states that it will not prosecute Indictment No. 32368 [regarding Joseph Salvati] any further. As ground therefor, the Commonwealth respectfully states as follows: (1) There exists newly discovered evidence—various FBI documents disclosed to the Commonwealth and the defendant for the first time on December 19, 2000—which significantly undermines (a) the credibility of the Commonwealth's principal witness at the defendant's first trial, Joseph Barboza, and (b) the Commonwealth's theory of the defendant's role in the murder of Edward Deegan, as presented at the defendant's first trial[;] (2) Joseph Barboza was shot and killed on February 11, 1976[;] (3) The Commonwealth has conducted a comprehensive review of the facts and circumstances surrounding the arrest, trial, and conviction of the defendant for his alleged role in the murder of Edward Deegan, including the impact of the contents of the newly discovered FBI documents[;] (4) In addition, the Commonwealth has carefully and thoroughly evaluated the nature, quality, and sufficiency of the alleged evidence against the defendant[;] (5) As a result of that review and evaluation, the Com-

monwealth has concluded that it does not now have a good faith basis—legally or ethically—to proceed with any further prosecution of the defendant."[932]

A non-prosecution motion is also filed and signed by the Suffolk County District Attorney's Office stating that the Office will not prosecute Peter Limone for his alleged involvement in the Edward "Teddy" Deegan murder. Ralph Ranalli, *DA: No New Trials Against 2 in '65 Case,* BOSTON GLOBE, Jan. 31, 2001; *see also* Limone's Motion to Dismiss.[933]

2–15–01: The *Boston Globe* reports that Charles Prouty said: "The FBI was forthcoming. We didn't conceal the information. We didn't attempt to frame anyone." As support for that statement, Prouty cited the document from 3–16–65 that indicates information was provided by the FBI to local law enforcement. (Shelley Murphy, *FBI Says Documents Clear it of Wrongdoing in '65 Case,* BOSTON GLOBE, February 15, 2001.)[934]

3–2–01: The McIntyre Estate files a complaint alleging misconduct on behalf of certain employees of the Boston FBI Office. In particular, the filing says that the FBI ignored overwhelming evidence that James "Whitey" Bulger and Stephen Flemmi were killers. Plaintiff is seeking $50 million in damages. (*See* 5–25–00 entry).[935]

3–12–01: Francis "Frank" Salemme agrees to be a witness against James "Whitey" Bulger, Stephen Flemmi, and FBI Special Agents Paul Rico and John Connolly. (*Salemme Claim of FBI Frame-up Draws Criticism from Prosecutors,* Associated Press Newswires, Mar. 24, 2001).[936]

Francis "Cadillac Frank" Salemme files a habeas corpus prisoner petition "asking the judge for whatever relief he finds appropriate." Salemme's attorney, Anthony P. Cardinale, claims that "[t]he government literally suborned perjury in order to frame [Salemme] in the state case." (J.M. Lawrence, *Salemme Claims FBI Fudged Evidence Against Him,* BOSTON HERALD, Mar. 13, 2001). In said petition, "Salemme claims the FBI pressured a witness [Robert Daddeico] to lie in order to protect [Stephen] Flemmi, an informant, and make sure he went to prison." (*Salemme Claim of FBI Frame-up Draws Criticism from Prosecutors,* Associated Press Newswires, Mar. 24, 2001; *see also* Ralph Ranalli, *Salemme Reportedly to Testify Against Bulger,* BOSTON GLOBE, Mar. 13, 2001).[937]

3–13–01: The Estate of Michael J. Donahue files suit against the FBI, including Special Agent John Connolly, Supervisory Special Agent John Morris, Boston SAC Lawrence Sarhatt, Assistant SAC Robert Fitzpatrick, James "Whitey" Bulger, and Stephen Flemmi. The *Donahue* case centers on: (1) the May 11, 1982, murder of Michael J. Donahue, an innocent bystander to the intentional murder of Brian Halloran; (2) the systemic wrongful acts and practices of the FBI which directly and proximately caused this murder; and (3) the FBI's intentional and pervasive effort to conceal its role in the murder. Allegations include that FBI Supervisory Special Agent John Morris and Special Agent John Connolly provided confidential law enforcement information to James "Whitey" Bulger, a known crime figure, and that Brian Halloran was cooperating with law en-

forcement and was providing information that Bulger was involved in the previous murder of Roger Wheeler. It is alleged that they did so knowing that Bulger was a dangerous criminal and would kill Halloran. It is also alleged that as a direct result of the information provided by Connolly and Morris, Bulger and members of his Group murdered Brian Halloran, killing Donahue as an innocent bystander. Donahue and Halloran were neighbors and when the murders occurred, Donahue was giving Halloran a ride home in the course of errands to plan for a family fishing trip. As causes for Michael Donahue's death, the Donahue Family points to the intentional acts of line and supervisory FBI agents, the persistent reckless and intentional indifference of the FBI and its supervisory agents to the wrongdoing of its agents and informants, and the environment created and maintained at the FBI which allowed and encouraged this wrongful conduct. The Donahue Family seeks $36 million in compensatory damages.[938]

May 2001: Stephen Flemmi agrees to a plea bargain with the U.S. Attorney's Office on extortion, money laundering, and obstruction of justice charges. Flemmi is sentenced to ten years. In return, prosecutors drop charges on three murders Flemmi and James "Whitey" Bulger allegedly committed in the 1960s. (John Ellement, *Mobster Pleads Guilty to 10 Counts of Murder,* BOSTON GLOBE, July 18, 2001).[939]

5–3–01: FBI Director Louis J. Freeh issues a statement discussing the goals of an independent Justice Task Force led by Special Attorney John Durham that is charged with investigating law enforcement corruption arising out of the FBI's handling of criminal informants James "Whitey" Bulger and Stephen Flemmi. Specifically, he states the Joint Task Force's ongoing Deegan inquiry is focused on: "Whether the FBI's assistance to local authorities in this murder investigation was designed, at least in part, to protect Vincent James Flemmi from being prosecuted; Whether the FBI's motivation linked to Flemmi's status as a former FBI informant and/or the informant status of his brother, Stephen Flemmi; and, Whether the FBI properly disseminated potentially exculpatory information to local investigators/prosecutors." [940]

The U.S. House Committee on Government Reform holds its first hearing to explore federal law enforcement initiatives in Boston over the last three decades. The first hearing focuses on the case of Joseph Salvati, who spent 30 years in prison for a murder he did not commit. The convictions were primarily based on the testimony of notorious Boston mobster killer turned FBI witness, Joseph "The Animal" Barboza. Documents obtained by the Committee prior to the hearing show that not only was the prosecution of Joseph Salvati and three others questionable, but that federal and state law enforcement authorities had information indicating that they were sending the wrong men to the death chamber or prison for life. "Investigation into Allegations of Justice Department Misconduct in New England," *Hearings Before the Comm. on Govt. Reform,* 107th Cong. (May 3, 2001).

5–4–01: In a letter to the Government Reform Committee from the Mayor of Springfield, Massachusetts, Michael Albano writes

that the FBI conspired to keep Joseph Salvati, Louis Greco, Henry Tameleo, and Peter Limone in prison.[941]

5–16–01: FBI Director Louis Freeh testifies before the House Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary. When asked by Florida Representative Dan Miller "[i]s there anything you can say on [the Joseph Salvati] case and on behalf of the FBI and the Salvati family," Freeh states that the Salvati case is "obviously a great travesty, a great failure, disgraceful to the extent that my agency or any other law enforcement agency contributed to that." He further states, "What I would say certainly to the family and any victim in such a situation is there is nothing worse that can happen under a system of law that an innocent person is either charged or in this case punished for that period of time. It's a travesty, it's a disgrace, it shouldn't happen. I don't believe it happens frequently under our system, but it does. And when it does, it is of the gravest concern." When Rep. Miller asks Freeh "[i]s there someone in the FBI who should have been more proactive in trying to help him through the process," Freeh responds that "we came into the situation, unfortunately, too late, but we did develop—as I understand it, we developed all the evidence which has gone now to his exoneration, with a lot of other people in the U.S. Attorney's office, but we're the ones who picked those pieces back up. It should have never gotten to that point."[942]

7–3–01: John Fitzgerald dies in South Dakota (Joe Fitzgerald, *Praise for One who Turned Tragedy to Triumph,* BOSTON HERALD, July 11, 2001; Andy Dabilis & Ralph Ranalli, *Mob Lawyer Maimed in '68 Dies,* BOSTON GLOBE, July 5, 2001).[943]

7–17–01: Stephen Flemmi pleads not guilty to ten charges of murder. (John Ellement, *Mobster Pleads Guilty to 10 Counts of Murder,* BOSTON GLOBE, July 18, 2001).[944]

Stephen Flemmi's alleged murder victims in Boston include: John McIntyre, Edward Connors, Thomas King, Arthur "Bucky" Barrett, Richard Castucci, James Sousa, Debra Davis, and Deborah Hussey. (J.M. Lawrence, *Flemmi Vows Innocence as Case Heads to Trial,* BOSTON HERALD, July 18, 2001).[945]

7–30–01: Linda Reardon takes a plea bargain on obstruction of justice charges before Judge Edward Harrington. Reardon admits telling her father, Edward G. Huff, about the existence of FBI pen registers on the phones of Billy Bulger and John "Jackie" Bulger. Huff passed the information to his brother-in-law Richard Schneiderhan, who passed the information in a note to Kevin Weeks. (John Ellement, *Woman Admits Role in Tipping Bulgers to Wiretaps,* BOSTON GLOBE, July 31, 2001).[946]

8–2–01: The Estate of Brian Halloran files suit against the United States, acting through the FBI and DOJ, and others. The *Halloran* suit centers on the May 11, 1982, murder of Brian Halloran. Halloran, at the time, was providing information to the FBI due to murder charges that he himself was facing. In the course of his cooperation, Halloran provided information implicating James Bulger and the Winter Hill Gang in the murder of Roger Wheeler. Halloran had indicated that Bulger and others offered him the contract to kill Wheeler, but he declined. Like the *Donahue*

action (*see* 3–13–01 entry), the *Halloran* Complaint adopts the judicial findings and Government allegations that Supervisory Special Agent John Morris wrongfully relayed the information regarding Halloran's cooperation to Bulger. Plaintiff seeks $25 million in damages.[947]

9–10–01: Louis Greco's attorney John Cavicchi files a Petition for Pardon to exonerate Greco with the Massachusetts Parole Board by wiping "away 'the stigma of this wrongful conviction' posthumously for the sake of Greco's family." (J.M. Lawrence, *Parole Board Asked to Clear Dead Man of Murder He Didn't Commit,* BOSTON HERALD, Nov. 12, 2001).[948]

10–1–01: A few days before he is interviewed by the Committee on Government Reform and three days after a government prosecutor appears to have spoken to him,[949] Robert Daddeico is presented with the following proposal by the FBI: "Robert Daddieco, also known as [Name Redacted by Committee], hereby acknowledges receipt from the Federal Bureau of Investigation (FBI) of $15,000 for expenses to assist with his relocation, which expenses are being paid in consideration of the assistance he provided to the FBI. Mr. Daddieco acknowledges that the FBI has no further financial obligation to him. In addition, Mr. Daddieco acknowledges that he is aware of and has been advised by the FBI of potential risks to him as a result of his cooperation with the FBI. In addition, Mr. Daddieco acknowledges that he was offered protection in the Witness Security Program (hereafter the "program"). Mr. Daddieco acknowledges that he was interviewed by the United States Marshal's Service and was accepted into the "program." However, Mr. Daddieco thereafter indicates that he did not wish to enter the program. Mr. Daddieco acknowledges that he has been advised of and fully understands the risks he is incurring as a result of his decision, and, fully understanding the risks, still wishes to be responsible for his own relocation. The payment of $15,000 to Mr. Daddieco is intended to allow Mr. Daddieco to relocate on his own in lieu of his participation in the program. Since Mr. Daddieco is not relying on protective assistance from the government and in further consideration of this payment of $15,000 from the FBI, Mr. Daddieco agrees, on his own behalf and on behalf of his heirs and assigns, to hold the United States, its agencies and its employees harmless for any injuries or death to him and/or his family resulting from his cooperation with and assistance to the FBI." Special Agent Mike Buckley handled this matter. Daddieco does not sign this agreement, nor does he accept the $15,000.[950]

10–30–01: Stephen Flemmi's affidavit dated December 13, 1999, is submitted today "by convicted Rhode Island mobster Robert DeLuca, along with a motion to set aside his May 1994 state gambling conviction. DeLuca argues that he is innocent and that St. Laurent, a co-defendant in his case, set him up for investigators while working as an informant for the FBI and Rhode Island State Police. . . . DeLuca, who gained notoriety as one of four soldiers inducted into the New England Mafia in 1989 during a blood-oath ceremony that was bugged by the FBI, has about four years left to serve in federal prison on racketeering and extortion charges."

Shelley Murphy, *Mobster Says He Stopped a Hit,* BOSTON.COM, Oct. 31, 2001.[951]

11–6–01: In a letter to Attorney General John Ashcroft, three Massachusetts Congressmen, Representatives Barney Frank, Martin Meehan, and William Delahunt criticize the Justice Department for using "procedural tactics" to try and quash the John McIntyre suit. The Congressmen called the government's motion "embarrassing." They write that "the Justice Department has resorted to the kinds of procedural tactics that give the legal profession a bad name." [952]

11–15–01: In the civil suit *The Estate of John L. McIntyre* v. *U.S.,* Plaintiff McIntyre writes the following in its Opposition to Defendant United States' Motion to Dismiss: "The government's motion to dismiss is all the more striking because in hearings before Judge Wolf, the government continued in its obstructionist conduct concerning McIntyre's disappearance causing the court to lament that the question concerning McIntyre's disappearance and death could not "be resolved on the present record, in part because of the delayed disclosure of documents by the government and in part because "it evidently was not in either the interest of Flemmi or of the FBI to have this issue fully developed in this case." *See United States* v. *Salemme,* 91 F.Supp.2d 141, 213 (D. Mass. 1999). The government's shroud of secrecy first began to unravel when Stephen Flemmi claimed in court pleadings that he was protected from criminal prosecution based upon direct promises made to him by government agents. At first, the government suggested that Flemmi's claim was preposterous, but due to incessant and insistent judicial prodding, Flemmi's 'fiction' became fact—bodies were recovered from the frozen earth of Dorchester and on December 22, 1999 the lead government agent was indicted for a RICO violation, including the allegation of his involvement in two murders. . . . Though plaintiff presented its administrative claim less then *six months* after learning sufficient facts to verify both the government's wrongful conduct and McIntyre's fate, the United States has filed a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(1) claiming the Estate failed to present its administrative claim within two years of its accrual as required by 28 U.S.C. § 2401 (b). . . . The government's motion to dismiss is factually insipid, legal deficient, and flirts with Rule 11. How is it that Mrs. McIntyre living alone and caring for her disabled daughter—who was treated as an outcast by law enforcement and did not have the power or authority to investigate criminal wrongdoing, wiretap telephones, conceal electronic eavesdropping devices in private homes and garages, offer immunity to those destined to long prison sentences—could have gained facts sufficient to file a lawsuit when those very facts allegedly escaped or eluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf." [953]

12–19–01: Roy French is freed from prison. The *Boston Globe* reports, "The only man to admit he helped murder Edward 'Teddy' Deegan in a Chelsea alley 36 years ago saw his convictions wiped out yesterday by Suffolk prosecutors, who decided recently discovered evidence of FBI misconduct denied Wilfred Roy French a fair

trial. . . . Assistant District Attorney Mark T. Lee said that while the FBI reports strongly indicated Limone and Salvati were not involved in Deegan's murder, they did not absolve French. 'It has always been our view that he was one of the shooters,' Lee said of French. Deegan was shot by three different weapons. And that hasn't changed, he said. Lee said Martin's office decided to effectively wipe off French's accessory-to-murder convictions from his criminal record because the revelations in the FBI reports seriously undermine their ability to retry French, especially since Barboza is dead. French's attorneys were seeking a new trial based on the FBI reports." John Ellement & Kathleen Burge, *Deegan Defendant Freed After 34 Years,* BOSTON GLOBE, Dec. 20, 2001.[954]

2002

1–10–02: The government files for dismissal in the Brian Halloran lawsuit. The government claims that "plaintiff failed to present its administrative claim within two years of its accrual as required by statute, 28 U.S.C. § 2401(b)." The government argues that the action should have been filed in 1984, which was two years after Halloran's death. In the alternative, it claims that the deadline was April 1998, which was two years after the reporting of Supervisory Special Agent John Morris's testimony. The Motion is submitted by Assistant Attorney General Robert D. McCallum, Phyliss Pyles, Peter Schlossman, and Margaret Krawiec.[955]

2–12–02: Jack Zalkind tells reporter J.M. Lawrence that Barboza's testimony was corroborated by others involved in the case. J.M. Lawrence, *Justice Dept. Won't Turn Over Memo in Salvati Case,* BOSTON HERALD, Feb. 12, 2002.[956]

5–28–02: Former Special Agent John Connolly is convicted of "charges that he shielded the gangsters, accepted a bribe and tipped them to impending indictments. After deliberating two days, a federal jury found Connolly, 61, guilty of one count of racketeering, three counts of obstruction of justice and one count of making a false statement to the FBI. . . . Jurors found Connolly not guilty of one crime: leaking the identities of three men who had been talking to the FBI. The men were killed by mobsters in retaliation, prosecutors alleged." (Pamela Ferdinand, *Ex-FBI Agent Convicted of Helping Gangsters,* Wash. Post, May 28, 2002; *see also* Shelley Murphy and Thanassis Cambanis, *Connolly Convicted,* BOSTON GLOBE, May 29, 2002; J.M. Lawrence, *Former FBI Agent Guilty,* BOSTON HERALD, May 29, 2002).[957]

7–31–02: Senior U.S. District Judge for the District of Massachusetts Edward Harrington sends a letter to his colleague on the bench, U.S. District Judge Joseph L. Tauro, who is presiding over the John Connolly sentencing matter. The letter outlines the reasons why Connolly's crime-fighting contributions should win him leniency when he is sentenced on September 16, 2002. This conduct is in contravention of the code of conduct governing federal judges, which specifically prohibits judges from initiating contact with a sentencing judge. *See* Jonathan Wells, *Connolly Letter May be Ethics Violation,* BOSTON HERALD, Aug. 3, 2002.[958]

8–5–02: Due to public pressure, Senior U.S. District Judge Edward Harrington withdraws his letter urging Judge Joseph Tauro to be lenient on convicted former FBI Special Agent John Connolly when he is sentenced in September. In the letter to Judge Tauro withdrawing his earlier request, Harrington insists that his first letter was proper: "I believed that my letter was entirely proper as it was requested by the defendant, relates to specialized knowledge acquired as a federal prosecutor, and concerns the type of information traditionally considered by courts." He further writes, "Given the present controversy surrounding my letter, I ask that my letter be withdrawn and not be considered in any way." He also apologizes to the court for any inconvenience or distraction his letter caused. See Thanassis Cambanis, *Judge Withdraws Connolly letter,* BOSTON GLOBE, Aug. 6, 2002.[959]

8–14–02: Joseph Salvati files a notice under the Federal Tort Claims Act that he plans to sue the government for $300 million. *See* J.M. Lawrence, *Salvati to Sue Feds for $300M,* BOSTON HERALD, Aug. 14, 2002.[960]

8–15–02: The Judicial Council of the First Circuit, a disciplinary committee, brings a complaint against Senior U.S. District Judge Edward Harrington for asking a colleague on the bench to be lenient on former FBI Special Agent John Connolly at his sentencing in September 2002. Harrington responds to the complaint stating: "Upon reflection, I did commit a clear violation of Canon 2(B) of the Code of Conduct for United States Judges in writing a letter to District Judge Tauro relating to the sentencing in a criminal matter." He further states, "For this act, I am exceedingly sorry and sincerely apologize to the Judicial Council and to my fellow judges in the First Circuit." *See* Thanassis Cambanis, *Council Accepts Judge's Apology,* BOSTON GLOBE, Aug. 24, 2002.[961]

8–23–02: The Judicial Council of the First Circuit, a disciplinary committee, decides that Judge Edward Harrington has been punished enough after he admitted that he broke ethical rules when he asked Judge Tauro to be lenient on former FBI Special Agent John Connolly at his sentencing next month. The Chief Judge of the U.S. Court of Appeals for the First Circuit writes, "I find that Judge Harrington's withdrawal of his July 31 letter, his admission of a clear violation of the Code of Conduct, his sincere apology, and his agreement to allow all complaint materials to be made public constitute appropriate corrective action to remedy the problem raised by the complaint." *See* Thanassis Cambanis, *Council Accepts Judge's Apology,* BOSTON GLOBE, Aug. 24, 2002.[962]

9–16–02: Former Special Agent John Connolly is sentenced to ten years in prison for breaking the law to protect his notorious gangster informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. *See* Shelley Murphy, *Connolly Sentenced to 10-Year Maximum,* BOSTON GLOBE, Sept. 17, 2002.[963]

[Selected exhibits 1 through 350 follow:]

DATE	Number Court Appearances	OFFENCE	COURT	[illegible]	[illegible]	[illegible]
Mar 5 '46	4	Delinquent Child Breaking and Entering and Larceny Day	[illegible]	[illegible] 9/11/46 Par 9/20/53;2/7/47 Sat., 7/20/47 Par.9/20/53 [illegible] Sat.,[illegible] Par. [illegible] and [illegible]		
[illegible] 7 '47	5	Delinquent Child Breaking and Entering and Larceny, Night 6 months	[illegible]	Filed		
		Delinquent Child Breaking and Entering and Larceny, Night	[illegible]	Filed		
Apr 14 '49	6	Delinquent Child Breaking and Entering and Larceny Night 3 months	[illegible]	Filed		
		Delinquent Child Breaking and Entering Night	[illegible]	Filed		
		Delinquent Child Receiving Stolen Goods	[illegible]	Filed		

[illegible]

EXHIBIT

CASE SUMMARY

PARENTS:

	Occupation	Address
Father: Joseph Barboza - 62	Retired	New Bedford, Mass.
Mother: Palmeda (Camille) Barboza-63	"	" " "

SIBLINGS:

1.	Subject (K)	39	Cook	W/Wife-Santa Rosa, Ca.
2.	Donald Barboza	43	Pres. Union	[redacted], New Bedford,Mass
3.	Anthony Barboza	23	U.S.Marines	[redacted], Jacksonville, N.C.
4.	Anne Barboza	21	Housewife	Unk
5.				
6.				
7.				

MARRIAGES:

		Age	Place	Date	Outcome
1.	Claire Cohen	30	Maine	4/30/64	Intact
2.					

Not Legalized

1. None
2.

CHILDREN:

		Age	Support	Residing
1.	Stacey Michele	6	Welfare	w/Mother-Unk
2.	Richard Adam	3	"	" " "
3.				
4.				

FAMILY ARREST HISTORY:
Bro: Donald-Larceny

RESIDENTIAL PATTERN:
Mass to 1968; Kentucky to 3/69; Calif. since.

RELIGION: Subject: Jewish Spouse: Jewish Parents: Catholic

EDUCATION: Age Left School: 16 Claimed Grade: 8th Measured Grade: 6.9 Verify:

INTELLIGENCE LEVEL: Average

JOBS:

	Firm	Address	Title	Length	Verify
1.	Shamrock Rest.,	Santa Rosa, Ca.	Cook	2 mos 1970	
2.	President Lines		"	1 " 1969	
3.	Casa Mia,	Boston, Mass.	"	6 " 1964	

Disability: None Union: None

S. S. No.: Occupation: Cook

FINANCIAL: No A-L

MILITARY: Service Branch: None Rank: Verify: Serial No.

Date Entered: Date Discharge: Type Discharge:

Disciplinary: Duties: Disability:

Time in State Before Comm. Offense: 2 yrs. Age 1st Arrest: 13 Age 1st Comm. 13

Offense and Inst. of 1st Commitment: B&E-Lymon School for Boys, Mass.

Escape History: 1953-Concord Reform.

DELINQUENCY HISTORY: (G) B&E; (L) Many; (A) Yes 5/8/62-2/26/71

ALCOHOL: Very moderate, no not related to offense.

NARCOTICS and DRUGS:

	Addict	User	Suspect	1st Used	Rate
Heroin					
Other opiate (Type)					
Marijuana		X		Age 28	Off & On since
Dangerous drug (Type)					

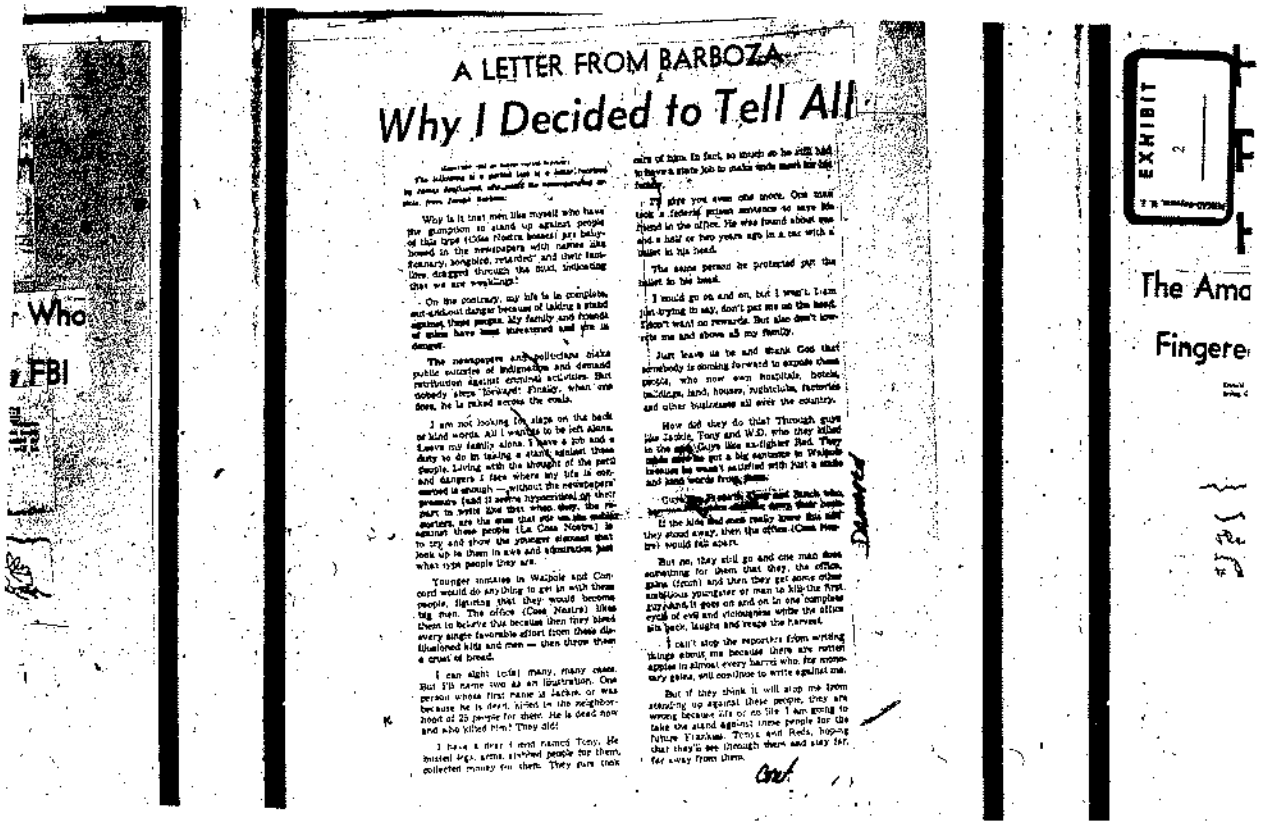
None

COMMENTS: (C) None

No. B-38509 Name BENTLEY, Joseph RGC-CMF 1/21/72 mj 5

SA-2 (Rev. 9-67)

DATE	Number Cases Appear Under	OFFENCE	COURT	DISTRICT COURT	[illegible]	[illegible]
Dec 30 '49 (CONTINUED)	9	[illegible]	New Bedford	[illegible]	Bristol	2/9/50 - 5 yrs - [illegible] Mass. Reffy cons.
		Breaking and [illegible] and Larceny, [illegible]	New [illegible]	[illegible]	Bristol	2/9/50 - Filed
		Larceny under $100	New Bedford	[illegible]	Bristol	2/9/50 - Filed
May 17 '51	10	Robbery by [illegible] and Violence			Middlesex Indictment 6/20/51 Paral	10-12 yrs. St. Pr. [illegible] [illegible] 9/10/51 - [illegible] 5/9/60 Par. [illegible] 5/17/62 [illegible] 6/28/62 Par. 8/13/61 10/9/62 Par. Rev., [illegible] 10/10/62 Det. 8/30/64 - Block.
		Robbery by Force and Violence			Middlesex Indictment	10-12 yrs. St.Pr. conc.
		[illegible] Verdict			[illegible]	[illegible]
		[illegible]			[illegible]	[illegible]
				[illegible]		



Who

FBI

A LETTER FROM BARBOZA

Why I Decided to Tell All

The following is a partial text of a letter reportedly written by convicted murderer and ex-con Joseph Barboza.

Why is it that men like myself who have the gumption to stand up against people of this type (Cosa Nostra bosses) are babyfaced in the newspapers with names like Rosemary, Boughie, retarded and their testimony, dragged through the mud, indicating that we are weaklings?

On the contrary, my life is in complete, out-and-out danger because of taking a stand against these people. My family and friends of mine have been threatened and are in danger.

The newspapers and politicians make public outcries of indignation and demand retribution against criminal activities. But nobody cares "Boo-hoo!" Finally, when one does, he is raked across the coals.

I am not looking for slaps on the back or kind words. All I wanted to be left alone. Leave my family alone. I have a job and a duty to do in taking a stand against these people. Living with the thought of the peril and dangers I face where my life is concerned is enough — without the newspapers' pressure. (and it seems hypocritical of their part to write like that when they, the reporters, are the ones that rip on the mobsters against these people (La Cosa Nostra) is to try and show the younger element that look up to them in awe and admiration just what type people they are.

Younger inmates in Walpole and Concord would do anything to get in with these people, figuring that they would become big men. The office (Cosa Nostra) likes them to believe this because then they bleed every single favorable effort from these disillusioned kids and men — then throw them a crust of bread.

I can slight (only) many, many cases. But I'll name two as an illustration. One person whose first name is Jackie, or was because he is dead, killed in the neighborhood of 25 people for them. He is dead now and who killed him? They did!

I have a friend named Tony. He busted legs, arms, stabbed people for them, collected money for them. They gave him cuts of him. In fact, so much so he still had to have a state job to make ends meet for his family.

I'll give you even one more. One man took a federal prison sentence to save his friend in the office. He was found about two and a half or two years ago in a car with a bullet in his head.

The same person is protected per the bullet in his head.

I could go on and on, but I won't. I am just trying to say, don't put me on the hook. I don't want no rewards. But also don't provide me and above all my family.

Just leave us be and thank God that somebody is coming forward to expose these people, who now own hospitals, hotels, garages, land, houses, nightclubs, factories and other businesses all over the country.

How did they do this? Through guys like Jackie, Tony and W.D. who they killed to the end. Guys like ex-fighter Red. They [illegible] got a big sentence to Walpole [illegible] because he wasn't satisfied with just a smile and kind words from them.

Guys [illegible] Jackie and Tony, when [illegible] they stood away, then the office (Cosa Nostra) would rob apart.

But no, they still go and one man does something for them that they, the office, gains (from) and then they get some other ambitious youngster or man to kill the first. [illegible] it goes on and on in one complete cycle of evil and viciousness while the office sits back, laughs and reaps the harvest.

I can't stop the reporters from writing things about me because there are rotten apples in almost every barrel who, for monetary gains, will continue to write against me.

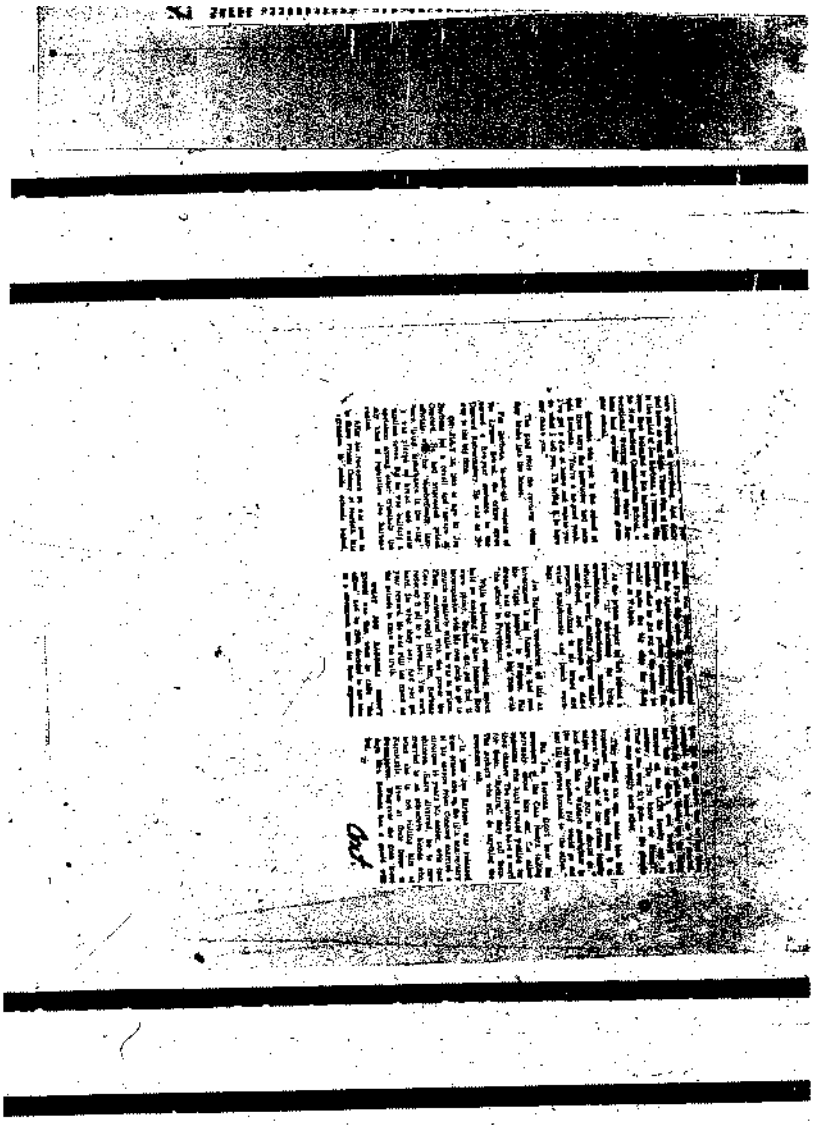
But if they think it will stop me from standing up against these people, they are wrong because sit or no sit I am going to take the stand against these people for the future Frankies, Tonys and Reds, hoping that they'll see through them and stay far, far away from them.

God

EXHIBIT 2

The Ama

Fingere



Barboza
e Rug on
Bosses
the Alleged Killer Who
a Nostra for the FBI

A LETTER FROM BARBOZA

Why I Decided to Tell All

Who

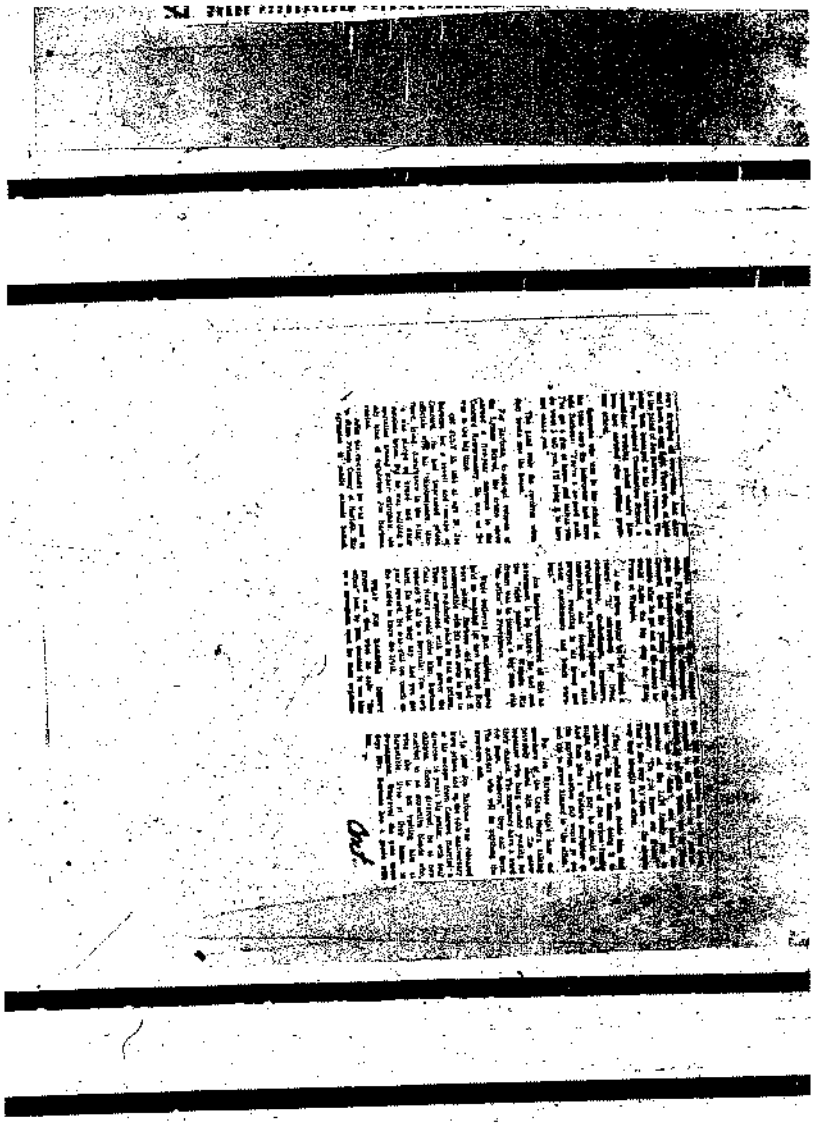
FBI

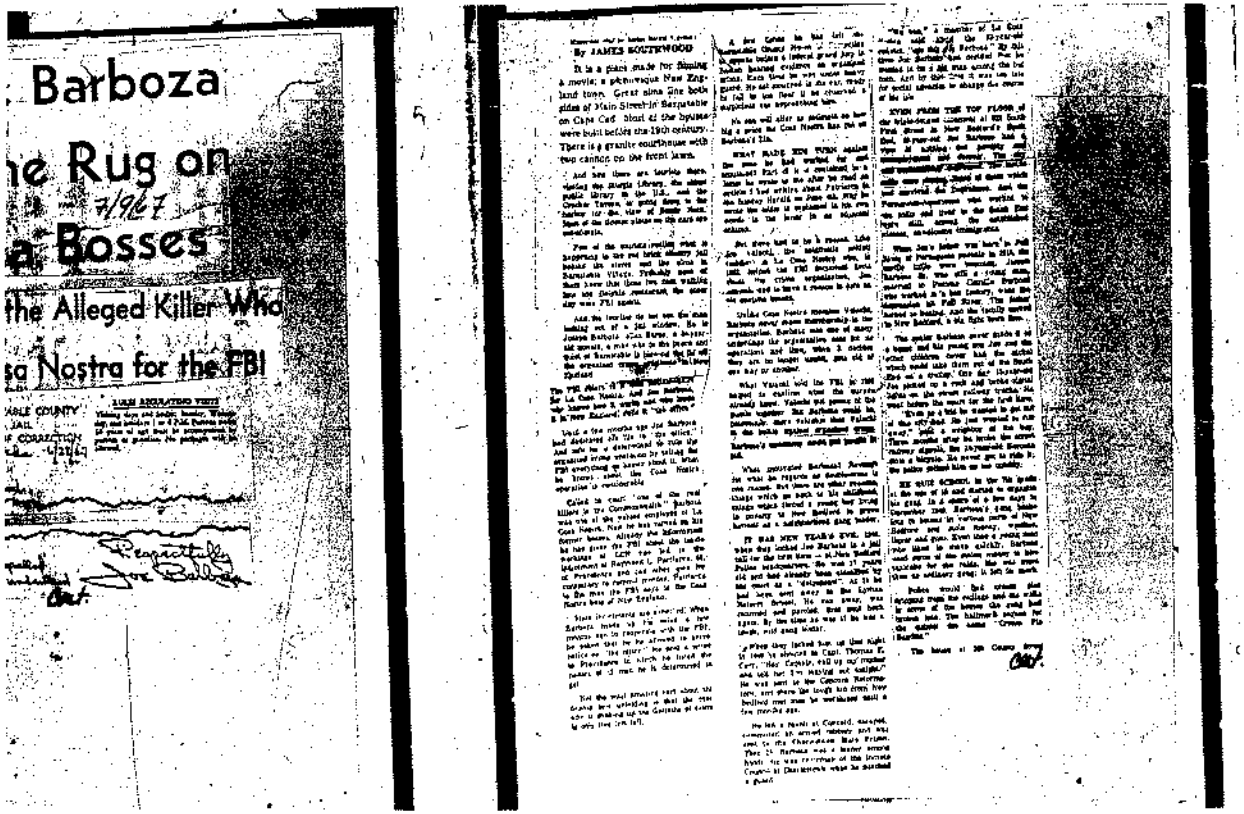
The Ama

Fingere

EXHIBIT

3





Barboza

ne Rug on

7/9/67

a Bosses

the Alleged Killer Who

sa Nostra for the FBI

By JAMES SOUTHWOOD

It is a place made for filming a movie; a picturesque New England town. Great elms line both sides of Main Street in Barnstable on Cape Cod. Most of the houses were built before the 19th century. There is a granite courthouse with two cannon on the front lawn.

And now there are tourists there visiting the Sturgis Library, the oldest public library in the U.S., and the Crocker Tavern, a gray shingled building for the view of Sandy Neck. Most of the houses close to the cars are immaculate.

One of the tourist-traffic stops is dangerous to the red brick chimney just behind the street and the clock in Barnstable Village. Probably none of them knew that those two dark windows are the jail's cells. Probably none of them knew that the quiet man who Saturday commanded the county was FBI agent.

Let the tourists be not see the man looking out of a jail window. He is Joseph Barboza alias Rossi, a big-time hit man, a man who in the years and years of Bureaucracy is known as the FBI the organized crime [illegible] Eastern

The FBI didn't [illegible] Joe Barboza for La Cosa Nostra, and Joe Barboza has never been a member of the Mafia as it is known here in New England. Only a "cat office."

Until a few months ago Joe Barboza had dedicated his life to the others. And only by a determined to rule the organized crime [illegible] by telling the FBI everything he knows about it. What he knows about the Cosa Nostra's operation is considerable.

Called in court "one of the real killers in the Commonwealth," Barboza killed in the Commonwealth of La was one of the valued employees of La Cosa Nostra. Now he has turned on his former bosses. Already the information he has given the FBI about the leaders has given the FBI some of the members of LCN for [illegible] in the indictment of Raymond L. Patriarca, 46, of Providence and two other men for conspiracy to commit murder. Patriarca controlled by national murder. Patriarca is the first the FBI says is the Cosa Nostra boss of New England.

State investigators are worried that Barboza knows so much about [illegible] organized crime in connection with the FBI, [illegible] has to be allowed to serve [illegible] before the [illegible] he and a wife [illegible] on "the other" [illegible] and a wife [illegible] to San Francisco [illegible] to [illegible] the [illegible] [illegible] [illegible]



MR. CONDON: I started in the FBI on January 29, 1951. I retired on May 20, 1977.

CONGRESSMAN DELAHUNT: How long was Pau Rico your partner?

MR. CONDON: I want to address that, Congressman.

With reference to "partner," you didn't work with a partner on an endless basis. Based on a case, a particular investigation, the supervisor would assign people to work together.

So when Mr. Rico and I interviewed Barboza at, I believe it was Walpole was the first contact, that was the start of us working as partners on these Barboza, Patriarca, Tameleo, Deegan, DiSeglio, Marino, LePore cases.

So I'm trying to explain what the partnership was.

CONGRESSMAN DELAHUNT: I understand. Unlike local or state law; particularly local

Do you remember when that first visit to was? Do you have a recollection as to the

MR. CONDON: No; but I think I saw an out of the Committee in Washington that had

July 16, 1982

Mr. H. Paul Rico
Miami, Florida

Dear Mr. Rico:

I share the appreciation of my colleagues in Miami for your invaluable assistance in connection with an undercover operation involving a bribery matter and want to add my personal thanks for your help. Your participation was a critical factor in the success achieved, and you have every right to be proud of the role you played. We are always pleased by the support and cooperation we receive from our former associates, and we are truly grateful for your efforts on our behalf. Your friends in the FBI join me in commending you on your civic-minded actions and in extending every good wish.

Sincerely yours,

William H. Webster

William H. Webster
Director

67-458454-171
Searched..... Numbered.....
3 AUG 6 1982

1 - Miami (58-623) (detached)
Reurairtel 5/17/82.

~~ENCLOSURE~~

NOTE: Mr. Rico is a former SA who EOD 2/26/51 and retired 5/27/75. CID concurs with the recommendation of SAC, Miami, that a letter of appreciation be sent to Mr. Rico

CAM:msb (4)

Exec AD Adm. ___
Exec AD Inv. ___
Exec AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Insp. ___
Intell. ___
Lab. ___
Legal Coun. ___
Off. Comp. & Public Affs. ___
Rec. Mgmt. ___
Tech. Servs. ___

AUG 12 1982

EXHIBIT 5

BOSTON, MASSACHUSETTS
March 31, 1953

RE: H. PAUL RICO - SPECIAL AGENT (E)
ANNUAL PERFORMANCE RATING
EOD - February 26, 1951
CS 10 - $5625

Agent RICO has been assigned to Boston since April, 1952. At first, he was assigned to the Applicant Squad but, during most of the rating period, has been assigned to Criminal Squad #2. He has handled several types of general criminal investigations, but for the past few months has devoted most of his time to TFIS cases.

This Agent presents a neat appearance, has a pleasing personality and creates a favorable impression as a Bureau representative. Agent RICO is industrious, cooperative, sincere and produces an above-average volume of work. He has an excellent attitude toward the Bureau's work, and willingly accepts all assignments.

During March, 1953, Agent RICO participated in a raid which led to the successful apprehension of GEORGE A. McINTYRE, was., being sought for UFAP - Murder, a dangerous fugitive.

Agent RICO has demonstrated that he is cognisant of the importance of the Criminal Informant Program and, at present, is in the process of developing five Potential Criminal Informants.

I rate this Agent SATISFACTORY.

A. J. MARCHESSAULT
Special Agent in Charge

Employee's Initials:
[illegible]

Dictation ability - Very Good
per 3/31/52 annual mass

EXHIBIT
6

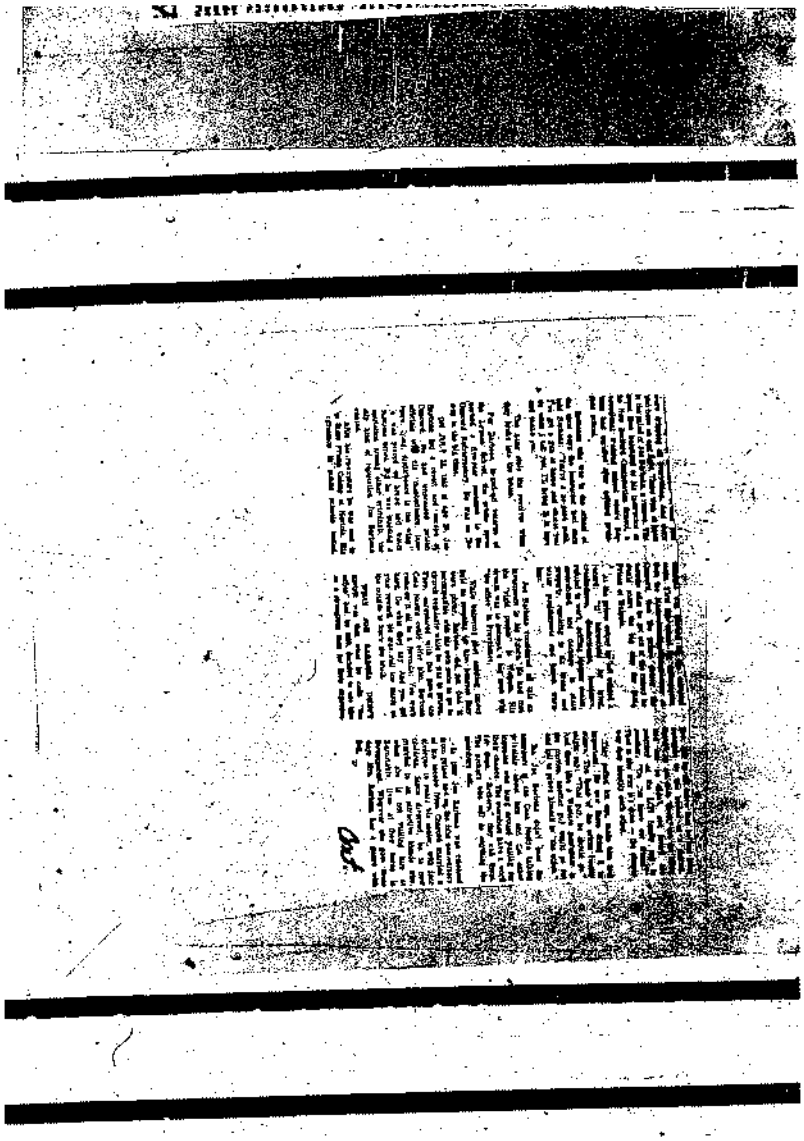
SUBJECT TO PROTECTIVE ORDER



A LETTER FROM BARBOZA

Why I Decided to Tell All

EXHIBIT



Barboza

le Rug on

e Bosses

the Alleged Killer Who

a Nostra for the FBI

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJF
RAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

331 253 A

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DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD New Bedford Mass	Joseph Barboza #2698	2-7-47	BE & L (NT) delin	2-7-47 ret' Lyman Schoo vio of par filed
SRef West Concord Mass	Joseph Barboza Jr #34797	2-11-50	B & E in NT & larc (3) 2 cts 2 cts & 10 cts	3 concurren 5 yrs & 1 day osc 7-10-53 appre in Boston Mass & ret'd SRe 7-15-53
SPr Charlestown Mass	Joseph Barboza JR #25429	5-19-54	rob by force & violence rob by force & violence (conc) A&B by means of DW (conc) kid (conc) larc of auto (2) conc escape from Mass Refty (conc) att so steal auto (conc) A&B by means of DW (conc)	forthwith 10-12 10-1 conc (5) 8-10 conc 2½-3 conc 2-3 conc
PD New Bedford Mass	Joseph Barboza #2698	9-6-56	poss of burg tools & att B&E (NT)	11-13-58 3-5 yrs at Walpole on each- concurr on chg of poss burg
Mass Corr Inst South Walpole Mass	Joseph Barboza Jr #W 27253	11-14-58	attempt to B&E nt w/int comm L poss of burg implements conc	3-5 yrs 3-5 conc
PD Boston Mass	Joseph Barboza #117789	5-8-62	SP A&B by means of DW	

EXHIBIT 8

IDENTIFICATION DIVISION

[redacted]

BSF-00187

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJF
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

2 331 253 A

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Boston Mass	Joseph Barboza Jr #128-867	9-16-65	A&B D/W	
PD Boston Mass	Joseph Barboza Jr #128 867	11-16-65	SP vio of Firearms Laws	
Metropolitan District Police Boston Mass	Joseph J Baron #454	7-26-66	A&B with intent to mur	
Mass Corr Inst South Walpole Mass	Joseph Baron #31146	1-25-67	unl carry pistol in M/V	4-5 yrs
Co Jail & H of C Barnstable Mass	Joseph Baron #4039	4-24-67 in trans from MCI Walpole	1.unl carry weapon in M/V 2.unl carry dagger in M/V	1.not more than 5 yrs nor less than 4 yrs 2.4-5 yrs conc
USCG	#295035 AP	FP 7-25-69		
Co Jail & H of C Barnestable Mass	Joseph Baron #4039	9-23-70	1.ADW 2.unlaw carry DW in MV 3.poss DW 4.poss narcs 5.unlaw poss firearms	
SO Santa Rosa Calif	Joseph Baron #D-35320	2-26-71	mur	SPr for ter prescribed by law on chg of 187P 2nd degree
CII Sacramento Calif	#B 38509	12-14-71	mur 2nd degree 187 Penal Code	5 yrs to life 10-30-75 paroled to S.F. Co

IDENTIFICATION DIVISION

BSF-00188

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

3 331 253 A

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
DC Jail Wash DC	#173505	5-22-72	USM hold	
Coroner San Francisco CA	Joseph Barboza 290	DECEASED 2-12-76		

BSF-00189

IDENTIFICATION DIVISION

BS 92-1132
THS:mac
3.

During June, 1958, the subject was employed by JOSEPH SYLVIA, Fishermen's Union, AFL, in New Bedford, Massachusetts, unloading fishing boats. He left to go to work in East Boston.

From August, 1958 to September, 1959, he was engaged as a professional boxer managed by JOHNNY DUNN, 104 Hawthorne Street, Chelsea, Massachusetts. He won three out of four fights, averaging $30 a fight. He applied for a license through the Massachusetts State Boxing Commission, but did not obtain it.

The subject, whose Social Security Number is [redacted], was employed by Scooter-land, located at the Motor Mart Building, Park Square, Boston, in 1960. He was employed as an Assistant Manager earning $90 a week.

From 1964 to 1966, the subject was employed at Shawmut Insurance Company, 34 Batterymarch Street, Boston, Massachusetts, for $150 a week as a salesman and clerk. Also during this period he was employed in a public relations capacity and payroll clerk at $100 a week at the Blue Bunny Lounge, Paragon Park, Hull (Nantasket), Massachusetts, and at Duffey's Lounge, Nantasket Avenue, Hull (Nantasket), Massachusetts. He was employed under the names BARON and EARBOZA.

G. Mental Condition

On January 19, 1956, the subject was given a psychological examination by DANIEL LEVINSON, Ph.D. He stated concerning the subject:

> "His features make him look less bright than he actually is; his I.Q. is of the order of 90-100 and he has the intellectual ability to do well in a moderately skilled occupation."

A psychiatric report dictated by Dr. SALTZMAN, March 13, 1958, is set forth verbatim below:



DIRECTOR, FBI (91-6913) 3/5/56

SAC, BOSTON (91-831) PERSONAL & CONFIDENTIAL

JAMES J. BULGER, JR., was. - FUGITIVE, ET AL
HOOSIER STATE BANK, Woodmar Branch,
Hammond, Indiana
11/23/55
BR

Federal process was issued for BULGER at Hammond, Indiana January 4, 1956, and this office immediately notified.

This office and known BULGER because of his suspected implication in TPLS tailgate thefts. We knew of his extremely dangerous character, his remarkable agility, his reckless daring in driving vehicles, and his unstable, vicious characteristics. Our investigation to locate and apprehend BULGER proved unavailing, as BULGER had fled Massachusetts. Contacts with all logical sources proved unproductive. His family and associates were hostile.

SA HERBERT F. BRICK, to whom this case was assigned, and SA H. PAUL RICO, who is working on related bank robberies in this office, undertook to develop a PCI who could and would inform on BULGER's location. These men selected, with characteristic good judgment, [redacted] B

Agents BRICK and RICO interviewed [redacted] on several occasions and he attempted to furnish them the usual denials and misinformation which criminal associates provide in cases of this nature. SA's BRICK and RICO continued to contact [redacted] and ultimately developed [redacted] confidence and willingness to cooperate. B

[redacted]

EJP/ner
(26)
cc: (3) Bureau
(1) Boston

EXHIBIT 10

SUBJECT TO PROTECTIVE ORDER

BS 91-631

[redacted] B

Agents BRICK and RICO, on March 3, 1956, did considerable investigation to establish the identity of IMPERATO and obtained necessary details concerning him, his residence, vehicle, and data which would be necessary for surveilling him.

Late Saturday, March 3, 1956, Agents BRICK and RICO transmitted their complete information to Supervisor JAMES H. NICHOLSON, who immediately notified the SAC, discussed the matter in detail and then organized a conference of all Criminal #1 Squad Agents for 4 PM on Sunday, March 4, 1956, in order to make plans for the surveillance of IMPERATO. B
It should also be noted that [redacted]

This office, in organizing plans for handling the situation, considered the possibility that the crime contemplated might conceivably be robbery of a bank within the Bureau's jurisdiction.

On Sunday, March 4, 1956, SAC, Supervisor, and eighteen Agents conferred and discussed the above information in detail. At that time assignments were made of personnel, vehicles, and weapons, with arrangements to rendezvous at the office the following morning at 5:30 AM.

Shortly after the Agents in conference departed for home at 7 PM, [redacted] B

SA STRATFORD, who had remained in the office to handle some file reviews, immediately contacted the residences of all Agents on the detail and left instructions for them to return to the office forthwith. Those Agents living closest to the office returned and immediately proceeded to the area of the Reef Cafe.

 SUBJECT TO PROTECTIVE ORDER

BS 91-831

SAC POWERS was reached by telephone at his residence on the South Shore of Boston upon his arrival there. Upon learning of the new development, SAC POWERS advised that he would immediately proceed to Revere, Massachusetts, on the North Shore of Boston and assume supervision of the apprehension; that, pending his arrival, SA E. L. McNAMARA, who has demonstrated a capacity for leadership, should assume charge of the detail and make necessary assignments; further, that SA J. H. NICHOLSON, upon his return to office, should coordinate from the Radio Room and assign additional personnel as they arrived. SAC further instructed that, in the event it became necessary to make the arrest prior to SAC's arrival, Agents should do so.

[redacted] B

[redacted] SA McNAMARA issued the necessary instructions in keeping with the pre-arranged plan, and, [redacted] the two were completely surrounded by Agents, who effected the arrest forthwith. SA's McNAMARA, RICO, BRICK and EVENSEN actually took BULGER into physical custody and handcuffed him. All of the other Agents listed were in close proximity, cutting off any possibility of escape, and should be credited for their assistance.

Normally, I would not recommend a letter of commendation for each of a large group of Agents who participated in such an arrest, but in this instance I feel that special factors are present which would warrant such a recommendation. I have in mind the fact that the Agents, after a long Sunday conference, immediately upon returning home, were summoned to report back to the office without stopping. The response of each Agent was one of enthusiastic and wholehearted cooperation. Agents proceeded to their assignment intent on taking BULGER into custody, notwithstanding any personal danger or sacrifice.

The arrest was effected smoothly and without incident. BULGER was not armed at the time but indicated in his comments to the Agents that, if he had not been completely surrounded, he would have made a daring attempt to flee.

The Agents who were present at the scene were as follows: EDMUND L. McNAMARA, H. PAUL RICO, HERBERT F. BRICK, JOHN F. KEHOE, DAVID A. BRANTLEY, LAWRENCE G. HEALEY, WILLIAM T. BOLAND, JOHN T. DELANEY, CARL J. EVENSEN and FRANCIS J. McCARTHY, JR.

SUBJECT TO PROTECTIVE ORDER

BS 91-831

I recommend that each of the above Agents receive a letter of commendation, with particular emphasis on SA McNAMARA's leadership in the absence of the SAC, who was proceeding to the scene, and the fine work of SA's RICO and BRICK in cultivating the Informant who made the arrest possible. I am submitting a separate communication to the Bureau recommending meritorious awards for SA's BRICK and RICO for their unusual skill in developing not only [redacted] in this instance but other symbol informants who have proven valuable to this office. B

It should be noted that later in the evening this office interviewed JOHN R. IMPERATO, who surrendered two .45 caliber automatics he had in his automobile. He acknowledged that he had known BULGER for a week, that they had planned to rob the Harvard Trust Company, Porter Square Branch, Cambridge, Massachusetts, on March 5, 1956. He also admitted that he and BULGER had cased the bank and purchased the two pistols to use in the robbery. It will thus be seen that the information furnished by the Informant not only resulted in the capture of a dangerous fugitive but effectively frustrated a contemplated bank robbery.

SUBJECT TO PROTECTIVE ORDER

FBI-HCGR-000000063

RECOMMENDATION, INVESTIGATIVE DIVISION:

Fugitive James J. Bulger, Jr., was a dangerous, vicious bank robbery fugitive, known to be agile and daring. All of his relatives and associates were uncooperative and hostile. Bulger had dyed his hair black and there is doubt he could have been identified by visual observation.

Boston Agents Herbert F. Brilck and H. Paul Rico developed [redacted] as an informant and persuaded [redacted] although [redacted] was at first unwilling to furnish any help. B

In arresting Bulger, Boston Agents not only apprehended a bank robbery fugitive, but subsequent investigation revealed they had broken up a contemplated bank robbery Bulger and one John Imperato had planned for March 5, 1956, at Cambridge, Massachusetts.

SAs Brilck and Rico have each developed other informants and potential criminal informants who appear to be of considerable potential value. One of these individuals, [redacted] B

(1) Agents Brilck and Rico, working together, appear to be engaged in a sustained, above-average performance. The Bureau would probably have spent many hours of investigative effort to apprehend Bulger and considerable money may have been saved by the performance of Brilck and Rico. The Boston Office by teletype 3/14/56 advised subject Bulger, who has been interviewed daily since his apprehension 3/4/56, orally admitted on 3/14/56 in detail to SAs Rico and Brilck his participation in three bank robberies: The Pawtucket, Rhode Island, bank robbery, 5/17/55; Melrose, Massachusetts, bank robbery, 11/18/55; and Hammond, Indiana, bank robbery, 11/23/55.

Investigative Division recommends an incentive award for both Brilck and Rico for their outstanding accomplishments in this matter. The amount of the incentive award should be in keeping with the amount usually given for this type of performance.

SUBJECT TO PROTECTIVE ORDER

FBI-HCGR-000000064

(2) SAC, Boston, recommends individual letters of commendation for ten Agents set forth on page 3 of Boston letter 3/5/56 for effecting the arrest of subject Bulger 3/4/56.

Investigative Division does not recommend individual letters of commendation; however, does recommend a general letter to the SAC, Boston, regarding the Agents' participation in effecting this successful arrest with the instructions that a copy of this general letter be placed in the personnel files of these Agents in the Boston Office. It is also recommended that copies of this general letter be placed in the personnel files of these Agents at the Seat of Government.

DWH/lh

SUBJECT TO PROTECTIVE ORDER

Prepared by:
Checked by:
Filed by:

March 28, 1956

PERSONAL AND CONFIDENTIAL

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

I am indeed pleased to advise that you are being promoted to the position of Special Agent, $7570 per annum in Grade GS 12, effective March 25, 1956. It is a pleasure to approve this promotion in view of your superior accomplishments in connection with the Bank Robbery case involving James J. Bulger, Jr., and others. The excellent results obtained were directly attributable to the outstanding work performed by you and another agent in developing a valuable source of information.

I am also aware of your noteworthy efforts in developing other confidential sources of information, and you are to be commended for your results in this regard.

Sincerely yours,

J. Edgar Hoover

COMM — FBI
MAR 28 1956
MAILED 26

RECEIVED FBI

CC: SAC, Boston (PERSONAL ATTENTION) - This letter should be presented by you personally to SA Rico. In the event it is not possible for you to personally present it or should the presentation be unreasonably delayed by your absence, the official acting for you should present it.
CC: Miss Gelton
CC: Movement Section

Based on Addendum of the Administrative Division of Memo from SAC, Boston to Director, Dated 3-5-56. CRD:RMR 3-21-56

MA:dm (5)

67-458484

SUBJECT TO PROTECTIVE

EXHIBIT 11

BS 92-1132
THS:mac
3.

During June, 1958, the subject was employed by JOSEPH SYLVIA, Fishermen's Union, AFL, in New Bedford, Massachusetts, unloading fishing boats. He left to go to work in East Boston.

From August, 1958 to September, 1958, he was engaged as a professional boxer managed by JOHNNY DUNN, 104 Hawthorne Street, Chelsea, Massachusetts. He won three out of four fights, averaging $30 a fight. He applied for a license through the Massachusetts State Boxing Commission, but did not obtain it.

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G. Mental Condition

On January 19, 1956, the subject was given a psychological examination by DANIEL LEVINSON, Ph.D. He stated concerning the subject:

> "His features make him look less bright than he actually is; his I.Q. is of the order of 90-100 and he has the intellectual ability to do well in a moderately skilled occupation."

A psychiatric report dictated by Dr. SALTZMAN, March 13, 1958, is set forth verbatim below:

EXHIBIT
12

"This inmate is being seen for psychiatric evaluation prior to an appearance before the Parole Board.

"He is a 26 year old man serving a 10 to 12 year sentence for a series of offenses occurring on and after an escape from Concord in 1954.

"A review of his record reveals that he has been in difficulty with the law since the age of 10 and has been either at Lyman School or in Correctional Institutions most of the time since then. His behavior in and out of institutions has been poor. He has a sixth grade education, an I.Q. ranging from 92 to 100. However he has apparently conformed better since 1956. Also, for the past 5 months he has been attending Department of Legal Medicine, receiving psychiatric help from them.

"During the present interview he is pleasant, answers questions relevantly and coherently, is in good contact and shows no evidence of mental disease. He states that he has learned a few things, that he has grown up, realizes his previous behavior was childish and feels that the treatment by the psychiatrist has helped him a lot.

"IMPRESSION: Sociopathic personality disturbance, anti social reaction. While there is no actual psychiatric contraindication to parole should the Parole Board deem it advisable, there is always a great possibility of further anti social behavior in the future."

The following results of I.Q. examinations are set forth concerning the subject:

October, 1944 - New Bedford Schools - Otis A Test IQ-99.
February, 1946 - New Bedford schools - Pitner Test IQ-94.
1946 - Lyman School (type unknown) IQ-94 - "mentally he appears retarded"

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Boston, Massachusetts

Report of: THOMAS H. SULLIVAN Office: Boston, Massachusetts
Date: 7/18/67

Field Office File #: 92-1132 Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Subject born 9/20/32 and attended elementary schools in New Bedford, Mass. No military record. Subject married [redacted] 7/12/58 and was divorced 4/22/63; married [redacted] 4/30/64. Wife [redacted] and daughter [redacted], born 5/23/65, reside [redacted], Swampscott, Mass. Extensive criminal record set out. Informants report that JOSEPH BARBOZA in 1964 was engaged in money lending activities and that in 1966 he split with CONNIE FRIZZI in loansharking to go into partnership with ARTHUR BRATSOS. In 1965 it was rumored [redacted] that BARBOZA was under contract to be assassinated since he was tied into the BUDDY MC LEAN-GEORGE MC LAUGHLIN feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with ROMEO MARTIN and RONNIE CASSESSA. In 1965, BARBOZA was rumored to be the killer of JOSEPH FRANCIONE. [redacted]

B

EXHIBIT 13

- C -

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

BS 92-1138
THS:mac

III. CRIMINAL RECORD



Name BARROW, JOSEPH -3- File No. 660100

BARROZA, JOSEPH

DATE	Number Court Image Space	OFFENCE	COURT	DISPOSITION DISTRICT COURT	DISPOSITION SUPERIOR COURT	
May 19, '54 (CONTINUED)	10	Larceny of Auto 2 counts			Middlesex Indictment	8-10 yrs. St. Pr. conc.
		Escape from Mass. Refty			Middlesex Indictment	8-10 yrs. St. Pr. conc.
		Attempt to Steal Auto			Middlesex Indictment	2½-3 yrs St. Pr. [illegible]
		Assault and Battery by Means of a Dangerous Weapon			Middlesex Indictment	2½-3 yrs. St. Pr. conc.
		Assault and Battery			Middlesex Indictment	Filed
Sept. 6 '58	11	Attempt to Break and Enter Night	New Bedford	Grand Jury	Bristol	11/13/58 - 3-5 yrs MCI W. conc.
		[illegible]				5/9/60 - Par. 1/13/63 5/15/62 Par. Rev., Warr. Iss.; 5/17/62 Serv. & Ret. 6/28/62 Par. 4/18/63 9/24/63 Trans. [illegible] Nor. 10/9/62 - Par. Rev., Warr. Iss. 10/10/62 War. Serv. & Ret. 4/30/64 - Disch.
		[illegible] Tools	[illegible]	Grand Jury	Bristol	11/13/58 - 3-5 yrs [illegible] W. conc.

Cop. Ct. Form 1A

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJF
RAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

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Metropolitan District Police Boston Mass	Joseph J Baron #454	7-26-66	A&B with intent to mur	
Mass Corr Inst South Walpole Mass	Joseph Baron #31146	1-25-67	unl carry pistol in M/V	4-5 yrs
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USCG	#295035 AP	FP 7-25-69		
Co Jail & H of C Barnestable Mass	Joseph Baron #4039	9-23-70	1.ADW 2.unlaw carry DW in MV 3.poss DW 4.poss narcs 5.unlaw poss firearms	
SO Santa Rosa Calif	Joseph Baron #D-35320	2-26-71	mur	SPr for ter prescribed by law on chg of 187 P 2nd degree
CII Sacramento Calif	#B 38509	12-14-71	mur 2nd degree 187 Penal Code	5 yrs to life 10-30-75 paroled to S.F. Co

IDENTIFICATION DIVISION

EXHIBIT 15

BSF-00188

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJF
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
DC Jail Wash DC	#173505	5-22-72	USM hold	
Coroner San Francisco CA	Joseph Barboza 298	DECEASED 2-12-76		

BSF-00189

IDENTIFICATION DIVISION

FEB 13 1961

[redacted]
Honorable Mortimer M. Caplin
Commissioner
Internal Revenue Service
Washington 25, D. C.

Dear Commissioner:

The following list of top echelon racketeers, compiled on the basis of intelligence information submitted to this Department, will comprise the initial targets for investigation and prosecution in a coordinated effort:

Alex, Gus	Chicago, Illinois
Alo, Vincent	New York, New York
Andrews, Frank Joseph	Cold Spring, Kentucky
Balistrieri, Frank Peter	Milwaukee, Wisconsin
Battaglia, Charles Joseph	Tucson, Arizona
Bruno, Angelo	Philadelphia, Pennsylvania
Carlino, Leo	Brooklyn, New York
Catena, Gerardo V.	Newark, New Jersey
Civella, Nicholas	Kansas City, Missouri
Corallo, Anthony	Brooklyn, New York
Dalitz, Morris Barney	Las Vegas, Nevada
DeCarlo, Angelo	Newark, New Jersey
Ferraro, Frank	Chicago, Illinois
Giancana, Samuel M.	Chicago, Illinois
Glasser, Irving Gabriel	Los Angeles, California
Glimco, Joseph Fell	Chicago, Illinois
Humphreys, Murray L.	Chicago, Illinois
Lansky, Meyer	Miami, Florida
LaRocca, Sebastian John	Pittsburg, Pennsylvania
Lasker, Benjamin	Newport, Kentucky
Lombardozzi, Carmine	New York, New York
Luchese, Thomas	New York, New York

62-9-558

EXHIBIT
16

Mannarino, Samuel & Gabriel	Pittsburg, Pennsylvania
Marcello, Carlos	New Orleans, Louisiana
Miranda, Michele A.	New York, New York
Oddo, John	New York, New York
Patriarca, Raymond L. S.	Providence, Rhode Island
Profaci, Joseph	New York, New York
Rinaldo, Matthew	Detroit, Michigan
Sica, Alfred Gerardo	Los Angeles, California
Salerno, Anthony	New York, New York
Stacher, Joseph	Los Angeles, California
Strazi, Joseph	New York, New York
Strollo, Anthony	New York, New York
Trafficante, Jr., Santo	Tampa, Florida
Vitale, John Joseph	St. Louis, Missouri
Weisberg, William Maxwell	Philadelphia, Pennsylvania
Zerilli, Joseph	Detroit, Michigan
Zicarelli, Joseph Arthur	Bayonne, New Jersey

I would appreciate your suggestions as to possible additions to this list. However, I would require that they be principal racketeers who have effectively insulated their activities in the past and against whom there is not presently pending an advanced investigation.

On the listed individuals and any additions approved by this department it is requested that you furnish expeditiously to the Organized Crime and Racketeering Section all of the information you have concerning these people and their activities. The other interested investigative agencies are being requested to do the same. Evaluation of this data will determine which agency will be requested to conduct the investigation. Since indications are that a large number of these people are engaged in gambling and do not pay their full share of taxes it is anticipated that a major share of the investigative burden will be the Internal Revenue Service's.

In each individual case where it is tentatively determined on the basis of submitted information that a full scale tax investigation offers the best and a reasonable possibility of producing a prosecutable case a conference will be arranged between representatives of our two departments. At these conferences we can effectively screen each case to insure that investigations are not initiated on

insufficient bases. Although we want to maintain a flexible approach to these investigations we can initially determine at that time the number of agents to be assigned to the investigation, along what lines the investigation is to be conducted and related matters. I would suggest that your field personnel most familiar with the particular subject involved be brought in to participate in these discussions. A group supervisor from Intelligence Division should be assigned to each major investigation. For the purposes of overall control and coordination I will assign an attorney from Organized Crime and Racketeering Section to direct each investigative team. Any additional information received by any other agency relating to the subject involved will be made available to this team.

I realize the investigative manpower requirements this will entail. In addition there will be increased requests for investigation of other racketeers particularly in the wagering tax field and police bribery situations. The Intelligence Division is presently investigating numerous such requests made within the past three weeks. In all of these instances we will make available to you the information other agencies have on these people to assist your investigation.

I will certainly support any budget request you feel necessary to implement this stepped-up effort in the racketeering field.

Sincerely,

ROBERT F. KENNEDY

Attorney General

...TION
61-10

...STATES DEPARTMENT
...AL BUREAU OF INVE...

In Reply, Please Refer to
File No.

March 1, 1961 WASHINGTON 25, D. C.

Top Hoodlum Program - General

(A) CRIMINAL INTELLIGENCE PROGRAM -- I desire to insure that each office is fulfilling its obligations under this program and to be certain we have that type of coverage of the criminal underworld comparable to that which we achieved in our investigations of the Communist Party. To this end, the techniques which have proved so invaluable in the Internal Security field must be carefully considered and adapted wherever feasible to our criminal intelligence operations. Present policy regarding tesurs must be adhered to.

We must continue all-out efforts in our investigation of specific hoodlum subjects; however, it is imperative that you understand the necessity for maintaining on the criminal underworld intelligence coverage as effective and productive as has been established in other major intelligence operations. The personnel of each office concerned with criminal intelligence matters must be thoroughly briefed and indoctrinated so that they understand the Bureau's aims and the importance of obtaining true intelligence information on the underworld.

You should carefully evaluate this situation in the above perspective and follow through with a planned program to develop high-level live informants as well as sources who can produce significant information as to underworld activities.

It cannot be stressed too strongly that this matter is to receive your personal attention and that having understood the Bureau's objective, effective and vigorous action is to be exerted to accomplish the aims outlined.

Very truly yours,

John Edgar Hoover

Director

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EXHIBIT
17

(F) CRIMINAL INFORMANTS - TOP HOODLUM COVERAGE - CRIMINAL INTELLIGENCE PROGRAM -- SAC letters 57-70 dated December 13, 1957, 58-64 dated October 14, 1958, and 59-48 dated August 4, 1959, pointed out the urgent need for informants who can give direct information relative to Top Hoodlums on a continuing basis, and the need for constant re-evaluation of our informant coverage in order that the Bureau will be fully abreast of hoodlum activities. Informants of this type should be developed not only to obtain new cases for prosecution but for utilization on a long range basis in order to provide continuous intelligence information concerning organized crime. Through well-placed informants we must infiltrate organized crime groups to the same degree that we have been able to penetrate the Communist Party and other subversive organizations. Our coverage in this field must be just as extensive and effective as that achieved in security matters. Our responsibilities in these areas cannot be over-emphasized.

Today the press, television, and radio along with the express interests of the Administration keep this phase of criminal activity in a position of prominence in the public eye. Certainly we cannot relax even momentarily our efforts in combating the criminal underworld including the prosecution of Top Hoodlums. The foundation from which we forge our attack must be kept strong and fresh with a full flow of information from well-placed informants.

3/14/61
SAC LETTER NO. 61-13 - 4 -

Top Hoodlum Program

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/24/83 BY SP8 [illegible]

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EXHIBIT
18

All Agents in conducting investigation of criminal matters should be constantly alert for the development of new informants and new potential informants who may be in a position to assist us.

You should at this time re-examine this category of your criminal informant coverage to insure ample notice of new developments, full exploitation of possible Federal violations on the part of Top Hoodlums and their associates, and complete intelligence coverage in the field of organized crime. Such coverage must be carefully scrutinized from a geographical standpoint as well as on the basis of concentration of population to make certain that no phase of criminal activity is overlooked. After you have analyzed your present coverage, you should immediately concentrate on any areas which may need strengthening.

By way of an affirmative and positive approach, you should direct your action against hoodlums under investigation in your office, concentrating on their acquaintances, associates, and henchmen with a view to developing them as criminal informants. From footholds thus gained, the pattern of penetration should be broadened by the addition of new informants.

The responsibility for maintaining a comprehensive and effective criminal informant coverage of the hoodlum element rests with you, and must receive your careful consideration and personal attention on a continuing basis.

You should advise the Bureau within fifteen days of this letter (1) the results of the analysis and re-evaluation of your informant coverage in Top Hoodlum matters, (2) areas requiring improvement, (3) steps taken toward improving informant coverage in these areas, and (4) future plans for enlargement of your criminal informant program with relation to coverage of Top Hoodlums.

3/14/61
SAC LETTER NO. 61-13

UNITED STATES GO
Memoran

TO : Mr. Parsons

FROM : C. A. Evans

SUBJECT: ORGANIZED CRIME AND RACKETEERING SECTION OF THE DEPARTMENT

April 28, 1961

The Attorney General held a meeting in his office which lasted from 5:30 to 7:30 p. m. on April 27, 1961. Those in attendance were Deputy Attorney General White; Assistant Attorney General Miller, Walter Sheridan, a special consultant to the Attorney General; William Hundley, Special Assistant Attorney General with reference to organized crime matters; Edwyn Silberling, Head of the Organized Crime and Racketeering Section, and his assistant, Henry Peterson.

The Attorney General stated in very emphatic terms his dissatisfaction with the lack of progress by the Organized Crime and Racketeering Section. He said that a month ago he had held a meeting of the attorneys assigned to this section and had ascertained at that time the attorneys were not familiar with the cases on leading racketeers which had been assigned to them. He asked Edwyn Silberling what cases the section w[illegible]ow ready to take action on. Silberling said there were no such cases and he could only mention two cases in which he felt there was a possibility of making a case. The Attorney General asked him to identify them. When he did, Kennedy asked some very elementary questions as to the identity and background of these persons and Silberling was not sufficiently acquainted with the facts to answer the Attorney General. Silberling attempted to alibi by pointing out the failure on the part of the Internal Revenue Service to furnish him with information, since the only indicated violation on the part of hoodlums and racketeers was a tax violation. This highlighted the criticism that IRS had of the Department and which was included in a memorandum the Attorney General received on April 27, 1961. In this regard, IRS was critical of the Organized Crime and Racketeering Section for a lack of legal guidance and policy determination as to the nature of the action which might be taken against these criminals.

The Attorney General asked that I tell those gathered, the approach the FBI had taken and the crash program now underway to develop all information possible concerning ten of the most notorious racketeers. This was done and pointed up the need for concentrating attention on a limited number of cases at one time so that something could be accomplished rather than a shotgun-type approach which resulted in such a diversity of action that no real accomplishment could be anticipated until some distant future date.

1 - Mr. Rosen
1 - Mr. McGrath
CAE:sp (9)

NOT RECORDED

EXHIBIT 19

Memorandum to Mr. Parsons
Re: ORGANIZED CRIME AND RACKETEERING
SECTION OF THE DEPARTMENT

The Attorney General pointed up Silberling's attempt to blame IRS. He said that both the Secretary of the Treasury and the Commissioner of Internal Revenue knew when they were appointed to these positions that cooperation with the Department of Justice in its drive against organized crime was a prerequisite to their being named to these positions. Kennedy said there wasn't any reason why such difficulties could not be ironed out immediately if the Organized Crime and Racketeering Section were aggressive enough in following up. To illustrate, the Attorney General said he received a memorandum from the Director indicating a lack of cooperation on the part of IRS personnel in Newark, New Jersey, in connection with a top hoodlum investigation there. The Attorney General said he sent this communication to the Commissioner of Internal Revenue and the FBI had followed up with a personal contact with the Commissioner and the whole matter had been resolved within two or three days. Kennedy pointed out that there was no reason why the Organized Crime and Racketeering Section couldn't similarly resolve their problems with IRS if they would take such aggressive action.

The Deputy Attorney General pointed up the need for the receipt of full information in order to develop a case and cautioned against too speedy action. The Attorney General took issue with this, saying that while it was necessary to develop information, nevertheless, he expected the attorneys in the Organized Crime Section to be more aggressive and get something accomplished.

Assistant Attorney General Miller pointed up the need for the attorneys in the section to do more in the way of providing legal guidance. Miller said that he had gone through the Criminal Code himself and had picked up a couple of statutes he thought might be helpful. He indicated if he could find two statutes himself in the brief time he had available, the attorneys who are devoting full time to this ought to be doing much more.

The Attorney General concluded the meeting by reiterating that he was going to insist on action being taken by the Organized Crime and Racketeering Section and he expected something to be accomplished. He advised he intended to hold another meeting on May 20 and by that time, those in the section would have to be in a position to report more favorably or he might have to take other action to get the job done.

PERSONAL ATTENTION
SAC LETTER NO. 61-34

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

June 21, 1961

WASHINGTON 25, D. C.

(A) CRIMINAL INFORMANTS-CRIMINAL INTELLIGENCE PROGRAM -- SAC Letters 57-70 dated December 13, 1957, 58-64 dated October 14, 1958, 59-48 dated August 4, 1959, and 61-13 dated March 14, 1961, pointed out the urgent need for criminal informants who can give direct information relative to individuals under investigation in connection with the Criminal Intelligence Program.

An analysis of available information developed to date concerning the structure of organized crime in this country reveals a decided need for the further clarification and expansion of facts now known concerning the identity of the leaders of the organized hoodlum element, and the manner in which this element functions. To successfully complete our intelligence picture of the controlling forces which make organized crime operative, it is now urgently necessary to develop particularly qualified, live sources within the upper echelon of the organized hoodlum element who will be capable of furnishing the quality information required.

The most significant information developed to date indicating organization among the nation's hoodlum leaders has been obtained from highly confidential sources in Chicago, New York, and Philadelphia concerning the existence of a "commission" of top leaders of the organized hoodlum element exerting a controlling influence on racket activities in this country. Additional information concerning the "commission" has also been developed recently from a highly confidential source in Newark. The Chicago and New York sources have discussed the "commission" as being composed variously of six, nine, and twelve members. The Chicago source accounts for a nine- or twelve-man commission by discussing increases in "commission" membership resulting in expansion of this group to either nine or twelve men. Both the Chicago and New York sources list as members Vito Genovese, Thomas Luchese, Joseph Profaci, Carlo Gambino and Joseph Bonanno. The Chicago source indicates Samuel Giancana is a member, with the New York source furnishing information that there is a "commission" member from Chicago without naming him. Genovese, Luchese, Profaci and Gambino are all Top Hoodlums from the New York area. Giancana is a Chicago Top Hoodlum; Bonanno is a Phoenix Top Hoodlum residing in Tucson, and formerly from Brooklyn, New York.

In addition, the Chicago source names hoodlums believed identical with Joseph Zerilli, Detroit Top Hoodlum; John La Rocca, Pittsburgh Top Hoodlum; Raymond Patriarca, Boston Top Hoodlum; and Steve Magaddino, Buffalo Top Hoodlum as "commission" members. The Chicago source suggests that Joseph Ida, Newark Top Hoodlum who has

62-7-6[illegible]
ENCLOSURE

EXHIBIT 20

returned to Sicily, was a "commission" member representing the Philadelphia area. The Philadelphia source identifies Angelo Bruno, Philadelphia Top Hoodlum, as the current representative of the "commission" in that area. This source also discusses Bruno traveling to New York to receive instructions from the "commission." Information recently received from a highly confidential source in Newark indicates that Gerardo Catena, Newark Top Hoodlum, has been placed on the "commission" in the recent past.

The New York source identifies Carlo Gambino as the current chairman of the "commission," indicating that he is occupying this position in place of Vito Genovese, while Genovese is in prison. The Chicago source previously indicated that Genovese appeared to occupy the top position prior to his incarceration. The New York and Chicago sources have mentioned Albert Anastasia, deceased New York hoodlum, as a former "commission" member, and the New York source has identified Frank Costello, New York Top Hoodlum currently in Federal Prison, as a former "commission" member prior to his loss of favor as an underworld power.

Both the Chicago and New York sources have used the term "avugat" to denote a "commission" member; "avugat" is a shortened version of the full Italian word "avvocato" which, literally translated, means "attorney."

Enlarging upon the "commission's" power and influence regarding organized criminal activities throughout the country, the New York source explained that there were two hoodlum leaders, referred to as the "boss" and the "underboss," in each major population area throughout the country and in Canada, who are responsible to the "commission" for activities in their respective areas. In explaining this progression of authority, the source cited as an example the mob leadership in the Philadelphia area in years past. In the period referred to, Joseph Ida was identified as the "boss," and Marco Reginelli, deceased hoodlum leader, as the "underboss," with these local leaders answerable to Albert Anastasia, a "commission" member at that time. Other examples of "bosses" identified by this source were Santo Trafficante in Florida and Joseph Civello in Texas. Trafficante is a Tampa Top Hoodlum and Civello, a Dallas Top Hoodlum. According to this source these local leaders, the "bosses" and "underbosses," operate to a degree on their own, making their own decisions in underworld matters involving activities in their own areas. However, they are ultimately answerable to the "commission" in case of problems or disputes, with the "commission" functioning as an arbitration board.

In areas of great population or importance there appears to be additional second and third echelon leaders corresponding to the positions of "boss" and "underboss" in other areas. For example, the New York source has identified at least six New York hoodlum subordinates of Joseph Profaci, a "commission" member, as his "capirigime." This Italian word literally translated means "heads of the regime," and is used to denote mob bosses working on a level below a "commission" member, or "avugat." The New York source has also identified several well-known New York hoodlums as "capirigime" working under Vito Genovese, another "commission" member.

The Chicago, New York, and Philadelphia sources strongly suggest that the "commission" either appoints, or at least has final approval over the appointment of local "bosses" and "underbosses." The Chicago source discussed Vito Genovese traveling about the country in connection with a number of "promotions" within the organization, and mentioned frequent changes of the "boss" in Philadelphia during a comparatively short period. The Philadelphia source furnished corresponding information concerning a change in leadership in that area occasioned by the "commission."

This information, made possible through the establishment of these sources, has been invaluable in providing insight into the top echelon of organized crime in this country. However, as pointed out above, there is an urgent need for amplifying information which will reveal full details concerning the operations of these interrelated organized criminal groups throughout the nation.

Our urgent need for new live sources strategically placed in the upper echelons of organized crime is brought into clear focus by the fact that no information regarding the "commission" has been reported by any live criminal source to date. This, of course, suggests a problem of some delicacy in seeking information from live informants, since we must avoid the danger of informants "playing back" information they may obtain through questions asked them.

TOP ECHELON INFORMANT PROGRAM

To insure that the Bureau meets its responsibilities in connection with the Criminal Intelligence Program, it is mandatory that the development of quality criminal informants be emphasized and the existing program be implemented and greatly expanded.

c. Personal Reasons

These will vary with the individual under development. Some examples could be: concern over the criminal activity and possible prosecution of children, wife, girl friends, et cetera. Fear of pressure being exerted from associates or rivals in organized criminal activity.

Confidential Basis

It should be made crystal clear to the individuals under development in connection with this program that any information furnished by them will be handled on a strictly confidential basis. You should insure that no dissemination is made of information obtained from such sources unless the informant can be fully protected. In the implementation of this program, the Bureau's objective of penetration and infiltration of the top echelon of organized criminal activities and the continuous flow of quality criminal intelligence information should be constantly kept in mind.

This program presents a definite new challenge to the field which to be met calls for new and untried methods and situations may arise which will be evaluated by the Bureau based upon the realization of the need for unusual and extreme methods. The offices participating in this program must of necessity display the initiative and ingenuity to provide the impetus to realize the Bureau's objective.

Every office is being advised of this program since in the future it may be appropriate to expand it to include additional offices.

All offices instructed to designate a squad of Special Agents to participate in this program should advise the Bureau within thirty days of the progress made.

The Bureau will analyze the preliminary information obtained and within a three months' period, a conference at either Seat of Government or in the field will be held to evaluate the progress made and to redirect the program as a result of the experience gained to date.

These special assignments will not eliminate the responsibilities of all Special Agents to fully participate in the criminal informant program.

You are again reminded that the penetration and infiltration of organized criminal activity is a prime objective of the Bureau, and to accomplish this it is necessary to give a renewed impetus to the development of quality criminal informants.

We have learned through our experience in conducting investigations in connection with the Criminal Intelligence Program that the best source we could possibly obtain would be a criminal informant who is highly placed in organized crime.

The Bureau is therefore inaugurating the following program in an effort to develop criminal informants of the type mentioned above.

Effective immediately the following offices must designate a squad of Special Agents to work exclusively on the development of criminal informants who are in a position to furnish valuable information regarding cases currently under investigation in connection with this program, and to furnish quality criminal intelligence information: Chicago, Detroit, Kansas City, Las Vegas, Los Angeles, Miami, Newark, New York, Philadelphia, Pittsburgh, and San Francisco.

The selection of Agent personnel to participate in this program is of vital importance. The Agents selected must have demonstrated in the past their ability in this field and should be mature, aggressive, resourceful, and possess the necessary knowledge of criminal activities in your area to intelligently accomplish the objectives.

In addition to the above qualities an enthusiastic approach to this program is a basic essential which must be evidenced by all Agents whom you designate to participate.

To insure the success of this program, it is necessary to utilize Special Agents with the will and desire to employ new approaches and means to secure the Bureau's goals.

It is your personal responsibility to select the Special Agents to participate in the program and to advise the Bureau within one week of their names.

SELECTION OF POTENTIAL INFORMANTS

Your selection of potential criminal informants in connection with this program should be based upon a combination

of a particular hoodlum's qualification by virtue of his position in the organized hoodlum element, and upon circumstances indicating his possible vulnerability to development. A few examples of the type hoodlum who should be considered for development are:

Chicago

Louis Kanne
Henry Susk

Detroit

Richard Zalmanowski
John J. White

Kansas City

Alex Presta
Phillip Simone

Las Vegas

George Gordon
Eugene Richard Warner
Lou Ledderer

Los Angeles

John Battaglia
Alfonso Rocco Pizzichino

Miami

Norman Rothman

Newark

Pasquale Masi
Salvatore Paci

New York

Mike Scandifia
Max Courtney

Philadelphia

Felix DeTulio
Antonio Pollina

Pittsburgh

Arthur G. Nelson
Frank Valente

San Francisco

Aladena T. Fratianno

These are cited only as examples of the types of individuals who would be in a position to furnish the information required. You are undoubtedly aware of other hoodlums, who for various reasons may be susceptible to an approach.

The eleven offices participating in this program should submit to the Bureau within one week the identities of hoodlums you have selected for concentrated attention. Each office, with the exception of the New York Office, should submit a minimum of five names; the New York Office is to submit a minimum of ten names.

SUGGESTED APPROACHES

To properly develop informants of this caliber, varied approaches can and should be utilized, dependent upon the individual under development. The following methods are being set forth as possible guidelines.

Background Investigation

A penetrative investigation of each individual selected as a target for development as an informant should be conducted prior to any approach of the individual.

In many instances this information will be available to your office as a result of previous investigations. Do not overlook possibilities of obtaining additional information from your criminal informants and sources.

Through these investigations you should determine background, marital status, girl friends, hobbies, personalities,

relatives, financial affairs, criminal record, current criminal activities, et cetera of each individual selected for development.

Be alert to the possibility of utilizing as informants, individuals currently incarcerated who were formerly associates of Top Hoodlums. The offer of assistance to these individuals' families could induce their cooperation.

A review of all these facts should assist materially in planning the development period.

Payments

The Bureau will authorize substantial remuneration for informants who can provide information concerning hoodlums who have national stature. Payments in this instance will be made for quality criminal intelligence information and you will not be restricted in making payments to just those instances which involve a substantive violation over which the Bureau has jurisdiction.

It is apparent that hope for financial reward will not be a motivating force which would induce most selected targets for development to cooperate; however, under certain circumstances this could be a most effective means and should not be overlooked.

Compromising Situations

It is imperative that full exploitation be made of circumstances which place a potential informant in a position where it would be advantageous to him to furnish information to the Bureau.

a. Prosecution

Awareness of an individual under development that he is liable to either Federal or State prosecution could be a compelling reason for such an individual to cooperate with the Bureau.

b. Deportation

Fear of deportation is a fact that could motivate many of the selected targets for development to be susceptible to development as informants. This may well be one of the effective approaches which could be used against older top echelon hoodlums.

This program has, as its primary purpose, the development of quality criminal intelligence informants. The two most important components of this program are the selection of individuals for development as informants and the designation of the Special Agents who will participate.

I cannot stress too strongly the urgent necessity of each Special Agent in Charge providing the personal leadership which will insure the success of this program.

Very truly yours,

John Edgar Hoover

Director

FD-143
(4-4-50)

Office Memorandum UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (92-2961) DATE: 5/31/62

FROM : SAC, BOSTON (92-118) JUNE

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title RAYMOND L. S. PATRIARCA

Character of Case AR
Field Office BOSTON
Symbol Number BS 837-C*
Type of Surveillance: (~~[illegible]~~ or Microphone)

1. Name of person or organization on whom surveillance placed:

RAYMOND L. S. PATRIARCA

2. Address where installation made. Also give exact room number or area covered:

PATRIARCA's office at Coin-O-Matic Distributing Company, 16[illegible] Atwells Avenue, Providence, Rhode Island

3. Location of monitoring plant:

[redacted]

4. Dates of initial authorization and installation:

Authorization 2/5/62
Installation 3/6/62

5. Previous and other installations on the same subject (with dates and places):

None

EX 100

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? NA REC-70 92-2961-444

b. Is the surveillance on a switchboard? NA 5 JUN 14 1962

c. Is the surveillance on a public coin-operated telephone? NA

1 - Bureau (92-2961) (REGISTERED MAIL)
1 - Boston (92-118)
JBOlrk
(2)
JUN 14 1962

EXHIBIT 21

d. Is surveillance on a private line or a party line? NA

e. If a party line, how many parties? NA

7. If a microphone surveillance involved, state number of microphones actually used and location of each:

[redacted] connected to the line servicing unlisted phone GAspee 1-0260 in PATRIARCA's office. H

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination:

[redacted] - ES 837-C* H

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)

See "A"

10. Could above information have been obtained from other sources and by other means?

No

11. Number of live informants (in field division) who cover same subject:

[redacted] B

12. Has security factor changed since installation?

No

13. Any request for the surveillance by outside agency (give name, title and agency):

No

14. Costs of Plant Premises: $45.00 per week - plant
7.25 per month - phone

a. Rental costs for plant premises:

b. Give total number of other surveillances monitored at same plant:

None

[redacted]

c. If any others, set out the proportionate cost of instant surveillance: NA

15. Cost of Leased Line for instant installation?

$3.50 per month

16. Personnel Costs:

a. Give total number of special employees and/or Special Agents working at plant and total salary costs.

1 Special Agent - $11,415

b. Total number of man hours per week spent at plant?

48 man hours per week

c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:

NA

d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:

NA

17. Remarks (By SAC):

See "B"

Unless advised to the contrary by the Bureau, this surveillance will continue for an additional 90 days.

9/6/62

18. Recommendation by Assistant Director:

RAYMOND L. S. PATRIARCA
AR
BS 837-C*

This misur was installed 3/6/62 in the office of Raymond L. S. Patriarca in Providence, Rhode Island. Since activation this misur has furnished a wealth of worthwhile information concerning Patriarca's activities and associates. It has shown that Patriarca exerts real control over the racketeers and racketeering activities in Rhode Island and Massachusetts. It has also shown definite connections between Patriarca and the New York City hoodlum element and has strongly indicated that Patriarca is a member of the "commission." I recommend this misur be continued for a period of 90 days, which will expire 9/6/62.

19. Recommendation by the Assistant to the Director:

(9) On 3/7/62 and subsequent dates thereafter, informant indicated that Subject and individuals associated with him had a substantial financial interest in the Hancock Raceway, Inc., one of two tracks for flat racing in Massachusetts. Discreet investigation is being conducted to develop such information because of the potentiality of Federal violations.

On 3/8/62 and subsequent dates thereafter, informant indicated that Subject was endeavoring to "fix" the investigation being conducted by the Internal Revenue Service into the Sherwood Manufacturing Company, a firm in which Subject has a financial interest and which employs his sister as bookkeeper. Subject's endeavors included the services of FRED PASTORE, former Internal Revenue Service employee who made contact with JOSEPH DWYER, the Internal Revenue Service agent handling the investigation. As a result of the information furnished by the source, [redacted] 0-3

Since the installation of the source, the informant has practically on a daily basis been furnishing information that indicates that Subject occupies a leading position in the underworld in the Rhode Island - Massachusetts area. He is frequently consulted by individuals from such area as to gambling activities, arson matters, gangland murders, loan shark activities, etc. Frequently, individuals are turning money over to him derived from illicit activities and seek his approval prior to engaging in criminal enterprises.

(17) The confidential source has indicated that PATRIARCA is a member of the "organization" and, thus, has confirmed previous information that PATRIARCA is a member of the "Commission." The informant has given a very illuminating insight into all types of criminal activities in this area, and his continuance will serve to crystallize information that may lead to prosecutable violations.

3/12/62

AIRTEL

TO: SAC, Boston (92-118)

FROM: Director, FBI (92-2961)

RAYMOND L. S. PATRIARCA, aka.
AR

You are authorized to discontinue submission of daily teletypes in this case and in lieu of same submit summary type airtels on Tuesday and Thursday of each week.

Incorporate the relevant information being furnished by [redacted] in those airtels. If you develop or receive information which should be promptly brought to the Bureau's attention, submit same by teletype.

Henceforth, investigative reports on Patriarca are to be submitted on a 30-day basis.

This case is to continue to receive full-time attention and every effort must be made on a daily basis to develop any criminal violation which Patriarca is committing or has committed with any relevant statute of limitations period.

[redacted]
(4)

92-2961-314

MAILED 21
MAR 13 1962
COMM-FBI

19 MAR 13 1962

A-5

EXHIBIT
22

[redacted]

SAC, Boston (92-118) March 30, 1962

Director, FBI (92-2961) PERSONAL ATTENTION

RAYMOND L. S. PATRIARCA, aka
ANTI-RACKETEERING

On 3/6/62, you activated the misur which you installed at the subject's place of business in Providence, Rhode Island, and since your date of activation, this misur has furnished a wealth of worthwhile information. This misur has enabled you to penetrate deeply into the racketeering and hoodlum affairs of Patriarca and has given a complete new insight on the control he exerts over the New England hoodlum society.

In view of the almost insurmountable problems encountered in your efforts to install this misur and the problems encountered in connection with the actual installation such as the cold 30 degree weather, security and full surveillance procedures utilized, you are instructed to give immediate consideration to submitting recommendations for incentive awards and/or commendations for the personnel responsible for the success of this matter.

FBI MAR 30 1962 BOSTON

[redacted] (4)

REC-28 92-2961-407

17 APR 9 1962

A-748

APR 6 1962 MAIL ROOM TELETYPE UNIT

EXHIBIT 23

[redacted]

4/9/62

AIRTEL

TO: SAC, BOSTON (92-116) PERSONAL ATTENTION

FROM: REC-49 Director, FBI (92-2961) -412 JUNE

EX-105

RAYMOND L. S. PATRIARCA, AKA.
AR

Re your airtel 4/3/62.

Insure that you are aware at all times of Patriarca's remodeling activities at the Coin-O-Matic, 168 Atwells Avenue, Providence, Rhode Island. In the event Patriarca moves his personal office to another location in the immediate vicinity, you should make every effort to have the necessary telephone cable run to that office so that you will have no difficulty whatsoever in installing additional misur coverage at that location.

You are instructed to give this matter your immediate personal attention.

NOTE: [redacted] has furnished information tothe Boston Office that Patriarca will move his personal office to an area in the immediate vicinity of the Coin-O-Matic Office. This area to which Patriarca intends to move his office was formerly occupied by a barbershop. Boston is being instructed to stay on top of this operation and make every effort through their contacts with the [redacted] to have the proper telephone cable installed so misur coverage in this new office can be effected without difficulty.

[redacted]

(4) [redacted]

MAILED 8
APR 9 - 1962
COMM-FBI

A-750

EXHIBIT
24

6 APR 13 1962

(H) CRIMINAL INTELLIGENCE PROGRAM - NECESSITY OF AFFORDING PROTECTION TO HIGHLY CONFIDENTIAL INFORMANTS AND TECHNIQUES -- It is mandatory that our highly confidential informants and techniques are afforded complete protection at all times. When attributing information to these sources, care must be exercised in order that our operations are not impaired through the divulgence of their identities.

In this regard, there has been a tendency by some field offices when reporting information from these sources to submit plain text rather than encoded teletypes. In those instances when information is reported which could compromise our informants, your teletypes must be encoded to insure adequate protection is afforded our sources and their identities are not disclosed under any circumstances.

The importance of protecting our informants also applies to data attributed to confidential sources which is set forth in your reports and memoranda. It is of paramount importance in preparing material which is disseminated to other agencies that meticulous care be taken to afford these informants maximum protection by appropriately paraphrasing the material contained therein. You should follow this closely in your office in order that this is properly handled in all material prepared by you which is disseminated outside the Bureau.

The importance of properly recording information received from our informants must be brought to the attention of responsible personnel to insure our confidential sources are adequately protected at all times.

4/10/62
SAC LETTER NO. 62-21

62-2
RECORDED
191 APR 17 1962

50 APR 18 1962

EXHIBIT
25

SOCIAL EVALUATION

GENERAL IMPRESSIONS: Subject is a 39-year-old Caucasian who is thick set and has the appearance of a prize fighter. The Subject claims to have been a prize fighter in Massachusetts and indicates that he has been recognized by some of the inmates here who could give his real name of Barboza and the approximate date of his fights. Subject gave a continuous flow of information from the time he entered the interview until the interview was closed. It is as if he will not have enough time to tell everything that needs to be told. In some ways the information sounds as if it were rehearsed and more than likely it has been repeated many many times. Subject does not impress as attempting to manipulate or to curry a favor but as one who is desperate and for this reason needs to be believed.

DEVELOPMENTAL FACTORS: Subject was born September 20, 1932 in New Bedford, Massachusetts. He is next to the oldest of four children born to Joseph Barboza and Pamela Barboza nee Camille. Subject's parents are both retired and live in New Bedford, Massachusetts but not together. Subject's older brother is president of a union in New Bedford and his younger brother is in the Marines stationed in Jacksonville, North Carolina. Subject's youngest sibling, [redacted] Barboza, is a housewife. Subject does not know her married name or where she lives. The Subject describes a normal childhood except for extreme poverty. Subject was a juvenile delinquent early, being arrested first at the age of thirteen for breaking and entering. He was sentenced to a school for boys in Massachusetts for that offense.

SOCIAL FACTORS: Subject completed the 8th grade at the age of sixteen at which time he became a dropout.

Subject never served in the Armed Forces.

Subject married [redacted] a 30-year-old woman in Maine in 1964. This marriage is intact and two children have resulted. Subject's wife and children are at an unknown location and Subject corresponds with them through the Federal Bureau of Investigation in order that they be protected from harm from the Mafia. The Subject indicates that he originally was a Catholic but converted to Judism when he married his present wife. He is extremely devoted to his wife and children claiming that he severed connections with the Mafia after his marriage and because he wanted something different for his family than he had known before. Subject has been married once before from 1958 to 1964. Subject's former wife died in 1969 in Boston.

Subject was employed last through the Marine's Cook and Steward's Union of San Francisco. He had attended the Maritime Cook's and Steward's School from May to July of 1969 and became an assistant chef aboard ships in California for approximately one month. He

EXHIBIT 26

earned $250 per week but was forced to quit employment because of a back injury aboard the ship. As a result of the injury he received $18,000 from a law suit. In 1968 Subject was a general manager for a motorcycle shop in Boston; however, employment ended after one year because of bankruptcy. He worked for Shawmett's Insurance Company in Boston for a few years as an insurance agent. Subject "worked as a loan shark" and it was in this capacity that he became involved with the Mafia.

CRIMINAL INVOLVEMENT: Subject was arrested first at the age of thirteen for breaking and entering. He was sent to the Lymon School for Boys in Massachusetts. In February of 1947 when he would have been about fifteen he was returned to the Lymon School on a parole violation. In February of 1950 Subject was convicted of larceny two counts, two counts, and ten counts. He was sentenced to the Concord Reformatory. He escaped from that institution in 1953 and was sentenced to State Prison in Massachusetts for robbery by force, assault and battery by means of a deadly weapon, kidnap, larceny of an automobile, escape from Massachusetts State Reformatory, and attempt to steal an auto. His sentences were from 10-12 years, 8-10 years, 10-12 years, 2-1/2-3 years, and 2-3 years, all concurrent. In September of 1958 he was arrested for possession of burglary tools and attempting to break and enter. He was sentenced to Walpole, Massachusetts for a 3-5 year term. In May of 1962 he was arrested for assault and battery by means of a deadly weapon but no disposition was given. In February of 1971 Subject was arrested for Murder and pled guilty to Murder 2nd. Subject claims that this crime was actually a matter of self-defense and that the victim was hired by the Mafia to kill Subject. He claims that he had $300,000 on his head because of his testimony of several Mafia figures three of whom are now on Death Row and others received life sentences. Subject names Peter Limone, Louis Grecco, and Ronald Casseaso as those who were sentenced to the Death Row because of his testimony and also Henry Tamellia. He claims that Roy French and Joe Salvati were sentenced to life imprisonment. Others whom he has testified against are Patriaca who claims he is chieftan of all New England Mafia, Jerry Anguillo, a Mr. DeVincent, Maurico LePore and Bernard Zimma. Subject claims that he was offered a half-million dollars to change his testimony but instead chose to change his identity and hope that he would not be murdered by the Mafia. Subject claims that he had protective custody through the FBI, constantly carried a gun and wore a bullet-proof vest. He claims that the victim in his offense had actually tried to kill him but he was able to kill the victim first. He claims that the victim's wife and, an unidentified girl, were present and it was through the insistence of the victim's wife that Subject buried the victim. He claims that the victim's wife was in a custody lawsuit for her son by a previous marriage and she feared that the publicity would hinder her in getting custody of her child.

CUMULATIVE CASE SUMMARY
State of California
Department of Corrections

Commitment Name: BENTLEY, Joseph
Age: 40 (1972) B: 9-20-32

Birthplace: Massachusetts
Race: White

Received:	12-14-71	Offense:	Murder 2nd
County:	Sonoma		
Case #:	6407-C	Sec. & Code:	187 PC
Judge:	J.P. Murphy, Jr.		
Dist. Atty:	K.R. Hyland	Sentence:	5-Life
Def. Atty:	PD		
Plea:	PG	Min. Term:	5 Years
Partner:	None	Min. Elf. PD:	20 Months
		Prison Status:	(4) Termer
		Weapon:	Revolver
		Prior Felony:	None Pled

STANDARD FORM NO. 64

FD-148
(4-4-50)

Office Memorandum · UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (92-2961) DATE: 5/31/62

FROM : SAC, BOSTON (92-118) J U N E

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title RAYMOND L. S. PATRIARCA

Character of Case AR
Field Office BOSTON
Symbol Number BS 837-C*
Type of Surveillance: (~~[illegible]~~ or Microphone)

1. Name of person or organization on whom surveillance placed:

RAYMOND L. S. PATRIARCA

2. Address where installation made. Also give exact room number or area covered:

PATRIARCA's office at Coin-O-Matic Distributing Company, 165 Atwells Avenue, Providence, Rhode Island

3. Location of monitoring plant:

[redacted]

4. Dates of initial authorization and installation:

Authorization 2/5/62
Installation 3/6/62

5. Previous and other installations on the same subject (with dates and places):

None

EX 100

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? NA REC-70 92-2961-444

b. Is the surveillance on a switchboard? NA 5 JUN 14 1962

c. Is the surveillance on a public coin-operated telephone? NA

1 - Bureau (92-2961) (REGISTERED MAIL)
1 - Boston (92-118)
JBG:rk
(2)
JUN 12 1962

INT/SEC.

EXHIBIT
27

d. Is surveillance on a private line or a party line? NA

e. If a party line, how many parties? NA

7. If a microphone surveillance involved, state number of microphones actually used and location of each:

[redacted] connected to the line servicing unlisted phone GAspee 1-0260 in PATRIARCA's office. H

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination:

[redacted] - BS 837-C* H

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)

See "A"

10. Could above information have been obtained from other sources and by other means?

No

11. Number of live informants (in field division) who cover same subject:

[redacted] B

12. Has security factor changed since installation?

No

13. Any request for the surveillance by outside agency (give name, title and agency):

No

14. Costs of Plant Premises: $45.00 per week - plant
7.25 per month - phone

a. Rental costs for plant premises:

b. Give total number of other surveillances monitored at same plant:

None

c. If any others, set out the proportionate cost of instant surveillance: NA

15. Cost of Leased Line for instant installation?

$3.50 per month

16. Personnel Costs:

a. Give total number of special employees and/or Special Agents working at plant and total salary costs.

1 Special Agent - $11,415

b. Total number of man hours per week spent at plant?

48 man hours per week

c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:

NA

d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:

NA

17. Remarks (By SAC):

See "B"

Unless advised to the contrary by the Bureau, this surveillance will continue for an additional 90 days.

9/6/62

18. Recommendation by Assistant Director:

RAYMOND L. S. PATRIARCA
AR
BS 837-C*

This misur was installed 3/6/62 in the office of Raymond L. S. Patriarca in Providence, Rhode Island. Since activation this misur has furnished a wealth of worthwhile information concerning Patriarca's activities and associates. It has shown that Patriarca exerts real control over the racketeers and racketeering activities in Rhode Island and Massachusetts. It has also shown definite connections between Patriarca and the New York City hoodlum element and has strongly indicated that Patriarca is a member of the "commission." I recommend this misur be continued for a period of 90 days, which will expire 9/6/62.

19. Recommendation by the Assistant to the Director:

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-2961) DATE: 8/1/62

FROM : SAC, BOSTON (92-118)

SUBJECT: RAYMOND L. S. PATRIARCA, aka
AR

Re Bureau letter to Boston dated July 20, 1962 entitled, "INTERSTATE TRANSMISSION OF WAGERING INFORMATION; INTERSTATE TRANSPORTATION OF WAGERING PARAPHERNALIA; INTERSTATE TRANSPORTATION IN AID OF RACKETEERING."

In accordance with Bureau instructions set forth in relet, a complete review has been made of the entire program of inquiry concerning gambling matters in the Boston Division.

This review points out that the primary target of this office has been to develop admissible evidence which would result in the prosecution of RAYMOND L. S. PATRIARCA (Boston File 92-118, Bureau File 92-2961). In furtherance of this phase, Boston Informant 837-C* has been developed and this informant has indicated clearly that PATRIARCA is conducting activities which appear to be in violation of the ITAR Statute. Intensive efforts are continuing to develop proof of his involvement.

This investigation, which is being conducted, consists of surveillances to determine contacts outside his regular place of business and to identify his lieutenants and close confidants.

(2- Bureau
15- Boston
(1 - 92-118)
(1 - 94-536)
(1 - 92-446)
(1 - 165-15)
(1 - 165-222)
(1 - 92-125)
(1 - 92-127)
(1 - 165-13)
(1 - 165-19)
(1 - 165-258)
(1 - 165-259)
(1 - 165-0)
(1 - 166-0)
(1 - 168-0)
(1 - 162-181)
(17)
DFS:ras

REC-20 92-2961-465

80T-X3

107
53 AUG 14 1962

EXHIBIT 28

Informants are being utilized and where information is developed which can be disseminated, it is being furnished to other law enforcement agencies for the purpose of harrassing PATRIARCA and his associates with the hope that a provable violation may develop. PATRIARCA's activities seem to concern gambling, attempts to corrupt officials and he furnishes general aid and counsel to assorted members of the underworld.

In investigating those who are identified as lieutenants or close associates of PATRIARCA, it is felt that some violation of which they are guilty might be proved and if they are proven guilty, such might serve as a leverage to break through the barriers with which PATRIARCA has surrounded himself.

Some of the persons close to PATRIARCA and identified to date, have been GENNARO ANGIULO and his brothers (Boston File 92-446, Bureau File 92-5585), HENRY TAMALEO, SAMUEL GRANITO and TED PUCCILLO (Boston Files 92-446 and 92-118, Bureau File 92-2951).

As the Bureau is aware, the data being made available regularly through BS 837-C* highlights the activities of these individuals. Probing of individual situations has been and will be intensified. Wherever possible, efforts are made to so utilize this information so as to develop separate independent cases.

For example, Boston airtel to the Bureau dated July 17, 1962 (Boston File 87-7304) captioned "HENRY TAMALEO; FRANK (LNU), ITSP" indicated TAMALEO and the unknown FRANK might be involved in the theft of a million and a quarter dollars worth of stock from Bache and Company at New York.

Also, Boston airtel to Bureau dated July 18, 1962 captioned "RAYMOND L. S. PATRIARCA, aka, AR" (Boston File 92-118, Bureau File 92-2951) enclosed a letterhead memorandum setting forth facts indicating the possibility of a violation of the Bribery Statute.

Two further examples are the following cases:

BS 92-118

HERBERT ASHTON PAGE, JR.
Former Manager, Johnston, R.I.
Branch, Plantations Bank of R.I.
FRA
(Boston File 29-879)
(Bureau File 29-29913)

CARL L. STROBECK, etc., ET AL
FRA; CONSPIRACY
(Boston File 29-917)
(Bureau File 29-30754)

In the above two cases, with the assistance of BS 837-C*, interviews have been conducted with individuals who are close to PATRIARCA and the facts in these two cases will probably go to the Grand Jury sometime in August, 1952. Convictions in these cases might result in gaining information which will lead into other crimes involving some of the individuals interviewed in this case.

It is noted that JOSEPH PATRIARCA, brother of RAYMOND PATRIARCA, is a possible subject in the PAGE case. It should also be noted that at the time of the Grand Jury, many individuals will be subpoenaed.

[redacted]

0-3

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Boston, Massachusetts
August 9, 1962

VITTORE NICOLO ANGIULO
Also Known As "NICK"

A confidential source who has furnished reliable information in the past made available the following information.

Internal Revenue Service (IRS) agent EDGERLY, who is assigned to the Boston Office, investigated the income tax of NICK ANGIULO, a prominent figure in the gambling circles in Boston, Massachusetts. EDGERLY received a payment of several thousand dollars to straighten out the case against NICK ANGIULO.

EDGERLY has furnished information to FRED PASTORE, who has recently resigned from the IRS, to the effect that the IRS has an informant in Worcester, Massachusetts, who is very close to the gamblers and reports all their activity to IRS. EDGERLY is not aware of the informant's identity, according to the informant.

Complete security should be given to the informant so that his identity will not be jeopardized.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

92-5504-20

EXHIBIT 29

8-14-62

Airtel

92-2961-426

To: SAC, Boston

From: Director, FBI

101679

RAYMOND L. S. PATRIARCA, AKA
AR

Re your airtel 8-9-62.

Referenced airtel sets forth information regarding Internal Revenue Service Agent Edgerly who reportedly accepted a payment of $3,000 in connection with his handling of the Angiulo investigation. In order that this information may be properly disseminated to the Internal Revenue Service and to the Department you should promptly furnish further identifying information regarding Edgerly, including his full name. You should also include available information regarding the actual outcome of the Internal Revenue Service case involved.

Submit return airtel.

1 - Mr. McGrath (route through for review)

NOTE: BS 837-C* advised that Jerry Angiulo informed Raymond Patriarca on 8-3-62 that IRS Agent Edgerly had accepted $3,000 to straighten out Nick Angiulo's case. In addition, Edgerly is reportedly furnishing information to Fred Pastore, former IRS Agent, in regard to their investigations in Worcester, Mass. According to this source Pastore is in contact with hoodlums in the Boston area and regularly furnished information to [illegible]

MAILED 4
AUG 14 1962
COMM-FBI

EXHIBIT
30

November 21, 2001

Mr. James C. Wilson
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Wilson:

I am responding to your letter dated October 30, 2001, to Mary Dash, Chief of the Congressional Correspondent Unit, about allegations concerning the acceptance of a bribe by a Boston area IRS agent with the last name of Edgerly.

I thank you for bringing this extremely serious allegation to our attention. However, after a diligent search, we could not identify the employee you mentioned in your letter.

Information from Current Employee Database
Our office queried our IRS employee database at the Transactional Processing Center in Cincinnati, Ohio. Our query failed to identify any employee with the last name of Edgerly assigned to Boston, MA from 1991 to the present. The only employees with the last name of Edgerly employed by the IRS during this period were a Peter Edgerly, who was employed as a clerk in Andover, MA from February 7, 2000 to April 26, 2000, and a William M. Edgerly, who is presently employed as a Revenue Officer in Kansas.

Federal Record Center Information
In order to query employee information prior to 1991, we checked with the Federal Records Center, which maintains records for employees of all federal agencies. The Federal Records Center told us that due to the volume of records, they cannot perform queries on last names only and would need a full name, date of birth and/or social security number.

Inquires to Boston Field Office
In addition to performing these queries, I also contacted our Boston Field Office. We talked with several senior managers and long term employees and none could recall any employee with the last name of Edgerly working in the Boston area. Accordingly, these employees could not determine if such an agent had been prosecuted for bribery.



I forwarded your inquiry, as well as a copy of this response, to the Treasury Inspector General for Tax Administration (TIGTA). The TIGTA is responsible for bribery investigations concerning IRS employees. I asked them to review and respond to your inquiry about possible bribery prosecutions involving revenue agents in Boston, MA.

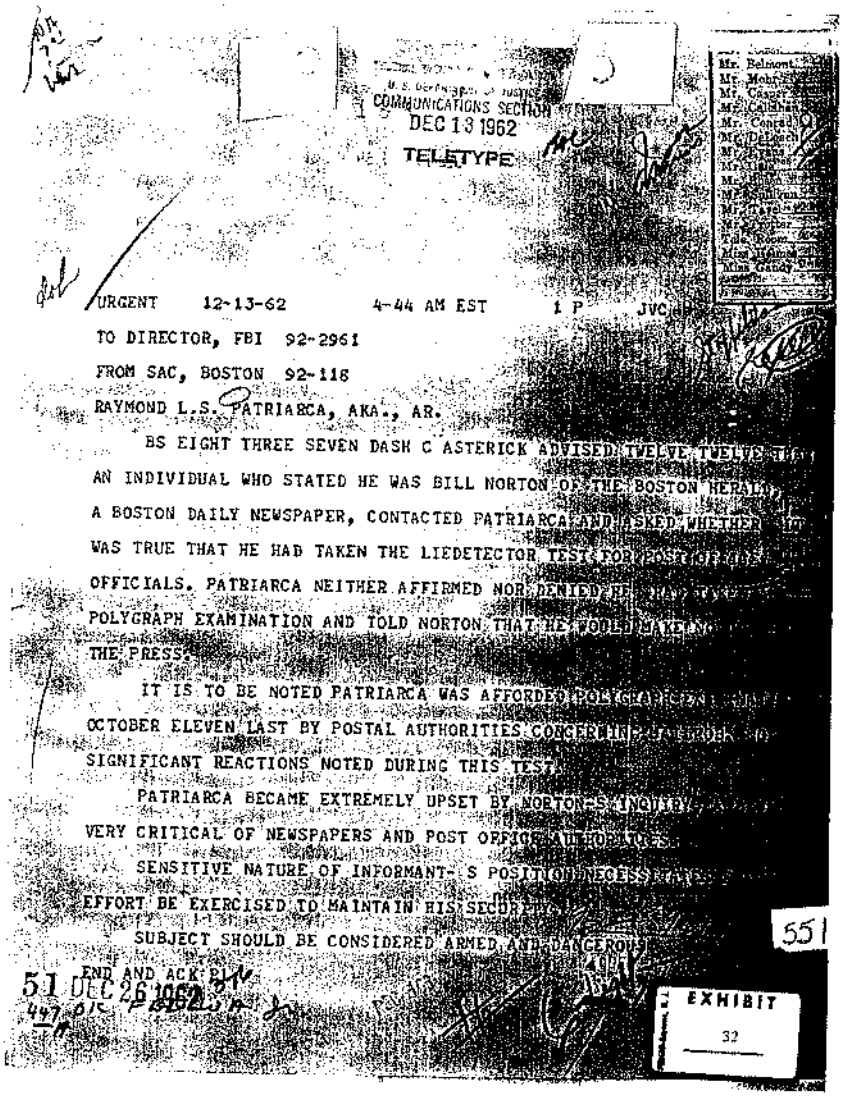
I hope this information is helpful. If I can be of further assistance, please call me at (215) [redacted], or Albert J. Monica, Legislative Liaison for Criminal Investigation, at (202) [redacted]

Sincerely,

/s/ Mary Ann O'Donnell

Mary Ann O'Donnell
Director of Field Operations
North Atlantic Area

cc: TIGTA



COMMUNICATIONS SECTION
DEC 13 1962
TELETYPE

URGENT 12-13-62 4-44 AM EST 1 P JVC

TO DIRECTOR, FBI 92-2961

FROM SAC, BOSTON 92-116

RAYMOND L.S. PATRIARCA, AKA., AR.

BS EIGHT THREE SEVEN DASH C ASTERICK ADVISED TWELVE TWELVE [illegible]
AN INDIVIDUAL WHO STATED HE WAS BILL NORTON OF THE BOSTON HERALD
A BOSTON DAILY NEWSPAPER, CONTACTED PATRIARCA AND ASKED WHETHER
WAS TRUE THAT HE HAD TAKEN THE LIEDETECTOR TEST FOR POST OFFICE
OFFICIALS. PATRIARCA NEITHER AFFIRMED NOR DENIED BE
POLYGRAPH EXAMINATION AND TOLD NORTON THAT HE COULD MAKE
THE PRESS.

IT IS TO BE NOTED PATRIARCA WAS AFFORDED POLYGRAPH
OCTOBER ELEVEN LAST BY POSTAL AUTHORITIES CONCERNING
SIGNIFICANT REACTIONS NOTED DURING THIS TEST.

PATRIARCA BECAME EXTREMELY UPSET BY NORTON'S INQUIRY
VERY CRITICAL OF NEWSPAPERS AND POST OFFICE AUTHORITIES
SENSITIVE NATURE OF INFORMANT'S POSITION NECESSITATES
EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

END AND ACK PLS

551

51 DEC 26 1962

EXHIBIT
32

SAC, Boston (92-446) 11-15-62

REC-45

JUNE

Director, FBI (92-5586)-33

GENNARO J. ANGIULO, aka
AR

Re Boston FD-142 dated 11-8-62.

You are authorized to install a misur in Jay's Lounge, 255 Tremont Street, Boston, Massachusetts, provided full security is assured. Advise the Bureau of the date and time this source is activated and the symbol number assigned. You are to submit your recommendations concerning continuance of your source 30 days after this installation is completed.

NOTE: Angiulo, who is the chief lieutenant of Raymond L. S. Patriarca, notorious New England hoodlum, is the over-all boss of rackets in the Boston area. He is regularly in contact with hoodlum figures throughout Massachusetts and Rhode Island. It is felt that the establishment of a misur in Angiulo's office will be most fruitful in providing information concerning racket activity in the New England area.

MAILED 3
NOV 16 1962
COMM-FBI

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAK:erw
(4)

MAIL ROOM TELETYPE UNIT

EXHIBIT
33

11/27/62

Airtel

To: SAC, Boston (92-446) JUNE

From: Director, FBJ (92-5586)

GENNARO J. ANGIULO, aka
AR

ReBulet dated 11/14/62.

Advise your progress in connection with the installation at Jay's Lounge, 255 Tremont Street, Boston, Massachusetts.

MAILED 27

REC-5 92-5586-34

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM

TELETYPE UNIT

MAK: msg
(4)

EXHIBIT
34

UNITED STATES GOVERNMENT

Memorandum

TO DIRECTOR, FBI (Bufile 92-5586) DATE: JUNE 10/22/64

FROM SAC, BOSTON (92-446 Sub 1)

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title GENNARO J. ANGIULO, aka

Character of Case AR
Field Office Boston
Symbol Number BS 856-C*
Type of Surveillance: (~~Technical~~ Microphone)

1. Name of person or organization on whom surveillance placed:
GENNARO J. ANGIULO

2. Address where installation made. Also give exact room number or area covered:
Jay's Lounge, 255 Tremont Street, Boston, Mass.
Basement Office.

3. Location of monitoring plant:
[redacted]
REC-24 155

4. Dates of initial authorization and installation:
Authorization - 11/15/62
Installation - 1/9/63
21 NOV 29 1964

5. Previous and other installations on the same subject (with dates and places):
None.

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? NA

b. Is the surveillance on a switchboard? NA

c. Is the surveillance on a public coin-operated telephone? NA

Registered Mail
2 - Bureau
1 - Boston
DMS:bbr

DONOHUE
SPEC. MAIL RM.

EXHIBIT
35

d. Is surveillance on a private line or a party line? NA

e. If a party line, how many parties? NA

7. If a microphone surveillance involved, state number of microphones actually used and location of each:

H [redacted]

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination:

No.

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)

(See "A", page 5)

10. Could above information have been obtained from other sources and by other means?

No.

11. Number of live informants (in field division) who cover same subject:

B [redacted]

12. Has security factor changed since installation?

No.

13. Any request for the surveillance by outside agency (give name, title and agency):

No.

14. Cost of Plant Premises: NA

a. Rental costs for plant premises:

b. Give total number of other surveillances monitored at same plant.

c. If any others, set out the proportionate cost of instant surveillance:

15. Cost of Leased Line for instant installation?
$3.75

16. Personnel Costs:

a. Give total number of special employees and/or Special Agents working at plant and total salary costs.

1 Investigative Clerk	per annum @		$6,450
1/5 Investigative Clerk	" " @		1,290
	TOTAL		$7,740

b. Total number of man hours per week spent at plant?
48 hours

c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:
None

d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:
None

17. Remarks (By SAC):

(See "B" page 9.)

WACB, this surveillance will continue for an additional 90 days.

18. Recommendation by Assistant Director:
(If this surveillance involves cryptanalysis, include statement that decrypted material is or is not sufficiently important to continue decrypting.)

9. (A) On 7/30/64 an unknown man contacted ANGIULO and told him that someone had been around making inquiries about him. ANGIULO, upon hearing the description of the individual making the inquiries, told the unknown man that it "must be CONDON (probably SA DENNIS M. CONDON) or MULLINS (probably SA PATRICK MULLINS of IRS)." ANGIULO instructed the individual who called him to meet him the following day at Jay's Lounge to discuss the matter.

On 8/8/64, ANGIULO met with ARTHUR HAMMEL, his "front" man in Commercial Producers, Inc., and Attorney ALBERT HORRIGAN. They engaged in a lengthy discussion about going into the greeting card business. They discussed the fact that they would have approximately 500 racks of greeting cards in locations throughout the city. They considered having WILLIAM KAZONIS, an associate of PETER LIMONE, doing the work of servicing the racks.

There was some discussion of the operations of this prospective business, and HAMMEL and ANGIULO engaged in a heated argument. They accused each other of being responsible for the poor management of Commercial Producers, Inc.

ANGIULO complained of losing $150,000 from his interest in the jingle business, but HAMMEL contradicted him, saying that he (ANGIULO) had put $150,000 into the business and that they had taken out the same amount in salaries for themselves, so he did not see how ANGIULO could say he lost so much money.

On the same date, ANGIULO also made the statement that he has 400 cigarette vending machines in various locations, and 200 of these machines do not make a quarter for him. He said that he started in the vending machine business with a $20,000 investment in the machines, and now he has about $38,000 invested in the machines.

On 10/18/64 PETER LIMONE, top lieutenant for ANGIULO, asked ANGIULO how PASTORE (probably FRED PASTORE, former Intelligence Chief IRS, Boston, Massachusetts) had instructed ANGIULO to testify when taking the Fifth Amendment. ANGIULO recently invoked the Fifth Amendment before the Federal Grand Jury at Boston, Massachusetts, in connection with the Indian Meadow Golf Course and Country Club.

9. (A)(Continued)

On 8/24/64 ANGIULO in discussing some court action advised some unidentified people that those required to testify should invoke the Fifth Amendment. He said that if someone in Washington told the people in Boston to forget the ANGIULO tax case, then that would be the end of it. He thereafter criticized Attorney General ROBERT KENNEDY and said that KENNEDY would be resigning as Attorney General very shortly.

On 8/25/64 ANGIULO was contacted by an unknown doctor whose name may be ALBERT O'CONNOR. ANGIULO appeared to be trying to interest Dr. O'CONNOR in buying the Kenmore Hospital which is presently owned by one Dr. BASSO and ANGIULO's mother.

He pointed out the advantages of this small hospital and how the doctor would be able to make a good thing out of it. He stated that he would like to have this deal consumated before the end of September.

He then had a long discussion with this doctor about the answering of subpoenaes and testimony in connection with tax cases. He pointed out to the doctor that Dr. BASSO, the present owner of the hospital, had been with ANGIULO's mother for years and that if Dr. BASSO had not been playing the horses and buying mink coats for movie stars, ANGIULO's mother would not presently own one half of the hospital.

On 8/29/64 ANGIULO in referring to one MULLINS (believed to be SA PATRICK MULLINS, IRS, who is currently investigating ANGIULO's tax situation) spoke about putting the pressure on MULLINS by surveilling him and hanging around his house in an effort to intimidate or harrass him.

On 9/2/64 in a discussion with his driver, WILLIAM CRESTA, ANGIULO told him that if he ever has any trouble, he should back away and refer his trouble to ANGIULO. There follows a discussion of JOSEPH MODICA, aka, DON PAPINO. ANGIULO said that the old man is no dumbbell and belongs to him, ANGIULO. He said that if someone takes something from PAPINO, they take it from all of us. He then asked CRESTA if he was telling CRESTA too much.

9. (A)(Continued)

On the same date, CRESTA complained to ANGIULO that someone had referred to him as ANGIULO's chauffeur. ANGIULO told him that he should have hit the guy in the mouth and said CRESTA was watched for a year before he was asked to drive ANGIULO.

On 9/7/64 ANGIULO complained to LIMONE about people in the North End having too much power in their hands for such a long time. He made the comment that "SAMMY" (probably SAMUEL GRANITO), "NICKY" (probably NICK GISO), and "PAULIE" (PAUL INTISO) are all students or JOHN WILLIAMS. ANGIULO said that he would not forget "PAULIE." In this regard, he told LIMONE that "PAULIE" told ANGIULO that he was glad that ANGIULO got it, and he deserved it as he made enough trips for it (meaning ANGIULO's trips to Rhode Island to see RAYMOND PATRIARCA). (Informant felt that INTISO was congratulating ANGIULO on a recent promotion in the organization.)

ANGIULO told LIMONE that the one thing lacking in the "organization" in Boston is RAYMOND PATRIARCA. PATRIARCA should be on the scene in Boston, but everybody knows they got to go 40 miles to get in touch with him.

Source advised on 9/8/64 that ANGIULO was contacted by RALPH CHONG and JOE BURNS in connection with $1,900 which, CHONG contended, was owed to him by RONALD CASSESSA.

Later in the evening, they had CASSESSA in and questioned him for a couple of hours in regard to the money allegedly owned to CHONG. After dismissing CASSESSA, ANGIULO said that he would not make a decision but would contact RAYMOND PATRIARCA and give him both sides of the story and they would, thereafter, abide by PATRIARCA's decision.

He told them that he believed CASSESSA's memory was conveniently faulty and he probably does owe RALPH CHONG $1,900; but, on the other hand, CASSESSA mentioned $500 that CHONG owed him and CHONG, according to ANGIULO, changed the topic.

9. (A)(Continued)

ANGIULO said he would also mention to PATRIARCA this item about the $500, and it may turn out that PATRIARCA will decide that CASSESSA owes CHONG $1,900 minus the $500 referred to.

On 9/10/64 ANGIULO told PETER LIMONE all about some trouble between RONNIE CASSESSA and RALPH CHONG wherein CHONG alleges that CASSESSA owes him $1,900. He told LIMONE that he was going to discuss the matter with RAYMOND PATRIARCA, and although he would not say it in front of CHONG, he thinks CASSESSA is a liar. He added that CHONG may be an imbecile, but he is right in this trouble with CASSESSA.

ANGIULO described JOSEPH ANSELMO, aka JOE BURNS, and RONALD CASSESSA as "Master Hoodlums."

On 9/14/64 ANGIULO was highly critical of PETER FUMARI, aka SKINNY PETER, another well known shylock in the Boston area, and ANGIULO made the comment that SKINNY PETER was going to get his head whacked in.

On 9/25/64 ANGIULO had a discussion with SAM (LNU) who now appears to be checking on the financial situation at the Indian Meadow Golf Course and Country Club, for ANGIULO. ANGIULO made the comment that SULLY IACONI does not want to sell the Indian Meadow Golf Course and Country Club.

ANGIULO instructed SAM that he should give him, ANGIULO, the $1,800 dues of the guys from Worcester, such as CHARP, and others whose names should not be carried in the books as members.

ANGIULO made the comment that SAM CUFARI and the guys from Worcester would like to get a hold of the golf course and he told them if they gave him $240,000 "under the table" they could have it.

17. (S) This confidential source has shown that GENNARO J. ANGIULO is the representative of RAYMOND PATRIARCA in the Boston area and the most important member of the Cosa Nostra in Boston.

This source has furnished various information concerning ANGIULO's position in the organization, his control, and his day-to-day activities.

The continuation of this source should serve to crystallize information which may lead to prosecution.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty		1-29-51
Reported to Field		3-28-51
Present Grade and Salary		GS-13, $29,782
Last Salary Change		10-12-75, Basic Increase
Age		51, Born 11-23-1923
Place of Birth		Charlestown, Massachusetts
Marital Status		Married - 6 Children
Education		Bachelor of Arts Degree
Language Ability		None
Office of Preference since 2/74		Boston
1975 Annual Performance Rating		EXCELLENT
Firearms Ability		Qualified
Immediate Relatives in Bureau		None
Offices of Assignment:		
3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

LS:lrb
(1)

EXHIBIT
36

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-HCGR-000003328

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER



DENNIS CONDON

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

investigation of the Bank Robbery case involving Kenneth Robert Hudson and others.

His daily average overtime for November, 2 hours 10 minutes; December, 2 hours 51 minutes.

By letter dated 1-18-62 he was COMMENDED for his participation in the apprehension of James John Lenahan, one of the subjects of a Bank Robbery case.

His daily average overtime for January, 1962, 2 hours 43 minutes; February, 2 hours; March, 2 hours 14 minutes.

On 3-31-62 he was rated EXCELLENT by SAC L. L. Laughlin who added he was assigned to the Criminal Squad until September, 1961, when he was assigned to the ASAC's Squad and had devoted most of his time to Criminal Intelligence matters and investigations within the purview of the new Federal gaming statutes. He made a splendid personal appearance and had an outstanding personality. He handled complicated assignments with competency and confidence and was fully qualified to participate in raids or dangerous assignments. He had no limitations on his availability. His work in the informant was outstanding and his performance as a witness excellent. He was not interested in administrative advancement.

By letter dated 4-30-62 he was COMMENDED, through SAC Laughlin, along with the agents of the Boston Office who performed in such an exemplary fashion in connection with a highly confidential operation in the criminal field.

His daily average overtime for April, 1 hour 55 minutes; May, 2 hours 26 minutes; June, 1 hour 48 minutes; July, 1 hour 58 minutes.

Under date 8-2-62 he was COMMENDED, through SAC Laughlin, for his participation in the investigation of the Bank Robbery case involving Wesley Theodore Lott.

His daily average overtime for August, 2 hours 5 minutes; September, 1 hour 43 minutes; October, 2 hours 4 minutes.

On 10-14-62 he received a Basic Salary Increase to $11,515. per annum in GS-13.

On 11-25-62 he received a Within-Grade Increase to $11,880. per annum in GS-13.

His daily average overtime for November, 2 hours 40 minutes; December, 2 hours; January, 1963, 3 hours 3 minutes.

By letter dated 2-21-63 he received a CASH AWARD in the amount of $150.00 for his contributions to the establishment of a highly confidential source of information of interest to the Bureau in the criminal field. Re: Gennaro J. Angiulo, Anti-Racketeering.

FBI-HCGR-00000

BS 92-446
DWC/ari

On March 4, 1963, BS 856-C* advised that JERRY ANGIULO on his return from Florida reprimanded his girl friend, BARBARA LOMBARD, for telling someone where he went. He told her to keep her mouth shut as to his whereabouts in the future.

On March 6, 1963, BS 856-C* advised that ANGIULO had expressed an interest in some safety features that might be used around a beach home to prevent people from snooping. He was interested in a system whereby when a person steps within a certain area a buzzer goes off in the house and lights outside the house go on.

On March 12, 1963, BS 856-C* advised that JERRY ANGIULO said that he was suspicious that RONNIE CASSESSO, who drives RALPH CHONG around, may be a stool pigeon. The informant said that ANGIULO was mad at RALPH CHONG and was going to "drag" CHONG down before RAYMOND PATRIARCA when CHONG returned from Florida.

On March 12, 1963, BS 856-C* advised that ANGIULO indicated that he received some information from DANNY GREEN to the effect that the West End Veterans Club is not worth a cent and the police would be raiding that location.

There is a DANNY GREEN who was a Detective in Division 3 of the Boston Police Department which covers the vicinity of the West End Veterans Club. Division 3 was dissolved recently and GREEN is now a Sergeant in one of the Divisions on the outskirts of the City.

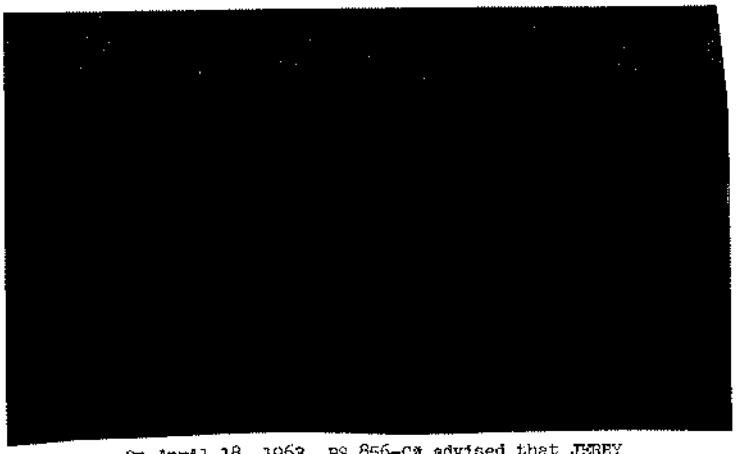
It is pointed out that the West End Veterans Club was subsequently raided by the Boston Police on March 24, 1963.

On March 13, 1963, BS 856-C* advised that JERRY ANGIULO was contacted by one TONY VECCHIO (PH) of Providence, Rhode Island. VECCHIO reportedly drives RAYMOND PATRIARCA home each night. They discussed how RAYMOND PATRIARCA was very worried because of all the Federal "heat" and should go away for a vacation.

EXHIBIT
37

BS 92-446
DMG/ari

B/O-3



On April 18, 1963, BS 856-C* advised that JERRY ANGIULO told PETER LIMONE that RAYMOND PATRIARCA's wife has cancer which is malignant. He said that this illness had upset PATRIARCA

-K-
COVERPAGE

BS 92-446
DMC/ari

greatly. ANGIULO was critical of PATRIARCA being so affected by his wife's illness and referred to PATRIARCA as "a cry baby" in connection with his running to ANGIULO. ANGIULO wondered who PATRIARCA was going to tell his troubles to, as he would not be able to tell them to his wife any longer. He said that now that PATRIARCA's wife has cancer, that "will break them down". He said his brothers are being watched constantly, however, they are not going to break down. The informant felt that ANGIULO meant break down as a result of law enforcement pressure.

BS 856-C* advised on April 19, 1963, that ANGIULO had made arrangements to obtain three special nurses for 24 hour duty at the New England Baptist Hospital to care for Mrs. PATRIARCA.

[redacted]

O-3

BS 92-1132
THS:mac
1.

I. BACKGROUND

A. Birth

September 20, 1932, at New Bedford, Massachusetts.

B. Education

Subject attended Winslow, DeValles and Ingraham Public Schools in New Bedford, completing the sixth grade in 1947. His attendance at Roosevelt Junior High School and Continuation Trade School has not been verified as there are no records. Since that time he has had no further formal education.

On November 28, 1956, subject took Stanford Achievement tests - Intermediate Form, and his grade equivalent was 9.0.

C. Military Service

None

D. Marital Status

On July 12, 1958, [redacted] married JOSEPH BARBOZA in New Bedford. [redacted] was born on [redacted] 1916, in Boston, Massachusetts, and was previously married to [redacted] from whom she obtained a divorce in 1953, charging cruel and abusive treatment. Five children had been born of this union.

The marriage of BARBOZA and [redacted] was dissolved by divorce on April 22, 1963, in Boston, Massachusetts, and no children had been born of this union.

[redacted] resides at [redacted] East Boston, Massachusetts, and BARBOZA has had no contact with her since 1963.

[redacted] and the subject were married on April 30, 1964, by a Justice of the Peace in Portland, Maine, and were later married by a Rabbi in Temple service in Brookline, Massachusetts on October 12, 1964.

EXHIBIT 38

F B I

DATE: 5/14/63

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority or Method of Mailing)

REC-84 3,4,5

TO : DIRECTOR, FBI (92-2961)
SACS MIAMI
NEW HAVEN

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR

Rebosairtel, 5/9/63.

On 5/9/63, BS 837-C* advised that UNMAN contacted PATRIARCA and told him that he was having some trouble with a bookmaker at an unknown location, as he had made a "hit" and has not paid off. PATRIARCA sent him to BENNY (LNU) and told him to have BENNY settle the problem.

An UNMAN, who is a representative of a maintenance company, asked PATRIARCA to intercede for him in obtaining the contract at the Lincoln Downs Race Track, Lincoln, Rhode Island. PATRIARCA sent UNMAN to B. A. DARIO, President of this track.

3-Bureau
2-Miami
2-New Haven
3-Boston (92-118)(92-118 sub 4)

JFK:po'b
(10)

92-2961-636

REC-84 25 MAY 16 1963

ST-101

EXHIBIT 39

BS 92-118

This individual derives 90% of his numbers business from a factory and where his brother is a Foreman, it appeared that the brother is the individual who collects all the bets in this factory, location unknown.

An ITAR case is being opened on FERRARA.

This individual from Milford also asked JERRY if it was alright to go after a guy by the name of ABE, a big bettor from Manchester, N. H. At the present time ABE is betting $20 on a horse, but they believe if they increase his bet to $200 or $300 on a horse, they will be able to beat him for $4,000 or $5,000. The individual from Milford was not taking the bets but indicated the other fellow, not identified, was doing same.

JERRY stated that FRANK PALUMBO, who apparently indicated he had made a loan to the original owners of Walsh's Cafe, Boston, Mass., which is now owned by ANGIULO, broke up the entire deal. It appeared that JERRY had some buyers lined up but PALUMBO stepped in and requested the buyers to pay off the original loan. During the conversation JERRY said that JOHN CALLAHAN, Chairman of the Boston Licensing Board, Boston, Mass., stood up 100%. He came to him after hearing and told him that he knew what MODICO (JOSEPH ANSELMO) was up to concerning this sale and that he, CALLAHAN, knew that PALUMBO did not lend any money to the corporation. PATRIARCA told JERRY to tell MODICO that he, JERRY, was to settle the whole thing.

PATRIARCA then asked JERRY that when he was in Florida to attempt to locate a DAVID KAY who borrowed a 1961 Eldorado Cadillac from BOB CADILLAC (?) from New Haven. CADILLAC, who is "a legitimate guy" wants his car returned but does not want to put in a "beef" to the cops to locate the Cadillac. PATRIARCA said that CADILLAC is a friend of MELUCCI and that MILO BELL, originally from Lowell, Mass. and presently in Miami, Fla. , was a friend of DAVID KAY's.

JERRY said that he would contact PATSY ERRA in Miami and attempt to locate the car.

FD-36 (Rev. 12-13-56)

FBI

Date: 8/13/63

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL AIRMAIL (Priority or Method of Mailing)

TO: DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118) (P)

SUBJECT: RAYMOND L. S. PATRIARCA, aka.
AR

Re Boston Airtel to Director dated 8/8/63.

On 8/7/63 BS 837-C* advised that FRANKIE (LNU) discussed with RAYMOND PATRIARCA his possible purchase of a cafe. He discussed the over-all operation of this cafe with PATRIARCA and stated that he would probably have to borrow $5,000 to purchase same. FRANKIE wanted SAUL FRIEDMAN to handle the legal matters concerning the purchase of this cafe.

TEDDY FUCILLO told RAYMOND PATRIARCA that FRANK SCIBELLI of Springfield, Mass., said he was still attempting to get LARRY BAIONE and LEO SANTANIELLO out on parole. He said that GEORGE LANZETTA from Springfield, Mass., owes $1,600 to MONGE (possibly ROSSETTI) for play with MOUSIE (ph) in Lowell, Mass. He explained that TINY, who is a friend of CARMINE PESCHIONE, Chelsea, Mass., told LANZETTA to call his bets in to MOUSIE. PATRIARCA questioned FUCILLO to ascertain whether CARMINE actually OK'd the bets with MOUSIE, and if not, he was not responsible for the debt. He said that he would contact JERRY ANGIULO and have him straighten the matter out.

REC-38 92-2961-690

AUG 5 1963

3 - Bureau (92-2961)
1 - Miami (INFO)
2 - Boston
(1 - 92-118)
(1 - 92-118 SUB 4)
JFK/rlc
(6)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT 40

BS 92-118

FUCILLO stated that they have purchased the Hathaway Building in Maine and that CHICK is building a trailer camp with an FHA mortgage.

Another man enters at which time FUCILLO questions him regarding the tool shop UNMAN owns which is possibly called the Tetco Company. FUCILLO told him that they had a contact with the Electric Boat Company in New London, Connecticut, and he, FUCILLO, could probably get the Tetco Company some contracts there.

GENNARO "JERRY" ANGIULO contacted RAYMOND PATRIARCA. ANGIULO has been up since 6:30 a.m., and on his way to Providence, R. I., stopped and read the article in the "Saturday Evening Post" pertaining to Cosa Nostra. It shoiuld be noted that the informant stated that this is the first time to his knowledge that ANGIULO was not accompanied by PETER LIMONE. They discussed the article about Cosa Nostra in the "Saturday Evening Post." ANGIULO told PATRIARCA that he had talked to a Federal man from Washington the previous night who told ANGIULO it was a program by the KENNEDYs to obtain Federal legislation against gambling and racketeering.

According to ANGIULO, it is a known fact that the KENNEDYs control the "Saturday Evening Post," pointing out that they were bankrupt a few years ago and the KENNEDY family purchased a sizable share of the stock. PATRIARCA questioned ANGIULO in what state he could sue the "Saturday Evening Post." ANGIULO explained that it was the Curtiss Publishing Company and that the headquarters located in Philadelphia, Penna.

At this point, PATRIARCA called his attorney, CHARLES CURRAN, and told him that the main office of the "Saturday Evening Post" is in Philadelphia and indicated that CURRAN was preparing a letter to send to the Curtiss Publishing Company.

BS 92-118

JERRY ANGIULO said that some unidentified man stuck up a game in Worcester, Mass. The individual who they believe stuck up this game has a joint on the Turnpike (name of Turnpike not mentioned). PETER LIMONE has been assigned to bring one of the individuals who was robbed to view the suspects at this joint on the Pike.

JERRY ANGIULO stated that he criticized FRANK SCIBELLI for SKYBALL's (SCIBELLI) doubting CHICK when he, CHICK, told him that PATRIARCA had given the OK to go ahead with the parole of SANTANIELLO.

JOSEPH ANSELMO, aka JOE BURNS, has a brother who is very sick. ANGIULO stated that he has an interest in Guys and Dolls Cafe, Boston, Mass., and JOE BURNS had some kids who were interested in purchasing same. SKINNY PETE (LNU) is the guy behind these kids. The informant was unable to ascertain all details concerning this but there was an argument between RALPH LAMATTINA, JOE BURNS and JERRY ANGIULO. LAMATTINA stated that BURNS was scheduled to be killed by some unknown people 8 or 9 months ago. He admitted having the information for the same period. ANGIULO criticized LAMATTINA for withholding this information, owing large sums of money and not acting properly. RAYMOND PATRIARCA, after hearing the story, became insensed, and said that he intends to contact JOE LOMBARDO, JOE BURNS, JOHNNY WILLIAMS and others not mentioned to determine whether LAMATTINA is a liar concerning the above story. PATRIARCA thinks he is. In the event it is determined he is a liar, RAYMOND PATRIARCA said that he will get rid of him right away as this was a very serious thing.

An individual believed to be a Mr. FESTER or TESTOR was called by PATRIARCA and shortly thereafter appeared in his office. FESTER told JERRY ANGIULO and RAYMOND PATRIARCA that he was in the obscene literature business and desired to open up a store in downtown Boston and have as a front for this store pinball machines and other amusement devices. ANGIULO said that he would contact his friend, DICK SINOTT, who is head censor for the City of Boston, in order to get an amusement license for FESTER.

MASS.

BS 92-118

ANGIULO said that SINOTT would probably have to go on the payroll if the license is obtained. He said that he picked SINOTT because he has a definite craving for women. SINOTT allegedly was paid $25,000 for okaying the transfer of a license of the Casino Burlesque Theater from one location to another in Boston when the bilding it occupied was torn down for re-development. After the license was granted, Mayor COLLINS of Boston, upon his return from Europe, because of pressure from the Catholic newspaper, "The Pilot," rescinded the license. ANGIULO did not indicate whether SINOTT returned the $25,000.

JERRY ANGIULO complained that MATTY BLOOM told PETER LIMONE that he is going to continue to operate in the West End section of Boston and that if any trouble occured LIMONE could see his brother who would straighten the thing out. LIMONE told him in no uncertain terms he was not to conduct any gambling business in his section of the city, namely, the West End. ANGIULO then received the OK from RAYMOND PATRIARCA that he, ANGIULO, was not to allow BLOOM to conduct any gambling activity in the West End section of the city of Boston, and that this section of the city belonged to LIMONE. JERRY ANGIULO made the remark, "All of a sudden BARNEY BLOOM possesses all this power."

CHARLIE BAKER, Boston bondsman, contacted JERRY ANGIULO to ask him whether a lawyer from Providence, R. I., named BUCCI was OK. BUCCI had said to BAKER that he was connected with Providence, R. I., and requested that he bail two kids out in Worcester, Mass., who at that time had no money. JERRY ANGIULO gave him the authority to bail these two individuals out. PATRIARCA said that he knew BUCCI and that he was OK.

The names of JERRY, HERB KAPLAN and ERLICH were mentioned with LOUIE FOX from Revere, Mass., but the informant did not obtain the significance. After mentioning the names, ANGIULO made the statement, "He is going to reach out for you now, RAYMOND." The significance was not known to the informant.

JERRY ANGIULO gave PATRIARCA over $3,000 from shylark, crap game, JOE PRICCI (ph), JOE BURNS and the Milford, Mass., gambling activity. He said that Worcester, Mass., was behind $1,000 and that last week they lost $2,685 in the crap game.

ANGIULO said that he might have to go to MIAMI in the near future to settle with PATSY ERRA on the hotel.

ANGIULO intends to take the 5th Amendment before the Federal Grand Jury at Boston, Mass., concerning its fraud investigation of the Indian Meadow Country Club (IMCC). ANGIULO was concerned with the testimony given by SULLY IACONE in that IACONE before the Federal Grand Jury made some statement about paying his $30,000 to BRUNO for his share in the IMCC in $5, $10 and $20 bills. JERRY is to contact SULLY in order to ascertain exactly what he did say before the FGJ.

JERRY ANGIULO, when HENRY TAMELEO appears, accuses TAMELEO for being responsible for the FBI recovering the jade in the case entitled, "UNSUB.; Theft of Jade and Ivory From the Estate of Byron D. Miller, Falmouth Foreside, Maine, 4/5/63, ITSP - MT."

ANGIULO accused TAMELEO of doing too much work on the possible sale of the jade and said that he got it from good authority that the FBI had tailed TAMELEO to the home of VINNIE (TERESE) on the Cape (Cape Cod). ANGIULO told TAMELEO that after he, TAMELEO, left the cottage, the FBI wanted to search the place but TERESE would not allow them to do so. He subsequently called his uncle who managed to remove the jade and subsequently abandoned same. This was later recovered by the FBI. TAMELEO became angry and explained to ANGIULO that it was impossible for him to be surveilled as he had checked and double checked for this type of activity. The only possible way that TAMELEO could have been detected is from a telephone call by TERESE or some other person to the individuals in the case. An intense argument ensued whereupon PATRIARCA said, "Forget the whole thing, it's gone, there's nothing we can do about it now."

BS 92-118

After TAMELEO left, RAYMOND PATRIARCA said that HENRY TAMELEO is causing him some worry because he is handling too much stuff; further, that he is more active than six bosses. He is all over the place and it will eventually lead him into trouble. JERRY ANGIULO said that he, TAMELEO, certainly has not had the experience in this field that JERRY and RAYMOND have had and was very critical of TAMELEO in front of RAYMOND.

On 8/8/63 the informant advised that an UNMAN was of the opinion that ROCCO BALLIRO did not kill the child in Roxbury, Mass., several months ago for which crime BALLIRO is now being held. He is of the opinion that the police officers who were trying to apprehend BALLIRO at the time were responsible for the death of the child.

Another UNMAN and RAYMOND PATRIARCA discussed the Ace Dumping Company, which company PATRIARCA is financially interested. It appears that there has been several complaints concerning the smoke emanating from the dump and PATRIARCA is afraid that if there is much notoriety attached to same they will close the dump because of the recent publicity in the "Saturday Evening Post."

On 8/9/63, BS 837-C* advised that RAYMOND PATRIARCA was informed about one DANNY pulling a gun on LOUIS TAGLIANETTI when TAGLIANETTI went to DANNY's house to collect some money. DANNY told PATRIARCA that he thought he was going to get beaten up and simply had the gun for self-protection. Upon PATRIARCA's say-so DANNY agreed to go with RUDY SCIAIRA, who was recently found not guilty of killing JOHN NAZARIAN, to LOUIS TAGLIANETTI and apologize for his actions. RAYMOND issued instructions that LOUIS should be told that RAYMOND said it is okay to accept the apology.

On 8/12/63, BS 837-C* advised that SULLEY IACONI contacted RAYMOND PATRIARCA and PATRIARCA complained about the operations of the Indian Meadow Golf Course and Country Club in Westboro, Mass. In connection with this contact PATRIARCA was critical of the way the club was being

BS 92-118

operated. He said, however, that they should not make any changes at this time until they see what the Government does in regard to the investigation relative to the club obtaining a small business loan. PATRIARCA told IACONI that he heard that BRUNO DI CICCO told the Internal Revenue that he paid a bribe. IACONI said that this was not so and DI CICCO only told authorities that he borrowed $5,000.00 out of the club money as he was in need of some funds.

PATRIARCA made the comment that ANTHONY SANFRATELLO, CARLO MASTROTOTARO and others should not even be in the club because the general public thinks that it is all gangsters if they see them in there.

The informant advised that PATRIARCA said that he plans to institute a libel suit against the "Saturday Evening Post" and Boston newspapers in connection with the article on the Causa Nostra. He complained that the KENNEDYS are putting the limelight on this thing to cover up all their other blunders around the country.

The sensitive nature of the informant's position necessitates that every effort be exercised to maintain his security.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

EXHIBIT
41

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont DATE: 11/14/63

FROM : C. A. Evans

SUBJECT: RAYMOND L. S. PATRIARCA
ANTI-RACKETEERING

We have received information indicating the possibility that Gennaro Angiulo, underboss of the Boston "family" of La Cosa Nostra, has been marked for death by Worcester member, Salvatore Iacone, with the permission of the boss, Raymond Patriarca.

In the morning hours of 11/9/63 Angiulo's car was found riddled with bullets in the vicinity of his apartment in Boston, Massachusetts. The highly confidential source giving direct coverage of Angiulo has since furnished information indicating that Angiulo professes ignorance of the shooting. He is shown to have left his car at 3:30 a.m. the morning in which the shooting took place and the car had not been shot at at that time. It is possible the shooting was done by some person who mistakenly believed Angiulo was still in the car or done as a warning.

The highly confidential source directly covering Patriarca in Providence, Rhode Island, has advised that on the day before the shooting Salvatore Iacone complained to Patriarca that Angiulo on the previous night had visited Iacone in the company of others and verbally abused him, calling him an obscene name on four different occasions during an argument over the proprietorship of the Indian Meadow Country Club of Worcester, a joint enterprise of Iacone and Angiulo. Iacone told Patriarca that he was about to kill Angiulo for this insult but that had restrained himself because of the possibility that such action would indicate disrespect for Patriarca. In reply Patriarca told Iacone that he should have killed Angiulo at the time the name was called and if Angiulo ever called Iacone the obscene name again Iacone had the right to kill Angiulo on the spot and no questions would be asked by Patriarca. The shooting of Angiulo's car occurred the following morning. We have had recent indications of a growing coolness in attitude by Patriarca toward Angiulo.

REC-53 92-2961

ACTION: we should not wait too long

I certainly concur.

Immediate dissemination is not being made of the information concerning the possible intended murder of Gennaro Angiulo DEC 3 1963 the fact that our only information in this regard comes from very sensitive valuable sources. However, the Boston Office has been instructed to remain alert for an opportunity to furnish the information to Boston Police Commissioner Edmund L. McNamara, former SA, if such dissemination can be made with complete security to the highly confidential sources.

CLG:erw

URGENT 11/21/63 7-05 PM RCS

TO- DIRECTOR /92-5586/

FROM- SAC, BOSTON /92-446/ 2-P

GENNARO J. ANGIULO, AKA, AR.

TRIAL OF SUBJECT/S BROTHER, NICOLO ANGIULO, FOR ASSAULT AND BATTERY WITH DEADLY WEAPON SCHEDULED TO BEGIN IN SUFFOLK SUPERIOR COURT, BOSTON, MASS. , ON NOVEMBER TWENTY FIVE, NINETEEN SIXTY THREE.

BY EIGHT FIVE SIX DASH C ASTERISK ADVISED THAT SUBJECT/S CLOSE ASSOCIATE, ATTORNEY ALBERT NORRIGAN, CONFERRED WITH SUBJECT ON NIGHT OF NOVEMBER TWENTY, NINETEEN SIXTY THREE. SUBJECT STATES THAT DA GARRETT BYRNE, SUFFOLK COUNTY, HAS IT ALL RIGGED UP WITH THE JUDGE TO CONVICT NICOLO AND BURY HIM. SUBJECT STATES THAT IT IS NOT A CASE OF BYRNE LOOKING FOR VOTES, BUT IT IS A CASE THAT QUOTE FEDS ARE PUSHING. END QUOTE.

92-5586-108

NORRIGAN ADVISED SUBJECT THAT THEY SHOULD GET A LAWYER WHO IS EXCELLENT ON EVIDENCE TO SIT IN WITH DEFENSE ATTORNEY F. LEE BAILEY SO THAT HE CAN TAKE EXCEPTIONS AND FILE APPROPRIATE APPEALS AT A LATER DATE.

ANGIULO INDICATED THEY PLAN TO HAVE NICOLO'S THIRTEEN YEAR OLD ILLEGITIMATE DAUGHTER IN COURT AND HAVE HER SAY THAT

END PAGE ONE

EXHIBIT 42

FD-1a-1 (Rev. 4-2-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (Bufile 92-5586) DATE: JUNE 1/31/64

FROM : SAC, BOSTON (92-446 Sub 1)

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title GENNARO J. ANGIULO, aka

Character of Case AR
Field Office Boston
Symbol Number BS 856-C*
Type of Surveillance: ~~(Technical~~ Microphone)

1. Name of person or organization on whom surveillance placed:

GENNARO J. ANGIULO

2. Address where installation made. Also give exact room number or area covered:
Jay's Lounge, 255 Tremont Street, Boston, Mass. Basement office.

3. Location of monitoring plant:

[redacted] H

4. Dates of initial authorization and installation:

Authorization - 11/15/62
Installation - 1/9/63

5. Previous and other installations on the same subject (with dates and places):

None.

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? NA

b. Is the surveillance on a switchboard? NA

c. Is the surveillance on a public coin-operated telephone?

REC-31

1-Bureau (RM)
1-Boston
Registered Mail
(2)

EXHIBIT 43

(A) Continued

ANGIULO made reference to the fact that they would get two kids to appear in court Monday morning, 12/9/63, and say that they had committed the assault on ALBERT CHRISTENSEN and not his brother, NICK.

On 12/8/63, source advised that JERRY ANGIULO complained that Suffolk County District Attorney GARRETT BYRNE upset the deal that he had made in connection with the sentencing of his brother, NICK, after conviction for the afore-mentioned charges. He said that he had made no deal with Judge FELIX FORTE, but that it was FORTE's idea that if NICK ANGIULO brought in the two individuals who allegedly accompanied NICK at the time of the assault on ALBERT CHRISTENSEN, FORTE would show leniency. He said that now since GARRY BYRNE pressured FORTE, he, FORTE, was backing down.

ANGIULO said that there was talk around that FORTE had been reached by the ANGIULOS, but the truth of the matter was that they had not reached FORTE, and FORTE, according to ANGIULO, did not have the guts to be a party to any deal.

Source advised that ANGIULO spoke with his brother, DANNY ANGIULO, about getting in touch with Justices REARDON or SPEIGEL in connection with NICK's sentence. Source said that JERRY ANGIULO was contacted by his brother, NICK, and he told NICK that he should appeal any sentence given to him, even if it was only 90 days. He told his brother, NICK, that if there was an appeal in the case it would not come up for months unless you gave a couple of thousand dollars to someone to go looking for the case. He meant that in the normal course of events, it could take months for the appeal to be heard. JERRY ANGIULO was concerned that NICK would be confined while his case was waiting to come up on appeal.

ANGIULO reiterated that they would try to make a contact with Justice SPEIGEL to keep NICK ANGIULO "on the street" while his appeal was pending.

ANGIULO told his brother, NICK, that he had been contacted by young FRANK ORFANELLO (employed in the Suffolk County Clerk of Court's Office). He, ORFANELLO, told ANGIULO that he has the right lawyer in F. LEE BAILEY for an appeal, and that now all he needs is the right Judge up on the bench to hear the appeal. JERRY ANGIULO told his

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Boston, Massachusetts

Report of: THOMAS H. SULLIVAN Office: Boston, Massachusetts
Date: 7/18/67

Field Office File #: 92-1132 Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Subject born 9/20/32 and attended elementary schools in New Bedford, Mass. No military record. Subject married PHILOMENA TERMINI 7/12/58 and was divorced 4/22/63; married CLAIRE COHEN 4/30/64. Wife CLAIRE COHEN BARON and daughter STACEY MICHELLE BARON, born 5/23/65, reside 79 Morton Rd., Swampscott, Mass. Extensive criminal record set out. Informants report that JOSEPH BARBOZA in 1964 was engaged in money lending activities and that in 1966 he split with CONNIE FRIZZI in loansharking to go into partnership with ARTHUR BRATSOS. In 1965 it was rumored [redacted] that BARBOZA was under contract to be assassinated since he was tied into the BUDDY MC LEAN-GEORGE MC LAUGHLIN feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with ROMEO MARTIN and RONNIE CASSESSA. In 1965, BARBOZA was rumored to be the killer of JOSEPH FRANCIONE. [redacted]

B

- C -

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 44

BS 92-1132
THS:mac
3.

During June, 1958, the subject was employed by JOSEPH SYLVIA, Fishermen's Union, AFL, in New Bedford, Massachusetts, unloading fishing boats. He left to go to work in East Boston.

From August, 1958 to September, 1958, he was engaged as a professional boxer managed by JOHNNY DUNN, 104 Hawthorne Street, Chelsea, Massachusetts. He won three out of four fights, averaging $30 a fight. He applied for a license through the Massachusetts State Boxing Commission, but did not obtain it.

The subject, whose Social Security Number is 013-24-8570, was employed by Scooter-land, located at the Motor Mart Building, Park Square, Boston, in 1960. He was employed as an Assistant Manager earning $90 a week.

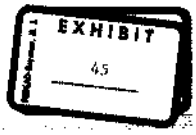
From 1964 to 1966, the subject was employed at Shawmut Insurance Company, 34 Batterymarch Street, Boston, Massachusetts, for $150 a week as a salesman and clerk. Also during this period he was employed in a public relations capacity and payroll clerk at $100 a week at the Blue Bunny Lounge, Paragon Park, Hull (Nantasket), Massachusetts, and at Duffey's Lounge, Nantasket Avenue, Hull (Nantasket), Massachusetts. He was employed under the names BARON and BARBOZA.

G. Mental Condition

On January 19, 1956, the subject was given a psychological examination by DANIEL LEVINSON, Ph.D. He stated concerning the subject:

> "His features make him look less bright than he actually is; his I.Q. is of the order of 90-100 and he has the intellectual ability to do well in a moderately skilled occupation."

A psychiatric report dictated by Dr. SALTZMAN, March 13, 1958, is set forth verbatim below:



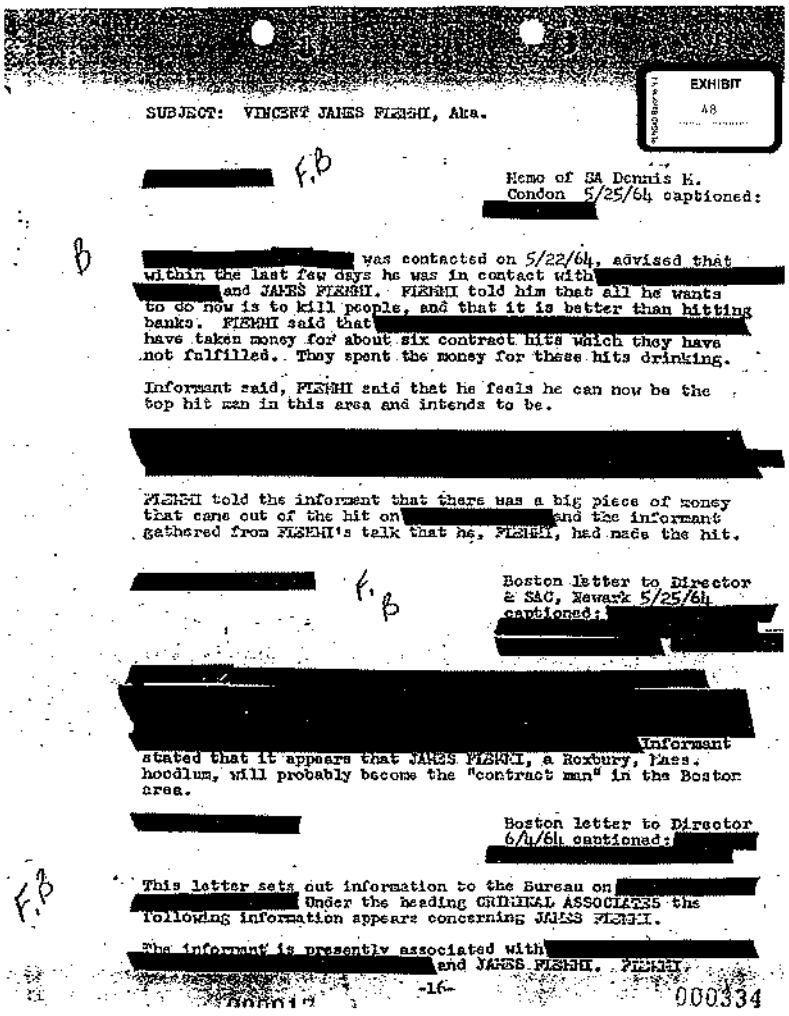


EXHIBIT
48

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F.B

Memo of SA Dennis K. Condon 5/25/64 captioned: [redacted]

B

[redacted] was contacted on 5/22/64, advised that within the last few days he was in contact with [redacted] and JAMES FLEMMI. FLEMMI told him that all he wants to do now is to kill people, and that it is better than hitting banks. FLEMMI said that [redacted] have taken money for about six contract hits which they have not fulfilled. They spent the money for these hits drinking.

Informant said, FLEMMI said that he feels he can now be the top hit man in this area and intends to be.

[redacted]

FLEMMI told the informant that there was a big piece of money that came out of the hit on [redacted] and the informant gathered from FLEMMI's talk that he, FLEMMI, had made the hit.

[redacted] F.B

Boston letter to Director & SAC, Newark 5/25/64 captioned: [redacted]

[redacted] Informant stated that it appears that JAMES FLEMMI, a Roxbury, Mass. hoodlum, will probably become the "contract man" in the Boston area.

[redacted]

Boston letter to Director 6/4/64 captioned: [redacted]

F.B

This letter sets out information to the Bureau on [redacted] Under the heading CRIMINAL ASSOCIATES the following information appears concerning JAMES FLEMMI.

The informant is presently associated with [redacted] and JAMES FLEMMI. FLEMMI

-16-

000334

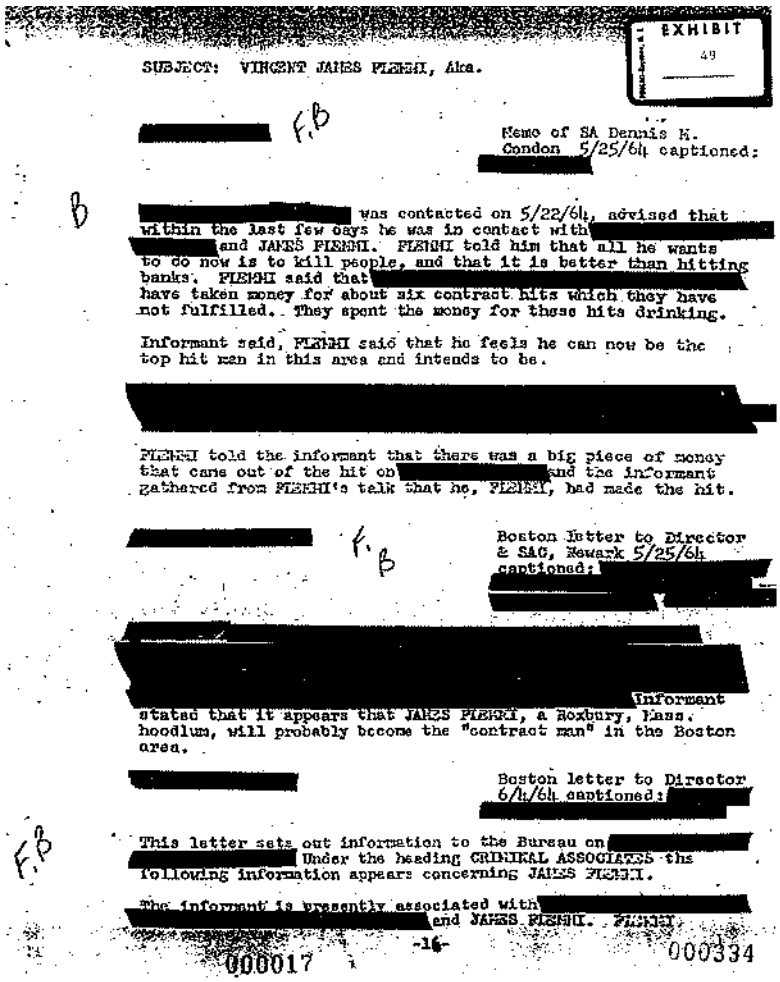


EXHIBIT 49

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F.B

Memo of SA Dennis M. Condon 5/25/64 captioned: [redacted]

B

[redacted] was contacted on 5/22/64, advised that within the last few days he was in contact with [redacted] and JAMES FLEMMI. FLEMMI told him that all he wants to do now is to kill people, and that it is better than hitting banks. FLEMMI said that [redacted] have taken money for about six contract hits which they have not fulfilled. They spent the money for these hits drinking.

Informant said, FLEMMI said that he feels he can now be the top hit man in this area and intends to be.

[redacted]

FLEMMI told the informant that there was a big piece of money that came out of the hit on [redacted] and the informant gathered from FLEMMI's talk that he, FLEMMI, had made the hit.

[redacted] F.B

Boston letter to Director & SAC, Newark 5/25/64 captioned: [redacted]

[redacted] Informant stated that it appears that JAMES FLEMMI, a Roxbury, Mass. hoodlum, will probably become the "contract man" in the Boston area.

[redacted]

Boston letter to Director 6/4/64 captioned: [redacted]

F.B

This letter sets out information to the Bureau on [redacted] Under the heading CRIMINAL ASSOCIATES the following information appears concerning JAMES FLEMMI.

The informant is presently associated with [redacted] and JAMES FLEMMI. FLEMMI,

000017

000334

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-300 pg.5 (Cont'd)

is suspected of a number of gangland murders and has told the informant of his plans to become recognized as the No. One "hit man" in this area as a contract killer.

F [redacted]-300 pg.6

This information appears also in [redacted]-298-previously mentioned. F

F [redacted]-305 B Memo of SA Dennis M. Condon 6/18/64, [redacted]

[redacted] said that in conversation with JIMMY FLEMI, FLEMI propositioned him to help him on any "hits" that he might make and repeated to the informant that there was a great deal of money for the "hit" on Frank Benjamin.

B [redacted]

[redacted] is up against it financially and [redacted] and JAMES FLEMI are pressing him for money he owes them.

Dates of contact by SA Condon- 5/29, 6/1, 6/5, 6/10/64.

F [redacted]-312 Memo of SA Dennis M. Condon 8/7/64, subject: [redacted]

Informant advised on [redacted] that JIMMY FLEMMI told him that George Mc Laughlin is not around Boston. FLEMMI has many dexedrine pills and uses them daily. B

[redacted]-313 Memo of SA Dennis M. Condon 8/21/64, subject: [redacted]

Informant contacted on 8/17/64 and advised he was recently in contact with Joseph Barboza. Barboza told him that he heard that JIMMY FLEMMI had killed Frank Benjamin and cut off his head. When speaking to FLEMMI, Barboza confronted FLEMMI with this information and FLEMMI's only reply was that he

-17-

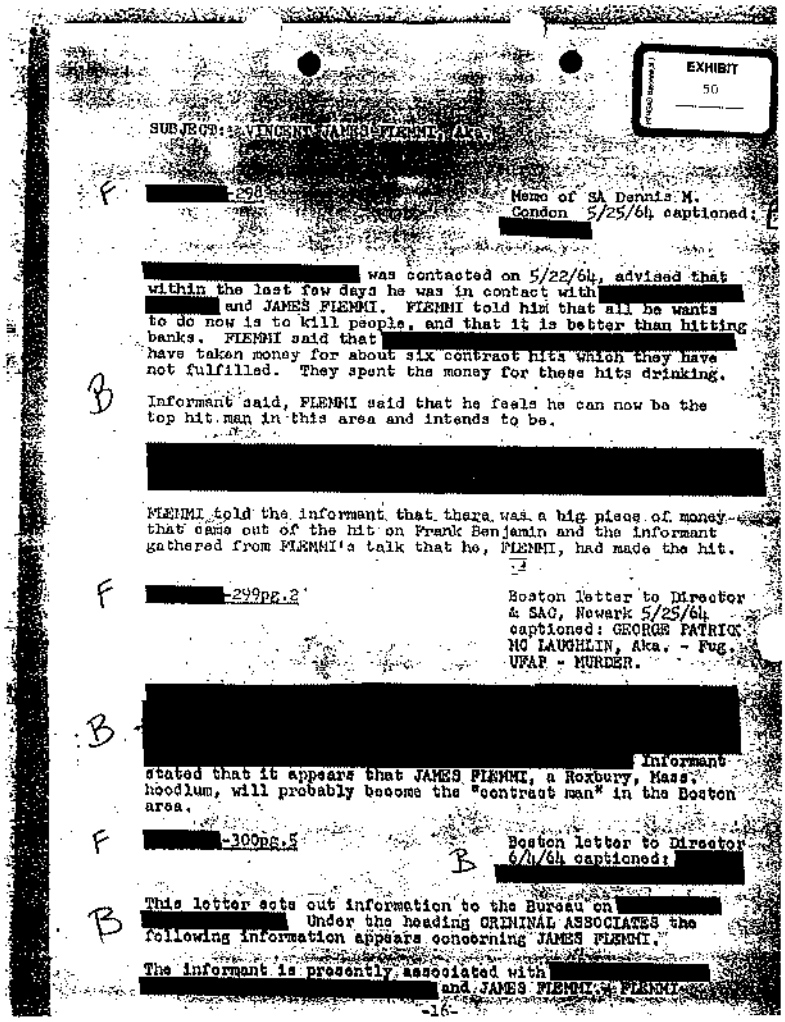


EXHIBIT
50

SUBJECT: VINCENT JAMES FLEMMI, AKA

F -298 Memo of SA Dennis M. Condon 5/25/64 captioned:

was contacted on 5/22/64, advised that within the last few days he was in contact with and JAMES FLEMMI. FLEMMI told him that all he wants to do now is to kill people, and that it is better than hitting banks. FLEMMI said that have taken money for about six contract hits which they have not fulfilled. They spent the money for these hits drinking.

B

Informant said, FLEMMI said that he feels he can now be the top hit man in this area and intends to be.

FLEMMI told the informant that there was a big piece of money that came out of the hit on Frank Benjamin and the informant gathered from FLEMMI's talk that he, FLEMMI, had made the hit.

F -299pg.2 Boston letter to Director & SAC, Newark 5/25/64 captioned: GEORGE PATRICK MC LAUGHLIN, Aka. - Fug. UFAP - MURDER.

B

Informant stated that it appears that JAMES FLEMMI, a Roxbury, Mass. hoodlum, will probably become the "contract man" in the Boston area.

F -300pg.5 Boston letter to Director 6/4/64 captioned:

B

B This letter sets out information to the Bureau on Under the heading CRIMINAL ASSOCIATES the following information appears concerning JAMES FLEMMI.

The informant is presently associated with and JAMES FLEMMI. FLEMMI

-16-

SUBJECT: VINCENT JAMES FLEMMI, Aka.

EXHIBIT 51

F [redacted]-300 pg.5 (Cont'd)

is suspected of a number of gangland murders and has told the informant of his plans to become recognized as the No. One "hit man" in this area as a contract killer.

F [redacted]-300pg.6

This information appears also in [redacted]-298-previously mentioned.

F [redacted]-305 — Memo of SA Dennis M. Condon 6/18/64, [redacted]

[redacted] said that in conversation with JIMMY FLEMI, FLEMI propositioned him to help him on any "hits" that he might make and repeated to the informant that there was a great deal of money for the "hit" on Frank Benjamin.

B [redacted]

[redacted] is up against it financially and [redacted] and JAMES FLEMI are pressing him for money he owes them.

Dates of contact by SA Condon- 5/29, 6/1, 6/5, 6/10/64.

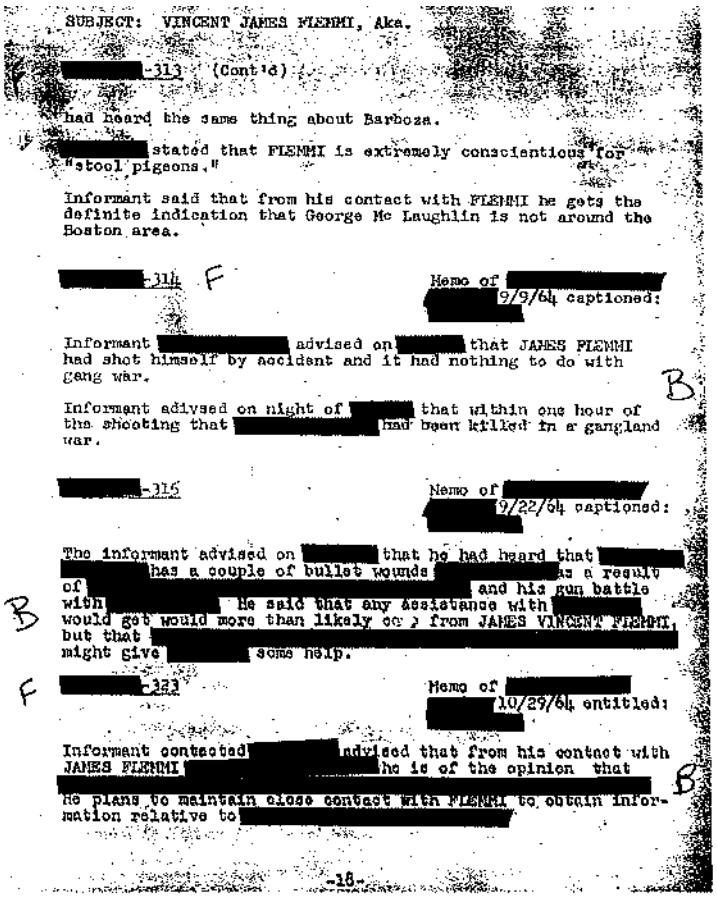
F [redacted]-312 — Memo of SA Dennis M. Condon 8/7/64, subject: [redacted]

Informant advised on [redacted] that JIMMY FLEMMI told him that George Mc Laughlin is not around Boston. FLEMMI has many dexedrine pills and uses them daily.

B [redacted]-313 — Memo of SA Dennis M. Condon 8/21/64, subject: [redacted]

Informant contacted on 8/17/64 and advised he was recently in contact with Joseph Barboza. Barboza told him that he heard that JIMMY FLEMMI had killed Frank Benjamin and cut off his head. When speaking to FLEMMI, Barboza confronted FLEMMI with this information and FLEMMI's only reply was that He

-17-



SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted]-313 (Cont'd)

had heard the same thing about Barboza.

[redacted] stated that FLEMMI is extremely conscientious for "stool pigeons."

Informant said that from his contact with FLEMMI he gets the definite indication that George Mc Laughlin is not around the Boston area.

[redacted]-314 F

Memo of [redacted] 9/9/64 captioned: [redacted]

Informant [redacted] advised on [redacted] that JAMES FLEMMI had shot himself by accident and it had nothing to do with gang war. B

Informant advised on night of [redacted] that within one hour of the shooting that [redacted] had been killed in a gangland war.

[redacted]-316

Memo of [redacted] 9/22/64 captioned: [redacted]

The informant advised on [redacted] that he had heard that [redacted] has a couple of bullet wounds [redacted] as a result of [redacted] and his gun battle with [redacted]. He said that any assistance with [redacted] would get would more than likely co[illegible] from JAMES VINCENT FLEMMI, but that [redacted] might give [redacted] some help. B

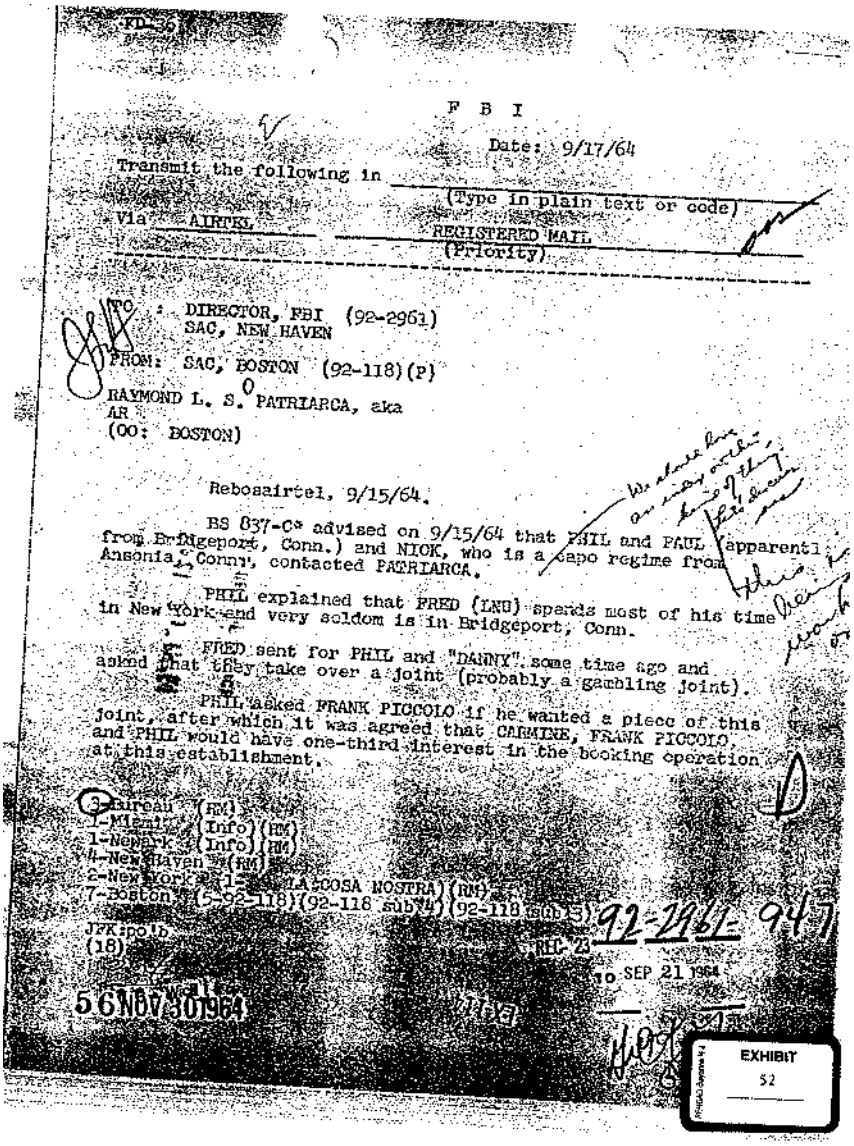
F [redacted]-323

Memo of [redacted] 10/29/64 entitled: [redacted]

Informant contacted [redacted] advised that from his contact with JAMES FLEMMI [redacted] he is of the opinion that [redacted] B

He plans to maintain close contact with FLEMMI to obtain information relative to [redacted]

-18-



FD-36

F B I

Date: 9/17/64

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)
SAC, NEW HAVEN

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 9/15/64.

BS 837-C* advised on 9/15/64 that PHIL and PAUL (apparently from Bridgeport, Conn.) and NICK, who is a capo regime from Ansonia, Conn., contacted PATRIARCA.

PHIL explained that FRED (LNU) spends most of his time in New York and very seldom is in Bridgeport, Conn.

FRED sent for PHIL and "DANNY" some time ago and asked that they take over a joint (probably a gambling joint).

PHIL asked FRANK PICCOLO if he wanted a piece of this joint, after which it was agreed that CARMINE, FRANK PICCOLO, and PHIL would have one-third interest in the booking operation at this establishment.

3-Bureau (RM)
1-Miami (Info)(RM)
1-Newark (Info)(RM)
4-New Haven (RM)
2-New York (1-[redacted] LA COSA NOSTRA)(RM)
7-Boston (5-92-118)(92-118 sub 74)(92-118 sub 75)

JFK:pob
(18)

92-2961-947

REC-23

10 SEP 21 1964

56 NOV 30 1964

EXHIBIT
52

BS 92-118

HENRY TAMELEO told PATRIARCA that he had just received a telephone call from an individual who refused to furnish his identity. It is to be noted that this call was a call under suitable pretext, made by agents, to cause some friction between GENNARO ANGIULO and RAYMOND PATRIARCA.

TAMELEO said that the individual told TAMELEO to tell PATRIARCA that ANGIULO was very critical of PATRIARCA and said that he, PATRIARCA, was getting soft, and was a cry baby, particularly since his wife was ill, with a terminal disease. This individual, according to TAMELEO, said that ANGIULO was probably getting ready to make a move to take over PATRIARCA's position as leader in the New England area. TAMELEO said he was very upset at the call and attempted to guess as to the identity of the caller, but they reached no conclusion.

PATRIARCA said that he could not understand this, as JERRY was very fond of HELEN, his wife. However, they agreed not to mention anything about this call to ANGIULO because they believed the individual would call again and furnish them more information by which they hope to identify the caller. It appeared that both TAMELEO and PATRIARCA were very upset.

Within 10 minutes after TAMELEO left, ANGIULO came in and there was no mention of the above-mentioned phone call to ANGIULO .

Prior to the time TAMELEO left, he stated that RALPH"CHONG"LAMMATINA of Boston was going to see PATRIARCA in the near future concerning the money he owes different individuals. CHONG told TAMELEO that he is unable to pay off these individuals at the present time. The debts amount to approximately $60,000. TAMELEO further told PATRIARCA that he obtained some phony diamonds and that they, not further identified, are trying to set some unknown individual up in a swindle by use of the phony diamonds.

ANGIULO told PATRIARCA that they will only be able to "grind" $400 or $500 a week out of that business until they get their original investment back. He was probably referring to the "T. V. jingle business," as there was mention of JOE CATALDO, BLACKIE and JIGGS, who were involved in this business.

BS 92-118

During the course of the conversation, ANGIULO stated that PATSY (ERRA) of Miami, Fla. is in TONY's family but has never "spoken up." ANGIULO said that ARTHUR HAMMEL, who fronts for him in the jingle business, namely, Commercial Productions, Inc., is now operating from above Jay's Restaurant which ANGIULO owns. He put him in this office because he is able to watch him more closely. He pointed out that it cost him $8,000 to $10,000 a year to furnish a car, an apartment, and living expenses to this "Jew" and he wants to hold on to him because if he fired him he would not be able to trust him.

ANGIULO stated that he was at the Indian Meadow Country Club recently and talked to TONY SELVIDIO, an accountant from the Worcester, Mass. area. He questioned TONY concerning the "Feds" who were inquiring as to where the sum of $20,376 came from in the Indian Meadow account. JERRY, after questioning SELVIDIO and SULLY IACONE, who is Manager of this club, determined that the "Feds" went to SULLY first who, in turn, were sent to TOMASELLO, an officer in the corporation, who, in turn, sent them to SELVIDIO, the accountant. They wanted to know from SELVIDIO where he got the $20,376 to pay the January, 1963 bills of the Indian Meadow Country Club.

During the course of the conversation, JERRY stated that he gave to SELVIDIO the $20,000. TONY denied that he told the "Feds" that $20,376 was paid in January, but did show them the receipts received by this Club which he obtains from the cashier at the club every week. The "Feds" questioned both SELVIDIO and IACONE as to whether or not PATRIARCA had an interest in the club. Both replied in the negative.

RAYMOND PATRIARCA then called an individual, whom he referred to as "COUSINS," and JERRY said that he had received a letter concerning MILTON CARBO or CALDWELL. CARBO owed $1,500 to a group in Miami. He lived with "COUSINS" while in Miami and, thereafter, "COUSINS" took him to live with him in Providence, R. I. inasmuch as he, CARBO, was broke and was threatening suicide. After several weeks "COUSINS" asked him to leave as he was "getting on his nerves."

BS 92-118

JERRY was apparently asked by BENNY YEWSIC (PH) (probably from the Miami area) to locate CARBO for the Miami group. "COUSINS" said that he did not know where he was at the present time but suggested that the Miami group contact CARBO's girl friend in Las Vegas. JERRY said that he is not going to give them any information as to how to locate this fellow but he did not want to have them believe he would do nothing to locate CARBO.

This individual, "COUSINS," was arrested down in Florida, probably on a gambling charge, and that his lawyer was GILMARTIN, a former USA. "COUSINS" used the services of a Psychiatrist in order to avoid detention and was subsequently released on bail. Informant had no further details concerning this. JERRY said that PATTY ERRA called concerning his attempt to obtain money for HIRSCH from "COUSINS" which he, "COUSINS," owed.

"COUSINS" refused to give the money which amounted to $3,600 to PATTY. He stated he would pay TONY, probably TONY RUSSO, who was then in New York. ERRA attempted to put the pressure on "COUSINS" for this money which necessitated "COUSINS" calling RUSSO in New York, at which time he received orders from RUSSO to wait until he, RUSSO, returned to Miami, at which time "COUSINS" would pay him the $3,600.

JERRY indicated he was going to Florida in a few days and would talk to ERRA about this transaction.

JERRY said that the kid in Milford, probably DOC FERRARO with the numbers business, owed $4,000 of the original $5,000 he borrowed. He pays JERRY $900 or $1,000 a month in lay-off bets on numbers, plus $50 a week interest. The Milford individual asked JERRY if he could turn the numbers business over to BUSTER GERMANO of Milford, Mass. and have GERMANO assume the $4,000 debt. MASS.

JERRY did not appear to go along with this suggestion, at which time the individual from Milford asked JERRY if he could give him $2,000 in cash and lay off all numbers to ANGIULO on a 50% makeup.

When an additional $2,000 was made, he then would take over the numbers business on a straight 50% commission.

receiving a reply in the negative, ANGIULO stated that he was "shooting off at the mouth in Boston."

PATRIARCA told JERRY to give him a beating.

ANGIULO discussed his actions concerning a subpoena relative to PATRIARCA's million dollar slander suit against the "Boston Herald-Traveler."

ANGIULO does not want to obey the summons in that he has furnished a deposition in whihh he took the 5th Amendment. He is afraid that if summonsed and all take the 5th Amendment, the jury might get the wrong attitude and find for the "Boston Herald-Traveler."

ANGIULO again discussed the RALPH LAMANTINA-JOE ANSELMO feud. They both agree that CHONG was probably responsible for the start of the feud, but JERRY thinks that under his group he can be "cured."

JERRY explained that another individual (identity unknown to the informant) wanted to kill "WIMPY" BENNETT and approached JERRY for permission to do so. The method of killing BENNETT was to put a poison pill in his coffee when sitting together.

ANGIULO thought the guy was crazy and ordered him not to kill anyone or he would be killed himself.

PETER LIMONE advised that he furnished two guns to EDWARD "TEDDY" DEEGAN, an associate of EDWARD "PUNCHY" MC LAUGHLIN, a few weeks ago. These guns LIMONE obtained from RONALD CASSESSA. Apprxoimately a week after the guns were furnished to DEEGAN he called LIMONE and said that the guns were inoperable; whereupon LIMONE told him to get rid of both guns.

FRANK BALLIRO of Boston, Mass. recently robbed GOLDBERG or GOLDSTEIN from Dorchester, Mass., who was in the shylock business.

"CONNIE" HUGHES of Charlestown, Mass. called ANGIULO and told him that DAVE GLENNON was picked up carrying a gun. They surmised that GLENNON was carrying a gun in the vicinity of JOE BURNS's club on Hanover Street, because he thought that

BS 92-118

JERRY stated that the word was out that the Massachusetts State Police were going to raid Chelsea the previous Saturday. He, JERRY, pulled out everything from Chelsea but indicated he did not have much there. He stated that CARMINE (LNU) knew about the raid but did not call until 1:00 p.m. He stated that SAM GRANITO, who has an operation in Chelsea, did not know of the impending raid by the Massachusetts State Police and, as a result, his associate, JOHN YAKOOBIAN, was arrested. GRANITO was critical of ANGIULO in that ANGIULO did not tip him off on the raid. ANGIULO stated that GRANITO probably thought that he received the word from the same guy (apparently referring to CARL LARSEN, Head of the Uniform Branch of the Massachusetts State Police). ANGIULO pointed out to PATRIARCA that he has not seen LARSEN for over six months.

ANGIULO also told PATRIARCA that there are indications that GRANITO was running a crap game in Saugus, Mass., as he heard that YAKOOBIAN had lost $5,000 at the game. PATRIARCA immediately wanted to know how long the game was going, who was operating same, and all the details concerning it.

PATRIARCA pointed out that GRANITO was down to see him about a month ago and did not mention anything about the game.

ANGIULO explained that he checked this game and found it had only been in operation for about two weeks and, further, that YAKOOBIAN probably did not lose the sum of $5,000. GRANITO had checked with other players in the game and found out there was not that kind of money in the game.

PETER LIMONE, who accompanied ANGIULO, told RAYMOND that he settled that thing in Worcester for him. It appeared that there was a past posting in which CECIL (probably ARMAND ASSOIN) was involved with PINKY PANARELLI and CARLO MASTRATATARO, in addition to ROY, an insurance man. The informant was not clear but it appeared that LIMONE settled the "beef." MASS.

BS 92-118

ANGIULO then gave PATRIARCA $999, saying that he got $453 from Milford, $346 from Worcester, plus $200 in craps.

JERRY then was very critical of MICKEY NAPOLITANO from Maine, stating that if he ever mentions that $100,000 "I'll break his back." The informant did not know the significance of this remark.

ANGIULO then stated that he had read the article in the Boston newspaper by FRED PASTORE, former Supervisor of IRS, Boston, Mass. He also read that ALVIN KELLY, one of the bosses of IRS in Boston, had cleared PASTORE. ANGIULO thought that it was a trap for PASTORE by KELLY, as KELLY is an appointee of ROBERT KENNEDY's and he is certain that KENNEDY will not stop the investigation on PASTORE.

Concerning the raids in Chelsea, Mass. recently, ANGIULO said that they got one of BERNARD MC GARRY's joints in Chelsea. He said that he heard another raid is contemplated in the near future in the North End section of Boston. He told RAYMOND that the crap game now has a bank of $22,600 and that they are going to take $400 a piece from the game until such time as the bank reaches $15,000.

JERRY stated that within the next two or three weeks he is going to release his brothers from the business. He pointed out that the numbers business is getting very tough. He said that he had about $30,000 in the numbers business and the only way to operate at the present time is to take the bets between 1:00 p.m. and 3:30 p.m. He pointed out it is very difficult to lay off numbers. He said that if you get $250 on a number you cannot hold it very well, as if you get "hit," it will cost you $80,000 or $90,000. At the same time you cannot lay off even to DOC because if he gets hit you owe him a makeup of $73,000. He said that Worcester got hit real hard on the number 1010 during the recent past. During this conversation JERRY mentioned to PATRIARCA, "Take your office now with J. L." The rest of the conversation was inaudible.

BS 92-118

JERRY asked permission of RAYMOND to take over the numbers business of the Revere Jews, as it is very lucrative. He said that CHARLIE (LNU) and SONNY BOY have the business at the present time. RAYMOND told him to go ahead and take it over.

On 5/10/63 UNMAN asked PATRIARCA if he was interested in investing $2,500 in a new 100-unit motel. PATRIARCA told him that he was not interested at this time.

HENRY TAMELEO advised that everyone is mad at RALPHIE CHONG, as he owes over $50,000, and J. L. (JOSEPH LOMBARDO) has called him in on this borrowing.

IN VIEW OF PATRIARCA's PAST INVOLVEMENT IN CRIMES OF VIOLENCE, HE SHOULD BE CONSIDERED ARMED AND DANGEROUS.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

Miami, will attempt to identify "COUSINS" as mentioned above.

New Haven will attempt to identify BOB CADILLAC, as mentioned above.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual. For example, he said that approximately Monday night, 9/28/64, VINCENT FLEMMI came into [redacted] bar room and immediately engaged [redacted] in a fight. During the fight FLEMMI took something out of his pocket and threw it into [redacted] eyes and then knocked him unconscious. [redacted] has not regained his sight since this episode and is under a doctor's care. Informant also advised that he suspects that FLEMMI had committed several murders, but he did not wish to discuss them.

B

M Informant advised that [redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit men" in the area.

B Informant advised also that he has had no unfavorable reaction over [redacted] arrest from either FLEMMI or from Romeo Martin.

[redacted] B,F

Memo of E. Paul Ricolo/8/64 to SAC, Boston entitled: [redacted]

M [redacted]

Informant advised he again met with [redacted] at approximately noontime on 10/6/64, and [redacted]

M

At this time [redacted] offered to help VINCENT FLEMMI and his brother "whack out" an individual that the FLEMMI's were having trouble with in [redacted] Cafe in [redacted] if the FLEMMI's would first join him in "whacking out [redacted]

B

000327

-11-

000010

EXHIBIT 53

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F, M

[redacted] (Cont'd)

Deegan told FLEMMI that he intends to remain in hiding for a few weeks in order to avoid being questioned by police.

FLEMMI told the informant that Deegan told him that [redacted] B was going to hit one of the members of the Boston Italian group at the Coliseum Restaurant. FLEMMI told informant that his was obviously an attempt to get the Italian element in Boston interested in eliminating [redacted] B

FLEMMI told informant that he wants to kill Deegan. Information relating to Deegan's participating in the killing of [redacted] was furnished to the Everett, Mass., Police Department on 10/18/64. [redacted] mentioned as [redacted] B

[redacted] F, M, B

Boston airtel to Director, FBI 10/15/64 captioned: [redacted]

M [redacted]

[redacted] FLEMMI told the informant that [redacted] had offered to help FLEMMI and his brother to "whack out" an individual with whom the FLEMMI'S were having trouble at [redacted] Cafe in [redacted] provided the FLEMMI'S would first join him in "hitting" [redacted] B

[redacted] F, B

Memo of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]

B [redacted]

M

EXHIBIT 54

000326

SUBJECT: VINCENT JAMES FLEMMI, AKA.

F

[redacted] (Cont'd)

M [redacted]

Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual. For example, he said that approximately Monday night, 9/28/64, VINCENT FLEMMI came into [redacted] bar room and immediately engaged [redacted] in a fight. During the fight FLEMMI took something out of his pocket and threw it into [redacted] eyes and then knocked him unconscious. [redacted] has not regained his sight since this episode and is under a doctor's care. Informant also advised that he suspects that FLEMMI had committed several murders, but he did not wish to discuss them.

B

Informant advised that [redacted]

M [redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit men" in the area.

Informant advised also that he has had no unfavorable reaction over [redacted] arrest from either FLEMMI or from Romeo Martin.

B

[redacted] B.F. Memo of E. Paul Rico [redacted] to SAC, Boston entitled:

M [redacted]

Informant advised he again met with [redacted] at approximately noontime on 10/6/64, and [redacted]

M [redacted]

At this time [redacted] offered to help VINCENT FLEMMI and his brother "whack out" an individual that the FLEMMI's were having trouble with in [redacted] Cafe in [redacted] if the FLEMMI's would first join him in "whacking out [redacted]

B

000327

-4-

000010

EFH:rded

January 19, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I will be glad to help Margaret in her preparation of your book to the degree possible.

Please find enclosed a portion of the government's brief filed in the Patriarca case in the United States Court of Appeals for the First Circuit which states in summary fashion the facts testified to at trial. This document should provide an overall view of the testimony introduced at trial. After Margaret examines this document, we will provide certain portions of the transcript of the testimony which might be necessary to fill out the narrative provided here.

I will ask John Boyle with regard to the 150 photographs you require and suggest that you also communicate with John directly. Here follows some information which might be valuable to you in the preparation of your book:

10/31/61	Bernard McLaughlin	Charlestown
7/7/62	George Joynt	Medford
3/15/64	William J. Sheridan	Roxbury
5/4/64	Francis R. Benjamin	South Boston
5/12/64	Russell C. Nicholson	Wilmington
7/23/64	Paul J. Colllcci	Quincy
7/23/64	Vincent A. Biasi	Quincy
8/20/64	Wilfred J. Delaney	Boston Harbor
8/30/64	Harold R. Hannon	Boston Harbor
9/3/64	Leo J. Loury	Pembroke
9/4/64	Ronald P. Dermody	Watertown
9/26/64	Carlton Eaton	Malden
10/10/64	Robert S. Charlbois	Roxbury
10/17/64	Anthony Sacramone	Everett



SF-00768

11/10/64	Mrs. Margaret Sylvester	Boston
11/13/64	William J. Treannie	South End
11/24/64	Edward P. Huber	Hingham
12/16/64	George O'Brien	South Boston
12/28/64	George E. Ash	South End
1/10/65	John F. Murray	Dorchester
1/15/64	Robert J. Rasmussen	Wilmington
1/23/65	Henry F. Waddington	Weymouth
1/26/65	Joseph Francione	Revere
3/2/65	John Barbieri	Rehoboth
3/12/65	Edward Deegan	Chelsea
4/12/65	Peter A. Cassetta	Maynard
5/20/65	William Fargnani	Tyngsboro
7/9/65	Joseph Romeo Martin	Revere
7/10/65	Edward I. Crowell	Burlington
8/21/65	Wady David	South End
10/20/65	Edward J. McLaughlin	West Roxbury
10/29/65	James J. McLean	Somerville
11/15/65	Robert T. Palladino	North End
11/15/65	Raymond DiStasio	Revere
11/15/65	John R. O'Neil	Revere
4/25/66	David Sidlauskas	Quincy
4/26/66	Anthony Veranis	Milton
5/66	Cornelius Hughes	Revere
6/16/66	Rocco DiSeglio	Topsfield
9/23/66	Stephen Hughes	Middleton
9/23/66	Samuel O. Lindenbaum	Middleton
9/28/66	John W. Jackson	Back Bay
11/15/66	Arthur C. Bratsos	South Boston
11/15/66	Thomas DePrisco	South Boston
12/7/66	Joseph Amico	Revere
1/15/67	William L. O'Brien	Stoughton
3/19/67	John Locke	Revere
6/26/67	Richard Cammarata	Charlton
12/24/67	William Bennett	Dorchester
2/2/67	Andrew Von Etter	Medford
12/31/67	J. Richard Grasso	Brookline
4/18/67	Joseph Lanzi	Medford

Missing: Edward Bennett
Walter Bennett
Thomas Timmons
Anthony Sasso
Rubin Needel

I filled out the questionnaire a few months ago and returned it to the prison. If it is not in the prison's records, please send me another one and I will fill it out again and promptly return it.

I will make a call to Coyle to determine the feasibility of your being returned to the State of California.

Have Margaret call me after she has an opportunity to review the Patriarca brief.

Sincerely,

Ted Harrington

Enclosures

Memorandum

[redacted]

TO : SAC [redacted] F

DATE 10/19/64

FROM : SA H. PAUL RICO

SUBJECT: [redacted] b

Dates of Contact
10/18/64

Titles and File as on which contacted
[redacted]

Purpose and results of contact
☐ NEGATIVE
☒ POSITIVE

Informant advised he got a telephone call from JAMES FLEMMI the previous evening and FLEMMI told him that he had been with EDWARD "TEDDY" DEEGAN and an individual referred to as "TONY" at the West End Social Club Saturday morning. Informant said that ANTHONY SACRIMONE's name came up in the conversation and that DEEGAN had said something concerning SACRIMONE, but FLEMMI could not recall what it was.

FLEMMI said that he definitely knows that DEEGAN, later that morning, murdered ANTHONY SACRIMONE and he was very concerned about leaving his prints in the car; that DEEGAN is going to lay low for a couple of weeks until he finds out what, if anything, the police have on him to tie him in to this murder.

FLEMMI told the informant that DEEGAN has been knocking him (the informant) in indicating to the Italian element that the informant was going to "hit" someone from the

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage
92's

Personal Data
[redacted] F F

[redacted] 27

1- (Everett PD)
[redacted]
HPR:po'b
(5)

EXHIBIT
56

[redacted]

000747

[redacted] F

[redacted] -270

Coliseum Restaurant. FLEMMI told the informant this obviously was just an attempt to get the Italian element interested in eliminating the informant.

FLEMMI advised that DEEGAN owes FLEMMI's brother, STEVIE, some money, and that he told him once to get the money up. He has not gotten the money up, and FLEMMI wants to kill DEEGAN and wanted the informant to go with him on the "hit."

b,4

[redacted]

The information concerning DEEGAN perpetrating this killing was disseminated telephonically to Det. HENRY DOHERTY of the Everett, Mass. PD on 10/18/64.

Det. DOHERTY recontacted this office on 10/19/64 and advised that he believes the information concerning DEEGAN is correct but that they have been unable to come up with any fingerprints in the car that are identifiable and DEEGAN has taken off from his usual haunts.

SUBJECT: VINCENT JAMES FLEMMI, AKA.

[redacted]-781 pg.2 F

[redacted] memo to SAC, Boston dated 10/6/64 captioned: [redacted]

B,M

On 9/28/64, [redacted] stated that while he was operating in the Boston area, he was most closely associated with [redacted]. He stated that [redacted] primary operation in a loan shark business and that he employed both JIMMY and STEVE FLEMI as his enforcers. [redacted]

M

[redacted]-816 F

Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]

M,B

B [redacted] advised that Peter Limone had mentioned to Raymond Patriarca that Jimmy FLEMMI is the type of individual who is difficult to control and when FLEMMI visited his club, the West End Veterans Club recently Limone asked FLEMMI to leave because of the heat that was on FLEMMI at that time. FLEMMI denied that any heat was on him and at that time FLEMMI inquired about Edward Deegan, close associate of [redacted]. Limone told FLEMMI that Deegan does not visit the club and immediately after FLEMMI departed Limone telephonically contacted Deegan and told him that FLEMMI was looking for him allegedly for a $300 loan which FLEMMI claimed Deegan owed to him. Deegan denied that he owed such a loan and Limone and Deegan were of the opinion that FLEMMI was out to kill Deegan.

F [redacted]-797

Boston airtel to Director, FBI dated 10/19/64 captioned [redacted]

M,B

B [redacted] advised that he received a telephone call from JAMES FLEMMI, on 10/18/64, who told him that he had been with Edward "Teddy" Deegan and Tony (LNU) at the West End Social Club during the early morning hours of 10/17/64. Informant stated the name of [redacted] was mentioned in a conversation but FLEMMI stated he could not recall what was said. FLEMMI stated that he definitely knows that Deegan, after leaving the West End Social Club, ordered [redacted] and he was concerned about leaving his fingerprints in the car in which [redacted] was murdered.

B

SUBJECT: VINCENT JAMES FLEMMI, AKA.

F, M

[redacted] (Cont'd)

Deegan told FLEMMI that he intends to remain in hiding for a few weeks in order to avoid being questioned by police.

FLEMMI told the informant that Deegan told him that [redacted] was going to hit one of the members of the Boston Italian group at the Coliseum Restaurant. FLEMMI told informant that his was obviously an attempt to get the Italian element in Boston interested in eliminating [redacted] B

FLEMMI told informant that he wants to kill Deegan. Information relating to Deegan's participating in the killing of [redacted] was furnished to the Everett, Mass., Police Department on 10/18/64. [redacted] mentioned as [redacted] B

[redacted] F, M, B

Boston airtel to Director, FBI 10/15/64 captioned: [redacted]

M [redacted]

told the informant that [redacted] had offered to help FLEMMI and his brother to "whack out" an individual with whom the FLEMMI'S were having trouble at [redacted] Cafe in [redacted] provided the FLEMMI'S would first join him in "hitting" [redacted] B

[redacted] F, B

Memo of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]

M [redacted]

NW 88326

SUBJECT: VINCENT JAMES FLEMMI, aka.

[redacted]781 pg.2 F

[redacted] memo to SAC, Boston dated 10/6/64 captioned: [redacted]

On 9/28/64, [redacted] stated that while he was operating in the Boston area, he was most closely associated with [redacted]. He stated that [redacted]s primary operation is a loan shark business and that he employed both JIMMY and STEVE FLEMI as his enforcers. [redacted]

M

[redacted]-816 F

Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]

M.B

B [redacted] advised that Peter Limone had mentioned to Raymond Patriarca that Jimmy FLEMMI is the type of individual who is difficult to control and when FLEMMI visited his club, the West End Veterans Club recently Limone asked FLEMMI to leave because of the heat that was on FLEMMI at that time. FLEMMI denied that any heat was on him and at that time FLEMMI inquired about Edward Deegan, close associate of [redacted]. Limone told FLEMMI that Deegan does not visit the club and immediately after FLEMMI departed Limone telephonically contacted Deegan and told him that FLEMMI was looking for him allegedly for a $300 loan which FLEMMI claimed Deegan owed to him. Deegan denied that he owed such a loan and Limone and Deegan were of the opinion that FLEMMI was out to kill Deegan.

F [redacted]-797

Boston airtel to Director, FBI dated 10/19/64 captioned [redacted]

M.B

B [redacted] advised that he received a telephone call from JAMES FLEMMI, on 10/18/64, who told him that he had been with Edward "Teddy" Deegan and Tony (LNU) at the West End Social Club during the early morning hours of 10/17/64. Informant stated the name of [redacted] was mentioned in a conversation but FLEMMI Stated he could not recall what was said. FLEMMI stated that he definitely knows that Deegan, after leaving the West End Social Club, murdered [redacted] and he was concerned about leaving his fingerprints in the car in which [redacted] was murdered.

B



FD-36

F B I

Date: 10/20/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI [redacted] F

FROM : SAC, BOSTON [redacted]

SUBJECT: [redacted] B.M

ReBosAirtel 10/15/64.

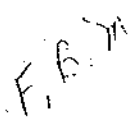
B.F

Bureau
Boston
[redacted]

JPK:ner
(10)

Approved: _____ Sent ___ M Per 000749
Special Agent in Charge

[redacted] F [redacted] - 24/7



[redacted] F

PETER LIMONE stated that JIMMY FLEMMI is an individual whom they can't control. JIMMY came to his club recently and LIMONE asked him to leave because of the heat that was on FLEMMI at the time. FLEMMI denied any heat being on him from the police, but LIMONE insisted that he leave his, LIMONE's, club. [redacted]

[redacted]

JIMMY also inquired about EDWARD DEEGAN, close associate of HAROLD HANNON, who was recently murdered. LIMONE told FLEMMI that DEEGAN does not come to the club. Immediately after FLEMMI left, he called DEEGAN and told him that FLEMMI was looking for him, allegedly for a $300.00 loan which DEEGAN owes FLEMMI. DEEGAN denied any such loan. Therefore, they were of the opinion that FLEMMI was out to kill DEEGAN.

FD-263 (Rev. 4-30-85)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
Boston	FBIHQ	8/13/97	7/08/97 - 8/14/97

TITLE OF CASE	REPORT MADE BY	TYPED BY:
UNSUB(S); OBSTRUCTION OF JUSTICE; OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR); BOSTON DIVISION; OO: FBIHQ	Joshua Rochberg, FIS, UOJ IIC Charles S. Prouty	tls
	CHARACTER OF CASE ADMINISTRATIVE INQUIRY	

REFERENCE:

Acting Deputy Attorney General memorandam to Attorney General, dated July 3, 1997.

The redacted copy for the Trial Team will be released following review and approval by the Department of Justice and FBI Headquarters.

The Department of Justice copy will not contain the Sensitive Information Section containing informant information.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: 3 - Bureau (263-HQ-1220323) (1 - AD Michael A. DeFeo) (2 - Inspection Team) 1 - Department of Justice 1 - Massachusetts USAO Trial Team		

DISSEMINATION RECORD OF ATTACHED REPORT				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

COVER PAGE

EXHIBIT 58

managers stated emphatically that they never gave improper authorization for any informant to commit criminal acts. Furthermore, they never authorized Bulger or Flemmi to participate in criminal activity. The FBI MIOG advises that only a manager can give authorization for an informant to commit criminal acts.

We examined the Bulger and Flemmi informant files. The files contained no documented written authorization to engage in criminal activity. We noted in reviewing several other informant control files that the procedures for authorizing criminal activity and documenting the authorization were followed for these other informants. These authorizations went from the field supervisor through the appropriate ASAC and were documented as approved by the division.

The review of informant files reflected the general policy of Agents yearly placing into the informant file a certification that the informant was advised of the Attorney General Guidelines. These guidelines reflect the informant's relationship with the FBI and state that the informants are not protected from prosecution for any violation of federal, state or local law, except where the informant's activity is approved by the supervisor or SAC. The Bulger and Flemmi files contain numerous Attorney General Guidelines certifications.

We also looked for instances in which Bulger and Flemmi were under investigation by a law enforcement agency and in which the USAO or DOJ exercised prosecutorial discretion in their favor due to the value of information provided by Bulger and Flemmi. There is no evidence that prosecutorial discretion was exercised on behalf of Bulger and/or Flemmi.

Cooperation of the defendants, and former agents Morris and Connolly, is imperative to resolve many of the authorization allegations. Morris has refused to be interviewed and Connolly gave a very limited interview through his attorney.

Within this general allegation, the following specific allegations were addressed:

1. **That the Boston Division failed to comply with DOJ/FBI regulations or guidelines regarding unauthorized criminal conduct by Stephen Joseph Flemmi and James "Whitey" Bulger.**

Informant History

James "Whitey" Bulger

Date opened: May 13, 1971
Handling Agent: SA Dennis Condon

Closed:	September 10, 1971 - due to "unproductivity"
Date reopened:	September 18, 1975
Handling Agent:	SA John Connolly
Closed:	January 27, 1978 - due to "legal problems" noted subject of an FBI Rico investigation
Date reopened:	May 11, 1979
Handling Agent:	SA John Connolly
	Rico matter resolved - no prosecutable case against source
Date:	October 7, 1979
	Memo to file notes SSA John Morris as Alternate Handling Agent
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent."

Bulger was advised of the Attorney General Guidelines on seven occasions, between November 23, 1982 - October 11, 1989.

Stephen Joseph Flemmi

Targeted dates November 1964 - November 1965

Date opened:	November 10, 1965
Handling Agent:	SA Paul Rico
Date:	February 14, 1967
	Approved a TE source
Closed:	September 15, 1969 - Document from Boston to FBIHQ September 15, 1969, "In view of the fact that this informant was indicted for murder on September 11, 1969, by a Suffolk County Grand Jury and a federal warrant has been issued for his arrest, UFAP - Murder, this informant's emotional stability can no longer be justified and he is being closed."
Date reopened:	September 12, 1980
Handling Agent:	SA John Connolly - Boston document to FBIHQ

Closed:	September 23, 1982 - Document from SA Connolly to SAC Boston, "Captioned matter was placed in closed status in that captioned subject was under investigation (Flemmi) in two separate investigations." "Wheeler and Callahan murders."
Reopened:	July 10, 1986
Handling Agent:	SA John Connolly
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent."

Flemmi was advised of the Attorney General Guidelines on four occasions between October 16, 1986 - November 17, 1989. The relevant Attorney General Guidelines were established on December 2, 1980. Section E of the guidelines requires that informants receive instruction that he/she is not protected from prosecution. Section F details procedures for authorizing informants to engage in criminal activity based on written findings. The FBI manual provisions set forth below effectuate the Attorney General Guidelines.

The following excerpts from the FBI MIOG Section 137-5, effective as of January 12, 1981, are related to "Informant Participation in Authorized and Unauthorized Criminal Activity."

GUIDELINES GOVERNING PARTICIPATION IN AUTHORIZED CRIMINAL ACTIVITY

1. An informant may not be authorized to engage in any activity that would constitute a crime under state or federal law, if engaged in by a private person acting without the authorization or approval of an appropriate FBI and United States Attorney's Office representative, except as authorized...

2. Participation by an informant in authorized extraordinary criminal activity may only be made by the SAC, or in the SAC's absence, the ASAC after a consultation with the approval of the United States Attorney...Extraordinary criminal activity is defined as that activity which may involve a significant risk of violence, corrupt actions

FD-36

F B I

Date: 11/10/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO : DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 11/5/64.

BS 837-C* advised on 11/4/64 that GENNARO J. ANGIULO and PETER LIMONE contacted PATRIARCA.

According to this informant, an individual named CARL (LNU) owes ANGIULO $11,713. CARL is probably from Hartford, Conn.

An individual named "JIMMY" FERRY (PH) who "is not in New Orleans now but in Alabama" called ANGIULO requesting that he not pressure CARL to repay the loan.

According to ANGIULO, CARL called "TOMMY" BROWN in reference to this loan. After a great discussion concerning the loan, PATRIARCA stated that inasmuch as it was not a swindle of any sort CARL should repay the loan immediately.

3-Bureau (RM)
1-Birmingham (Info)(RM)
1-Mobile (Info)(RM)
1-New Haven (Info)(RM)
1-New Orleans (Info)(RM)
2-New York (1-92- T. LUCHESE)(RM)
7-Boston (5-92-118)(92-118 sub 4)(92-118 sub 3)

JFK:po'b
(16)

92-2961-9

REC-34
EX-101

21 NOV 12 1964

66 DEC 3 1964

C e - WicR
215

EXHIBIT
59

BS 92-118

PATRIARCA advised that former Massachusetts State Police Capt. JOSEPH CRESCIO had contacted him in Providence at the request of Governor Elect JOHN A. VOLPE to ascertain whether he (PATRIARCA) had furnished a substantial sum of money to the campaign of VOLPE's opponent, FRANCIS X. BELLOTTI. PATRIARCA, according to this source, had not furnished a substantial amount of money to BELLOTTI.

PATRIARCA advised that JAMES POWERS, who was recently released from the Dedham County Jail, Dedham, Mass., had contacted RUDY SCIARRA, PATRIARCA's associate in Providence, R. I., for some money.

According to PATRIARCA, JAMES J. "BUDDY" MC LEAN, Somerville, Mass. hoodlum, had arranged to get POWERS out of jail on bail. POWERS, through SCIARRA, wanted to ascertain how MC LEAN "fits" with PATRIARCA.

PATRIARCA told him that he had no animosity towards MC LEAN and promised that he would assist neither side in his (MC LEAN's) "war" against the MC LAUGHLIN brothers.

Informant further stated that this is not PATRIARCA's true feeling. He pointed out that because of his association with the MC LAUGHLIN brothers, he would favor the MC LAUGHLIN faction.

ANGIULO expressed concern that MC LEAN and his group were taking over the horses and numbers business in Somerville, Mass. which formerly was one of ANGIULO's locations.

PATRIARCA advised ANGIULO to "just sit back" for the present and see what happens. If MC LEAN comes on strong he indicated steps would be taken to curtail his progress.

PATRIARCA and ANGIULO discussed the financial condition of the Berkshire Downs Race Track in western Massachusetts. During the conversation, PATRIARCA again mentioned that $5,000 was paid to Massachusetts Attorney General EDWARD W. BROOKE to obtain the acquittal of PATRIARCA's associate, JOSEPH KRIKORIAN who was tried for "larceny" from the track.

BS 92-118

ANGIULO stated that JOSEPH MODICA , Boston, Mass., is still in the process of formulating plans to steal a truck load of cigarettes.

No additional pertinent information was developed concerning this theft.

ANGIULO stated that "CHI CHI" (FRANK CUCCHIARA of Boston, Mass.) has not been able to control "The Jew" (probably SAMUEL ROSENCRANTZ of Boston, Mass.).

It appeared to the informant that ANGIULO had turned over a "patch" consisting of numbers and horse play to FRANK CUCCHIARA some time ago. This business grosses approximately $7,000 a week. CUCCHIARA has been complaining to ANGIULO that he has been unable to obtain a profit from this operation and desired a "$600 credit" from ANGIULO (apparently relating to the layoff numbers). ANGIULO gave him the "$600 credit" and CUCCHIARA now wants an additional credit, which ANGIULO has refused. PATRIARCA agreed that ANGIULO should refuse additional credit inasmuch as it would appear they are making a profit on the operation.

JERRY indicated that if CUCCHIARA continues to "beef" about the operation, he (ANGIULO) will assume control of it.

PATRIARCA stated that he has not, as yet, learned the exact details concerning JOE BONANNO but should know in the near future.

FRANKIE (LNU), who has been arrested in New York, was being "milked" by a New York lawyer. RAYMOND instructed him to call AL NEWMAN, New York Bondsman, and request NEWMAN to intercede for him with the lawyer. NEWMAN was to call PATRIARCA if he had any doubts concerning FRANK's close association with PATRIARCA.

BS 92-118

On 11/5, 6, 9/64, no pertinent activity was reported by BS 837-C*.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F.B. Boston letter to Director, FBI 1/8/65 captioned: [redacted]

This letter refers to Boston Radiogram to Director coded 12/28/64 stating [redacted] was found stabbed to death on 12/28/64 in an automobile registered to his sister-in-law in the South End section of Boston.

Informants have reported he was murdered by JAMES FLEMMI as he was saying unkind things about FLEMMI's group; that he was murdered by old associates, Edward Goss and John Murray, for refusing them money; and that he may have been murdered for being suspected of being involved in the shooting of Edward Mc Laughlin.

B.F.M

EXHIBIT 60

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000337

19

SUBJECT: VINCENT JAMES FLEMMI, aka.

[redacted]-346 F

Boston letter to Director, FBI 1/8/65 captioned: [redacted]

This letter refers to Boston Radiogram to Director coded 12/28/64 stating [redacted] was found stabbed to death on 12/28/64 in an automobile registered to his sister-in-law in the South End section of Boston.

Informants have reported he was murdered by JAMES FLEMMI as he was saying unkind things about FLEMMI's group; that he was murdered by old associates, Edward Goss and John Murray, for refusing them money; and that he may have been murdered for being suspected of being involved in the shooting of Edward Mc Laughlin.

[redacted]-47 F

B Memo of [redacted] 2/4/57 to SAC, Boston captioned: [redacted]

[redacted]

B

FD-263 (Rev. 8-17-65)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/18/67	3/20 - 7/7/67

TITLE OF CASE

JOSEPH BARON, aka
Joseph Barron,
Joseph Barboza, Jr.,
Joseph J. Barron,
Joseph Medeiros

REPORT MADE BY: THOMAS H. SULLIVAN — TYPED BY: maf

CHARACTER OF CASE

AR

REFERENCE Bureau airtel, dated 5/24/67.

- C -

ENCLOSURES

TO BUREAU

Original and one copy of a letterhead memorandum characterizing informants used in this report.

INFORMANTS

[redacted]

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED — SPECIAL AGENT IN CHARGE — DO NOT WRITE IN SPACES BELOW

COPIES MADE:

3 - Bureau (92-9828)
1 - USA, Boston
2 - Boston (92-1132)
(1 - 166-629)

92-9828-13

REC 29

EX-110

JUL 21 1967

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.		CC AAG, Criminal Division, Organized Crime and Racketeering Section, Room 2611		
How Fwd.				
By				

Notations

58 AUG 10 1967

EXHIBIT 61

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Boston, Massachusetts

Report of: THOMAS H. SULLIVAN Office: Boston, Massachusetts
Date: 7/18/67

Field Office File #: 92-1132 Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Subject born 9/20/32 and attended elementary schools in New Bedford, Mass. No military record. Subject married [redacted] 7/12/58 and was divorced 4/22/63; married [redacted] 4/30/64. Wife [redacted] and daughter [redacted], born 5/23/65, resids [redacted], Swampscott, Mass. Extensive criminal record set out. Informants report that JOSEPH BARBOZA in 1964 was engaged in money lending activities and that in 1966 he split with CONNIE FRIZZI in loansharking to go into partnership with ARTHUR BRATSOS. In 1965 it was rumored [redacted] that BARBOZA was under contract to be assassinated since he was tied into the BUDDY MC LEAN-GEORGE MC LAUGHLIN feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with ROMEO MARTIN and RONNIE CASSESSA. In 1965, BARBOZA was rumored to be the killer of JOSEPH FRANCIONE. [redacted]

B

- C -

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

92-118-2475 pg.4

Boston airtel to Director, FBI 11/17/64 captioned: RAYMOND L. S. PATRIARCA, Aka., AR.

BS 837-C* advised on 11/12/64 that Henry Tameleo was in conversation with Raymond Patriarca and mentioned a break on Newbury St., Boston, Mass., where some furs were stolen. He told Patriarca that he went to Boston (reason not stated) and explained that he was fortunate that he did not drive because he was in front of Basin Street South talking with "JIMMY" FLEMMI (well known Boston hoodlum and close associate of Edward "Wimpy" Bennett) when the police drove by and looked carefully out the car window. He said that he does not believe they recognized hi, but he is certain that if he had driven up they would have recognized his car.

On 11/13/64, an UNMAN mentioned that Dick Kadra had a "beef" with "JIMMY" FLEMMI but did not explain the circumstances.

92-118-2534

Boston airtel to Director, FBI & SACS Las Vegas, Phoenix 1/7/65 captioned: RAYMOND L. S. PATRIARCA, Aka, AR.

A review of information furnished by BS 837-C* on 1/4/65 reflected that Ronald Cassessa, JAMES FLEMMI, and Edward "Wimpy" Bennett contacted Patriarca. Cassessa told Patriarca that "that thing was straightened out." (Informant did not know what it pertained to.)

Patriarca had told the group that is too bad the McLeans and the Mc Laughlins could not settle their feud over a handshake, and added that it was a shame about Tom (probably referring to Thomas Callahan who was recently shot in Boston).

FLEMMI mentioned that they had nothing to do with the Callahan shooting but did mention "the kid that just got out of the can" (probably referring to George Ashe who was recently killed). The informant was unable to determine whether FLEMMI's group was responsible for the killing of Ashe.

FLEMMI advised that Frank Smith, Boston hoodlum who was recently released from the Massachusetts State Prison, had gone to Arlington, Va. to visit George Norman Rockwell. FLEMMI explained that while Smith was in jail he read a lot and apparently is an avowed follower of George Norman Rockwell.

EXHIBIT 62

-6-

FD-36

F B I

Date: 1/28/65

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO: DIRECTOR, FBI (92-2961)
SACS MIAMI
NEW YORK
PHILADELPHIA

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 1/26/65.

BS 837-C* advised on 1/25/65 that JOE MODICA, Boston, Mass., contacted PATRIARCA specifically concerning the Berkshire Downs Race Track in which RAYMOND PATRIARCA allegedly has a financial interest.

PATRIARCA told MODICA to contact his friend who is allegedly extremely close to Attorney General EDWARD W. BROOKE of Massachusetts and have him arrange to release the $100,000 bond that is being held by the Massachusetts Court in connection with civil suits that have been heard in Massachusetts courts.

PATRIARCA told MODICA that it was necessary for "DOC" (possibly "DOC" SAGANSKY of Boston, Mass.) to put an additional $300,000 in to the track in order for it to open for the 1965 season. In the event the $100,000 bond mentioned above is released by the courts to SALVATORE RIZZO, PATRIARCA assured MODICA that he would get his $5,000 back which he loaned to RIZZO plus an additional $5,000 interest.

92-2961-981

(3) Bureau (RM)
2-Miami (RM)
4-New York (RM)
2-Philadelphia (RM)
7-Boston (92-118)(92-118 sub A)(92-118 sub 3)
JFK:pc'b
(18)

FEB 1 1965

FEB 10 1965

EXHIBIT 64

BS 92-118

PATRIARCA explained that JOHNNY WILSON's uncle in NYC had indicated that he had a prospective buyer for the track for $900,000, but the deal fell through.

MODICA mentioned ABE BARESE (PH) located in East Boston and his connection with some crap game located there. (Informant was unable to ascertain details concerning same.)

GENNARO J. ANGIULO and PETER LIMONE contacted PATRIARCA. ANGIULO discussed in detail his pending case involving the assault of a federal officer in the North End section of Boston.

[redacted] 0-3

ANGIULO stated that he had contacted Attorney FRANCIS DI MENTO, a former Assistant United States Attorney, and requested him to defend him. DI MENTO asked for $25,000, plus an additional $5,000 in the event it went to the Supreme Court. ANGIULO refused but subsequently did agree on a fee of $10,000, plus $5,000 in the event the case went to the Supreme Court.

Their plan of defense is to attack the words noted in the indictment, "wilfully and forcefully assaulted," and point out that they did not know the identity of the individual, nor did they actually forcefully eject him from the location in which they talked to him.

Their alibi is to contact EDDIE GRIFFIN who is a "90% blind man" and request him to testify that he asked ANGIULO to question a sailor who lived in his house concerning the rape of a girl in the North End.

[redacted] 03

BS 92-118

They intend to get another stand-up witness who will testify that he overheard GRIFFIN ask ANGIULO the above, but that he did nothing about it and just walked away. In this way they feel that GRIFFIN's testimony will be substantiated.

ROY FRENCH, a horse trainer, contacted ANGIULO through an intermediary requesting assistance to obtain a license as a horse trainer at the Rhode Island tracks.

PATRIARCA indicated he would assist in this.

JIMMY O'TOOLE, close associate of Top 10 Fugitive GEORGE PATRICK MC LAUGHLIN, contacted PETER LIMONE and requested that arrangements be made for him to see PATRIARCA. The reason for the request was to make arrangements that GEORGE MC LAUGHLIN could contact PATRIARCA telephonically. A lengthy discussion took place as to the best procedure and the tentative arrangements were that O'TOOLE was to call PETER LIMONE. He, in turn, would give a number of a public phone. Fifteen minutes later O'TOOLE would call the public phone number, during which time LIMONE would attempt to contact PATRIARCA and make arrangements for him to go to another public telephone. The telephone number would be relayed to MC LAUGHLIN as to the phone number PATRIARCA could receive a call . and, thereafter, he would call PATRIARCA. (The reason for this contact is not known to the informant.)

During the conversation concerning MC LAUGHLIN, PATRIARCA asked ANGIULO whether he heard that GEORGIE "wanted to get in with BERNIE MC GARRY." (This apparently occurred some time ago when HAROLD HANNON was involved in efforts to arrange GEORGE's "getting in with BERNIE MC GARRY.) There was also a comment that BENNETT, according to HANNON, was trying to frame the MC LAUGHLINS and the MC LAUGHLINS were very apprehensive of BENNETT.

According to ANGIULO, HY GORDON bought the diamonds from the kids (no further description) for $29,000. (This probably occurred in Miami, Fla. as JOHNNY POTO, who allegedly is presently in Florida, was the individual who brought the kids to HY.)

BS 92-118

ANGIULO stated that when he was recently in Miami, SANTO (TRAFFICANTE) introduced a lawyer for HOFFA to PATSY ERRA. He described ERRA to the lawyer as the owner of the Dream Bar. ERRA denied same emphatically in front of the lawyer.

"KEYSTONE" LEPORE of Providence, R. I., presently vacationing in Miami, Fla., received a franchise for juke box machines with a small television attached thereto, whereby an individual can actually see the recording artist singing and dancing, for Massachusetts, Rhode Island and Michigan.

ANGELO BRUNO of Philadelphia, Pa., is one of the individuals issuing the franchises for various states in the country.

ANGIULO stated that the crap game in Boston has a bank of $15,200, and they decided to cut up $6,000 of the above.

An individual named BANDES, whose first name is possibly DANNY, was the original owner of this crap game which was taken over by PATRIARCA and his group.

LARRY BAIONE, recent releasee from Massachusetts State Prison, requested permission to open another crap game, and PATRIARCA refused same inasmuch as BANDES did request permission from ANGIULO to give a certain percentage of the crap game to BAIONE when he was in prison and renewed the offer when he was released.

PATRIARCA agreed to BANDES' furnishing 5% of his take of the crap game directly to LARRY BAIONE but warned that BAIONE's piece was not to come off the top.

RAYMOND also advised that during his recent visit to NYC he was to meet TOMMY BROWN and TOMMY RYAN. However, when MIKE walked in to the restaurant he told them that there was "a 24-hour watch" on both BROWN and RYAN.

"TONY, THE SHEIK" was mentioned as being scheduled to attend the meeting, and it was not clear to the informant if he actually did attend same. One of the individuals probably who did attend, named TONY, was recently made a "capo regime." SAM CUFARI of Springfield, Mass. also attended. Because of the warning by MIKE of the 24-hour surveillance of BROWN and RYAN, they became particularly alert to any surveillance.

They did observe an individual wearing a hearing aid, and all suspected him of being "a Fed."

PATRIARCA warned ANGIULO to be cognizant of any individual wearing a hearing aid and instructed ANGIULO to warn the individuals around Boston.

On 1/26/65, LOUIS TAGLIANETTI of Providence, R. I., advised PATRIARCA that he was worried about the FBI inquiries made concerning him in Brooklyn, N. Y. He believes that his troubles with IRS created an FBI interest in him.

PATRIARCA, in the discussion, stated that CARLO (possibly GAMBINO) was related to the man in Springfield (possibly referring to SAM CUFARI).

TAGLIANETTI told PATRIARCA about a scheme that he has been working on for approximately two years. It appears there are two associations - one in Brooklyn, N. Y. and one in New York, N. Y., consisting of 100 and 300 members, respectively. The president of one of these associations is married to the daughter of "a boss." TAGLIANETTI could not recall his name. The president of the other association knows a "friend of ours."

TAGLIANETTI and FRANKIE (LNU) attempted to bring them together as the New York association has "a little weight" and is hurting the Doctors in Brooklyn.

Arrangements were made for the two Doctors to meet with TAGLIANETTI and FRANKIE; however, the Doctor in New York kept postponing a meeting, the last time his excuse being that he was going to Michigan.

TAGLIANETTI intends to cause dissension and then had threatened one of the Doctors by having someone else make thr atening calls to him.

When TAGLIANETTI met one of the Doctors he (the doctor) "knew who we were and what it was all about." TAGLIANETTI apparently intends to shake down the Doctors in these associations and made the comment that "We'll get in there somehow."

PATRIARCA cautioned him to be very careful as he could not trust the Doctors involved.

TAGLIANETTI stated that one Doctor called him and agreed to make LOUIS' Doctor friend from Brooklyn president of the association, but arrangements have not been finalized in this direction. LOUIS desires that FRANKIE get someone to threaten the Doctors, as "You can't get money from nothing," and further points out that the Doctors scare easily.

BOBBY (LNU) called LOUIS the previous night and stated that one Doctor had changed his mind. LOUIS made mention of the fact that the associations cost the Doctors $100 to join the organization. (Possibly Chiropractors Association).

FRANKIE (LNU) from Boston, Mass. contacted PATRIARCA and discussed the recent underworld killings in Boston.

RAYMOND tells FRANKIE to keep off the street as much as they can because of the recent roundups of criminals in Boston by the local police.

FRANKIE stated that all the people are getting scared of JIMMY (apparently referring to JAMES FLEMMI) and asked RAYMOND to talk to JIMMY and impress upon him that there should be no more killings in Boston.

RAYMOND agrees to talk to FLEMMI and made a statement that "If the killings don't stop I'll declare martial law."

PATRIARCA indicated that he thought very highly of JAMES FLEMMI.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

BS 92-118

On 1/29/65, EDWARD "WHIMPY" BENNETTand STEPHEN FLEMMI contacted PATRIARCA who was responsible for the REDDINGTON murder. BENNETT and FLEMMI did not know but did discuss various murders in Boston and the reasons therefor. The Informant was unable to ascertain the details of this information.

There was also talk about the McLAUGHLIN-McLEAN feud but the Informant was unable to ascertain the details of same. There was mention of a meeting in connection with this but the Informant could not ascertain the details of same.

UNMAN contacted PATRIARCA and indicated that he has construction jobs in Maine, Connecticut and Rhode Island. UNMAN claimed that the Union Hall were not sending men to his jobs and that he was suffering because of this,laborwise. PATRIARCA indicated that he would assist him in this regard. Details were not known to the Informant.

On 1/30/65, Informant advised that PATRIARCA was leaving Providence. PATRIARCA was surveilled to New York City by Boston Agents where the surveillance was taken up by New York Agents.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

FD-36(Rev. 5-22-64)

F B I

Date: 2/2/65

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO: DIRECTOR, FBI (92-2961)
SACs NEW YORK
NEWARK

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO - Boston)

Re Boston Airtel January 28, 1965.

BS 837-C* advised that LOUIS TAGLIANETTI and BOB (LNU) contacted PATRIARCA. They intend to contact BERNIE EZHAYA in order to resolve the Union situation. Informant did not know the details of same.

HENRY TAMELEO advised he contacted GEORGE KATTAR and reiterated to KATTAR that in order to operate he "must have the State". KATTAR told him that he has arranged to pay-off the State Police and that he would furnish to TAMELEO the identities and the amounts paid to individual members of the State Police. This apparently refers to a gambling operation that KATTAR will open in Biddeford, Maine, which was previously reported. The Boston Office is conducting an investigation relative to this matter. It appeared that "BLACKIE" (LNU) who owns the club had been tipped off by members of the State Police that a game was to be held. In view of this, the opening of the operation has been temporarily discontinued.

92-2961-983

REC-97

11 FEB 5 1965

EX-102

3 - Bureau (RM)
2 - New York (RM)
1 - Newark (RM)
7 - Boston (5 - 92-118) (92-118 Sub 4) (92-118 Sub 3)
JFK:ds
(13)

FEB 12 1965

EXHIBIT 65

CONFIDENTIAL PRODUCED SUBJECT TO PROTECTIVE ORDER

of cas s in the Criminal Intelligence Program. He was qualified to handle complicated investigations, was available for general and special assignment, and could be used on raids and dangerous assignments. He was a hard-working, reliable and dependable agent who always displayed ke n interest in the Bureau and willingly shared the workload of th offic . His participation in the informant program was outstanding and he was considered an excellent witness. He was not interested in administrative advancement.

His daily average overtime for April, 1964, 2 hours 46 minutes; May, 2 hours 36 minutes; June, 2 hours 9 minutes; July, 2 hours 17 minutes.

On 7-5-64 he received a Basic Salary Increase to $13,335 per annum in GS-13.

By letter dated 7-20-64 he was COMMENDED, through his SAC, along with oth r agents in the Boston Office who performed so capably in connection with an operation of considerable interest to the Bureau in the criminal field. (Re: Joseph Modica, Anti-Racketeering).

By letter dated 8-5-64 he was COMMENDED for his valuable contributions to the investigation of the Interstate Transportation of Wagering Paraph rnalia case involving Michael Orlando Napolitano and others.

His daily average overtime for August, 1964, 1 hour 49 minutes; September, 3 hours 28 minutes; October, 1 hour 43 minutes.

By letter dated 10-28-64 he was COMMENDED for his exemplary performance in the investigation of the Interstate Transmission of Wagering Information case involving Paul J. Geragosian.

His daily average overtime for November, 1964, 2 hours 1 minute; D cember, 1 hour 53 minutes; January, 1966, 1 hour 56 minutes.

By letter dated 1-25-65 he was CENSURED inasmuch as the Bureau had consid red the facts of the accident in which he was involved while operating a Bureau automobile on 1-8-65, and it was apparent he did not take the necessary precautions to safeguard Government property.

By letter dated 2-25-65 he received an INCENTIVE AWARD in the amount of $150.00 in recognition of the outstanding work he performed in the investigation and apprehension of Top Ten Fugitive George Patrick McLaughlin, the subject of an Unlawful Flight to Avoid Prosecution-Murder case.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

PERMANENT BRIEF

Entered on Duty		1-29-51
Reported to Field		3-28-51
Present Grade and Salary		GS-13, $29,782
Last Salary Change		10-12-75, Basic Increase
Age		51, Born 11-23-1923
Place of Birth		Charlestown, Massachusetts
Marital Status		Married - 6 Children
Education		Bachelor of Arts Degree
Language Ability		None
Office of Preference since 2/74		Boston
1975 Annual Performance Rating		EXCELLENT
Firearms Ability		Qualified
Immediate Relatives in Bureau		None
Offices of Assignment:		
3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

LS:lrb
(1)

EXHIBIT
66

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

FBI-HCGR-000003328

PETER KATTAR is also attempting to swindle some doctor or dentist of $50,000.

JACK TRIPOLI has inquired of KATTAR whether this deal was actually a swindle and suggested to KATTAR if it was, he desired a piece of it. KATTAR is of the opinion that TRIPOLI was only feeling him out to ascertain if same was actually a swindle.

TAMELEO stated that JOE BARBOSA of East Boston, Massachusetts, was the person who killed JOSEPH FRANCIONE in R vere, Massachusetts, recently. TAMELEO also advised that he had contacted JIMMY D (DeANGELIS) and requested his assistance to help LOUIS GRIECO. JIMMY was going to contact Probation Officer HILREDGE in order to assist GRIECO.

TAMELEO told PATRIARCA that he ordered "Big Benny" TERESA to get rid of BARNEY VILLANI. VILLANI, according to TAMELEO, is a stool pigeon and has testified in court against an unknown individual involving an arson deal.

TAMELEO advised that JERRY ANGIULO had requested that he, TAMELEO, find out who was responsible for the murder of HENRY REDDINGTON recently. ANGIULO had received inquiry from New York concerning this. TAMELEO ascertained from JOSEPH MODICA that SAMUEL LINDEN had been asked by some unknown individual whether he desired the killing of REDDINGTON to be postponed inasmuch as LINDEN was owed $8,000 by REDDINGTON. LINDEN told this individual that he did not care about the $8,000 and did not desire to hear any further information concerning the proposed killing of REDDINGTON. PATRIARCA instructed TAMELEO to ascertain the identity of the individual who approached LINDEN.

There was also talk of FRANK SMITH, who was a close associate of LINDEN. PATRIARCA was of the opinion that SMITH, a local hoodlum, was the individual who probably asked LINDEN the above.

FD-36

F B I

Date: 3/10/65

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 3/4/65.

[redacted] advised on 3/3/65 that UNMAN stated that [redacted] who was recently murdered in Massachusetts just over the Rhode Island state line, was involved in the "hot car racket."

[redacted] and [redacted] contacted PATRIARCA. [redacted] stated that he would furnish RAYMOND the money from the games in Maine when he returns from the cruise.

PATRIARCA stated that his wife is in very poor condition and probably will have to return to the hospital.

EX-114

3 Bureau (RM)
1-Albany (Info)(RM)
1-Buffalo (Info)(RM)
2-Las Vegas (92-511)(Info)(RM)
2-Louisville (92-170)(Info)(RM)
2-Miami (92-406)(92-353)(RM)
2-Newark (92-1071)(RM)
2-New York (1-92-1099)(RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)

REC-99 92-2961-1001

3 MAR 12 1965

[redacted]
(22)

MAR 22 1965

361
H-690

EXHIBIT
67

BS 92-118

There was a lengthy discussion concerning the setting up of a business connected with the fish industry. It appeared that RAYMOND PATRIARCA eventually will have 125 shares allocated to him. [redacted]

[redacted]

PATRIARCA also indicated an interest in getting into the drag racing venture with [redacted]

[redacted]

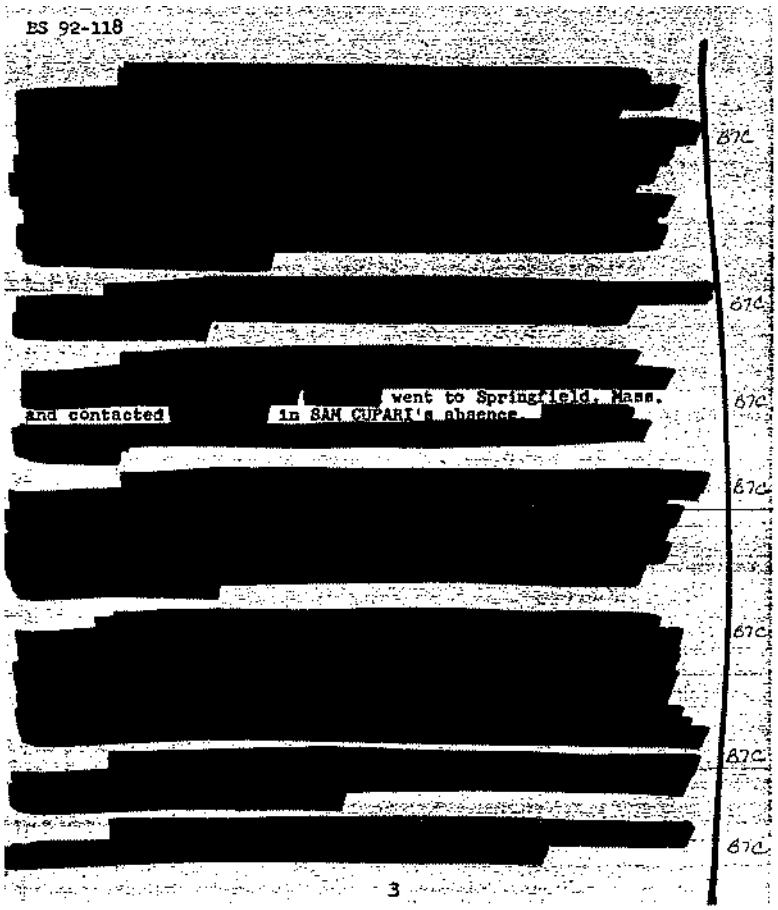
On 3/4/65, [redacted] (LNU) attempted to interest PATRIARCA in loaning $3,500 to a politician in order to build property. PATRIARCA refused, stating he preferred to stay clear of politicians.

UNMAN contacted PATRIARCA and stated he had brought down [redacted] and another individual (who was later identified as JOE BARBOZA from East Boston, Mass.) It appeared that [redacted] Boston hoodlum, was giving orders to [redacted] to "hit this guy and that guy."

RAYMOND appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet [redacted] and BARBOZA in a garage shortly thereafter. He pointed out that he did not want [redacted] or BARBOZA contacting him at his place of business.

[redacted] contacted PATRIARCA on 3/5/65. [redacted] discussed a case in which a "kid was picked up."

[redacted]


BS 92-118

b7C

b7C

went to Springfield, Mass.
and contacted in SAM CUPARI's absence.

b7C

b7C

b7C

b7C

b7C

3

BS 92-118

[redacted]

The name of CHICK's Spa of Revere, Mass. was mentioned, as well as FRANK CUCCHIARA, in connection with this operation. It appeared that both CUCCHIARA and CHICK's Spa owned a portion of the woman's gambling business.

[redacted] got the "OK" from PATRIARCA to put pressure on CUCCHIARA who, in turn, would put pressure on the woman so that they could collect the $6,000 or $7,000 that she owes.

It also appeared that [redacted] had originally furnished this "batch" of numbers to CUCCHIARA so that he could derive a living from same. Since the time CUCCHIARA took it over [redacted] and PATRIARCA have received only approximately $3,600 a year, and they do not believe it is worth all the aggravation.

CUCCHIARA indicated to [redacted] that he would have the man who collects the numbers make sure he gets the money from the woman.

[redacted] gave PATRIARCA $4,637, part of which came from the following operations: $787 to RAY and HENRY TAMELEO from the barboot games; $500 to RAY from the club; $440 also to RAY for another gambling operation (not indicated).

[redacted]

BS 92-118

[redacted] was told by [redacted] of Revere, Mass. that two Feds were living at the Fenway North Motel watching the joint and desired to know whether HENRY TAMELEO had any interest in this location in Revere, Mass. b7C

PATRIARCA indicated that TAMELEO did have a piece of the Ebb Tide night club but did not know whether he was interested in any operation in or near the Fenway North Motel.

[redacted] told PATRIARCA that [redacted] was with JOE BARBOZA when he, BARBOZA, killed JACKIE FRANCIONE in Revere, Mass. several months ago. It appeared that [redacted] Boston hoodlum, had ordered the "hit." PATRIARCA again became enraged that [redacted] had the audacity to order a "hit" without RAYMOND's knowledge. b7C

PATRIARCA told [redacted] that he explained to [redacted] that he was to tell [redacted] that no more killings were to take place unless he, PATRIARCA, cleared him.

[redacted] b7C

He pointed out that PATRIARCA has a high regard for [redacted] but that he, PATRIARCA, thought that [redacted] did not use sufficient common sense when it came to killing people.

[redacted] b7C

[redacted] if an argument does ensue, he should leave and get word to RAYMOND PATRIARCA who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

[redacted] indicated to [redacted] that "WIMPY" BENNETT has an extremely high regard for both [redacted] and PATRIARCA and that he, BENNETT, would do anything for [redacted] or PATRIARCA. b7C

[redacted] pointed out that BENNETT has been with them a long time and that he was glad to hear BENNETT's sentiments. b7C

According to PATRIARCA, another reason that [redacted] came to Providence to contact him was to get the "OK" to kill EDDIE DEEGAN of Boston who was "with [redacted] It was not clear to the informant whether he received permission to kill DEEGAN; however, the story that [redacted] had concerning the activities of DEEGAN in connection with his, DEEGAN's, killing of SACRIMONE was not the same as [redacted] b7C

BS 92-118

HENRY TAMELEO told [redacted] and PATRIARCA that he received a call a few nights previous and immediately went to Revere, Mass. to meet [redacted] and an unknown person. It appeared that [redacted] has two Jewish individuals, one of whom is a lawyer, and both partners in a [redacted] business in Chelsea, Mass., who desire to sell $91,000 in $1,000 bills. 67C

TAMELEO questioned [redacted] as to the origin of this money. [redacted] 67C

HENRY TAMELEO advised that he will recontact [redacted] and ascertain whether they can purchase the above-mentioned money.

Upon questioning by [redacted] HENRY TAMELEO stated that [redacted] and [redacted] had burglarized [redacted] house. 67C

[redacted] TAMELEO told him that he had sent back the GE telephone and Zenith stocks to New York as he could not get rid of them. [redacted] apparently knew nothing of same. TAMELEO told him that [redacted] had these stocks but he, TAMELEO, was unable to move them. 67C

On 3/8/65, [redacted] indicated to PATRIARCA that [redacted] and [redacted] (all phonetic) had cut him out of $7,000 on the deal and that they had taken an innocent man's life. There was mention of counterfeit money, but the informant was not able to ascertain details of same. 67C

6

BS 92-118

[redacted]

[redacted] stated that he had a piece of the book of "KEYSTONE" LEPORE at the horse tracks at Miami, Fla. and that they beat one customer for $80,000. [redacted] stated he, himself, had lost approximately $30,000 and "KEYSTONE" had also lost a considerable amount on his own betting.

[redacted] stated he had been in contact with [redacted] and that they had a very interesting deal for PATRIARCA.

It appeared that a casino in Las Vegas (probably named the New Frontier) had been purchased by a syndicate who were willing to lease the gambling operation of the casino out for $1,200,000 per year. The gambling operation would cost $5 million and [redacted] indicated that they would have to get up one quarter of a million dollars.

According to [redacted] is backed by [redacted] (probably [redacted] and that a meeting was to take place in two weeks between [redacted] PATRIARCA and [redacted] in order to iron out all the details concerning the purchase of this operation.

[redacted]

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2 — Boston Airtel to Director 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

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M [redacted]

FD-36

F B I

Date: 3/10/65

Transmit the following in _____
(Type in plaintext or code)

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(Priority)

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EX-114

3-Bureau (RM)
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2-Newark (92-1071)(RM)
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REC-99 92-2961-1001

3 MAR 12 1965

[redacted]
(22)

361
H-690

EXHIBIT
68

BS 92-118

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[redacted] b7c

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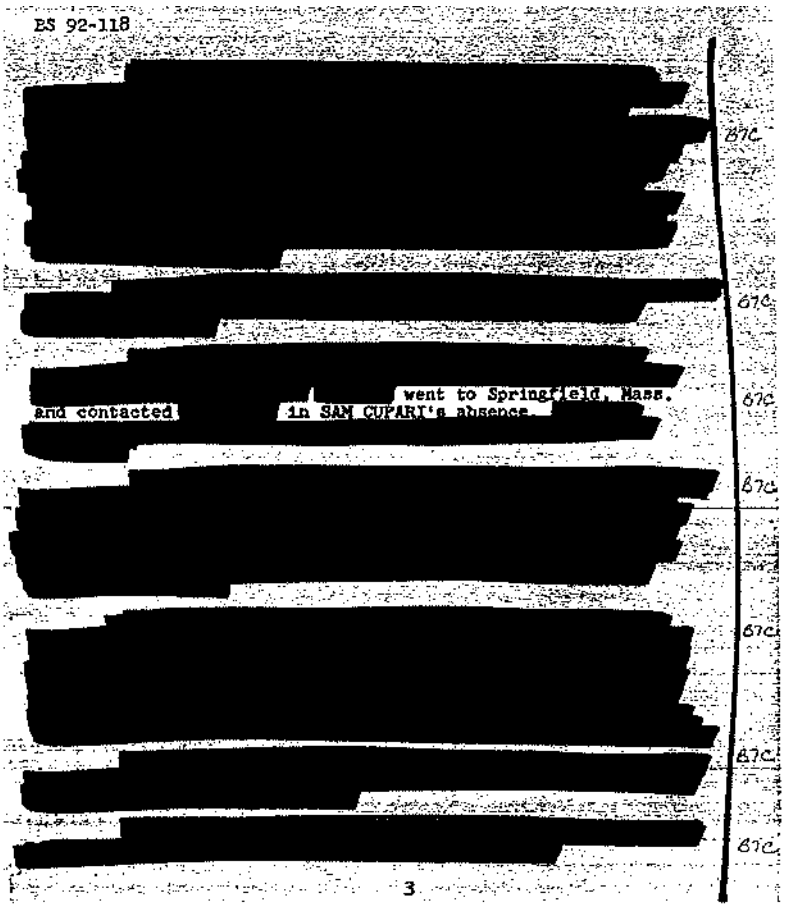
ES 92-118
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BS 92-118

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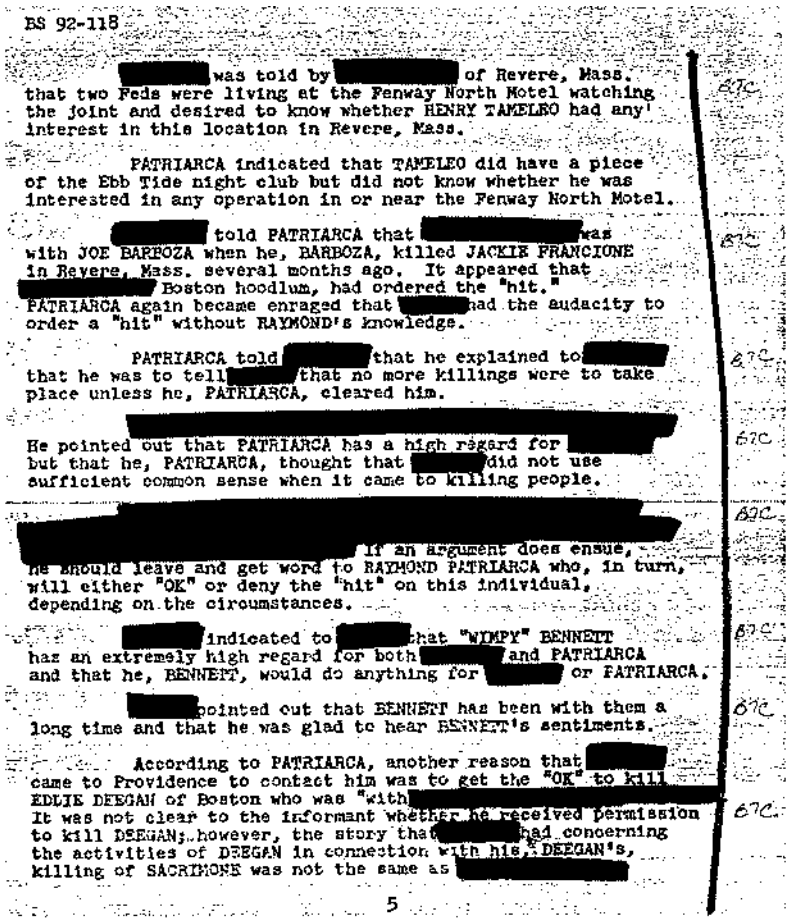

BS 92-118

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BS 92-118

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BS 92-118

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SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2 Boston Airtel to Director 3/10/65 entitled: [redacted]

B,M

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M [redacted]

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/20/65	3/13 - 6/8/65

TITLE OF CASE	REPORT MADE BY	TYPED BY
RAYMOND L. S. PATRIARCA, aka	CHARLES A. REPPUCCI	po'b
	CHARACTER OF CASE	
	AR	

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston.

New York letter to Boston, 3/19/65. (Interoffice)

Los Angeles letter to Boston, 3/30/65. "

Newark letter to Boston, 4/14, 27/65. "

- P -

ENCLOSURES:

TO BUREAU

Original and one copy of a letterhead memorandum, dated and captioned as above at Boston, characterizing informants mentioned in instant report.

APPROVED: SPECIAL AGENT IN CHARGE

COPIES MADE:
3-Bureau (92-2961)(~~[illegible]~~)
1-USA, Providence, R. I.
1-New York (92-788)(Info)
2-Boston (92-118)

1-dtd 1539

DO NOT WRITE IN SPACES BELOW

92-2961-1044

REC. 45

EX-113

JUL 23 1965

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY

REQUEST RECD. 1 CC AAG, Criminal Division

DATE FWD. Organized Crime and Racketeering

HOW FWD. Section, Room 2524

BY 70 AUG 19 1965

NOTATIONS

STAT. SECT.

EXHIBIT 69

DIRECTOR, FBI 3/9/65

SAC, BOSTON [redacted]

VINCENT JAMES FLEMMI, aka
"Jimmy" Flemmi
[redacted]

Rebulet dated 9/10/63 and Boslet to Bureau dated 10/3/63 entitled, "TOP ECHELON CRIMINAL INFORMANT;"

VINCENT JAMES FLEMMI, aka "JIMMY" FLEMMI, is being designated as a target in this program.

VINCENT JAMES FLEMMI is presently operating an after-hours drinking establishment and a blackjack game upstairs over Walsh's TV store, Dudley Street, Boston, according to [redacted] FLEMMI also is believed to be involved in the murders of the following individuals:

[redacted]

In addition, he and [redacted] were tried for the murder of a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass. He was acquitted of this crime.

VINCENT FLEMMI, according to [redacted] has been visiting RAYMOND L. S. PATRIARCA on a fairly frequent basis in the past two months.

It is known, through [redacted] that FLEMMI, although he now has a lucrative business, has lost considerable money gambling and his only hope of bailing out is to continue to operate this illegal after-hours establishment and card game. He therefore should be susceptible to pressure.

2-Bureau
2-Boston
[redacted]

HPR:[redacted]
(4)

Informant

EXHIBIT
71

[redacted]

FLEMMI is described as follows:

Name:	VINCENT JAMES FLEMMI
Alias:	"Jimmy" Flemmi
Race:	White
Sex:	Male
Born:	9/5/35
Height:	5'10"
Weight:	200 lbs.
Hair:	Dark brown, receding
Eyes:	Brown
Complexion:	Dark
Arrest Record:	Convicted of Larceny, Breaking and Entering, Using a Car Without Authority, Assault and Battery, Unarmed Robbery, and Armed Robbery.

In addition, he was the subject of an "Unlawful Flight to Avoid Prosecution" for armed robbery and was apprehended by Bureau Agents of this office as a result of this warrant.

000752 B

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 3/9/65

FROM : SAC, BOSTON (137-NEW)

SUBJECT: VINCENT JAMES FLEMMI, aka
"Jimmy" Flemmi
BS 919-PC
CONF. INFT.

Rebulet dated 9/10/63 and Boslet to Bureau dated 10/3/63 entitled, "TOP ECHELON CRIMINAL INFORMANT,"

VINCENT JAMES FLEMMI, aka "JIMMY" FLEMMI, is being designated as a target in this program.

VINCENT JAMES FLEMMI is presently operating an after-hours drinking establishment and a blackjack game upstairs over Walsh's TV store, Dudley Street, Boston, according to [redacted] FLEMMI also is believed to be involved in the murders of the following individuals:

FRANK BENJAMIN
JOHN MURRAY
GEORGE ASHE.

In addition, he and RICHARD CARIGNAN were tried for the murder of a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass. He was acquitted of this crime.

VINCENT FLEMMI, according to BS 837-C*, has been visiting RAYMOND L. S. PATRIARCA on a fairly frequent basis in the past two months.

It is known, through [redacted] that FLEMMI, although he now has a lucrative business, has lost considerable money gambling and his only hope of bailing out is to continue to operate this illegal after-hours establishment and card game. He therefore should be susceptible to pressure.

2-Bureau
2-Boston (137-New) [redacted]

MCT-46

137-12516-1

HPR:po'b
(4)

F EX-114

REC 61

MAR 12 1965

58 MAR 18 1965

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

BS 137-NEW

FLEMMI is described as follows:

Name:	VINCENT JAMES FLEMMI
Alias:	"Jimmy" Flemmi
Race:	White
Sex:	Male
Born:	9/5/35
Height:	5'10"
Weight:	200 lbs.
Hair:	Dark brown, receding
Eyes:	Brown
Complexion:	Dark
Arrest Record:	Convicted of Larceny, Breaking and Entering, Using a Car Without Authority, Assault and Battery, Unarmed Robbery, and Armed Robbery.

In addition, he was the subject of an "Unlawful Flight to Avoid Prosecution" for armed robbery and was apprehended by Bureau Agents of this office as a result of this warrant.

Memoranaum

TO : SAC [redacted] F

DATE: 3/15/65 [redacted]

FROM : SA H. PAUL RICO

[X] CI [ ] SI

[ ] PCI [ ] PSI

SUBJECT: [redacted] B

Dates of Contact

3/10/65

Titles and File as on which contacted

EDWARD F. DEEGAN

[redacted] B,F

Purpose and results of contact

[ ] NEGATIVE

[X] POSITIVE

Informant advised that he had just heard from "JIMMY" FLEMMI that FLEMMI told the informant that RAYMOND PATRIARCA has put out the word that EDWARD "TEDDY" DEEGAN is to be "hit" and that a dry run has already been made and that a close associate of DEEGAN's has agreed to set him up.

FLEMMI told the informant that the informant, for the next few evenings, should have a provable alibi in case he is suspected of killing DEEGAN. FLEMMI indicated to the informant that PATRIARCA put the word out on DEEGAN because DEEGAN evidently pulled a gun and threatened some people in the Ebb Tide restaurant, Revere, Mass.

[X] Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage

92's

Personal Data

[redacted] 1- (DEEGAN) F

[redacted] 314

BH 5H

HPR ipo'b
(5)

Relive

EXHIBIT 72

000753

FD-36

F B I

Date: 3/10/65

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 3/4/65.

[redacted] advised on 3/3/65 that UNMAN stated that [redacted] who was recently murdered in Massachusetts just over the Rhode Island state line, was involved in the "hot car racket."

[redacted] and [redacted] contacted PATRIARCA. [redacted] stated that he would furnish RAYMOND the money from the games in Maine when he returns from the cruise.

PATRIARCA stated that his wife is in very poor condition and probably will have to return to the hospital.

3-Bureau (RM)
1-Albany (Info)(RM)
1-Buffalo (Info)(RM)
2-Las Vegas (92-511)(Info)(RM)
2-Louisville (92-170)(Info)(RM)
2-Miami (92-406)(92-353)(RM)
2-Newark (92-1071)(RM)
2-New York (1-92-1099)(RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)

[redacted]
(22)

REC-99 92-2961-1001

3 MAR 12 1965

361
H-690

EXHIBIT
73

BS 92-118

There was a lengthy discussion concerning the setting up of a business connected with the fish industry. It appeared that RAYMOND PATRIARCA eventually will have 125 shares allocated to him. [redacted]

[redacted]

PATRIARCA also indicated an interest in getting into the drag racing venture with [redacted]

[redacted]

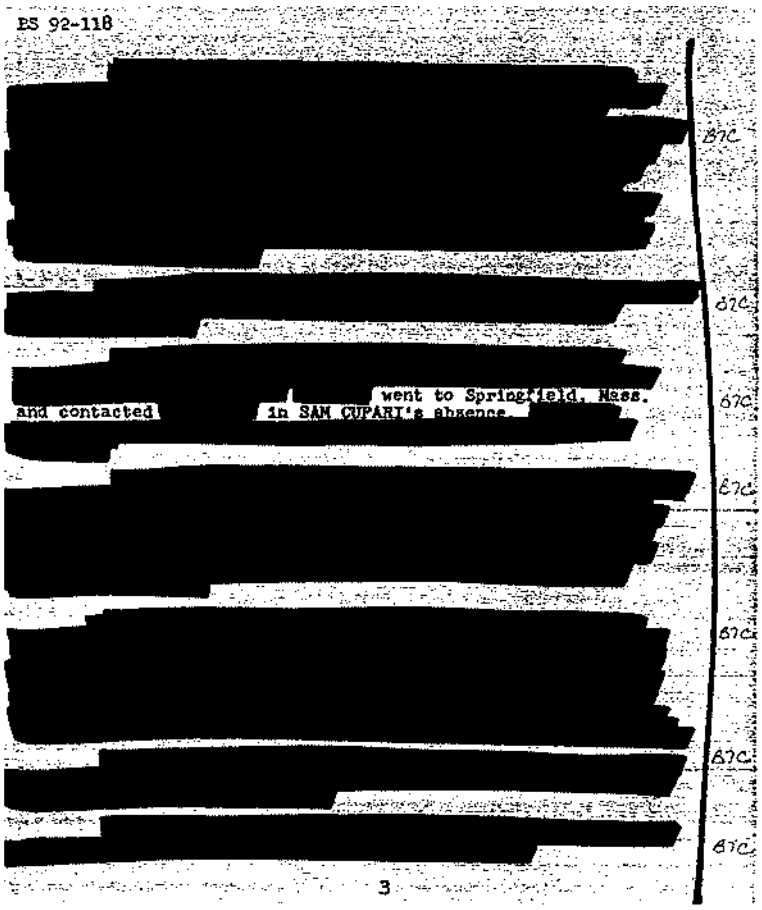
On 3/4/65, [redacted] (LNU) attempted to interest PATRIARCA in loaning $3,500 to a politician in order to build property. PATRIARCA refused, stating he preferred to stay clear of politicians.

UMAN contacted PATRIARCA and stated he had brought down [redacted] and another individual (who was later identified as JOE BARBOZA from East Boston, Mass.) It appeared that [redacted] Boston hoodlum, was giving orders to [redacted] to "hit this guy and that guy."

RAYMOND appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet [redacted] and BARBOZA in a garage shortly thereafter. He pointed out that he did not want [redacted] or BARBOZA contacting him at his place of business.

[redacted] contacted PATRIARCA on 3/5/65. [redacted] discussed a case in which a "kid was picked up."

[redacted]


BS 92-118
b7C
b7C
went to Springfield, Mass.
and contacted
in SAM CUPARI's absence.
b7C
b7C
b7C
b7C
3

BS 92-118

[redacted]

The name of CHICK's Spa of Revere, Mass. was mentioned, as well as FRANK CUCCHIARA, in connection with this operation. It appeared that both CUCCHIARA and CHICK's Spa owned a portion of the woman's gambling business.

[redacted] got the "OK" from PATRIARCA to put pressure on CUCCHIARA who, in turn, would put pressure on the woman so that they could collect the $6,000 or $7,000 that she owes.

It also appeared that [redacted] had originally furnished this "batch" of numbers to CUCCHIARA so that he could derive a living from same. Since the time CUCCHIARA took it over [redacted] and PATRIARCA have received only approximately $3,600 a year, and they do not believe it is worth all the aggravation.

CUCCHIARA indicated to [redacted] that he would have the man who collects the numbers make sure he gets the money from the woman.

[redacted] gave PATRIARCA $4,637, part of which came from the following operations: $787 to RAY and HENRY TAMELEO from the barboot game; $500 to RAY from the club; $440 also to RAY for another gambling operation (not indicated).

[redacted]

BS 92-118

[redacted] was told by [redacted] of Revere, Mass. that two Feds were living at the Fenway North Motel watching the joint and desired to know whether HENRY TAMELEO had any interest in this location in Revere, Mass. b7C

PATRIARCA indicated that TAMELEO did have a piece of the Ebb Tide night club but did not know whether he was interested in any operation in or near the Fenway North Motel.

[redacted] told PATRIARCA that [redacted] was with JOE BARBOZA when he, BARBOZA, killed JACKIE FRANCIONE in Revere, Mass. several months ago. It appeared that [redacted] Boston hoodlum, had ordered the "hit." PATRIARCA again became enraged that [redacted] had the audacity to order a "hit" without RAYMOND's knowledge. b7C

PATRIARCA told [redacted] that he explained to [redacted] that he was to tell [redacted] that no more killings were to take place unless he, PATRIARCA, cleared him. b7C

[redacted]

He pointed out that PATRIARCA has a high regard for [redacted] but that he, PATRIARCA, thought that [redacted] did not use sufficient common sense when it came to killing people. b7C

[redacted] b7C

[redacted] if an argument does ensue, he should leave and get word to RAYMOND PATRIARCA who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

[redacted] indicated to [redacted] that "WIMPY" BENNETT has an extremely high regard for both [redacted] and PATRIARCA and that he, BENNETT, would do anything for [redacted] or PATRIARCA. b7C

[redacted] pointed out that BENNETT has been with them a long time and that he was glad to hear BENNETT's sentiments. b7C

According to PATRIARCA, another reason that [redacted] came to Providence to contact him was to get the "OK" to kill EDDIE DEEGAN of Boston who was "with [redacted] It was not clear to the informant whether he received permission to kill DEEGAN; however, the story that [redacted] had concerning the activities of DEEGAN in connection with his, DEEGAN's, killing of SACRIMONE was not the same as [redacted] b7C

BS 92-118

HENRY TAMELEO told [redacted] and PATRIARCA that he received a call a few nights previous and immediately went to Revere, Mass. to meet [redacted] and an unknown person. It appeared that [redacted] has two Jewish individuals, one of whom is a lawyer, and both partners in a [redacted] business in Chelsea, Mass., who desire to sell $91,000 in $1,000 bills. 67C

TAMELEO questioned [redacted] as to the origin of this money. [redacted] 67C

HENRY TAMELEO advised that he will reconfact [redacted] and ascertain whether they can purchase the above-mentioned money.

Upon questioning by [redacted] HENRY TAMELEO stated that [redacted] and [redacted] had burglarized [redacted] house. 67C

[redacted] TAMELEO told him that he had sent back the GE telephone and Zenith stocks to New York as he could not get rid of them. [redacted] apparently knew nothing of same. TAMELEO told him that [redacted] had these stocks but he, TAMELEO, was unable to move them. 67C

On 3/8/65, [redacted] indicated to PATRIARCA that [redacted] and [redacted] (all phonetic) had cut him out of $7,000 on the deal and that they had taken an innocent man's life. There was mention of counterfeit money, but the informant was not able to ascertain details of same. 67C

BS 92-118

[redacted]

[redacted] stated that he had a piece of the book of "KEYSTONE" LEPORE at the horse tracks at Miami, Fla. and that they beat one customer for $80,000. [redacted] stated he, himself, had lost approximately $30,000 and "KEYSTONE" had also lost a considerable amount on his own betting.

[redacted] stated he had been in contact with [redacted] and that they had a very interesting deal for PATRIARCA.

It appeared that a casino in Las Vegas (probably named the New Frontier) had been purchased by a syndicate who were willing to lease the gambling operation of the casino out for $1,200,000 per year. The gambling operation would cost $5 million and [redacted] indicated that they would have to get up one quarter of a million dollars.

According to [redacted] is backed by [redacted] (probably [redacted] and that a meeting was to take place in two weeks between [redacted] PATRIARCA and [redacted] in order to iron out all the details concerning the purchase of this operation.

[redacted]

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

SUBJECT: VINCENT JAMES FIEMMI, Aka.

92-118-2597pg.2 — Boston Airtel to Director, 3/10/65 entitled: RAYMOND L. S. PATRIARCA, Aka. AR.

BS 837-C* advised on 3/3/65 that UNMAN contacted Patriarca and stated he had brought down VINCENT FIEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that Frank Smith, Boston hoodlum, was giving orders to FIEMMI to "hit this guy and that guy".

Raymond Patriarca appeared infuriated at Frank Smith giving such orders without his clearance and made arrangements to meet FIEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FIEMMI or Barboza contacting him at his place of business.

92-118-2597pg.5

Angiulo told Patriarca that VINCENT FIEMMI was with Joe Barboza when he, Barboza, killed Jackie Francione in Revere, Mass. several months ago. It appeared that Frank Smith, Boston hoodlum, had ordered the "hit". Patriarca again became enraged that Smith had the audacity to order a "hit" without Patriarca's knowledge.

Patriarca told Angiulo that he explained to FIEMMI that he was to tell Smith that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FIEMMI. He pointed out that Patriarca has a high regard for FIEMMI but that he, Patriarca, thought that FIEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FIEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

FIEMMI indicated to Jerry Angiulo that "Wompy" Bennett has an extremely high regard for both Angiulo and Patriarca and that he, Bennett would do anything for Angiulo and Patriarca.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

92-118-2597 pg.5 (Cont'd)

Jerry Angiulo pointed out that "Wimpy" Bennett has been with them a long time and that he was glad to hear Bennett's sentiments.

According to Patriarca, another reason that FLEMMI came to Providence to contact him was to get the "OK" to kill Eddie Deegan of Boston who was "with Mc Laughlin," Top 10 Fugitive. It was not clear to the informant whether he received permission to kill Deegan; however, the story that FLEMMI had concerning the activities of Deegan in connection with his, Deegan's, killing of Sacrimone was not the same as Jerry Angiulo's.

92-118-2600pg.3

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: RAYMOND L.S. PATRIARCA, AKA. - AR.

BS 837-C* advised on 3/9/65 that JAMES FLEMMI and Joseph Barboza contacted Patriarca, and they explained that they are having a problem with Teddy Deegan and desired to get the "OK" to kill him.

They told Patriarca that Deegan is looking for an excuse to "whack" Bobby Donati who is friendly with Rico Sacrimone.

FLEMMI stated that Deegan is an arrogant, nasty sneak and should be killed.

Patriarca instructed them to obtain more information relative to Deegan and then to contact Jerry Angiulo at Boston who would furnish them a decision.

FLEMMI advised that Eddie Mc Laughlin is moving to California as he wants to get away from the trouble in Boston.

According to FLEMMI "JIMMY", Sammy Linden told him that he could have stopped the "hit" (probably relating to the murder of John Francione) if he, Linden, had known about it in time.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : SAC JAMES L. HANDLEY DATE: 6/10/65

FROM : INSPECTOR H. E. CAMPBELL

SUBJECT: BS-919-PC

CI PCI TE (PC)

SI PSI

RI

The file pertaining to the above-captioned Informant has been reviewed by the Inspection Staff and the Informant has been rated as

Excellent ____

Very Good ____

Good ✓

Fair ____

Poor ____

BS 137-2447-
Bufile 137-12576
BS 134-
Bufile-
BS 170-
Bufile

137-2447-10
SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUN 2 3 1965
FBI-BOSTON
Reco

Assigned to: Reco 3/12/65

Remarks Bulet 6/4/65 requests advise re development progress.

FDT:po'b
(300)

EXHIBIT
74

EXHIBIT 75

Statement by Lieut.Thomas F.Evans Chelsea Police Department

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On entering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #367 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance. O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

EXHIBIT 11

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoulos,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegen dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Sagwam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

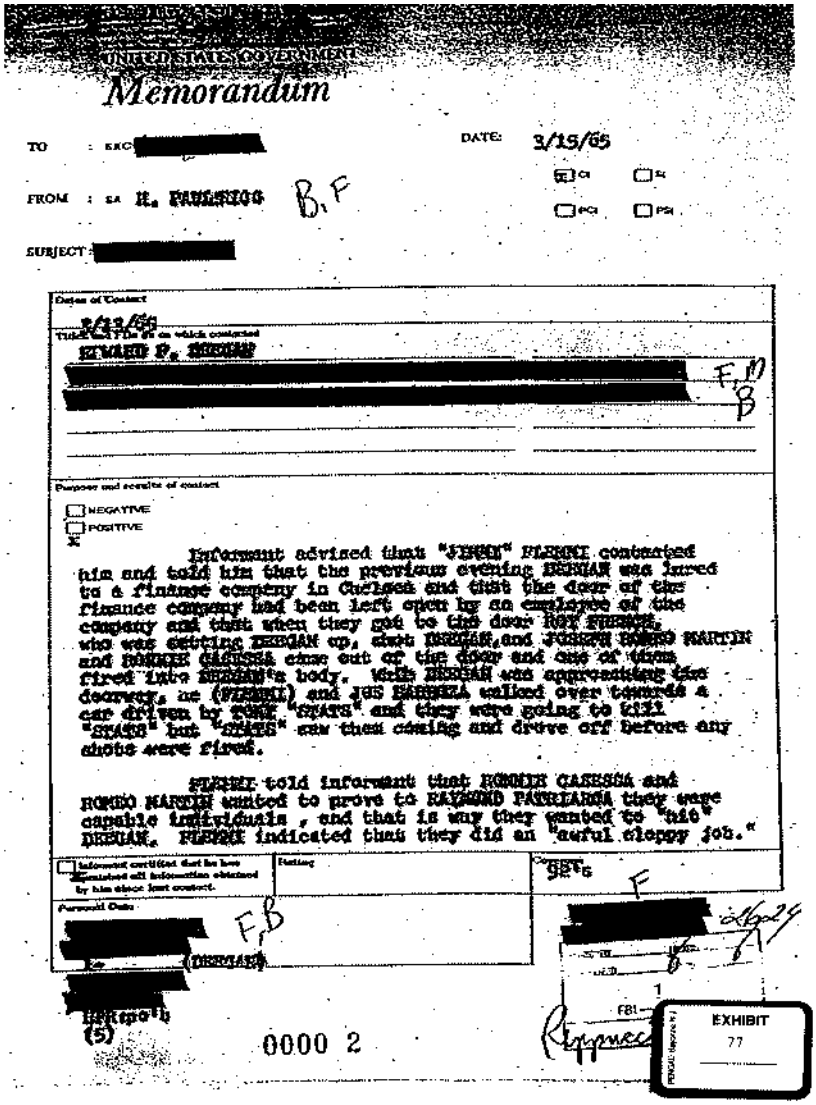
Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

Statement of Captain Joseph Kozlowski March 12, 1965

About 10:P.M. went to Fourth St. Chelsea and saw a red car with motor running with three men sitting in it, two in the front and one in the rear seat. This car was parked about the second meter from Broadway between Broadway and Luther Place on the side near the P.A.V. I walked behind the car and saw the rear number plate Mass. Reg. # 404 --- with the right half of plate folded towards the center obstructing the other three digits. I then went to the drivers side of the car and rapped on window motioning the driver to lower the window. As I did this the driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. I observed that the man in the back had dark hair with a bald spot in center of head.

EXHIBIT 76



UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAULSNIGG B, F

☒ CI ☐ SI ☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact

3/13/65

Titles and File #s on which contacted

EDWARD F. DEEGAN

[redacted] F, M B

Purpose and results of contact

☐ NEGATIVE
☐ POSITIVE
X

Informant advised that "JIMMI" FLEMMI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FRENCH, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and RONNIE CASESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEMMI) and JOE BARBOZA walked over towards a car driven by TONY "STATS" and they were going to kill "STATS" but "STATS" saw them coming and drove off before any shots were fired.

FLEMMI told informant that RONNIE CASESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals, and that is why they wanted to "hit" DEEGAN. FLEMMI indicated that they did an "awful sloppy job."

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Copy 92's

Personal Data

[redacted] F, B

(DEEGAN)

[redacted]

BPR:po'b
(5)

0000 2

F

[redacted] 26/24

FBI

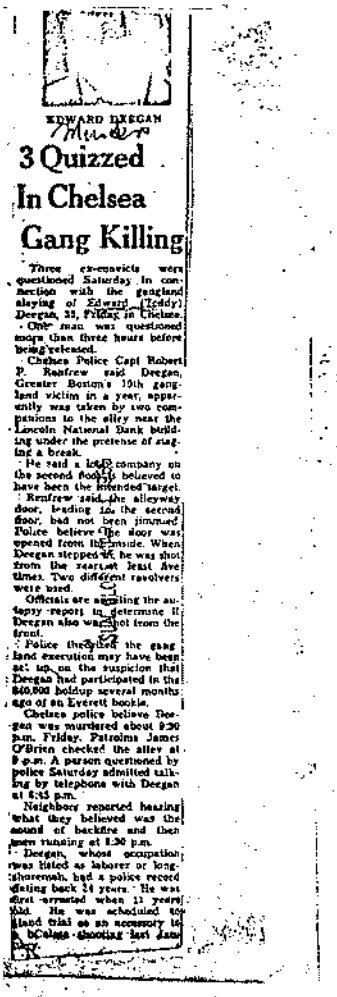
EXHIBIT 77

[redacted] FB

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT HUMPHREW (NA) of the Chelsea, Mass. PD.

0000 3

2



EDWARD EGEGAN
Murder

3 Quizzed In Chelsea Gang Killing

Three ex-convicts were questioned Saturday in connection with the gangland slaying of Edward (Teddy) Deegan, 33, Friday in Chelsea.

One man was questioned more than three hours before being released.

Chelsea Police Capt Robert P. Renfrew said Deegan, Greater Boston's 19th gangland victim in a year, apparently was taken by two companions to the alley near the Lincoln National Bank building under the pretense of staging a break.

He said a loan company on the second floor is believed to have been the intended target.

Renfrew said the alleyway door, leading to the second floor, had not been jimmied. Police believe the door was opened from the inside. When Deegan stepped in he was shot from the rear at least five times. Two different revolvers were used.

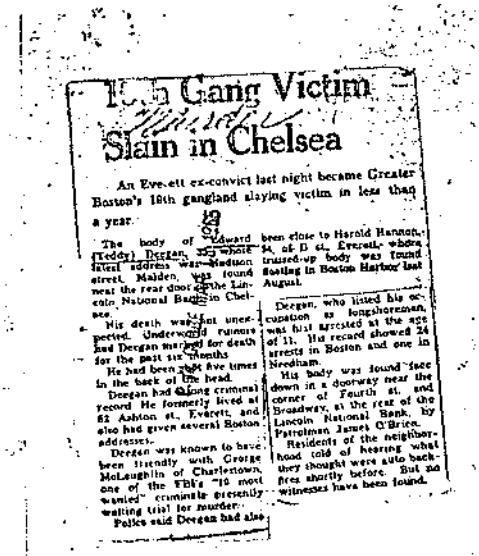
Officials are awaiting the autopsy report to determine if Deegan also was shot from the front.

Police theorized the gangland execution may have been set up on the suspicion that Deegan had participated in the $40,000 holdup several months ago of an Everett bookie.

Chelsea police believe Deegan was murdered about 9:30 p.m. Friday. Patrolmen James O'Brien checked the alley at 9 p.m. A person questioned by police Saturday admitted talking by telephone with Deegan at 9:15 p.m.

Neighbors reported hearing what they believed was the sound of backfire and then seen running at 9:30 p.m.

Deegan, whose occupation was listed as laborer or longshoreman, had a police record dating back 24 years. He was first arrested when 11 years old. He was scheduled to stand trial as an accessory in a Chelsea shooting last January.



Gang Victim Slain in Chelsea

An Everett ex-convict last night became Greater Boston's 18th gangland slaying victim in less than a year.

The body of Edward (Teddy) Deegan, 33, whose latest address was Madison street, Malden, was found near the rear door of the Lincoln National Bank in Chelsea.

His death was not unexpected. Underworld rumors had Deegan marked for death for the past six months.

He had been shot five times in the back of the head.

Deegan had a long criminal record. He formerly lived at 82 Ashton st., Everett, and also had given several Boston addresses.

Deegan was known to have been friendly with George McLaughlin of Charlestown, one of the FBI's "10 most wanted" criminals presently awaiting trial for murder.

Police said Deegan had also been close to Harold Hannah, 34, of D st., Everett, whose trussed-up body was found floating in Boston Harbor last August.

Deegan, who listed his occupation as longshoreman, was first arrested at the age of 11. His record showed 24 arrests in Boston and one in Needham.

His body was found face down in a doorway near the corner of Fourth st. and Broadway, at the rear of the Lincoln National Bank, by Patrolmen James O'Brien.

Residents of the neighborhood told of hearing what they thought were auto backfires shortly before. But no witnesses have been found.

EXHIBIT
78

BSF-01393

City of Boston 2
Police Department

EDMUND L. McNAMARA
POLICE COMMISSIONER

BUREAU OF INSPECTIONAL SERVICES
INTELLIGENCE DIVISION

EXHIBIT
79

Report of Information Received

BY TELEPHONE _____ CONTROL NUMBER _____

WRITTEN COMMUNICATION _____ TIME _____

IN PERSON _____ DATE March 14,1965.

SOURCE OF INFORMATION ~~Informant~~

SUBJECT ~~Murder Of Teddy Deegan in Chelsea on March 12th~~

LOCATION _____

DETAILS: ~~From a reliable informant the following facts were obtain~~
~~to the above murder. Informant states that the following men wer~~
~~Joseph Barrean aka Barboza, Romeo Martin, Freddie Champi, Roy Fre~~
~~Ronnie Cassesso, Tony Stats. (Greek)~~ ~~Chico Amico, Informant sta~~
~~Roy French and Tony Strats. were suppose to lure Deegan to some~~
~~on the pretext of doing A B&E and the other men were to be wait~~
~~the area to kill him, Informant states that they were over~~
~~lounge in Revere when they received the call from French that e~~
~~was O K then they all left together. After the Killing Romeo Ma~~

REMARKS upset because somebody he thought took the number of his car af

REFERRED TO killing. Romeo Martin was a former informant but since hangi

RECEIVED BY North End hasn't been to helpful. I then talked to Martin and to
the Police were looking for him in the hope that he would give

600436

Informant states that the reason for the killing of Deegan was that Berren claims that he is with the Hughes brothers and McLaughlins and he felt he Deegan was a threat to his friends in Roxbury(Flemmi & Bennett).

EXHIBIT 80

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On entering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance. O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans body from a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being being in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

Department of Public Safety (E)

1010 Commonwealth Avenue, Boston 02215
March 15, 1965

STECTIVE BUREAU

To: Captain of Detectives Daniel I. Murphy
From: Det. Lieut. Inspector Richard J. Cass

Subject: Homicide of Edward C. "Ted" Deegan

1. On Saturday, March 13, 1965, I went to the Chelsea Police Department to aid in the investigation re the death of Edward C. "Ted" Deegan, dob 1/2/30, of 17 Madison Street, Malden, in accordance with your instructions.

2. Officer James O'Brien, the routeman, stated that about 10:50 P.M. on Friday, March 12, 1965, while checking the doors on his route, he entered the alley in the rear of the Goldberg Building at 375 Broadway and found a body, later identified as Deegan, in a pool of blood in front of the open rear door of the building. He was apparently dead and was in a crouched position in front of the doorstoop. A screw driver was lying on the ground near the body. He notified the station. Dr. Kraft arrived at the scene and pronounced Deegan dead. The body was removed by the Medical Examiner, Dr. Luongo, to the Southern Mortuary. Officer O'Brien stated that at about 9:00 P.M. he had checked the alley and put the overhead light on before continuing his rounds. When he returned at about 10:59 P.M. the light was out and he entered the alley to make a check and discovered the body.

3. The Chelsea Police brought to the station one Anthony J. Stathocoulos, dob 9/22/34, medium complexion, 5'9", 165, brown hair and eyes of 17 Madison Street, Malden, and one Wilfred Roy French, dob 3/13/29, medium complexion, 6', 210, blue eyes, brown hair, of 31 Pleasant Street, Everett. Both subjects were released after questioning. Information was received by this officer that when French had been questioned there were spots on his trousers that appeared to be blood and an attempt had been made to wash it off. Lt. Evans of the Chelsea police stated he questioned French relative to the spots and French claimed that it was blood that came from a fellow who had a fight at the Ebbtide in Revere.

4. Israel Goldberg, owner of the building, was questioned and he said he left the building between 3 and 4 PM.

5. Vito Pugliarello of 90 Carnell Street, Chelsea, custodian of the building, stated that he checked the rear door about 3:00 P.M. on Friday and it was locked. This door was a double door with slide locks on the top and bottom that had to be released by hand from the inside.

EXHIBIT
81

000357

6. Attorneys John Fitzgerald and Alfred Farese were interviewed. Mr. Fitzgerald stated that he received a call from Deegan about 8:45 P.M. on Friday and that he received calls from Deegan every day.

7. Mr. Farese stated that about 10:15 P.M. on Friday he received a call from a client, whom he refused to identify, and the client stated that he heard Deegan had been in a gun fight with the police. Mr. Farese called the police station seeking to verify the information but the police knew nothing about it. Mr. Farese claimed that he called Stathopoulos who came over and rode him to the police station at about 11:05 PM. Upon their arrival, they were informed that Deegan was dead. They went to the scene of the crime and then returned to the police station where Stathopoulos was questioned by Lt. Evans and Capt. Renfrew and released.

8. During the investivation, information was received by this officer that Deegan, French and Stathopoulos had planned to break into the Beneficial Finance Company on the second floor of the Goldberg Building and that the rear door was to be left open for them.

9. During the eveing of Friday, March 12th, French was at the Ebbtide, 302 Boulevard, Revere, with Joseph Barboza aka Baron, Francis Imbuglia, Ronald Cassesa, Vincent "Jimmy" Flemmi, Romeo Martin, Nick Femia and a man known as "Freddy" who is a strong arm man. All the above men have criminal records. About 9:00 P.M., French received a phone call and the above group left the place with him.

10. About 9:30 P.M., Captain Joseph Kozlowski of the Chelsea Police was in the vicinity of Fourth Street about a half block from the scene of the crime and saw a red car with the motor running and three men sitting in it. Two men were in the front seat and one in the rear. The car was parked at the second meter from Broadway, on Fourt Street, between Broadway and Luther Place on the side near the Polish American Veterans Club. The Captain walked behind the car and noticed the rear number plate with the right half of the plate folded towards the center obstructing the last three digits. The first three numbers were 404---. He went to the drivers side of the car and rapped on the window motioning the driver to lower the window. The driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. The Captain described the driver as Romeo Martin and the man in the back seat as stocky with dark hair and a bald spot in the center of the head.

11. Further information was received that about three weeks prior Deegan had pulled a gun on Barboza, aka Baron, at the Ebbtide and forced him to back down and that this was the cause of Deegan's death.

12. Unconfirmed information was received that Romeo Martin and Ronald Cassesa had entered the building and were waiting just inside the rear door. Stathopoulos was waiting on Fourth Street in a car and French and Deegan entered the alley. Deegan opened the rear door. He was shot twice in the back of the head and also in the body. The information at the time was that three guns were used. Lt. John Collins of Ballistics confirmed the report of three guns being used at a later time. Two men approached the car in which Stathopoulos was waiting and he took off.

13. A canvas of the neighborhood was made and Mrs. Grace Luciano of 12 Fourth Street, 2nd floor, and her daughter, Camille, both stated that about 10 P.M. or earlier they heard about 5 shots and they looked out the window on Division St., and saw two cars both racing their motors. One was a new black sedan and the other an old green sedan, make unknown. She saw a man running up the middle of Fourth St., toward Hawthorne about 5' 8", heavy build, dark hair, no hat, dark olive pants, brown waist coat. The account of the two cars was verified as a disabled car and a car that came to help him.

14. Information was also received that Martin's car had left the Ebbtide at 9:00 PM and had returned about an hour later and parked in a different place on its return.

no mention of green

Richard J. Gass
Detective Lieut. Inspector
Massachusetts State Police

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAULRICO B, F

☒ CI ☐ SI ☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact

3/12/65

Titles and File as on which contacted

EDWARD F. DEEGAN

[redacted] F, M B

Purpose and results of contact

☐ NEGATIVE

☐ POSITIVE

X

Informant advised that "JIMMY" FLEMMI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FRENCH, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and RONNIE CASESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEMMI) and JOE BARBOZA walked over towards a car driven by TONY "STATS" and they were going to kill "STATS" but "STATS" saw them coming and drove off before any shots were fired.

FLEMMI told informant that RONNIE CASESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals , and that is why they wanted to "hit" DEEGAN. FLEMMI indicated that they did an "awful sloppy job."

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Contact 98's

Personal Data

[redacted] F, B

(DEEGAN)

[redacted]

HPR:po'b

(5)

F

[redacted]

EXHIBIT 14

0000 2

EXHIBIT 82

000319

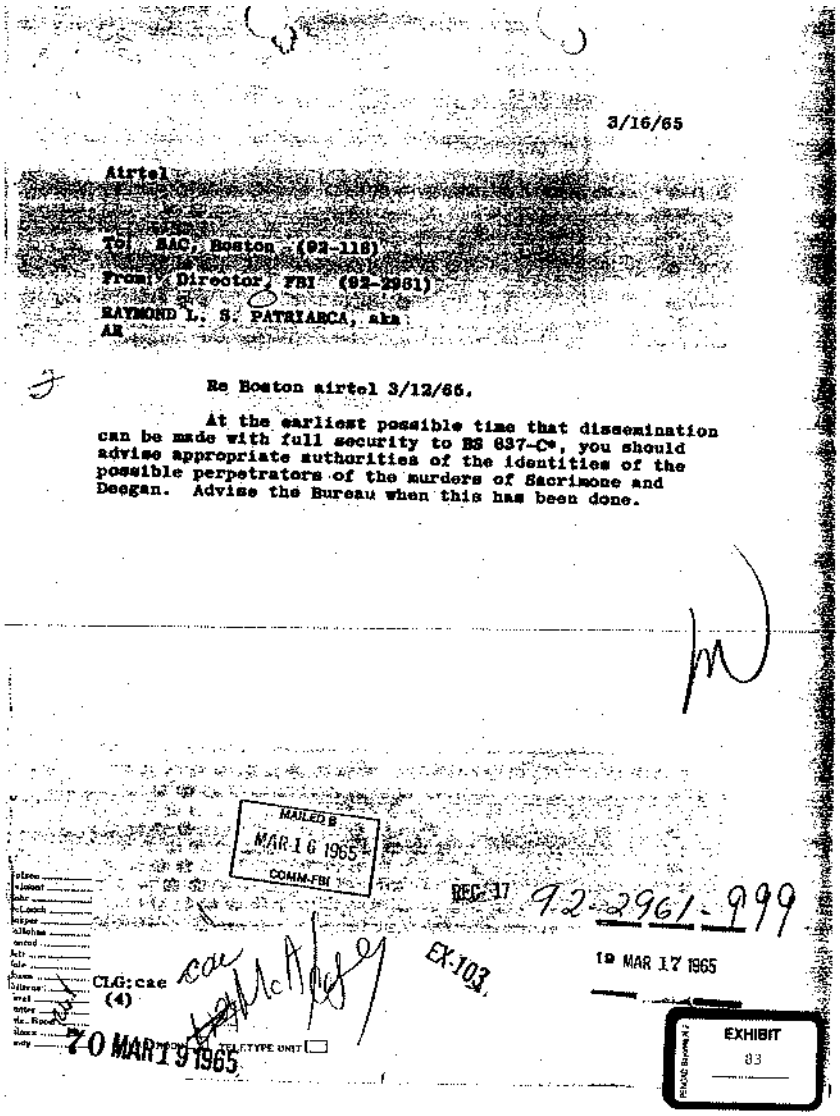
[redacted] FB

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

000320

0000 3

2



3/16/65

Airtel

To: SAC, Boston (92-118)

From: Director, FBI (92-2961)

RAYMOND L. S. PATRIARCA, aka
AR

Re Boston airtel 3/12/65.

At the earliest possible time that dissemination can be made with full security to BS 837-C*, you should advise appropriate authorities of the identities of the possible perpetrators of the murders of Sacrimone and Deegan. Advise the Bureau when this has been done.

MAILED 8
MAR 16 1965
COMM-FBI

REC-17 92-2961-999

19 MAR 17 1965

EX-103

CLG:cae
(4)

70 MAR 19 1965

EXHIBIT
83

Date: 3/16/65

Transmit the following in _____ (Type in plaintext or code)

Via Airtel (Priority)

To: SAC, Boston [redacted] F

From: Director, FBI [redacted] F

RAYMOND L. S. PATRIARCA, aka
AR

Re Boston airtel 3/12/65.

At the earliest possible time that dissemination can be made with full security to [redacted], you should advise appropriate authorities of the identities of the possible perpetrators of the murders of Sacrimone and Deegan. Advise the Bureau when this has been done. B

[redacted] F

[redacted] P

Sent Via _____ M Per _____

[redacted]

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:po'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted] -182

0000 4

EXHIBIT 84

00321

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also.

Immediately thereafter, STATHOPOULOS proceeded to Atty. AL FARESE. FARESE called the Chelsea, Mass. PD before Chelsea knew of the killing and FARESE wanted to bail out ROY FRENCH and "TEDDY" DURHAM. Shortly thereafter the Chelsea PD found the body of DURHAM and immediately called Atty. FARESE's office, and Atty. JOHN FITZGERALD, FARESE's law partner, came to the Chelsea PD.

Efforts are now being made by the Chelsea PD to force STATHOPOULOS to furnish them the necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

FD-209 (Rev. 7-1-63)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC BOSTON [redacted]

DATE: 4/6/65

FROM : SA [redacted]

☐ CI ☐ SI ☒ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact: 3/23/65

Titles and File as on which contacted

[redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS	[redacted]
[redacted]	88-3042
RAYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

On 3/23/65, PCI advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with ROMEO MARTIN, RONNIE CASSESSI and [redacted] PCI stated that BARBOSA was supposed "to have hit" BRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. PCI stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded.

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

PCI related that BARBOSA indicated that ROY FRENCH was with DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was ROMEO MARTIN.

☐ Informant certifies that he has furnished all information obtained by him since last contact.

Reliability: Very good

Coverage: Criminal

Personal Data

[redacted] #635

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
APR 7 1965
FBI — BOSTON

1 - [redacted]
1 - 91-1689
1 - 94-536
1 - [redacted]

1 - 88-3042
1 - 92-118
1 - 92-605

HFB:rss

EXHIBIT
85

00768

[redacted] F

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

PCI stated that rumors have it that ROY FRENCH actually set up DEEGAN to be killed.

PCI stated that he had heard that JOE BARBOSA was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that BARBOSA had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see RAYMOND (PATRIARCA).

PCI subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact FLEMMA.

PCI stated that JIMMY FLEMMA had gone to Providence just before TEDDY DEEGAN was slain in Chelsea.

M B

Page 3 of serial 2639 are being deleted in their entirety for code: F, B, M.

F

F.B.M

the

POI further advised that about a week ago, there was a big party for ROMEO MARTIN at the ~~Hitide~~ Restaurant and Bar in Revere and that [redacted], JIMMY FLEMMA, STEVIE FLEMMA, ROY FRENCH, JOE BARBOSA, RONNIE CASSESSI and [redacted] were in attendance.

He stated that this party was in honor of the recent marriage of ROMEO MARTIN.

F.B.M

10

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-16pg.2 [redacted] Memo of [redacted] 1/6/65 captioned: [redacted] B

On 3/23/65, PCI advised that he had heard that Joe Barbosa was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that Barbosa had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see Raymond (Patriarca).

PCI subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that Barboas had tried to contact FLEMMA.

PCI stated that JIMMY FLEMMA had gone to Providence just before Teddy Deegan was slain in Chelsea.

[redacted]-16 pg.4 F

[redacted] advised on 3/23/65 that a week ago, there was a big party for Romeo Martin at the Ebbtide Restaurant and Bar in Revere and that [redacted] JIMMY FLEMMA, Stevie Flemma, Roy French, Joe Barbosa, Ronnie Cassessi and [redacted] were in attendance. The party was in honor of the recent marriage of Romeo Martin. B

[redacted]-1 F

Memo of SA Dennis M. Condon 2/8/65 captioned: [redacted]

[redacted] on 2/3/65 [redacted] B

said that the truth of the matter is that [redacted]

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Superior Court
Cr. Nos. 32367, 69-70

Commonwealth

v.

Peter Limone

Motion to Vacate Conviction and Dismiss Indictments

This motion is made pursuant to the mandates of *Brady v. Maryland*, 373 U.S. 83 (963), and *Roviaro v. United States*, 353 U.S. 53 (1957).

Facts I

Joseph, "The Animal," Barboza, a/k/a Joseph Baron, a/k/a, Joseph Bentley, a/k/a Joseph Donati, was the only witness linking the defendant, Peter Limone, to the murder of Edward "Teddy" Deegan, on March 12, 1965, in an alleyway, in Chelsea. For a summary of his testimony, see *Comm. v. French*, 357 Mass. 356 (1970). Barboza, the uncorroborated, unpolygraphed accomplice in Deegan's murder, was an admitted murderer, loan shark, and perjurer with a long criminal record who was facing decades of incarceration as a habitual criminal. Barboza had repeatedly denied, under cross-examination, that he had ever entered the alley to murder Deegan, and had also denied that he was armed, or that he had seen the killing, or that he, in truth, had shot

Deegan. He claimed that the murder was authorized by Tameleo, and that he was paid by the defendant Peter Limone. He also testified to numerous conversations with Limone and Greco, and stated that Greco had been given a .45. After the murder, he said Greco told him that he wanted prompt payment, and that Greco said he "started shooting Deegan" in the chest. One of the weapons used to kill Deegan was a .45.

Henry Tameleo did not testify, but Greco and Limone repeatedly denied involvement in Deegan's murder. Both Tameleo and Greco died in prison. Tameleo, in 1983, Greco, in 1995.

In 1993, Greco and Limone[1] filed motions for new trials alleging the suppression of a police report which showed that Barboza had lied when he denied having left the Ebb Tide Restaurant with "Jimmy" Flemmi to commit the murder. A second police report, the Cass report, and a waitress statement corroborated defendants' Limone's and Greco's claims that Barboza had lied regarding having left with Flemmi, also surfaced.

The motions for new trial were denied in January, 1994. In allowing Limone and Greco to appeal to the Full Court, pursuant to G.L. c. 278 s 33E, Single Justice Greaney stated:

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[1] Another defendant, Salvati, filed a motion for new trial and the cases were consolidated.

[If] disclosed and properly developed, the information could have had considerable relevance to the credibility of Baron's testimony which was at the core of the Commonwealth's case, and it would have supported the defendant's alibi and other defenses.[2]

In June, 1995, the SJC affirmed the convictions. See *Comm. v. Salvati*, 420 Mass. 499. In that decision, the SCJ did not address the perjury of Barboza and concluded that the information did not materially aid the defendants and, although there was nothing in the record by which the SJC could have arrived at its conclusion, stated that the "informant" was not an "informant," but a "tipster."[3] It made no mention of the waitress statement, or of the Cass report.

We now arrive at the present issue, which requires this Court to grant the motion.

FACTS II

In its original decision, *Comm. v. French*, supra, at 397, 398, the SJC said of Barboza:

[He] give weight to the fact that ***the principal issue before the jury was one of Baron's credibility***...we recognize that Baron...had various incentives and motives

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[2] Limone et al. v. Commonwealth, Nos. 94-223-24, slip op. at 3 (Mass. June 22, 1994) (order granting leave to appeal).

[3] See, Comm. v. Brzezinski, 405 Mass 401 (1989), citing the difference between an "informant" and a "tipster."

for testifying[4]...Baron had a long criminal record and was a "highly vulnerable witness" (citation omitted).

[T]he jurors, when they retired to deliberate, were in a far better position to appraise the witnesses and what was said than we now are. *They had heard full discussion of all imaginable infirmities in the vital testimony of these witnesses.*

Subsequent to the filing of the current motion for new trial, counsel received a redacted FBI informant statement which was made eleven days after Deegan's murder, which showed that there had been an "informant," not a "tipster," who had valuable, relevant, material, credible, exculpatory evidence, in the government's possession, which had been withheld from the defense.

At trial, under cross-examination by Lawrence O'Donnell, Barboza had repeatedly denied that he had entered the alleyway to murder Deegan. He also claimed that he was not armed, and that he did not shoot Deegan. However, what Barboza stated to the informant, shortly after the murder,

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[4] The prosecutor told the jury at trial that Barboza's only deal was that in return for his testimony the FBI would protect his wife and family and call his testimony to the attention of any judge that tried his other cases; and further told the jury that he testified because his friends had been killed and his wife and child threatened. In fact, less than eight months after defendant Limone received the death sentence, the same judge, Felix Forte, gave Barboza a one year suspended sentence, despite having previously told the jury that he was serving four to five years in Walpole, "to be served." Barboza was then released from prison, given a new identity, brought to California, and entered the Federal Witness Protection Program. While in California, he murdered again, served a short prison sentence, and was ultimately murdered in San Francisco, on February 11, 1976.

There can be little doubt that Barboza was the single most despicable miscreant ever called as a witness by the prosecution in the history of the Commonwealth.

was a completely different story. Barboza said that he, Barboza, had shot Deegan with a .45. Therefore, it was not Louie Greco in the alley with the .45, but Barboza himself. This would have also corroborated Roy French, who testified that Greco was in Florida when the murder was committed. See, *French*, supra, at 356. Had this information been made available to the defense, it would have completely refuted Barboza's testimony, as Barboza himself did, subsequent to the trial. See, affidavits of Barboza, French, F. Lee Bailey, Judge Gerald Alch, James Southwood, Frank Imbruglia, and polygraphs[5] of Greco. The jury would have to have been instructed that if it found Barboza lying regarding one aspect of the murder scheme, it could find that he had been lying throughout the trial regarding his alleged conversations with and payment from Limone (*falsus in uno, falsus in omnibus*).

THE LAW

In *Comm. v. Salvati*, 420 Mass. 499, at 501-502 n.3 (1995), the SJC applied 1968 case law, because that was the law at the time of defendants' trial.[6] Since we are relying

[5] In light of the emergence of the FBI informant statement, these documents must be reevaluated. The inescapable conclusion is that Barboza lied at the trial. Furthermore, the Suffolk District Attorney also has in his possession the video of the polygraph of Greco given on national television, in 1983, by renowned polygrapher Ed Gelb. This was turned over to the Office of the District Attorney, in 1983, and again in 1992.

[6] At Salvati, supra, 507, n.7, the SJC says that defendant should have requested a hearing

on 1968 law, an analysis of the *Brady*, supra, and *Roviaro*, supra, is all the Court needs to grant the motion.

1. **Brady claims.** In quoting Brady, the SJC stated: "Suppression by [a] prosecutor of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment." *Salvati*, supra, at 500. In affirming the conviction's in *Salvati*, the SJC said, "Limone's primary criminal act was soliciting 'the hit' on Deegan and Grieco was not at the Ebb Tide with Baron, but rather in an alley waiting for Deegan...Furthermore, ...the fact that the informant saw Baron leave the Ebb Tide at the same time as six other individuals does not 'conclusively establish a common destination or scheme' between those individuals given the possibility that Baron left with those individuals who did not participate in the crimes". *Salvati*, supra, at 505. The SJC, however, ignored the fact that these individuals were notorious gangsters, and had been under surveillance by law enforcement officials. In addition, the SJC did not address

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pursuant to Comm. v. Amral, 407 Mass. 511, 522-523 (1990). This is error for three reasons. First, the defendant did not dispute the information provided by the informant, which showed Barboza was lying. Second, the defendant requested an evidentiary hearing. If the Commonwealth doubted the information provided by its informant, it should have requested the hearing. Third, the Amral hearing did not exist in 1968. Amral has its origin in Franks v. Delaware, 438 U.S. 154 (1978).

the allegation of Barboza's perjured statement, which was known by the Suffolk District Attorney. See, affidavit of ADA James McDonough, who admitted he had the Evans report.

The present case presents a far more overwhelming issue, because the murderers had arrived at their destination, and Barboza, not Greco, was, in fact, in the alley, and shot Deegan with a .45. The fact that Barboza was repeatedly questioned by Greco's lawyer, O'Donnell, about whether he committed the murder, to which questions Barboza repeatedly lied under oath, goes to the very heart of the Commonwealth's case. Furthermore, questions on cross-examination that are denied by a witness are not evidence for a jury's consideration. Proof that Barboza had lied about his committing the murder would have devastated the Commonwealth's case. Had the defendants had access to this witness, who would have refuted Barboza's implication of Louie Greco in the murder, *in toto*, it would have been able to demonstrate Barboza's false testimony, which, in turn, would have cast doubt upon the veracity of Barboza's implicating Limone in the murder scheme. The Commonwealth cannot logically, honestly or ethically argue that the substitution of even one innocent name for a member of his own murder party does not completely undermine his credibility.

2. Roviaro claims. In quoting *Roviaro*, the SJC stated: "Where the disclosure of an informer's identity, or the contents of his communication, is relevant and helpful to the defense of the accused, or is essential to a fair determination of the cause, the information must be disclosed to the defendant or the case must be dismissed," *Salvati*, at 505.

In the case at bar, the defendants made specific requests for statements of Commonwealth's witnesses, Grand Jury testimony, police reports, and exculpatory evidence, all of which were denied. The SJC however, in *Salvati, supra*, at 506, surmised that the "informant" was not an "informant", but merely a "tipster." The SJC also stated that the "informant's report did not materially aid any of the defendants on the issue of guilt or punishment." *Id.*

This is not the case at bar. The FBI intelligence report states that the informant's rating is "very good," and the report indicates "positive" results from contact with the informant. The informant, in the case at bar, materially aided Greco and Limone, because the authorities knew Greco was in Florida when the murder was committed, and had, in their possession, the Miami Police Polygraph, and other corroborating evidence, prior to trial, which supported his claims of innocence, and which would have been material to Limone's claims that Barboza was lying about his involvement

in the murder scheme. Prosecuting authorities also had a request by Greco's Florida attorney, Richard Barest, a part-time judge and former prosecutor, for Barboza to submit to a polygraph.

In addition, the informant's statement should have been given to the defense, because it was a statement made by Barboza to a witness regarding his own role in the murder, which would have cast doubt upon his entire testimony, if in reality, the Commonwealth would have actually proceeded to trial had the general public known that Barboza was, in fact, the shooter, and was not on the corner, or sitting in a car, as he had falsely testified.

Wherefore, the defendant requests that the conviction be vacated, and the indictments be dismissed.

Respectfully submitted,
by his attorney
John Cavicchi

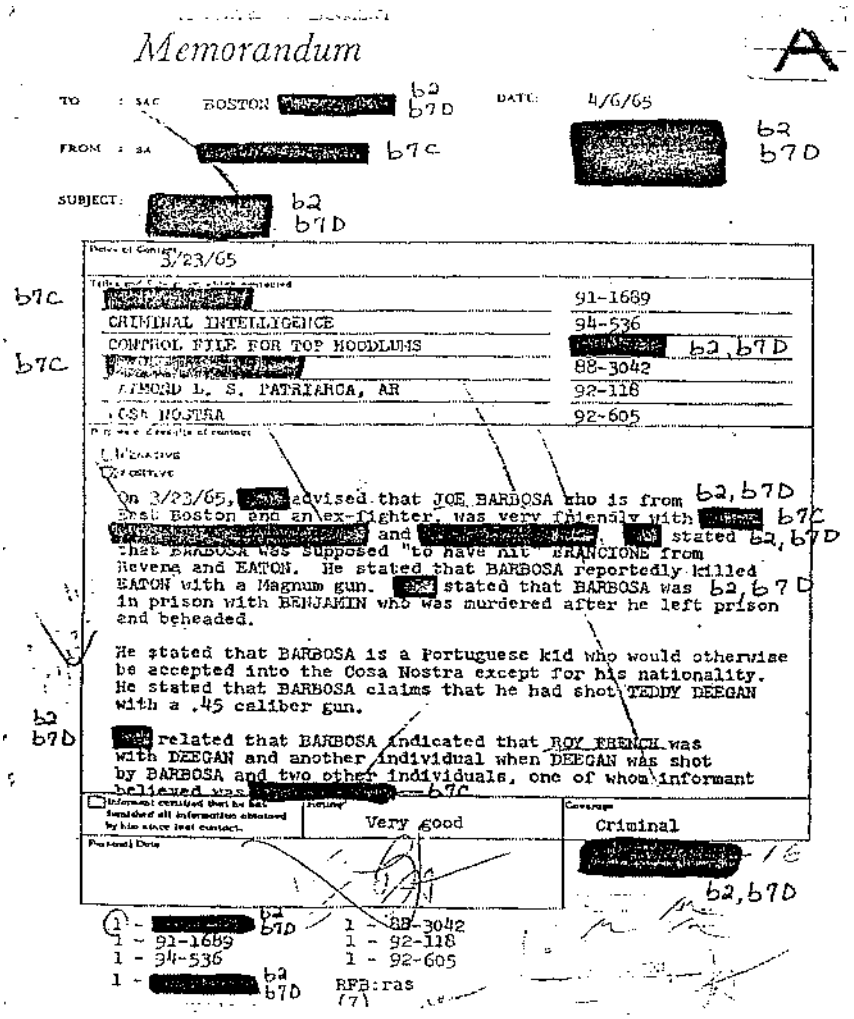
September 19, 2000

John Cavicchi
BBO 079360
25 Barnes Ave.
E. Boston, MA 02128
617-567-4697

Certificate of Service

I, John Cavicchi, hereby certify that I have served a copy of the above upon ADA Mark Lee, by mailing to his address of record.

John Cavicchi



Memorandum

A

TO : SAC BOSTON [redacted] b2 b7D

DATE: 4/6/65

FROM : SA [redacted] b7C

[redacted] b2 b7D

SUBJECT: [redacted] b2 b7D

Date of Contact: 3/23/65

Title and File Number which contacted

b7C [redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS	[redacted] b2, b7D
b7C [redacted]	88-3042
AYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Purpose or Results of Contact

☐ Negative

☑ Positive

On 3/23/65, [redacted] advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with [redacted] b2, b7D b7C [redacted] and [redacted]. [redacted] stated that BARBOSA was supposed "to have hit" FRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. [redacted] stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded. b2, b7D b2, b7D

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

b2 b7D [redacted] related that BARBOSA indicated that ROY FRENCH was with DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was [redacted] b7C

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating: Very good

Coverage: Criminal

Personal Data

[redacted] b2, b7D

1 - [redacted] b2 b7D
1 - 91-1689
1 - 94-536
1 - [redacted] b2 b7D
1 - 88-3042
1 - 92-118
1 - 92-605

RFB:ras
(7)

BS [redacted] b2 b7D

420

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

b2 b7D [redacted] stated that rumors have it that ROY FRENCH actually set up DEEGAN to be killed.

b2 b7D [redacted] stated that he had heard that JOE BARBOSA was extremely friendly with [redacted] b7C
He stated that BARBOSA had tried to reach [redacted] b7C a short time ago and wanted to know if [redacted] had b7C gone to Providence to see RAYMOND (PATRIARCA).

b2 b7D [redacted] subsequently determined from a source that [redacted] b7C had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact [redacted] b7C

b9,b7D [redacted] stated that [redacted] had gone to Providence b7C just before TEDDY DEEGAN was slain in Chelsea.

0/S

b7C
b7D

[redacted]

BS [redacted] b2, b7D

0/s

b7C
b7D

[redacted]

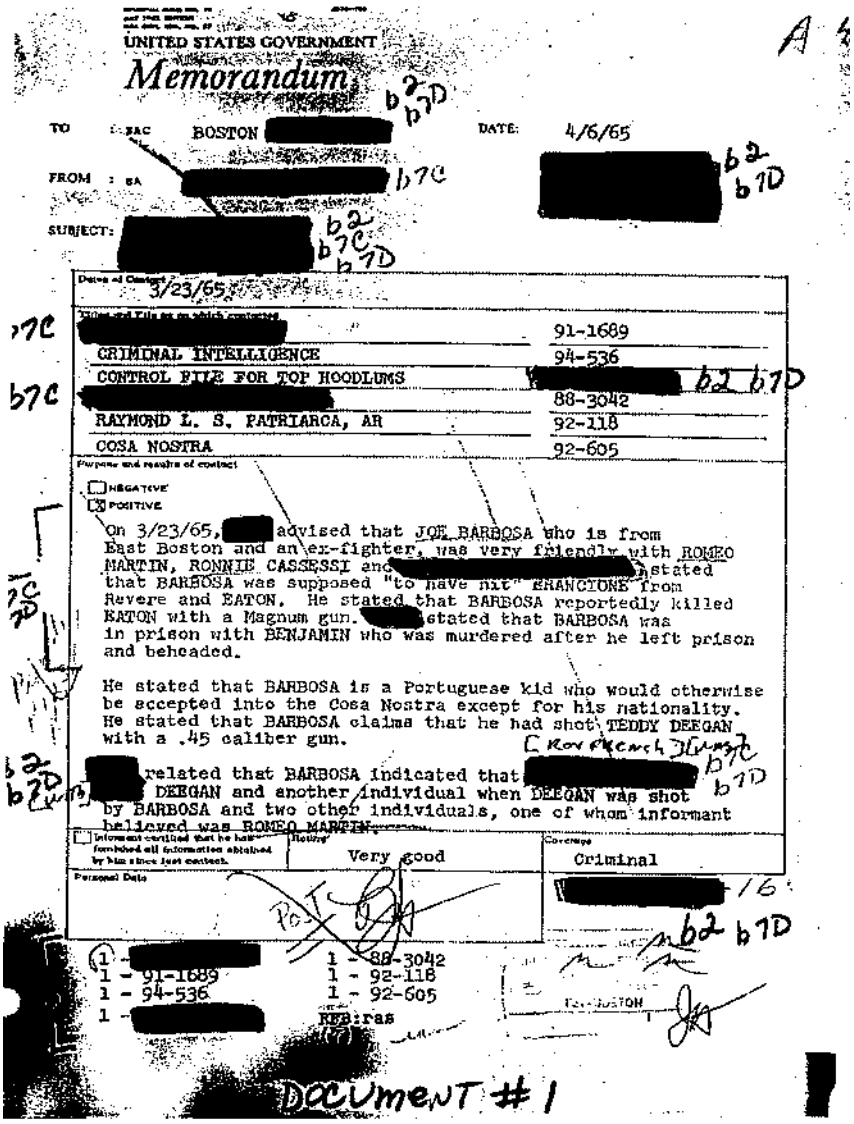
b2,b7D [redacted] further advised that about a week ago, there was a big party for [redacted] at the Eptide Restaurant and b7C
b7C Bar in Revere and that WIMPY BENNETT, [redacted] b7C
b7C and [redacted] ROY FRENCH, JOE BARBOSA, [redacted] were in attendance.

He stated that this party was in honor of the recent marriage of [redacted]. b7C

0/s

b7C
b7D

[redacted]



UNITED STATES GOVERNMENT

Memorandum

TO : SAC BOSTON [redacted] DATE: 4/6/65

FROM : SA [redacted]

SUBJECT: [redacted]

Date of Contact 3/23/65

[redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS [redacted]	88-3042
RAYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

On 3/23/65, [redacted] advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with ROMEO MARTIN, RONNIE CASSESSI and [redacted] stated that BARBOSA was supposed "to have hit" FRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. [redacted] stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded.

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

[redacted] related that BARBOSA indicated that [redacted] DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was ROMEO MARTIN.

☐ Informant certified that he has furnished all information obtained by him since last contact.	History: Very good	Coverage: Criminal
Personal Data		[redacted]

1 - [redacted]
1 - 91-1689
1 - 94-536
1 - [redacted]
1 - 88-3042
1 - 92-118
1 - 92-605
REB:ras

DOCUMENT #1

b2 b7D

BS [redacted]

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

[redacted] stated that rumors have it that [redacted] DEEGAN to be killed.

[redacted] stated that he had heard that JOE BARBOSA was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that BARBOSA had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see RAYMOND (PATRIARCA).

[redacted] subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact FLEMMA.

[redacted] stated that JIMMY FLEMMA had gone to Providence just before TEDDY DEEGAN was slain in Chelsea.

O/S [redacted]

O/S [redacted]

O/S [redacted]

b2 b7D

BS [redacted]

0/S

[redacted]

b2 b7D

[redacted] further advised that about a week ago, there was a big party for ROMEO MARTIN at the Pride Restaurant and Bar in Revere and that [redacted] JIMMY FLEMMA, JOE BARBOSA, RONNIE CASSESSO and [redacted] were in attendance.

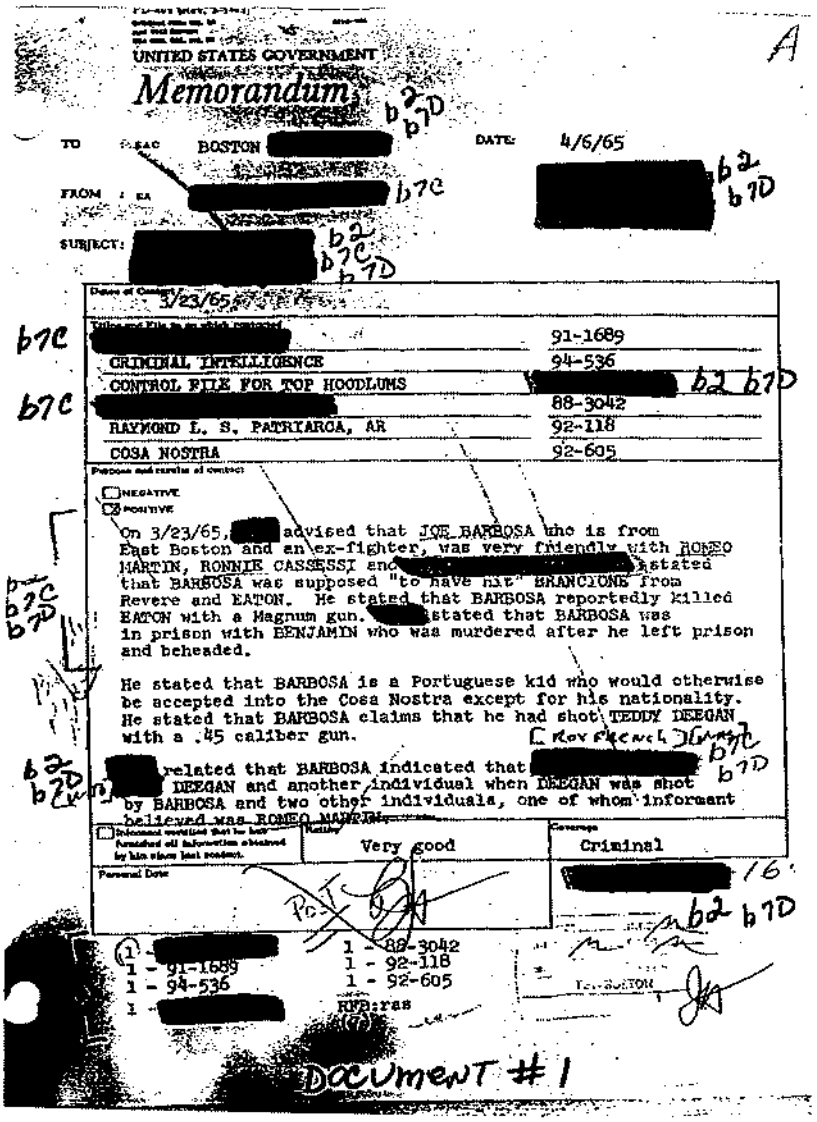
b7C b7D

He stated that this party was in honor of the recent marriage of [redacted]

0/S

[redacted]

- 4 -



UNITED STATES GOVERNMENT

Memorandum

TO SAC BOSTON [redacted]

DATE: 4/6/65

FROM SA [redacted]

SUBJECT: [redacted]

Date of Contact: 3/23/65

[redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS	[redacted]
[redacted]	88-3042
RAYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Persons and events of contact

☐ NEGATIVE
☒ POSITIVE

On 3/23/65, [redacted] advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with ROMEO MARTIN, RONNIE CASSESSI and [redacted] stated that BARBOSA was supposed "to have hit" BRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. [redacted] stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded.

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

[redacted] related that BARBOSA indicated that [redacted] DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was ROMEO MARTIN.

☐ Informant verified that he had furnished all information obtained by him since last contact.

Reliability: Very good

Coverage: Criminal [redacted]

Personal Data

1 - [redacted]
1 - 91-1689
1 - 94-536
1 - [redacted]
1 - 88-3042
1 - 92-118
1 - 92-605

RFB:ras

DOCUMENT #1

b2
b7D

BS[redacted]

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

[Roy Frewey actually] b2 b7D

[Serv] [redacted] stated that rumors have it that [redacted] DEEGAN to be killed.

[redacted] stated that he had heard that JOE BARBOSA was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that BARBOSA had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see RAYMOND (PATRIARCA).

b2
b7D

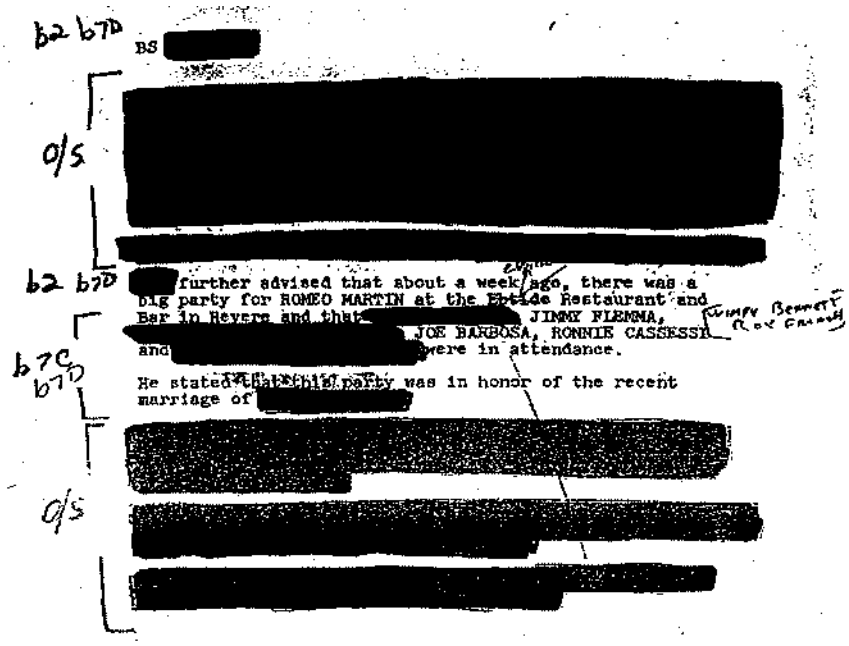
[redacted] subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact FLEMMA.

[redacted] stated that JIMMY FLEMMA had gone to Providence just before TEDDY DEEGAN was slain in Chelsea.

O/S [redacted]

O/S [redacted]

O/S [redacted]



b2 b7D

BS [redacted]

O/S

[redacted]

b2 b7D

[redacted] further advised that about a week ago, there was a big party for ROMEO MARTIN at the Ebtide Restaurant and Bar in Revere and that [redacted] JIMMY FLEMMA, [redacted] JOE BARBOSA, RONNIE CASSESSI and [redacted] were in attendance.

Wimpy Bennett
Roy Frank

b7C
b7D

He stated that this party was in honor of the recent marriage of [redacted]

O/S

[redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 3/24/65

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(CO: BOSTON)

Rebosairtel, 3/12/65 and Buairtel, 3/16/65.

In connection with the information furnished by BS 837-C* relative to the possible perpetrators of the murders of ANTHONY SACRIMONE and EDWARD DEEGAN, Capt. ROBERT RENFREW (NA), Chelsea, Mass. PD, was advised of the same information, as furnished by [redacted] This informant also furnished basically the same information as did BS 837-C* relative to the murder of EDWARD DEEGAN on 10/17/64. This information was furnished to Inspector HENRY DOHERTY of the Everett, Mass. PD on 10/18/64.

Relative to the DEEGAN murder, subsequent investigation by the Chelsea, Mass. PD reflected that TONY STATHOPOULOS was at the scene, saw some activity and thought it was the Chelsea Police moving in to make an arrest of DEEGAN and ROY FRENCH who were perpetrating a "breaking and entering" and he left the scene and got a hold of Atty. ALBERT PARESE.

3-Bureau (RM)
1-Boston

JFK:pob
(4)

REC-18 92-2961-1012

10 MAR 26 1965

EX-102

cc - Wick

Sent _____ M Per _____

60 APR 2 0 1965 Agent in Charge

EXHIBIT 86

BS 92-118

Atty. PARESE called the Chelsea Police and wanted to bail out DEEGAN and ROY FRENCH.

The Chelsea Police at that time had no knowledge of the murder; however, when the body was discovered, they immediately started to look for ROY FRENCH. FRENCH told them he was at the Ebb Tide night club, Revere, Mass., all night and their investigation has indicated that FRENCH got a telephone call about 8:45 p.m. After the phone call he left the Ebb Tide with JOSEPH BARBOZA, VINCENT FLEMMI, RONNIE CASESSA, ROMEO MARTIN, and FRANK IMBRUGLIA. Further investigation reflected that they all returned about 45 minutes later. The time of the murder was approximately 9:30 p.m., 3/12/65.

ROMEO MARTIN's car was identified by a Chelsea Police Officer as being parked with two men in it in the vicinity of the murder. When the police officer approached the car, it sped off.

SUBJECT: VINCENT JAMES FLEMMI, AKA

[redacted] 1pg.2(Cont'd)

[redacted] and [redacted] were all killed by VINCENT JAMES FLEMMI. He said that Murray was a real clos friend of his but only recently had been telling [redacted] that he was going to become a "hit man" and was going to op rate with FLEMMI. He said that the word [redacted] was involved in the killing of [redacted] is absurd [redacted] friendly with [redacted] and he had no difficulties with him.

B

[redacted]-2 F

Memo of SA Dennis M. Condon 3/26/65 captioned: [redacted]

[redacted] B

87-3811-12pg.27

Boston report 8/2/57
SA James A. Brennan
captioned: UNSUB: was.
JOHN ANDERSON, WILLIAM
ANDERSON, ALMA F. CLARK,
JOHN C. CLARK, ETC. -ITSP.

[redacted] B

The following name appears as a known associate of [redacted]:

VINCENT FLEMMI Boston Police Department #98718.

EXHIBIT 87

U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception (617) 748-3100
United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

December 19, 2000

John Cavicchi, Esquire
Attorney at Law
25 Barnes Avenue
East Boston, MA 02128

RE: Disclosure of FBI Documents Relating to the
March 12, 1965 Murder of Edward "Teddy" Deegan

Dear Mr. Cavicchi:

This letter and its enclosures are being sent in response to your letter to me dated 11/16/2000, in which you asked that I provide "any information" that would assist you in responding to a Court Order in the matter of the Commonwealth of Massachusetts v. Peter Limone, Superior Court Crim. No. 32367, 69-70, which is pending before the Honorable Margaret R. Hinkle. As you explain, this Order requires you to file a Non-Live Witness Statement listing police reports, affidavits, transcripts and any other documents that you intend to rely upon in support of your motion for a new trial filed on behalf of your client, Peter Limone. I understand the matter being heard relates to your client's conviction for the 1965 murder of Edward "Teddy" Deegan and involves your motion for a new trial in that case.

In response to your request, FBI employees assigned to the Justice Task Force (JTF) initiated a review of Boston FBI informant, intelligence and investigative files that contain information that dates back to the 1950s and 1960s. JTF's search first determined that around the time Deegan was murdered, Vincent James Flemmi was an FBI informant. According to the file maintained in support of efforts to develop Flemmi as an informant, focus on Flemmi's potential as a source began on about 3/9/1965. The first reported contact with Flemmi was by FBI Boston Special Agent (SA) H. Paul Rico on 4/5/1965. The informant file was officially opened and assigned to SA Rico on 4/15/1965 and reflects that Flemmi was contacted a total of five times as an informant, each time by SA Rico. The dates of contact were 4/5/1965, 5/10/1965, 6/4/1965, 7/22/1965 and 7/27/1965. Flemmi's file was closed on 9/15/1965 after Flemmi was charged with a crime, unrelated to the Deegan murder.

Vincent James Flemmi's informant file was found to contain two documents that relate to the Deegan murder, one of which is a summary of information known by the Boston FBI about Flemmi's criminal activities at the time he was opened as an informant. This summary includes information previously reported to the FBI by other sources. The JTF attempted to review these other source files and any other intelligence files where their information may have been filed. Efforts have also been made to locate any investigative files that relate to the Deegan murder.

000318 [redacted] F

EXHIBIT
88

Thus far, a total of five documents have been located that appear to be responsive to your request. These are: 1) 3/15/1965 Memorandum from Boston SA H. Paul Rico to the SAC, Boston, reporting a contact with a source on 3/10/1965. 2) 3/15/1965 Memorandum from Boston SA H. Paul Rico to the SAC, Boston, reporting a contact with the same source on 3/13/1965. 3) 3/19/1965 Airtel from SAC, Boston to Director, FBI, entitled "Criminal Intelligence Program, Boston Division" summarizing developments during that week. 4) 4/22/1965 Memorandum from a Boston "Correlator" to the SAC, Boston, entitled "Vincent James Flemmi, Aka (sic)" which summarizes information in FBI files known about Flemmi at the time he was opened as an informant. 5) 6/9/1965 Airtel from SAC, Boston, to Director, FBI, entitled "BS-9190-PC" which reports on the status of efforts to develop Vincent James Flemmi as an FBI informant. (These documents have been sequentially numbered 0000 1 thru 000026.)

Several impediments to the JTF's search for records were encountered. Since the Deegan murder occurred over 30 years ago, many files that could logically contain relevant information were routinely destroyed years ago. For example, the enclosed 4/22/1965 summary memorandum references many other source reports that contain the original record of this information. Efforts to locate these original records have been unsuccessful. As a result, this summary memorandum represents the only surviving record of its information. Simply stated, the raw source data that was originally reported appears to no longer exist. Efforts continue to locate copies of this data that may have been filed in intelligence files.

Only two informants have been found to have reported information relating to the Deegan murder after the murder occurred. Enclosures 1 and 2 report information from the same source and Enclosure 3 appears to report information from this source to FBI Headquarters. Each of the files for the informants whose information is contained in the enclosures appears to have been the subject of routine destruction. In this regard, however, I would note that a case file containing information from Joseph Baron (Barboza) was located on this date, and a review of that file will begin shortly.

You will note that the attachments have been subjected to a routine redaction process which removes information that is not relevant to your request or has otherwise been lawfully excluded. It should be noted that the JTF is not completely familiar with the issues before Judge Hinkle. In addition, the JTF has not completed its review of the many FBI files from the Deegan murder time frame. Therefore, it can not be stated with certainty at this time that the attached documents represent the only relevant material in FBI files. If either party to the Limone matter wishes to provide greater specificity as to the materials that would be relevant to that proceeding, the JTF will consider this information in its record search. Regardless of whether such a request is received, the JTF will promptly advise you if any additional relevant documents are discovered.

As you know, the JTF has also been in contact with Attorney Victor Garo who represents Joseph Salvati. Mr. Garo previously has brought issues regarding Salvati's conviction for the

000316

Deegan murder before the Superior Court and is continuing his efforts to exonerate Salvati for this murder. These documents also appear to be relevant to concerns previously expressed to the JTF by Attorney Victor Garo on behalf of his client, Joseph Salvati, and, therefore, copies are being provided to him.

Let me conclude by stating that the JTF, the United States Attorney's Office, the Boston FBI Office and FBI Headquarters understand the potential significance of the enclosures to Mr. Limone and Mr. Salvati. These documents are being made available to you with the concurrence and encouragement of the Boston FBI and FBI Headquarters. Collectively, efforts will continue to locate other documents that may be responsive to your concerns. If you have questions concerning the enclosures, please do not hesitate to contact me at telephone number [redacted] (Justice Task Force, [redacted] Boston, MA 021308), or [redacted] (United States Attorney's Office, [redacted]).

Very truly yours,

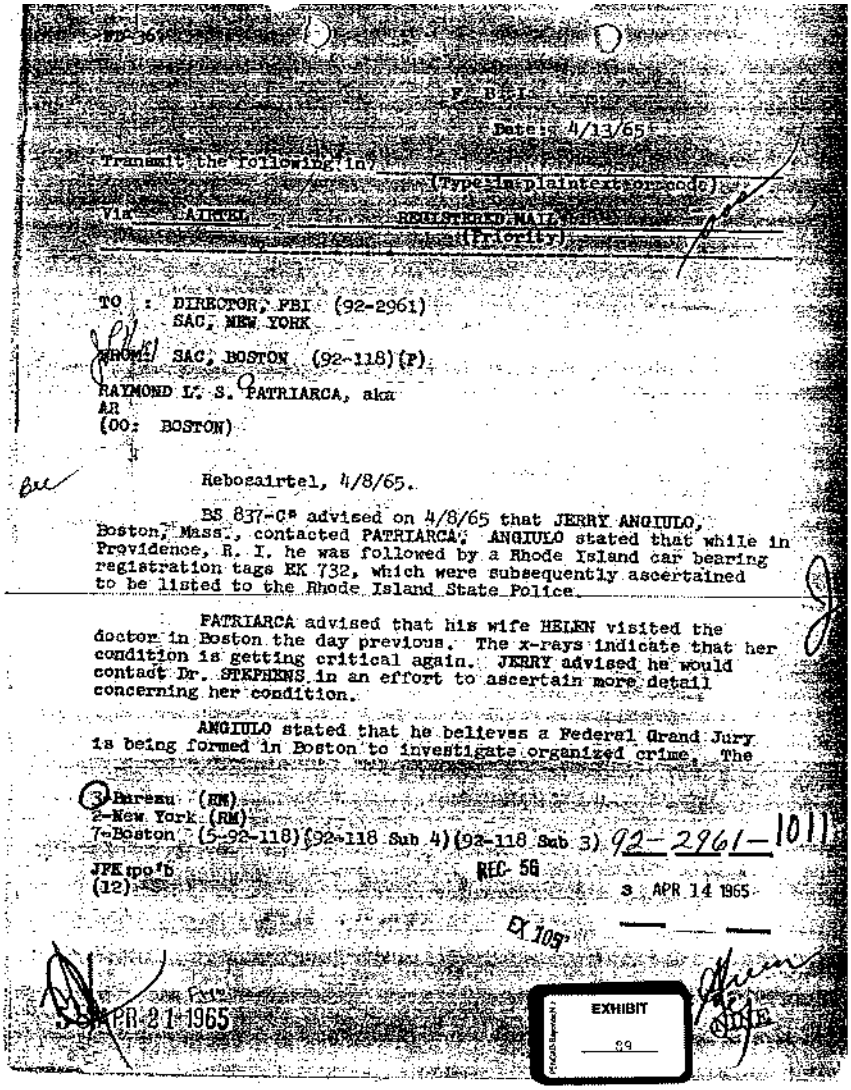
DONALD K. STERN
United States Attorney

JOHN H. DURHAM
Special Attorney

cc: Assistant District Attorney Mark Lee w/ Enclosures
William Koski, Esquire w/ Enclosures
Victor Garo, Esquire w/ Enclosures

Donald K. Stern
United States Attorney

Charles Prouty
SAC FBI Boston



FBI

Date: 4/13/65

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)
SAC, NEW YORK

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 4/8/65.

BS 837-C* advised on 4/8/65 that JERRY ANGIULO, Boston, Mass., contacted PATRIARCA. ANGIULO stated that while in Providence, R. I. he was followed by a Rhode Island car bearing registration tags EK 732, which were subsequently ascertained to be listed to the Rhode Island State Police.

PATRIARCA advised that his wife HELEN visited the doctor in Boston the day previous. The x-rays indicate that her condition is getting critical again. JERRY advised he would contact Dr. STEPHENS in an effort to ascertain more detail concerning her condition.

ANGIULO stated that he believes a Federal Grand Jury is being formed in Boston to investigate organized crime. The

3-Bureau (RM)
2-New York (RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3) 92-2961-1011
JFK:po'b
(12)

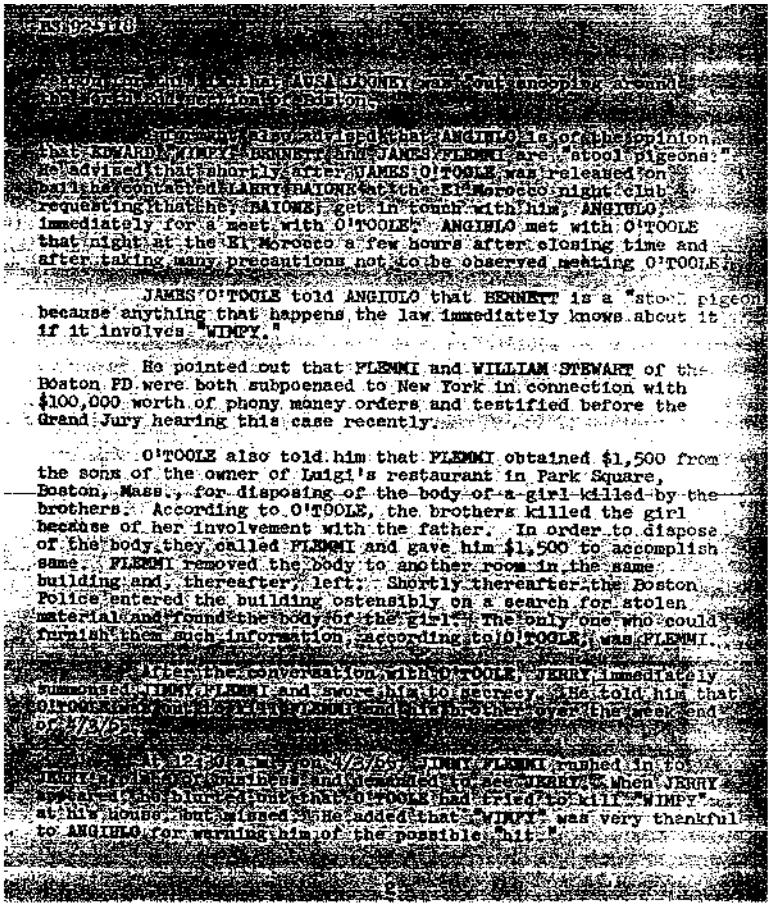
REC-56

3 APR 14 1965

EX 109

APR 21 1965

EXHIBIT 39



HS 92-118

[illegible] that AUSA LOONEY was out snooping around the North End section of Boston.

[illegible] also advised that ANGIULO is of the opinion that EDWARD, WIMPY, BENNETT and JAMES FLEMMI are "stool pigeons." He advised that shortly after JAMES O'TOOLE was released on bail he contacted LARRY BAIONE at the El Morocco night club requesting that he, BAIONE, get in touch with him, ANGIULO, immediately for a meet with O'TOOLE. ANGIULO met with O'TOOLE that night at the El Morocco a few hours after closing time and after taking many precautions not to be observed meeting O'TOOLE.

JAMES O'TOOLE told ANGIULO that BENNETT is a "stool pigeon because anything that happens the law immediately knows about it if it involves "WIMPY."

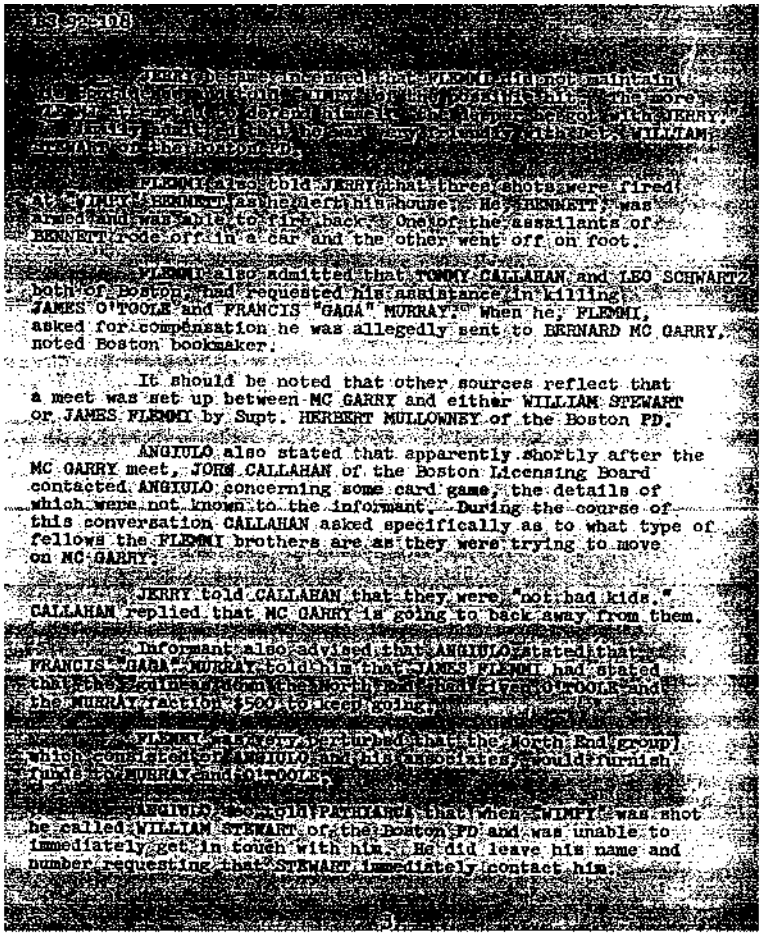
He pointed out that FLEMMI and WILLIAM STEWART of the Boston PD were both subpoenaed to New York in connection with $100,000 worth of phony money orders and testified before the Grand Jury hearing this case recently.

O'TOOLE also told him that FLEMMI obtained $1,500 from the sons of the owner of Luigi's restaurant in Park Square, Boston, Mass., for disposing of the body of a girl killed by the brothers. According to O'TOOLE, the brothers killed the girl because of her involvement with the father. In order to dispose of the body they called FLEMMI and gave him $1,500 to accomplish same. FLEMMI removed the body to another room in the same building and, thereafter, left. Shortly thereafter the Boston Police entered the building ostensibly on a search for stolen material and found the body of the girl. The only one who could furnish them such information, according to O'TOOLE, was FLEMMI.

After the conversation with O'TOOLE, JERRY immediately summoned JIMMY FLEMMI and swore him to secrecy. He told him that O'TOOLE was out to kill FLEMMI and his brother over the week end of 4/3/65.

At 12:30 a.m. on 4/3/65, JIMMY FLEMMI rushed in to JERRY's place of business and demanded to see JERRY. When JERRY appeared, he blurted out that O'TOOLE had tried to kill "WIMPY" at his house, but missed. He added that "WIMPY" was very thankful to ANGIULO for warning him of the possible "hit."

2



13-92-118

JERRY became incensed that FLEMMI did not maintain the [illegible] and told WIMPY of the possible hit. The more [illegible] attempted to defend himself, the deeper he got with JERRY. [illegible] admitted that he was very friendly with Det. WILLIAM STEWART of the Boston PD.

FLEMMI also told JERRY that three shots were fired at "WIMPY" BENNETT as he left his house. He, BENNETT, was armed and was able to fire back. One of the assailants of BENNETT rode off in a car and the other went off on foot.

FLEMMI also admitted that TOMMY CALLAHAN and LEO SCHWARTZ both of Boston, had requested his assistance in killing JAMES O'TOOLE and FRANCIS "GAGA" MURRAY. When he, FLEMMI, asked for compensation he was allegedly sent to BERNARD MC GARRY, noted Boston bookmaker.

It should be noted that other sources reflect that a meet was set up between MC GARRY and either WILLIAM STEWART or JAMES FLEMMI by Supt. HERBERT MULLOWNEY of the Boston PD.

ANGIULO also stated that apparently shortly after the MC GARRY meet, JOHN CALLAHAN of the Boston Licensing Board contacted ANGIULO concerning some card game, the details of which were not known to the informant. During the course of this conversation CALLAHAN asked specifically as to what type of fellows the FLEMMI brothers are as they were trying to move on MC GARRY.

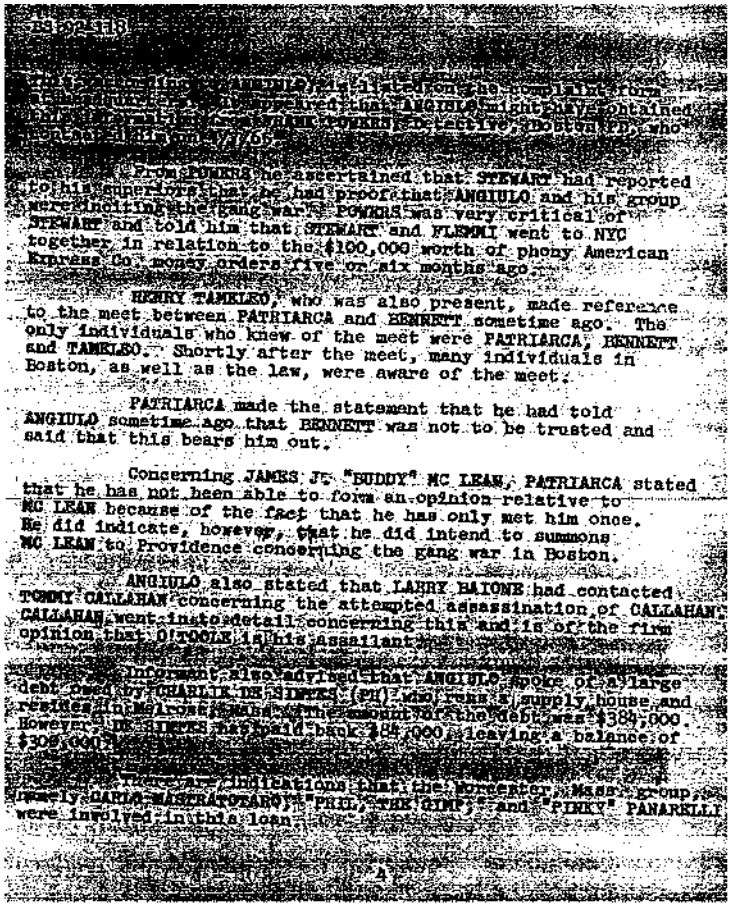
JERRY told CALLAHAN that they were "not bad kids." CALLAHAN replied that MC GARRY is going to back away from them.

Informant also advised that ANGIULO stated that FRANCIS "GAGA" MURRAY told him that JAMES FLEMMI had stated that the guineas down the North End had given O'TOOLE and the MURRAY faction $500 to keep going.

FLEMMI was very perturbed that the North End group, which consisted of ANGIULO and his associates, would furnish funds to MURRAY and O'TOOLE.

ANGIULO also told PATRIARCA that when "WIMPY" was shot he called WILLIAM STEWART of the Boston PD and was unable to immediately get in touch with him. He did leave his name and number requesting that STEWART immediately contact him.

3



BS 92-118

[illegible] ANGIULO is listed on the complaint form [illegible] appeared that ANGIULO might have obtained this information from FRANK POWERS, Detective, Boston PD, who contacted him on [illegible]

From POWERS he ascertained that STEWART had reported to his superiors that he had proof that ANGIULO and his group were inciting the gang war. POWERS was very critical of STEWART and told him that STEWART and FLEMMI went to NYC together in relation to the $100,000 worth of phony American Express Co. money orders five or six months ago.

HENRY TAMELEO, who was also present, made reference to the meet between PATRIARCA and BENNETT sometime ago. The only individuals who knew of the meet were PATRIARCA, BENNETT and TAMELEO. Shortly after the meet, many individuals in Boston, as well as the law, were aware of the meet.

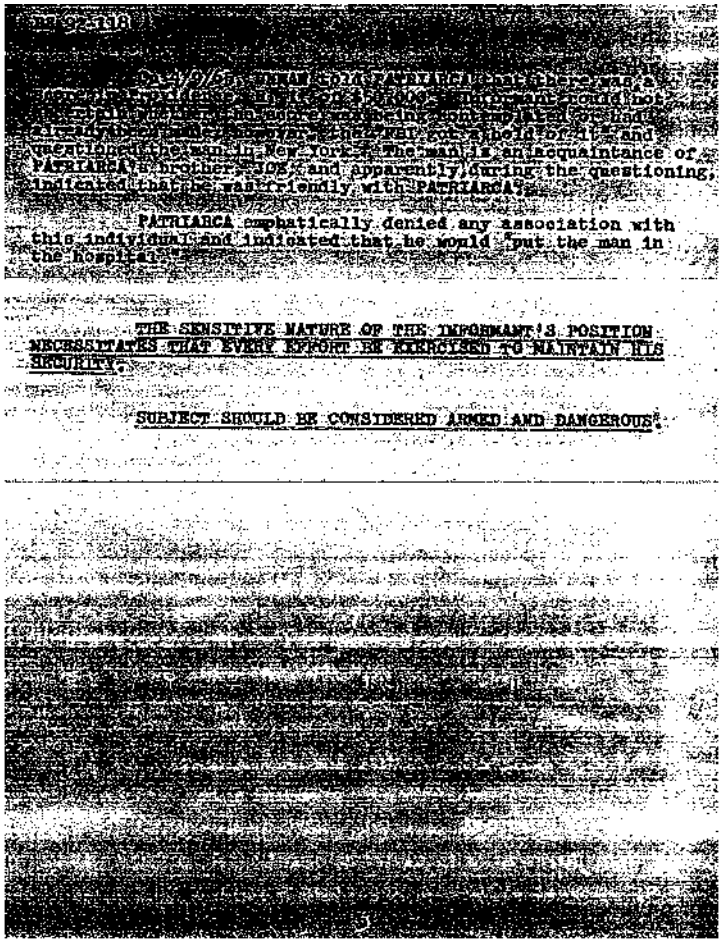
PATRIARCA made the statement that he had told ANGIULO sometime ago that BENNETT was not to be trusted and said that this bears him out.

Concerning JAMES J. "BUDDY" MC LEAN, PATRIARCA stated that he has not been able to form an opinion relative to MC LEAN because of the fact that he has only met him once. He did indicate, however, that he did intend to summons MC LEAN to Providence concerning the gang war in Boston.

ANGIULO also stated that LARRY BAIONE had contacted TOMMY CALLAHAN concerning the attempted assassination of CALLAHAN. CALLAHAN went in to detail concerning this and is of the firm opinion that O'TOOLE is his assailant.

Informant also advised that ANGIULO spoke of a large debt owed by CHARLIE DE SINTES (PH) who runs a supply house and resides in Melrose, Mass. The amount of the debt was $384,000. However, DE SINTES has paid back $84,000, leaving a balance of $300,000.

There are indications that the Worcester, Mass. group, namely CARLO MASTRATOTARO, "PHIL, THE GIMP," and "PINKY" PANARELLI were involved in this loan.



[redacted] 9-118

[redacted] 9/26, THOMAS COYLE ATTACHED advised there was a [redacted] [redacted] [redacted]

FD-709 (Rev. 2-1-6.)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (137-2447) DATE: 4/9/65

FROM : SA H. PAUL RICO

SUBJECT: BS 919-PC

Dates of Contact
4/5/65

Titles and File #s on which contacted
CRIME CONDITIONS IN GREATER BOSTON, AR 92-563

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

Informant advised that JIMMY O'TOOLE and FRANCIS X. "GAGA" MURRAY tried to kill EDWARD "WIMPY" BENNETT over the week end, but they missed.

Informant further advised that O'TOOLE actually fired at BENNETT, as he came out of his house, from the bushes, and when BENNETT returned his fire he ran. MURRAY, who was parked in the car, pulled up when he heard the shooting to pick up O'TOOLE. When he saw BENNETT shoot, he left O'TOOLE on his own.

Informant was asked "why did this shooting take place," and he stated that GEORGE and EDWARD MC LAUGHLIN allegedly have come to the conclusion that BENNETT and his friends are the cause of their troubles; that now they are even blaming BENNETT for having EDDIE MC LAUGHLIN set up for the attempted assassination on EDDIE.

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating:

Coverage: 92s

Personal Data

137-2447
92-563
HPR:po:b
(2)

EXHIBIT
90

137-2447-4

SEARCHED ... INDEXED
SERIALIZED ... FILED
APR 25 1965
FBI — BOSTON

SERIAL 3, DATED 4/23/65

CONSISTING OF 3 PAGE(S), IS BEING DELETED IN ITS ENTIRETY.

IT IS A(N) Memorandum,

FROM B TO SAC,

CAPTIONED B,

AND IS BEING DELETED FOR THE FOLLOWING REASON(S): B, F



UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (137-12516) DATE: 6/9/65

FROM : SAC, BOSTON (137-2447)

SUBJECT: BS 919-PC
TOP ECHELON CRIMINAL INFORMANT PROGRAM

REB 34 1

Rebulet to Boston dated 6/4/65.

ST-113

The following are the efforts to effect the development of the above-captioned target:

On 4/5/65, BS 919-PC was contacted on "CRIME CONDITIONS IN GREATER BOSTON, AR," Bosfile 92-563.

Informant advised that JIMMY O'TOOLE and FRANCIS X. "GAGA" MURRAY tried to kill EDWARD "WIMPY" BENNETT over the week end, but they missed.

Informant further advised that O'TOOLE actually fired at BENNETT as he came out of his house, from the bushes, and when BENNETT returned his fire he ran. MURRAY, who was parked in the car, pulled up when he heard the shooting to pick up O'TOOLE. When he saw BENNETT shoot, he left O'TOOLE on his own.

Informant was asked "Why did this shooting take place," and he stated that GEORGE and EDWARD MC LAUGHLIN allegedly have come to the conclusion that BENNETT and his friends are the cause of their troubles; that now they are even blaming BENNETT for having EDDIE MC LAUGHLIN set up for the attempted assassination on EDDIE.

On 5/10/65, BS 919-PC was contacted on "JAMES S. O'TOOLE, HARBORING," Bosfile 88-3448.

Informant advised that on the evening of 5/3/65 he left his home at approximately 10:30 p.m. He was going to meet with JOSEPH BARBOZA. As he approached his car two individuals stepped out of the bushes and fired at him with a shotgun. Informant said that he turned around as he fell and both of them were running with handkerchiefs to their faces.

2-Bureau
1-Boston
HPR:pot'b
(3)

137-12516

REC-43 1 JUN 14 1965

EX-112

EXHIBIT 92

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Informant said that he fired back at them and one of them hollered, and they both ran towards the back of the building and drove away in a late model, light brown Chevrolet.

Informant said that even though these individuals were masked, he recognized JIMMY O'TOOLE as one of the assailants, and he believes that the other person was STEVIE HUGHES, although he is not sure.

Informant said that he believes that the car was driven by EDWARD "PUNCHY" MC LAUGHLIN, but, again, he does not know this to be a fact - he is just assuming this.

Informant advised that he had been warned earlier in the day by TOMMY CALLAHAN that O'TOOLE was going to move on someone that night with the MC LAUGHLINS, and he is very disturbed that he was not more careful when he came out of his house.

Informant advised that he will probably be in the hospital for another 10 days; that no bones were broken, and he should be recovered in 30 days.

On 6/4/65, BS 919-PC was contacted on "JAMES S. O'TOOLE, HARBORING," Bosfile 88-3448.

Informant was contacted at the Boston City Hospital where he is currently confined due to gunshot wounds. Informant advised that they had told him he would be released in approximately 10 days, but that he will have to wear a bag for six weeks, and that he probably will not be in any sort of condition until September.

Informant advised there is still some lead in him that cannot be removed. Informant advised that he heard that JIMMY O'TOOLE plans to take a vacation when he (informant) gets out of jail.

It is believed that this informant, through motives of revenge on the MC LAUGHLIN group, will provide information on this group as of this time. It is also felt that, in contacts with him, eventually he may be brought around to provide information on other matters of interest to the Bureau and this office.

It is known through other informants and sources of this office that this individual has been in contact with RAYMOND L. S. PATRIARCA and other members of La Cosa Nostra in this area, and potentially could be an excellent informant.

Concerning the informant's emotional stability, the Agent handling the informant believes, from information obtained from other informants and sources, that BS 919-PC has murdered FRANK BENJAMIN, JOHN MURRAY, GEORGE ASHE, JOSEPH FRANCIONE, EDWARD "TEDDY" DEEGAN, and "IGGY" LOWRY, as well as a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass., and, from all indications, he is going to continue to commit murder.

Some of the information provided by the informant has been corroborated by other sources and informants of this office. Although the informant will be difficult to contact once he is released from the hospital because he feels that the MC LAUGHLIN group will try to kill him, the informant's potential outweighs the risk involved.

F B I

Date: 5/5/65

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 4/30/65.

On 4/30/65, BS 837-C* advised no pertinent activity took place.

On 5/3/65, the informant advised that ANTHONY MANZO (PH) explained to PATRIARCA how he was swindled by an unknown individual in Baltimore, Md. MANZO apparently purchased $50,000 worth of silver dollars. When he transported the bags of money on different occasions he ascertained that he was short approximately $4,000.

PATRIARCA told MANZO to contact an unknown individual in Baltimore, Md. to straighten this matter out.

SALVATORE "SULLY" IACONE of Worcester, Mass., contacted PATRIARCA relative to the Indian Meadow Country Club (IMCC). A detailed discussion concerning the finances of this club took place.

IACONE stated that he disagreed with JERRY ANGIULO in the operation of the IMCC. Further, that he, IACONE, never did take any money from the club and that it was a losing proposition since the time ANGIULO placed same into bankruptcy.

(3)-Bureau (RM)
1-Baltimore (Info)(RM)
8-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)
(157-299)

REC 27 92-2961-1022

JFK:pot'b
(12)

EX-101

8 MAY 7 1965

70 MAY 17 1965

EXHIBIT 93

BS 92-118

He discussed in detail his payments from 12/64 to 4/65, when apparently the club was sold. During this time he took in approximately $17,000 and explained to PATRIARCA the amount of disbursements made by him which totalled $17,000.

It appeared that ANGIULO had questioned the honesty of IACONE. PATRIARCA appeared satisfied at IACONE's explanation of this operation, but was somewhat angry at the fact that someone had mentioned him, PATRIARCA, as being involved financially in this club.

He instructed IACONE to make sure that the word was put out indicating that PATRIARCA had no interest whatsoever.

JAMES FLEMMI, RONALD CASSESSA and JOSEPH BARON, aka Joseph Barboza, contacted PATRIARCA. FLEMMI told PATRIARCA that a JIMMY SHOOT (PH) and two other kids had killed PETER CASETTA over an argument involving $9. They all agree that the killing was not a reasonable killing because of the amount involved, and that he, CASETTA, should only have been given a severe beating.

FLEMMI indicated they are considering installing a telephone tap on a telephone of an individual who is closely acquainted with JIMMY O'TOOLE. Through this telephone tap they hope to ascertain various movements of O'TOOLE and use this information in an effort to line O'TOOLE up for a hit.

Informant was unaware as to the location of the telephone tap.

FLEMMI, in discussing the shooting of EDWARD "WIMPY" BENNETT by JAMES O'TOOLE and FRANCIS "GAGA" MURRAY, told PATRIARCA that BENNETT on leaving his house was shot at by O'TOOLE. O'TOOLE missed BENNETT. The getaway car was driven by "GAGA" MURRAY, and MURRAY, upon hearing the shots, approached the front of the house thinking that BENNETT had been killed. In doing so, he placed his car in a position so that BENNETT was in between both O'TOOLE and MURRAY, and thus they are unable to kill BENNETT (probably because of cross fire).

It appeared also that "GAGA" MURRAY, when he saw BENNETT still alive, became frightened and left O'TOOLE in the vicinity of the attempted killing.

BS 92-118

O'TOOLE then ran from the scene and went directly home. Shortly thereafter he was picked up by the Boston Police and brought to headquarters for questioning.

FLEMMI and his associates then obtained a stolen car and a getaway car and positioned themselves in the vicinity of the Boston Police Headquarters waiting for O'TOOLE to come out so that they could kill him. They waited there for several hours but O'TOOLE left the police station without their knowledge, apparently by a side or rear door.

PATRIARCA questioned FLEMMI specifically about his association with Det. WILLIAM STEWART of the Boston Police. FLEMMI avoided the question and entered into the above discussion concerning the stolen car and getaway car in front of the Boston PD.

PATRIARCA did not repeat his question concerning his association with STEWART.

It should be noted that PATRIARCA, according to the informant, was concerned with FLEMMI being a "stool pigeon" for STEWART.

FLEMMI also mentioned the fact that FRANK SMITH had referred to the Italian element (including members of La Cosa Nostra) as "guineas." PATRIARCA became enraged and stated that SMITH was moving too fast and should have been killed.

FLEMMI made the statement at this point that if he ever runs in to SMITH he will finish him off.

PATRIARCA gave his permission for this in the event circumstances permit.

FLEMMI also advised that "PUNCHY" CLIFFORD, who was recently released from State's Prison, has joined up with the MC LAUGHLIN group and three other individuals not named.

FLEMMI also advised that they are having a problem with BARNEY BLAINE, brother of JOHNNY BLAINE, aka "ITZY" BLOOM. Apparently BLOOM is in business with ARCAZIAN (PH) in the operation of the old Dudley Lounge in Roxbury, Mass. They are catering to the Negroes and are pushing a lot of dope at this location.

BS 92-118

Because of this, there is much heat by local law enforcement in this vicinity.

FLEMMI made the remark that he might have to burn the place down in order to eliminate law enforcement heat so that they can operate their business beside the Dudley Lounge without police interference.

FLEMMI was of the opinion that EDWARD "PUNCHY" MC LAUGHLIN, who was recently arrested for shop lifting in the Brockton, Mass. area, was only doing so to establish an alibi for something that was going to happen at the time he was arrested.

PATRIARCA then made the statement that EDWARD MC LAUGHLIN has always been the individual who made the snowballs and had others fire them.

FLEMMI also went in to detail concerning the shooting of THOMAS CALLAHAN, which information was previously submitted by the same informant.

FLEMMI also stated that he contacted CECELIA CYRUS, an associate of former top 10 fugitive GEORGE PATRICK MC LAUGHLIN, in an effort to set up JAMES O'TOOLE for a hit. CECELIA CYRUS told him that she had not seen O'TOOLE for 14 or 15 days and that she was not having anything more to do with him.

FLEMMI advised that he ascertained from another individual that as soon as he finished talking with CECELIA she immediately contacted O'TOOLE and told him of the above conversation.

FLEMMI also advised that FRANK SMITH, who is recovering from gunshot wounds, has a 65 year-old man named "COLONEL" "riding shotgun" with him all the time. SMITH spends a considerable amount of time at his farm in Maine, which consists of either 300 or 600 acres.

There was also a discussion about an unknown individual who apparently is booking at the local race tracks. This individual was having trouble laying off some of the bets and requested assistance from PATRIARCA for the layoff of these bets. PATRIARCA told them to get in touch with JOSEPH SULLIVAN's brother from New Bedford, Mass. who would accept all the layoff action.

BS 92-118

BARBOZA and CASSESSA then left the room.

FLEMMI and PATRIARCA then discussed "WIMPY" BENNETT. FLEMMI explained that he has not made any money from "WIMPY" BENNETT but will use him until such time as O'TOOLE is knocked off. When this does occur, he, FLEMMI, will get away from BENNETT.

It should be noted that on the same evening, 5/3/65, FLEMMI was shot at and seriously wounded outside of his home in Dorchester, Mass. He was ambushed and received seven gunshot wounds.

According to information from other informants, [redacted]

0-3B

PATRIARCA, in the above discussion, also indicated animosity towards BENNETT. He stated that he assisted BENNETT greatly during the early 1950's, with "FAT JOHN" BUCCELLI, but that he, BENNETT, has never given PATRIARCA any money from any of his illegitimate activities.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/20/65	3/13 - 6/8/65

TITLE OF CASE	REPORT MADE BY	TYPED BY
RAYMOND L. S. PATRIARCA, aka	CHARLES A. REPPUCCI	po'b
	CHARACTER OF CASE: AR	

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston.

New York letter to Boston, 3/19/65. (Interoffice)

Los Angeles letter to Boston, 3/30/65. "

Newark letter to Boston, 4/14, 27/65. "

- P -

ENCLOSURES:

TO BUREAU

Original and one copy of a letterhead memorandum, dated and captioned as above at Boston, characterizing informants mentioned in instant report.

APPROVED: SPECIAL AGENT IN CHARGE

COPIES MADE:
3-Bureau (92-2961)
1-USA, Providence, R. I.
1-New York (92-788)(Info)
2-Boston (92-118)

DO NOT WRITE IN SPACES BELOW

92-2961-1044

REC. 45

EX-113

JUL 23 1965

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY

REQUEST RECD. 1 - CC, AAG, Criminal Division, Organized Crime and Racketeering Section, Room 2624

DATE FWD. 7 0 AUG 1 9 1965

HOW FWD.

BY

NOTATIONS

LBI

EXHIBIT 94

PAGE B HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B, 0-3

BS 92-118

is interested that takes place in his court.

"KEYSTONE" told PATRIARCA that the individual was a good fellow and that PATRIARCA should at least see him as the Solicitor did not want any trouble with PATRIARCA.

PATRIARCA believed [redacted] story concerning the [redacted] stealing the information from [redacted] office, but at the same time he was appreciative of the fact that the [redacted] would help him in any gambling case. He told LEPORE to tell [redacted] that he, PATRIARCA, was not angry nor did he blame [redacted] for the actions of the contractor who won the bid. 67c

The Attorney is probably [redacted] who is a young attorney in [redacted] office. 67c

The individual who won the bid is probably named [redacted] from Fall River, Mass. The attorney is [redacted] from the Sixth District Court, probably Providence, R. I.

During the conversation PATRIARCA told LEPORE that when [redacted] was demolishing buildings in Pittsburgh, Pa., he went into bankruptcy and because of his manipulations, he was able to recover at least a quarter of a million dollars of a bock.

"KEYSTONE" belabored the point that [redacted] had no hard feelings and said he was a good smart boy. He said he was very close to someone named [redacted] (PH) from IRS who handles all gambling cases. 67c

RAYMOND told LEPORE to 'con'this individual.

Another UNMAN comes in and stated that [redacted] had gotten the OK from New York for a loan of $10,000, which he needs for the payroll. Since PATRIARCA is the boss in this area, [redacted] wanted to clear with PATRIARCA to borrow the $10,000. 67c

PATRIARCA furnished the OK.

BS 92-118

LOUIS TAGLIANETTI, Providence, R. I., told PATRIARCA that his deal with the Doctors in New York had fallen through. He explained that he was afraid of one of the Doctors, even though a son-in-law of a family boss in New York, who is a Doctor, went in to see him, the first Doctor; however, the first Doctor did not live up to the agreement, and TAGLIANETTI decided not to push any further because the group in New York wanted a percentage of the money. If the scheme worked, according to LOUIS, they would have made $10,000 to $15,000.

PATRIARCA explained that the New York families are "nice people" but emphasized that no one should go into business with them as it would cause too much aggravation.

PATRIARCA stated that he, himself, was doing well there many years ago financially when the new boss was made. The new boss grabbed all the money and RAYMOND almost wound up broke. RAYMOND said it is nice to know them, that he respects them and will help them out occasionally, but would not do any business with them.

TAGLIANETTI discussed a yard which he contemplates using in order to make a "hit." Informant did not know who TAGLIANETTI was referring to, but possibly WILLY MARFEO, which information had been disseminated previously. This group has been attempting to kill MARFEO for over one year, but has not been successful, as yet.

Another UNMAN discussed the attendance at the RUGGIERO wake. PATRIARCA stated that because he is a member of a good family, the people in Providence should appear.

UNMAN told PATRIARCA that [redacted] is running around with a kid who has a gun and their association should be stopped. RAYMOND is very appreciative of this fact.

Another UNMAN told PATRIARCA that he has bets of $1,000 to $3,500 on races throughout the country but that he is having trouble placing these bets on the horses.

PATRIARCA told him to contact [redacted] who, in turn, would check with the Cincinnati office to ascertain whether they would accept the bets. PATRIARCA said that the

bets of this amount would not be accepted at Boston at the present time. He stated that the situation as far as gambling in Canada and New York (probably referring to upstate New York) was concerned was wide open now and that this type of bet could not be placed there.

On 6/7/65, UNMAN contacted PATRIARCA. UNMAN, upon instructions from PATRIARCA, contacted JOHNNY CANDELMO and instructed CANDELMO to appear immediately before PATRIARCA.

PATRIARCA questioned CANDELMO concerning his contact with [redacted] Local 25, Truck Drivers Union, Boston, Mass., [redacted] b7c

PATRIARCA explained that [redacted] had contacted both [redacted] and [redacted] He asked them to ascertain from PATRIARCA whether he is associated with CANDELMO who desired to have some trucks put on for hauling liquor from Indiana to Branded Liquors Co., Boston, Mass. b7c

CANDELMO explained that [redacted] is apparently employed in a liquor company in Brockton, Mass. The owner of this company is a sister to the individual who owns Branded Liquors in Boston, Mass. Between these two wholesalers they receive many truck loads of Seagrams Whiskey from Indiana. b7c

CANDELMO explained that approximately a year ago he had talked to PATRIARCA about the possibility of having two or three trailer trucks haul Seagrams from Indiana to Boston for Brandon Liquors, Inc.

PATRIARCA asked CANDELMO if he used PATRIARCA's name when talking to [redacted]. CANDELMO advised that he definitely did not use PATRIARCA's name, but that [redacted] made a comment indicating he knew who CANDELMO was. b7c

PATRIARCA became very excited and questioned CANDELMO very closely. He pointed out that if [redacted] knew who he was, why did he bother to check his association with PATRIARCA, through [redacted] or [redacted]. He said he knows [redacted] very well and that [redacted] is a close associate of [redacted] and probably controls him. He, in turn, is extremely close to [redacted]

BS 92-113

CANDELMO denied the allegation and said that he is 60 years old and was just trying to get some money by putting three trucks to work.

PATRIARCA is very critical of CANDELMO for attempting to intimidate [redacted] with a threat of a strike which CANDELMO denied.

CANDELMO blamed the incident on [redacted] 672

PATRIARCA stated that if three trucks were put on the FEI would know that JOHNNY CANDELMO "of La Cosa Nostra" had an interest in these trucks and, in effect, PATRIARCA would also have an interest. He did not want his name associated wit[redacted] and told CANDELMO not to do anything more on this matter.

HENRY TAMELEO had contacted PATRIARCA. They were attempting to raise some money, the purpose of which was not known to the informant. They had a list of about 20 people from whom they were collecting from $50 to $300. The list included PATRIARCA, HENRY TAMELEO, "KEYSTONE" LEPORE, [redacted], [redacted] (LNU), [redacted] ROCCO, [redacted] CATALDO, [redacted] and [redacted] (LNU) and seven other names, which the informant did not obtain. 672

PATRIARCA made the comment that "these are the best people."

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<u>SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.</u>

F B I

Date: 5/7/65

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO : DIRECTOR, FBI (92-2961)
SACS NEW HAVEN
NEW YORK
WASHINGTON FIELD

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 5/5/65.

BS 837-C* advised on 5/4/65 that DANNY RAIMONDI and RUDY SCIARRA, with two UNMEN, discussed a plan they have concerning "taking a sucker" in a gambling operation. One of the UNMEN was named BLACKIE and the other is PHIL GRIMM (PH).

It appears that either BLACKIE or GRIMM have an individual with whom he is friendly, and who, on occasions, he takes to various crap games in Rhode Island. They intend to allow this individual to win a few times at a smaller type of crap game and then invite him to a set-up game for much larger stakes.

PATRIARCA cautioned them as to what plan of operation they must take along these lines, but finally "OK's" the setup.

The name of the "sucker" was not known to the informant.

92-2161-1023

3-Bureau (RM)
2-New Haven (RM)
2-New York (RM)
2-Washington Field (RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)

EX-102 REC 33

MAY 10 1965

JFK:po'b
(16)

64 MAY 14 1965

EXHIBIT
95

On 5/5/65, UNMAN contacted PATRIARCA. He advised that he had been contacted by an unnamed truck driver who desires to sell a load of cigarettes containing approximately 850 cases. According to UNMAN, the price would be $1 per case.

PATRIARCA points out that it must be a mistake as they are worth much more than $1 a case. According to PATRIARCA, the price is probably a dollar a carton, which is still an excellent price.

PATRIARCA apparently is afraid of this setup and warned UNMAN that his experience in truck thefts in which there is a giveaway has been that the driver eventually talks and implicates the purchaser of the cigarettes.

He tells UNMAN to obtain an individual who is unknown to the truck driver and make arrangements with him to buy the load. In this way, once the load is received the truck driver could not identify the purchaser or be able to ascertain where the cigarettes were taken after he turned same over.

PATRIARCA told UNMAN to keep him informed of further details regarding this matter.

HENRY TAMELEO of Providence, R. I. contacted PATRIARCA that JOSEPH LOMBARDO of Boston had told TAMELEO that he received information to the effect that JOSEPH BARON, aka JOSEPH BARBOZA, RONNIE CASSESSA and JAMES FLEMMI had gotten the "OK" to kill SAMMY LINDEN of Revere, Mass. The reason for the killing was that SAMMY LINDEN, who was collecting the loan shark debts of FRANK SMITH, is now on the side of the MC LAUGHLIN group and has furnished them a considerable amount of money so that they may continue their efforts to kill various individuals of the MC LEAN group.

TAMELEO was questioned specifically by PATRIARCA and claimed he did not know the source of LOMBARDO's information. He did say that LOMBARDO told him, TAMELEO, to immediately contact JOE BARBOZA and JIMMY FLEMMI and instruct them to forget the hit on SAMMY LINDEN as "he is connected with one of our group."

TAMELEO made efforts to contact both FLEMMI and BARBOZA but was unsuccessful in doing so.

BS 92-118

LOMBARDO also instructed PETER LIMONE of Boston, Mass. to contact FLEMMI and tell him to forget the hit on SAMMY LINDEN.

PATRIARCA told TAMELEO that JIMMY FLEMMI was down a few days ago and had asked permission to kill SAMMY LINDEN. PATRIARCA told FLEMMI that he would check to ascertain whether LINDEN, in fact, did give money to STEVIE HUGHES who is one of the more prominent individuals in the MC LAUGHLIN group.

If PATRIARCA's check reflected that LINDEN did in fact "bank roll" the MC LAUGHLIN group, he (PATRIARCA) would furnish the "OK" to kill him.

A lengthy discussion took place wherein JOE LOMBARDO was very perturbed because CASSESSA and JOSEPH BARBOZA were associating with the FLEMMI brothers; and further, that information had been put out to the effect that BARBOZA was with FLEMMI when they killed EDWARD DEEGAN.

LOMBARDO is concerned that the Italian group, because of BARBOZA's and CASSESSA's actions, might be drawn in to the MC LAUGHLIN-MC LEAN feud. Because of this, LOMBARDO told BARBOZA and CASSESSA to stay away from JIMMY FLEMMI.

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Another UNMAN contacted PATRIARCA regarding the possible setup of a "sucker" for a crap game. This probably relates to the same information as set out above.

PATRIARCA agrees to the setup and UNMAN intends to place same into operation in the immediate future.

UNMAN advised CHARLIE LEVANTI of Connecticut is very concerned about his impending federal trial involving gambling charges. LEVANTI is of the opinion that someone

BS 92-118

is going to testify against him, but he is not aware of the identity of this individual.

UNMAN stated that LEVANTI is probably one of the biggest bookmakers in Westerly, R. I.

There appeared to be no connection between LEVANTI and PATRIARCA.

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92-2961-1023

3-Bureau (RM)
2-New Haven (RM)
2-New York (RM)
2-Washington Field (RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)

EX-102 REC 33

12 MAY 10 1965

JFK:po'b
(26)

64 MAY 14 1965

EXHIBIT 96

BS 92-118

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BS 92-118

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BS 92-118

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 92-5586

WASHINGTON, D.C. 20535

May 12, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: GENNARO J. ANGIULO
ANTI-RACKETEERING

A microphone surveillance has been in operation in the subject's place of business, Jay's Lounge, 255 Tremont Street, Boston, Massachusetts, since January 9, 1963. Angiulo is a veteran member of La Cosa Nostra, who operates under the control of Raymond Patriarca, the New England La Cosa Nostra leader.

Our coverage has revealed the close ties existent between Patriarca and Angiulo. It has also disclosed information concerning Angiulo's corrupting influence with law enforcement officials. This source has consistently furnished a large volume of valuable intelligence data.

Unless you instruct to the contrary, this microphone surveillance will be continued for an additional six months.

Respectfully,

John Edgar Hoover
Director

EX-112 REC 30 92-5586-172

18 MAY 24 1965

NO DISTRIBUTION

6 MAY 28 1965

EXHIBIT
97

FD-36

F B I

Date: 5/18/65

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO : DIRECTOR, FBI (92-2961)

FROM : SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 5/13/65.

On 5/13/65, [redacted] advised HENRY TAMELEO furnished PATRIARCA $400 which allegedly came from the profits of the operation of [redacted] of Revere, Mass.

It will be recalled that [redacted] was the individual who was marked for a "hit," but because of his association with [redacted] the "hit" was called off.

According to TAMELEO, [redacted] is also in the lottery business.

TAMELEO apparently has a piece of this business and desires that they insure their own tickets instead of having [redacted] of Brookline, Mass. insure these tickets.

PATRIARCA told him that it would be alright as far as he was concerned to take the insurance business away from [redacted] however, he, TAMELEO, should contact [redacted] first. He

REC- 19

3-Bureau (RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)

[redacted]
(10)

EX-105

379

A-719

NINE

EXHIBIT 98

BS 92-118

explained that when [redacted] was first made a member of La Cosa Nostra (LCN) he was in bad financial straits. PATRIARCA moved in on [redacted] lottery business and gave [redacted] a portion of [redacted] business. He does not know whether [redacted] still has a piece of this business. If he has not, [redacted] can take the insurance business from [redacted]

It also appeared that [redacted] might print the tickets for [redacted] because PATRIARCA suggested that he would be able to get the tickets printed but did not indicate the name of the printer.

PATRIARCA explained to TAMELEO that he had never given a direct approval of a "hit" on [redacted] to [redacted] He told [redacted] that as far as he was concerned it would be "OK" to kill [redacted] however, he would want to check first prior to the time the "hit" was made to insure that none of their friends were involved with [redacted]

Because of the intervention of [redacted] the "hit" was nullified.

JOE BARBOZA, [redacted] and HENRY TAMELEO contacted PATRIARCA. They again discussed the "hit" on [redacted] and PATRIARCA explained his conversation with [redacted].

BARBOZA explained that [redacted] was the individual who told [redacted] Boston Attorney, that [redacted] was on the "hit" parade with instructions for [redacted] to tell [redacted] then went to his associate, [redacted] Boston LCN member.

JOE BARBOZA requests permission from PATRIARCA to kill some unknown person. This person lives in a three-story house but BARBOZA has never been able to line him up to kill him. BARBOZA told RAYMOND that he plans to pour gasoline in the basement part of the house and set it afire and thus either kill the individual by smoke inhalation or fire, or in the event he starts to climb out a window, BARBOZA would have two or three individuals there with rifles to kill him as he started to step out a window or door.

BS 92-118

Upon questioning by PATRIARCA, BARBOZA said that he had planned to cut the telephone wires so that the individual could not call for assistance and also to ring false alarms in other sections of the city so that the engines could not respond quickly.

He also explained that the third floor apartment was vacant but the first floor apartment was apparently occupied by the intended victim's mother. This apparently caused no concern to BARBOZA who stated it was not his fault that the mother would be present, and he would not care whether the mother died or not.

PATRIARCA told him that he did not think it was a good idea to effect the killing in the above manner and attempted to dissuade BARBOZA from this type of killing as innocent people would probably be killed.

It was not clear to the informant whether BARBOZA accepted PATRIARCA's objections, but PATRIARCA indicated very strongly against this type of killing.

BARBOZA advised that he is associating with [redacted], both of East Boston, Mass., but he did not want them associated with the above killing.

On 5/14/65, UNMAN discussed a forthcoming election of the Laborers Union in Providence, R. I.

It appeared that this group was attempting to obtain more representation within the Union, but the informant did not know the details of same.

THE SENSITIVE NATURE OF THE INFORMANT'S POSITION NECESSITATES THAT EVERY EFFORT BE EXERCISED TO MAINTAIN HIS SECURITY.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

FD-36

F B I

Date: 6/9/65

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO : DIRECTOR, FBI (92-2961)

FROM: SAC, BOSTON (92-118)(P)

RAYMOND L. S. PATRIARCA, aka
AR
(OO: BOSTON)

Rebosairtel, 6/4/65.

[redacted] advised on 6/3/65 that [redacted] of Boston, Mass., contacted PATRIARCA. According to [redacted] it appeared that a burglary or robbery occurred at the house owned by [redacted] in Boston, Mass. [redacted] Efforts were being made by LCN members to ascertain who was responsible for the score and that [redacted] is determined that they will be "straightened out."

It appeared that some Negroes may have been involved, identities not known.

A lengthy discussion took place concerning [redacted] who is a bookmaker at the Suffolk Downs Race Track, as well as at other race tracks in the New England area.

3-Bureau (RM)
1-Albany (Info)(RM)
1-Buffalo (Info)(RM)
1-Cincinnati (Info)(RM)
1-New York (Info)(RM)
1-Pittsburgh (Info)(RM)
7-Boston (5-92-118)(92-118 Sub 4)(92-118 Sub 3)
(15) [redacted]

REC-104

JUN 10 1965

391

A-736

EXHIBIT 99

BS 92-118

According to PATRIARCA, [redacted] is employed by [redacted]

[redacted] met MICHAEL ROCCO at Stella's restaurant last week. ROCCO was with the [redacted] of the Suffolk Downs Race Track, [redacted] with whom MIKE is very friendly. [redacted] asked MIKE in the presence of [redacted] to fix it up with the Thoroughbred Racing Protective Bureau (TRPB) so that he [redacted] will be allowed on the track.

ROCCO was extremely angry at [redacted] for having the audacity to approach him in front of [redacted] and wanted [redacted] to bring the matter up with PATRIARCA.

PATRIARCA told [redacted] that the race track is MIKE's department and that anything he did would be OK with PATRIARCA. PATRIARCA mentioned that [redacted] was a fresh and bad kid and probably MIKE would be better off if he did not exert his influence with [redacted] to get [redacted] back on the track.

[redacted] told PATRIARCA that [redacted] was still worried about [redacted] the individual who shot [redacted] in an attempted gangland murder. [redacted] also does not trust EDWARD "WIMPY" BENNETT as he furnishes different stories to different individuals concerning the same set of facts.

[redacted] was contacted by [redacted] who wanted another assurance from PATRIARCA to kill [redacted] as apparently there had been rumors to the effect that PATRIARCA had cancelled the "hit." PATRIARCA told [redacted] to tell [redacted] that the OK to "hit" [redacted] is still on.

[redacted] went in to detail concerning the killing of EDWARD DEEGAN which had been previously reported, and the fact that the Attorney, [redacted] of Everett, Mass., was called by DEEGAN's accomplice at the time DEEGAN was killed.

UNMAN contacted PATRIARCA concerning JOHN CANDELMO, an associate of PATRIARCA's of Providence, R. I. It appeared that CANDELMO was trying to exert pressure in order to put two or three trucks on the road hauling liquor.

UNMAN also advised that [redacted] saw [redacted] about shylocking in Charlestown, Mass., but the details of same were not known to the informant.

BS 92-118

PATRIARCA advised that [redacted] is not taking any action in Charlestown, Mass. at the present time.

Another UNMAN contacted PATRIARCA.

PATRIARCA referred to the Negroes who broke in to [redacted] house. It was alleged that [redacted] and [redacted] were probably implicated in setting this burglary up. PATRIARCA instructed UNMAN to contact [redacted] to get the information concerning this burglary from [redacted] (LNU)

On 6/4/65, "KEYSTONE" LEPORE contacted PATRIARCA. "KEYSTONE" stated he was talking to [redacted] and MIKE ROCCO, both of Boston, Mass., who told "KEYSTONE" that everybody should not go to the wake or funeral of the relative to [redacted]

"KEYSTONE" stated that he met an individual who is an attorney and a City Solicitor in some city of Rhode Island. This individual is also a member of the law firm of [redacted]

A lengthy discussion takes place concerning a suit by a contracting firm which won a bid for the demolition of property in Rhode Island. [redacted] who now operates the [redacted], appealed the bid and the court ruled that because of the fact that the winner of the bid did not have the proper equipment, the bid should be awarded to [redacted] The winner of the bid then appealed the case, which appeal will not be heard for two years, thereby making it impossible for either [redacted] or any other construction firm to get the bid. [redacted] feels that a new bid will be solicited because of the time element.

"KEYSTONE" told PATRIARCA that this attorney did not desire any friction with RAYMOND L. S. PATRIARCA and denied having anything to do with the appeal by the winner of the contract.

PATRIARCA told LEPORE that this individual was the one responsible for obtaining some facts which were used by the winner of the bid in the court case, and the fact that this individual, according to [redacted] probably obtained the information from [redacted] office.

[redacted] denied emphatically to LEPORE that he had anything to do with the obtaining of this information from [redacted] office. He told LEPORE that he would like to become associated with RAYMOND PATRIARCA and that he would arrange to have any strong evidence eliminated in any case in which PATRIARCA

BS 92-118

ADMINISTRATIVE (Continued)

0-3 [redacted]

By letter dated 3/30/65, the Los Angeles Office advised as follows:

The following investigation was conducted based on information supplied by BS 837-C* to the effect that PATRIARCA had been contacted by an individual who lives at 8215 Glade Avenue, Canoga Park, Calif., and advised that his partner had swindled him out of the business. PATRIARCA was to help this individual through mutual friends in Los Angeles.

0-3 [redacted]

D
COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

[redacted]

The following investigation was conducted by SA GUY R. BAILEY at Maine in reference to Bosairtel to Bureau dated 4/16/65 entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administrative pages for the protection of the source:

On 4/29/65, Chief JOHN CLARK, Old Orchard Beach, Me. PD, advised the Old Orchard Beach PD had received a telephone call from Rhode Island from RICHARD GABRIEL's wife requesting that GABRIEL be contacted and informed that the picture window in their home had been smashed.

Chief CLARK advised on 5/12/65 that applications for a liquor license have been filed by the Chequinn Corporation by RICHARD GABRIEL and by DORIS MC CUE, and the Town Council has declined to issue any license because of disagreement between the parties requesting a license for the same location.

COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

Chief CLARK advised one of the parties has obtained services of an attorney by the name of PERKINS from Portland and the other party has an attorney by the name of ELLIOTT from Saco, Me., and it appears that there may be negotiations. He stated the applications for the liquor license can be filed each time the local council sits for hearings on liquor licenses.

The following investigation was conducted by IC FRANCIS D. CAREY in reference to Bosairtel to Bureau dated 4/16/65, entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administration section for the protection of the source:

RE: HENRY J. MC CUE

On 5/3/65, a review of the marriage records at the State House, Boston, Mass., disclosed that HENRY JOSEPH MC CUE,

[redacted]

F
COVER PAGE

PAGE G-1) HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

b1 b3

[redacted]

BS 837-C* advised on 3/9/65 that JAMES FLEMMI and JOSEPH BARBOZA requested permission from PATRIARCA to kill EDWARD "TEDDY" DEEGAN, as they are having a problem with him. PATRIARCA ultimately furnished this "OK."

On 3/10/65, FRANK SMITH and JOSEPH MODICA sought PATRIARCA's permission to open up a gambling establishment in East Boston, Mass. PATRIARCA refused to furnish this permission until he cleared with MICHAEL ROCCO of East Boston, Mass. (It should be noted that the informant advised that SMITH never did obtain this permission.)

On 3/17/65, informant advised that PATRIARCA was concerned about a "leak" in the organization. After much discussion he reached the conclusion that the "leak" was in NYC and not in Providence, R. I.

V
COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

On 3/19/65, the informant advised that PATRIARCA was attempting to settle a dispute between Mr. LOUIS GABRIEL, Old Orchard Beach, Me., and his partner who was squeezing GABRIEL out of the business. The informant was not aware of the results of this settlement.

On 3/22/65, informant advised that PATRIARCA had received word from TOMMY RYAN of NYC requesting that he attend a meeting in New York on 3/17/65. PATRIARCA refused to do so because he was fearful of receiving a subpoena while in New York to appear before the FGJ there.

On 3/31/65, informant advised that PATRIARCA furnished the permission to ROMEO MARTIN of Boston, Mass. to burglarize the home of a millionairess.

Informant also advised that PATRIARCA was attempting to ascertain whether a LEONARD LEIBOWITZ (probably of Suffolk, N. J.) was in any way connected with LCN. BARBOZA was attempting to collect a large sum of money from LEIBOWITZ for a Mr. FEINBERG in the automobile financing business.

On 5/5/65, informant advised that PATRIARCA had been approached by JOSEPH BARBOZA, RONALD CASSESSA, and JAMES FLEMMI in order to obtain permission to kill SAMMY LINDEN of Revere, Mass. The reason for this killing was that LINDEN was furnishing a considerable amount of money to the MC LAUGHLIN group in their efforts to kill various individuals of the MC LEAN group. Subsequently the informant stated that PATRIARCA had not given a definite "OK" for the killing, but BARBOZA and his group was of the opinion that he did. LINDEN heard of the fact that he was marked for a "hit" and went to JOSEPH LOMBARDO of Boston, Mass. LOMBARDO, in turn, sent word to PATRIARCA, and after explaining the situation the "hit" was called off.

On 5/27/65, informant advised that FRED CARROZZA, who is PATRIARCA's partner in the cigarette vending machine business, had access to a casino license in Puerto Rico. He was attempting to locate an individual who would act as a "front" for him. CARROZZA needed $1\frac{1}{2}$ million for this license and was instrumental

COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

to contact BOBBY RICE of the Dunes Hotel in Las Vegas, Nev., for possible financial assistance.

On 6/7/65, informant advised that JOHN CANDELMO, who is a member of LCN, had attempted to lease some trucks from Branded Liquors, Boston, Mass., for the purpose of hauling liquor from Indiana to Boston. He apparently contacted WILLIAM J. MC CARTHY, Head of Local 25, Truck Drivers Union, Boston, Mass., and Vice President of the International Union. PATRIARCA was very perturbed that he, CANDELMO, would contact MC CARTHY without his, PATRIARCA's, knowledge. He instructed CANDELMO to do nothing more concerning this matter.

On 6/17/65, informant advised that SAMMY LINDEN owed ABE SARKIS, notorious Boston bookmaker, the sum of $7,800. SARKIS made many efforts to collect this debt without success. He subsequently approached either JERRY ANGIULO or JOSEPH MODICA for assistance in collecting this debt. PATRIARCA became involved in that neither MODICA nor ANGIULO were able to collect the debt. PATRIARCA told TAMELEO to instruct SARKIS to go to JOHNNY WILLIAMS, LCN member who is in partnership with SARKIS in the bookmaking business, and have WILLIAMS collect this debt.

On 7/8/65, informant advised that UNMAN had a lengthy discussion with PATRIARCA concerning a loan made to "MONGE" ROSSETTI, subject of case entitled, "ANGELO MONGE ROSSETTI; SPORTSDAY WEEKLY, INC., ITWI." It appeared that "MONGE" ROSSETTI had borrowed money from the Pan American Finance Co., which is operated by JOSEPH MODICA. PATRIARCA has an interest in this finance company.

"MONGE" borrowed $1,600 one time and just prior to the time he was sent away for one year, in connection with the above-mentioned case, he borrowed an additional $2,000. MODICA is putting the pressure on "MONGE" ROSSETTI's brother-in-law, FRED PRATT, to pay the $3,600.

X
COVER PAGE

BS 92-118
CAR:po'b

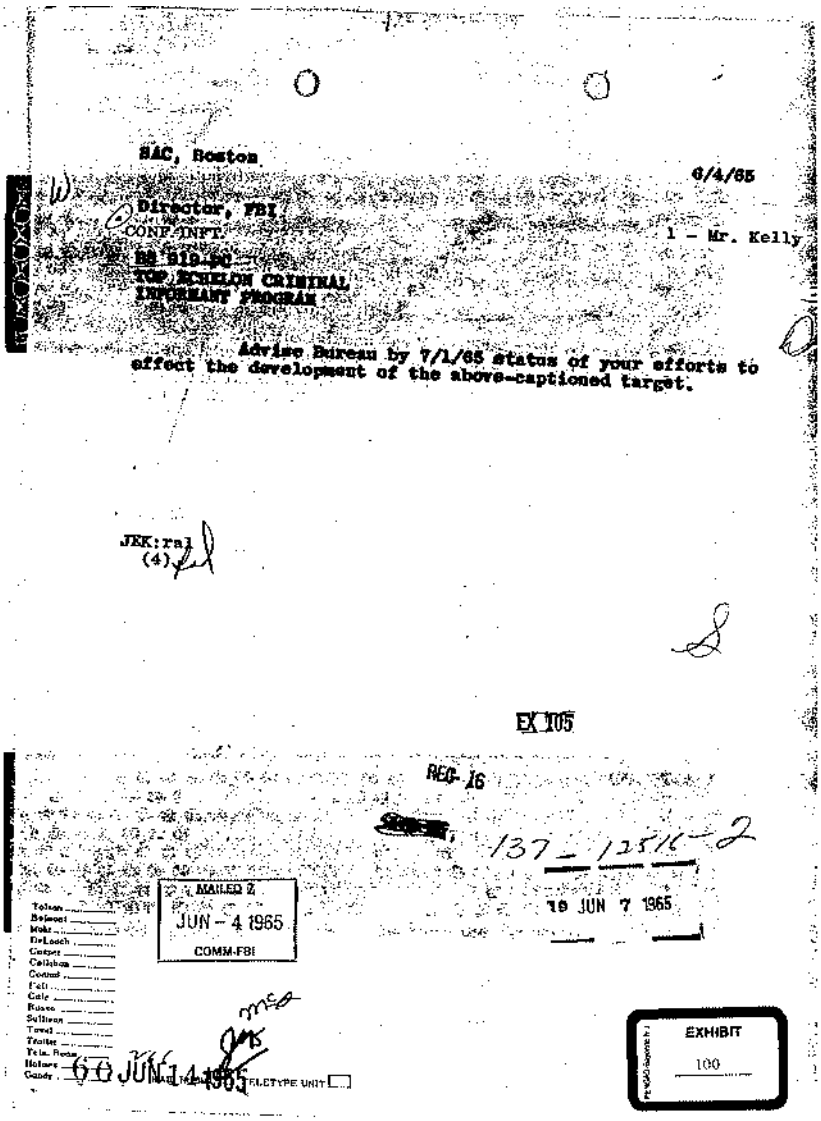
ADMINISTRATIVE (Continued)

MODICA contacted HENRY TAMELEO when he was unsuccessful with the brother-in-law. PATRIARCA, upon hearing the details of this loan, was infuriated at MODICA for loaning ROSSETTI money without his, PATRIARCA's OK. He indicated that he has a piece of SPORTSDAY WEEKLY and should know what is going on in the operation of this race wire service.

V*
COVER PAGE

PAGE 1-26 HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3



SAC, Boston

6/4/65

Director, FBI

CONF-INFT.

1 - Mr. Kelly

BS 919-PC

TOP ECHELON CRIMINAL INFORMANT PROGRAM

Advise Bureau by 7/1/65 status of your efforts to effect the development of the above-captioned target.

JEK:ral
(4)

EX 105

REC-16

137-12516-2

MAILED 2
JUN - 4 1965
COMM-FBI

19 JUN 7 1965

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

66 JUN 14 1965

TELETYPE UNIT

EXHIBIT
100

FD-209 (Rev. 2-1-...)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (137-2447) DATE: 6/8/65

FROM : SA H. PAUL RICO

SUBJECT: BS 919-PC

Dates of Contact
6/4/65

Titles and File as on which contacted

JAMES S. O'TOOLE, HARBORING	88-3448

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

Informant was contacted at the Boston City Hospital where he is currently confined due to gunshot wounds. Informant advised that they had told him he would be released in approximately 10 days, but that he will have to wear a bag for six weeks, and that he probably will not be in any sort of condition until September.

Informant advised there is still some lead in him that cannot be removed. Informant advised that he heard that JIMMY O'TOOLE plans to take a vacation when he (informant) gets out of jail.

Informant was given the sum of $50 and he advised the money will come in very handy because he still has to maintain his apartment where his wife and child are residing and make payments on his car.

He declined to furnish a receipt.

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage
88s

Personal Data
137-2447
88-3448
[redacted]
HPR:pw
(3)

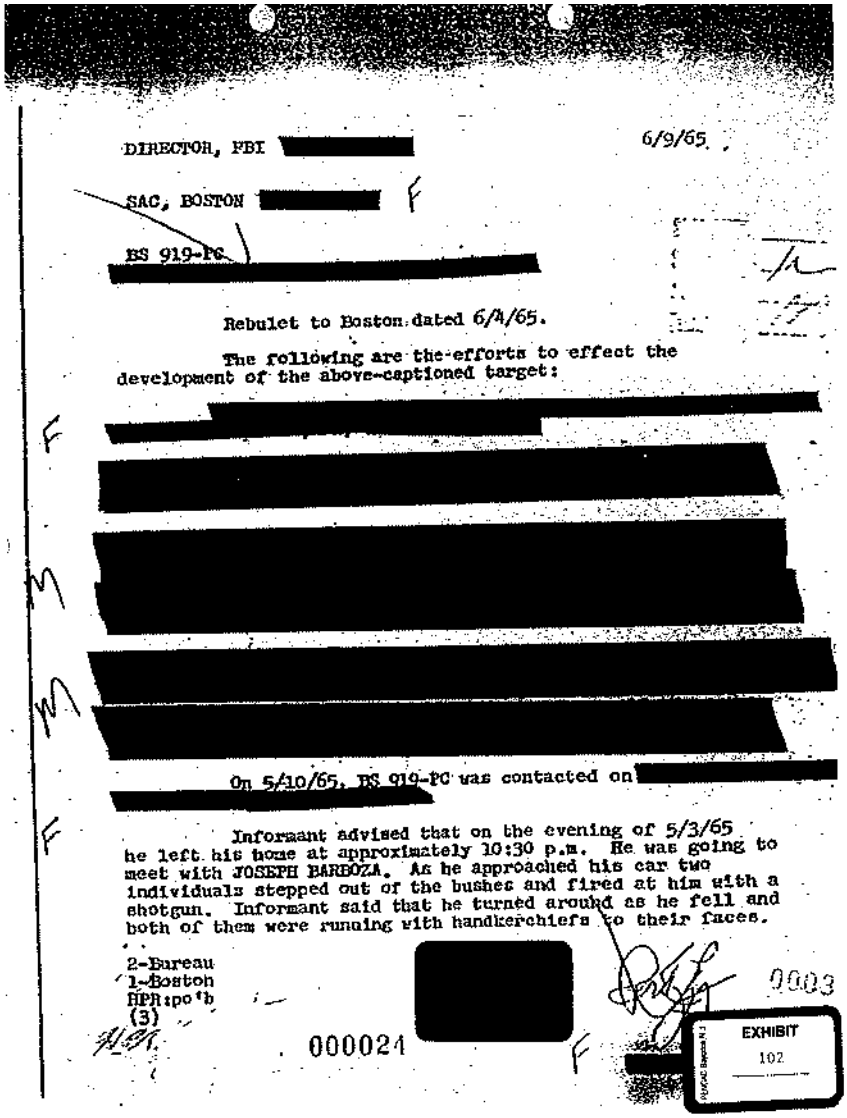
137-2447-7

EXHIBIT
101

BS 137-2447

Informant was advised of the FBI's jurisdiction and of his confidential relationship with the Bureau. He was told he was not a Bureau employee and that he was to furnish information only to the Bureau. He also was told that any payments he received are to be considered as income and he is not to contact the office personally.

He advised he is not available to other divisions at this time because of his physical condition and that he is willing to aid the Bureau, as he can help put away the individuals who attempted to kill him.



DIRECTOR, FBI [redacted] 6/9/65

SAC, BOSTON [redacted] F

BS 919-PC
[redacted]

Rebulet to Boston dated 6/4/65.

The following are the efforts to effect the development of the above-captioned target:

F [redacted]

M

M

On 5/10/65, BS 919-PC was contacted on [redacted]

F Informant advised that on the evening of 5/3/65 he left his home at approximately 10:30 p.m. He was going to meet with JOSEPH BARBOZA. As he approached his car two individuals stepped out of the bushes and fired at him with a shotgun. Informant said that he turned around as he fell and both of them were running with handkerchiefs to their faces.

2-Bureau
1-Boston
HPR:po'b
(3)

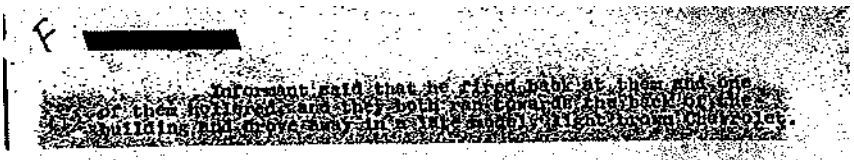
[redacted]

0003

000024

F [redacted]

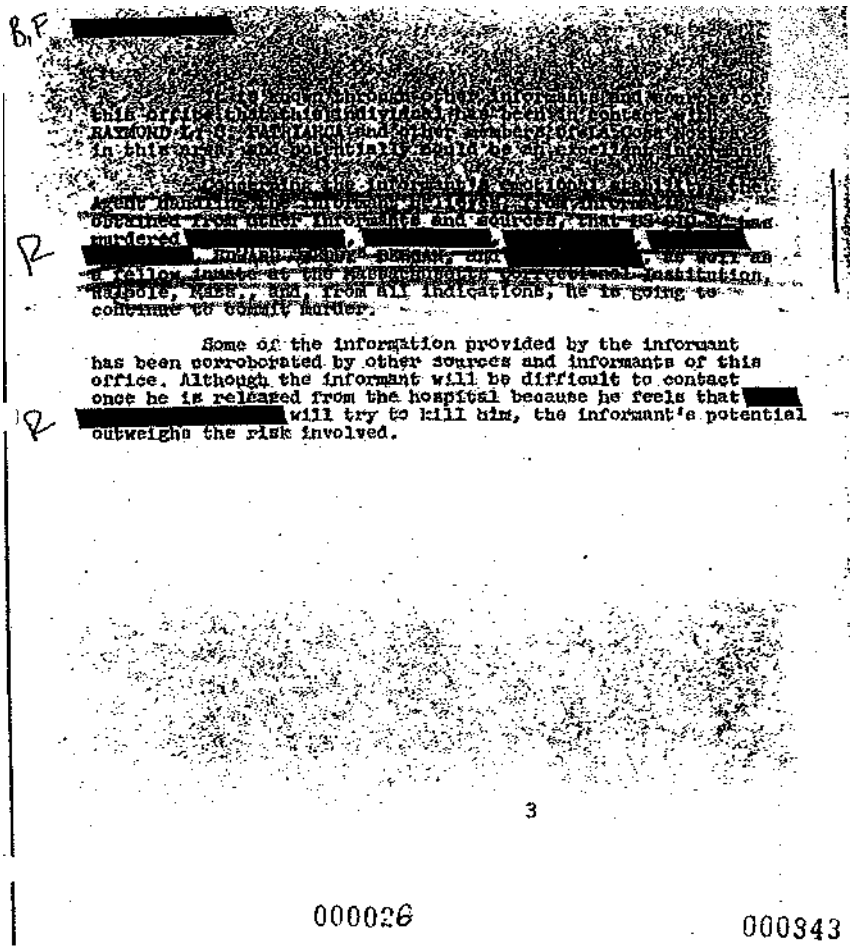
EXHIBIT
102



F [redacted]

Informant said that he fired back at them and one of them hollered, and they both ran towards the back of the building and drove away in a late model, light brown Chevrolet.

M



B,F [redacted]

It is known through other informants and sources of this office that this individual has been in contact with RAYMOND L. S. PATRIARCA and other members of La Cosa Nostra in this area, and potentially could be an excellent informant.

Considering the informant's emotional stability, the Agent handling the informant believes, from information obtained from other informants and sources, that [illegible] has murdered [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], as well as a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass., and, from all indications, he is going to continue to commit murder.

R

Some of the information provided by the informant has been corroborated by other sources and informants of this office. Although the informant will be difficult to contact once he is released from the hospital because he feels that [redacted] will try to kill him, the informant's potential outweighs the risk involved.

R

3

000026

000343

DIRECTOR, FBI (137-12516) 6/9/65

SAC, BOSTON (137-2447)

BS 919-PC
TOP ECHELON CRIMINAL INFORMANT PROGRAM

Rebulet to Boston dated 6/4/65.

The following are the efforts to effect the development of the above-captioned target:

On 4/5/65, BS 919-PC was contacted on "CRIME CONDITIONS IN GREATER BOSTON, AR," Bosfile 92-563.

Informant advised that JIMMY O'TOOLE and FRANCIS X. "GAGA" MURRAY tried to kill EDWARD "WIMPY" BENNETT over the week end, but they missed.

Informant further advised that O'TOOLE actually fired at BENNETT as he came out of his house, from the bushes, and when BENNETT returned his fire he ran. MURRAY, who was parked in the car, pulled up when he heard the shooting to pick up O'TOOLE. When he saw BENNETT shoot, he left O'TOOLE on his own.

Informant was asked "Why did this shooting take place," and he stated that GEORGE and EDWARD MC LAUGHLIN allegedly have come to the conclusion that BENNETT and his friends are the cause of their troubles; that now they are even blaming BENNETT for having EDDIE MC LAUGHLIN set up for the attempted assassination on EDDIE.

On 5/10/65, BS 919-PC was contacted on "JAMES S. O'TOOLE, HARBORING," Bosfile 88-3448.

Informant advised that on the evening of 5/3/65 he left his home at approximately 10:30 p.m. He was going to meet with JOSEPH BARBOZA. As he approached his car two individuals stepped out of the bushes and fired at him with a shotgun. Informant said that he turned around as he fell and both of them were running with handkerchiefs to their faces.

2-Bureau
1-Boston
HPRrpo'b
(3)

137-2447-8

BS 137-2447

Informant said that he fired back at them and one of them hollered, and they both ran towards the back of the building and drove away in a late model, light brown Chevrolet.

Informant said that even though these individuals were masked, he recognized JIMMY O'TOOLE as one of the assailants, and he believes that the other person was STEVIE HUGHES, although he is not sure.

Informant said that he believes that the car was driven by EDWARD "PUNCHY" MC LAUGHLIN, but, again, he does not know this to be a fact - he is jut assuming this.

Informant advised that he had been warned earlier in the day by TOMMY CALLAHAN that O'TOOLE was going to move on someone that night with the MC LAUGHLINS, and he is very disturbed that he was not more careful when he came out of his house.

Informant advised that he will probably be in the hospital for another 10 days; that no bones were broken, and he should be recovered in 30 days.

On 6/4/65, BS 919-PC was contacted on "JAMES S. O'TOOLE, HARBORING," Bosfile 88-3440.

Informant was contacted at the Boston City Hospital where he is currently confined due to gunshot wounds. Informant advised that they had told him he would be released in approximately 10 days, but that he will have to wear a bag for six weeks, and that he probably will not be in any sort of condition until September.

Informant advised there is still some lead in him that cannot be removed. Informant advised that he heard that JIMMY O'TOOLE plans to take a vacation when he (informant) gets out of jail.

It is believed that this informant, through motives of revenge on the MC LAUGHLIN group, will provide information on this group as of this time. It is also felt that, in contacts with him, eventually he may be brought around to provide information on other matters of interest to the Bureau and this office.

BS 137-2447

It is known through other informants and sources of this office that this individual has been in contact with RAYMOND L. S. PATRIARCA and other members of La Cosa Nostra in this area, and potentially could be an excellent informant.

Concerning the informant's emotional stability, the Agent handling the informant believes, from information obtained from other informants and sources, that BS 919-PC has murdered FRANK BENJAMIN, JOHN MURRAY, GEORGE ASHE, JOSEPH FRANCIONE, EDWARD "TEDDY" DEEGAN, and "IGGY" LOWRY, as well as a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass., and, from all indications, he is going to continue to commit murder.

Some of the information provided by the informant has been corroborated by other sources and informants of this office. Although the informant will be difficult to contact once he is released from the hospital because he feels that the MC LAUGHLIN group will try to kill him, the informant's potential outweighs the risk involved.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : SAC JAMES L. HANDLEY DATE: 6/10/65

FROM : INSPECTOR H. E. CAMPBELL

SUBJECT: BS-919-PC

CI PCI TE PC

SI PSI

RI

The file pertaining to the above-captioned Informant has been reviewed by the Inspection Staff and the Informant has been rated as

Excellent ____

Very Good ____

Good ✓

Fair ____

Poor ____

BS 137-2447-
Bufile 137-12576
BS 134-
Bufile-
BS 170-
Bufile

137-2447-10
SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUN 23 1965
FBI-BOSTON

Assigned to: Rico 3/12/65 -

Remarks

Bulet 6/4/65 requests above re development purposes.

FDT:po'b
(300)

EXHIBIT
103

Page 12 and 3 enclosure pages of serial 1 are being deleted in their entirety for code: F, M.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, BOSTON Attn: SA D. V. Shannon DATE: June 14, 1965

FROM : Helen Hatch, Correlator

SUBJECT: JOSEPH BARBOZA, JR., Aka.
Joseph Barboza, Joe Barron,
Joe Barbosa, Joe Barboza,
Joe Barbozza

ADD: 216 Revere Beach Parkway,
Apt. 24, Revere, Mass.

This correlation memo consists of a review of all the references indicated on the attached FD-160, in accordance with the instructions of SAC, Boston.

The following references were reviewed and determined to be identical with the captioned individual.

F.M.B

000776

[redacted]

F

SERIALIZED FILED
JUN 1 1965
FBI — BOSTON

(See Serial 85 p.1) of [redacted]

Index card consolidated
6/14/65 XW

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
104

Pages 2 through 4 of serial 1 are being deleted in their entirety for code: F, B, M.

SUBJECT: JOSEPH BARBOZA, Aka.

M.B

[redacted] 2597 p.2

F.M.B

On 3/4/65, UNMAN contacted Patriarca and stated he had brought down Vincent Flemmi and another individual (who was later identified as JOE BARBOZA from East Boston, Mass.) It appeared that Frank Smith, Boston hoodlum, was giving orders to Vincent Flemmi to "hit this guy and that guy."

000778

-5-

SUBJECT: JOSEPH BARBOZA, Aka.

[redacted] 2597 p.2 (Cont'd) F

Raymond Patriarca appeared infuriated at Frank Smith giving such orders without his clearance and made arrangements to meet Flemmi and BARBOZA in a garage shortly thereafter. He pointed out that he did not want FLEMMI or BARBOZA contacting him at his place of business.

p.5

Gennaro J. Angiulo contacted Patriarca [redacted] Angiulo told Patriarca that Vincent Flemmi was with JOE BARBOZA when he, BARBOZA, killed Jackie Francione in Revere, Mass. several months ago. It appeared that Frank Smith, Boston hoodlum, had ordered the "hit". Patriarca again became enraged that Smith had the audacity to order a "hit" without Raymond's knowledge.

[redacted] 2600 p.3

F.M

[redacted] 3/9/65 that James Flemmi and JOSEPH BARBOZA contacted Patriarca, and they explained that they were having a problem with Teddy Deegan and desired to get the "OK" to kill him.

They told Patriarca that Deegan is looking for an excuse to "whack" Bobby Donati who is friendly with Rico Sacrimone.

It is noted that Deegan was the individual who killed Rico Sacrimone's brother several months ago. Flemmi stated that Deegan is an arrogant, nasty sneak and should be killed.

Patriarca instructed them to obtain more information relative to Deegan and then to contact Jerry Angiulo at Boston who would furnish them a decision.

F.M

000779

SUBJECT: JOSEPH BARBOZA, Aka.

F.M.B

A lengthy discussion took place wherein Joe Lombardo was very perturbed because Cassesse and JOSEPH BARBOZA were associating with the Flemmi brothers; and further, that information had been put out to the effect that BARBOZA was with Flemmi when they killed Edward Deegan.

M.F.B

000780

SUBJECT: JOSEPH BARBOZA, Aka.

F.M.B

000781

SUBJECT: JOSEPH BARBOZA, Aka.

F.B.M

[redacted]76 p.2 Memo of SA Donald V. Shannon [redacted] captioned: [redacted]

B [redacted] 3/10/65 he had learned that Frankie Smith, JOE BARBOZZA, Ronny Cassesss and Jimmy Flemmi had been down to see Raymond Patriarca [redacted] He said also that Cassesss and Jimmy Flemmi together with BARBOZZA had been to see Patriarca [redacted]

F.B.M

000782

SUBJECT: JOSEPH BARBOZA, Aka.

B.F.M

F

[redacted]-16 pg.2

Memo of [redacted]
captioned: [redacted]

B.M

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot Teddy Deegan with a .45 caliber gun.

PCI related that BARBOSA indicated that Roy French was with Deegan and another individual when Deegan was shot by BARBOSA and two other individuals, one of whom informant believed was Romeo Martin.

[redacted] BARBOSA indicate that one of the guys with Deegan whom they had planned to kill along with Deegan ran off when the law showed up and fled.

PCI stated that he had heard that JOE BARBOSA was extremely friendly with Jimmy Flemma from Dudley Street. He stated that BARBOSA had tried to reach Jimmy Flemma a short time ago and wanted to know if Flemma had gone to Providence to see Raymond (Patriarca).

[redacted] Jimmy Flemma had gone to Providence, R. I., earlier on the day that BARBOSA had tried to contact Flemma.

000783

SUBJECT: JOSEPH BARBOZA, Aka.

[redacted]-17 pg.2

Memo of [redacted]
captioned: [redacted]

B.M

PCI stated that Jimmy Flemmi is quite boastful about going to Providence and meeting with Raymond Patriarca and has heard that he has mentioned about seeing "The Boss" when talking with JOE BARBOSA and Ronnie Cassesai.

[redacted]-18 pg.1,2

May 3, 1965,

B.F.M

PCI indicated that JOSEPH BARBOZA had remarked that Flemmi was a very close friend of his and appeared to be quite upset over the Flemmi shooting.

[redacted]

000784

FD-263 (Rev 5-1-56)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/20/65	3/13 - 6/8/65

TITLE OF CASE	REPORT MADE BY	TYPED BY
RAYMOND L. S. PATRIARCA, aka	CHARLES A. REPPUCCI	po'b
	CHARACTER OF CASE	
	AR	

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston.

New York letter to Boston, 3/19/65. (Interoffice)

Los Angeles letter to Boston, 3/30/65. "

Newark letter to Boston, 4/14, 27/65. "

- P -

ENCLOSURES:

TO BUREAU

Original and one copy of a letterhead memorandum, dated and captioned as above at Boston, characterizing informants mentioned in instant report.

APPROVED — SPECIAL AGENT IN CHARGE

COPIES MADE:
3-Bureau (92-2961) ~~(Encl 2)~~
1-USA, Providence, R. I.
1-New York (92-788)(Info)
2-Boston (92-118)

1-dtd 1539

DO NOT WRITE IN SPACES BELOW

92-2961-1044

REC 45

EX-113

JUL 23 1965

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY
REQUEST RECD. 1 CC A&C, Criminal Division
DATE FWD. Organized Crime and Racketeering
HOW FWD. Section Room 2524
BY 20 AUG 19 1965

NOTATIONS

EBI

STAT. SECT.

EXHIBIT 106

PAGE B HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B, 0-3

BS 92-118

ADMINISTRATIVE (Continued)

0-3

[redacted]

The following investigation of the NYO is being placed in the administrative section in that the report of SA CHARLES A. REPPUCCI dated 3/12/65 at Boston, Mass., on Cover Page J, reflects the original information was obtained through BS 837-C* and, for that reason, this information is not being disseminated to the USA at Providence, R. I.

[redacted]

6-3

C
COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

0-3 [redacted]

By letter dated 3/30/65, the Los Angeles Office advised as follows:

The following investigation was conducted based on information supplied by BS 837-C* to the effect that PATRIARCA had been contacted by an individual who lives at 8215 Glade Avenue, Canoga Park, Calif., and advised that his partner had swindled him out of the business. PATRIARCA was to help this individual through mutual friends in Los Angeles.

0-3 [redacted]

D
COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

[redacted]

The following investigation was conducted by SA GUY R. BAILEY at Maine in reference to Bosairtel to Bureau dated 4/16/65 entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administrative pages for the protection of the source:

On 4/29/65, Chief JOHN CLARK, Old Orchard Beach, Me. PD, advised the Old Orchard Beach PD had received a telephone call from Rhode Island from RICHARD GABRIEL's wife requesting that GABRIEL be contacted and informed that the picture window in their home had been smashed.

Chief CLARK advised on 5/12/65 that applications for a liquor license have been filed by the Chequinn Corporation by RICHARD GABRIEL and by DORIS MC CUE, and the Town Council has declined to issue any license because of disagreement between the parties requesting a license for the same location.

COVER PAGE

BS 92-118

ADMINISTRATIVE (Continued)

Chief CLARK advised one of the parties has obtained services of an attorney by the name of PERKINS from Portland and the other party has an attorney by the name of ELLIOTT from Saco, Me., and it appears that there may be negotiations. He stated the applications for the liquor license can be filed each time the local council sits for hearings on liquor licenses.

The following investigation was conducted by IC FRANCIS D. CAREY in reference to Bosairtel to Bureau dated 4/16/65, entitled, "RAYMOND L. S. PATRIARCA, aka, AR."

Since the original information did not appear in the details of any reports, and obtained from BS 837-C*, the following is being reported on the administration section for the protection of the source:

RE: HENRY J. MC CUE

On 5/3/65, a review of the marriage records at the State House, Boston, Mass., disclosed that HENRY JOSEPH MC CUE,

[redacted]

F
COVER PAGE

PAGE G-U HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3

BS 92-118
CAR:pob

ADMINISTRATIVE (Continued)

b6-3

[redacted]

BS 837-C* advised on 3/9/65 that JAMES FLEMMI and JOSEPH BARBOZA requested permission from PATRIARCA to kill EDWARD "TEDDY" DEEGAN, as they are having a problem with him. PATRIARCA ultimately furnished this "OK."

On 3/10/65, FRANK SMITH and JOSEPH MODICA sought PATRIARCA's permission to open up a gambling establishment in East Boston, Mass. PATRIARCA refused to furnish this permission until he cleared with MICHAEL ROCCO of East Boston, Mass. (It should be noted that the informant advised that SMITH never did obtain this permission.)

On 3/17/65, informant advised that PATRIARCA was concerned about a "leak" in the organization. After much discussion he reached the conclusion that the "leak" was in NYC and not in Providence, R. I.

V
COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

On 3/19/65, the informant advised that PATRIARCA was attempting to settle a dispute between Mr. LOUIS GABRIEL, Old Orchard Beach, Me., and his partner who was squeezing GABRIEL out of the business. The informant was not aware of the results of this settlement.

On 3/22/65, informant advised that PATRIARCA had received word from TOMMY RYAN of NYC requesting that he attend a meeting in New York on 3/17/65. PATRIARCA refused to do so because he was fearful of receiving a subpoena while in New York to appear before the FGJ there.

On 3/31/65, informant advised that PATRIARCA furnished the permission to ROMEO MARTIN of Boston, Mass. to burglarize the home of a millionairess.

Informant also advised that PATRIARCA was attempting to ascertain whether a LEONARD LEIBOWITZ (probably of Suffolk, N. J.) was in any way connected with LCN. BARBOZA was attempting to collect a large sum of money from LEIBOWITZ for a Mr. FEINBERG in the automobile financing business.

On 5/5/65, informant advised that PATRIARCA had been approached by JOSEPH BARBOZA, RONALD CASSESSA, and JAMES FLEMMI in order to obtain permission to kill SAMMY LINDEN of Revere, Mass. The reason for this killing was that LINDEN was furnishing a considerable amount of money to the MC LAUGHLIN group in their efforts to kill various individuals of the MC LEAN group. Subsequently the informant stated that PATRIARCA had not given a definite "OK" for the killing, but BARBOZA and his group was of the opinion that he did. LINDEN heard of the fact that he was marked for a "hit" and went to JOSEPH LOMBARDO of Boston, Mass. LOMBARDO, in turn, sent word to PATRIARCA, and after explaining the situation the "hit" was called off.

On 5/27/65, informant advised that FRED CARROZZA, who is PATRIARCA's partner in the cigarette vending machine business, had access to a casino license in Puerto Rico. He was attempting to locate an individual who would act as a "front" for him. CARROZZA needed $1\frac{1}{2}$ million for this license and was interes[illegible]

W
COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

to contact BOBBY RICE of the Dunes Hotel in Las Vegas, Nev., for possible financial assistance.

On 6/7/65, informant advised that JOHN CANDELMO, who is a member of LCN, had attempted to lease some trucks from Branded Liquors, Boston, Mass., for the purpose of hauling liquor from Indiana to Boston. He apparently contacted WILLIAM J. MC CARTHY, Head of Local 25, Truck Drivers Union, Boston, Mass., and Vice President of the International Union. PATRIARCA was very perturbed that he, CANDELMO, would contact MC CARTHY without his, PATRIARCA's, knowledge. He instructed CANDELMO to do nothing more concerning this matter.

On 6/17/65, informant advised that SAMMY LINDEN owed ABE SARKIS, notorious Boston bookmaker, the sum of $7,800. SARKIS made many efforts to collect this debt without success. He subsequently approached either JERRY ANGIULO or JOSEPH MODICA for assistance in collecting this debt. PATRIARCA became involved in that neither MODICA nor ANGIULO were able to collect the debt. PATRIARCA told TAMELEO to instruct SARKIS to go to JOHNNY WILLIAMS, LCN member who is in partnership with SARKIS in the bookmaking business, and have WILLIAMS collect this debt.

On 7/8/65, informant advised that UNMAN had a lengthy discussion with PATRIARCA concerning a loan made to "MONGE" ROSSETTI, subject of case entitled, "ANGELO MONGE ROSSETTI; SPORTSDAY WEEKLY, INC., ITWI." It appeared that "MONGE" ROSSETTI had borrowed money from the Pan American Finance Co., which is operated by JOSEPH MODICA. PATRIARCA has an interest in this finance company.

"MONGE" borrowed $1,600 one time and just prior to the time he was sent away for one year, in connection with the above-mentioned case, he borrowed an additional $2,000. MODICA is putting the pressure on "MONGE" ROSSETTI's brother-in-law, FRED PRATT, to pay the $3,600.

X
COVER PAGE

BS 92-118
CAR:po'b

ADMINISTRATIVE (Continued)

MODICA contacted HENRY TAMELEO when he was unsuccessful with the brother-in-law. PATRIARCA, upon hearing the details of this loan, was infuriated at MODICA for loaning ROSSETTI money without his, PATRIARCA's OK. He indicated that he has a piece of SPORTSDAY WEEKLY and should know what is going on in the operation of this race wire service.

COVER PAGE

PAGE 1-26 HAS BEEN DELETED IN IT'S

ENTIRETY FOR THE FOLLOWING REASON(S): B,O-3

EXHIBIT 107

FD 209 (Rev. 2-1-63)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (137-[redacted]) F

DATE: 7/27/65

FROM : SAC H. PAUL RICO and RAYMOND F. BALL

[X] CI [ ] SI [ ] PCI [ ] PSI

SUBJECT: BS 919-PC

Dates of Contact

7/22/65

Titles and File as on which contacted

JAMES S. O'TOOLE
UFAP-A&B WITH DANGEROUS WEAPON TO WIT,
A GUN WITH INTENT TO MURDER — 88-3448

Purpose and results of contact

[ ] NEGATIVE
[X] POSITIVE

Informant advised that he himself is still recovering from wounds after being shot by JIMMY O'TOOLE and two other unknown individuals, whom he believes were STEVIE HUGHES and EDWARD "PUNCHY" MC LAUGHLIN. Informant advised he has a drain coming from one of his wounds, and he still has seven pieces of lead in him.

Informant indicates that he would like the opportunity to meet O'TOOLE and personally settle their differences.

Informant advised that he does not know why O'TOOLE shot JOHN FLANNERY the morning of 7/13/65, other than O'TOOLE is a "real nut" and it is only a matter of time before someone catches up with him.

Informant advised his biggest regret is that he did not kill GEORGE MC LAUGHLIN when MC LAUGHLIN was hanging around

[X] Informant certified that he has furnished all information obtained by him since last contact.

Rating: 1

Coverage: 38a

Personal Data

137-2447
[redacted] F
88-3448
HPR:pc'b
(3)

Rico
dissemination to Immediate
Conference to
Jack Spiral

137-2447-11

JUL 28 1965

the Dudley Lounge before he became sought for murder. Informant advised that he wanted to strangle MC LAUGHLIN with his bare hands and his brother told him to forget about it.

Informant advised that he was sorry to see ROMEO MARTIN murdered, and he said that ROMEO MARTIN is the individual who took RICHARD CARIGNAN out of the Dearborn Square area after he was wounded and put him in the apartment where he was ultimately apprehended by the FBI and the Boston Police.

Informant advised that RICHARD CARIGNAN served a very hard "time" and he believes that CARIGNAN will commit suicide. He does not think that CARIGNAN could possibly look forward to the completion of his sentence.

Informant further advised that CARIGNAN is extremely dangerous and while he was incarcerated with CARIGNAN, CARIGNAN killed one inmate by stabbing him, and he hit another inmate with a hammer and knocked out both of his eyes.

BS 92-1132

II. ACTIVITIES

B

[redacted] advised that JOSEPH BARBOZA had been arrested Friday night, September 10, 1965, for beating a policeman with a gun at the Ebb Tide in Revere, Massachusetts.

[redacted] stated that the general rumor [redacted] was that JOSEPH BARBOZA of Revere was under contract to be assassinated since he was tied into the MC LEAN-MC LAUGHLIN feud.

[redacted] stated that JOSEPH BARBOZA split with CONNIE FRIZZI in loansharking and was then in partnership with ARTHUR BRATSOS.

Informant added that BARBOZA had plenty of money and had just purchased a new home in Swampscott, Massachusetts.

EXHIBIT 108

DIRECTOR, FBI (137-12516) 9/15/65

SAC, BOSTON (137-2447)(O)

BS 919-PC
TOP ECHELON CRIMINAL INFORMANT PROGRAM

Reboslet to Bureau dated 9/6/65.

This informant has been charged with "Assault with a Dangerous Weapon with Intent to Murder," which involved the shooting of JOHN CUTLIFFE outside of a cafeteria at Tremont and Boylston Streets, Boston. Informant surrendered on this charge and was released in $25,000. The case was continued until 9/3/65 and informant failed to appear and a default warrant was issued.

In view of the fact that informant is presently a local fugitive, any contacts with him might prove to be difficult and embarrassing.

In view of the above, this case is being closed.

SEARCHED
INDEXED
SERIALIZED
FILED

2-Bureau
1-Boston
HPR:po'b
(3)

EXHIBIT
109

137-2447-18

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Vincent Flemmi Missing; Target Of Underworld

BY ROBERT TURNER

Gangland target Vincent J. Flemmi was missing today amid speculation that gangland assassins may have finally found their mark.

The 29-year-old Dorchester man forfeited $25,000 bail when he failed to appear before Judge Harold Canavan in Boston Municipal Court on a charge of assault with intent to murder.

His attorney, Joseph Oteri, told the court: "I don't know whether he's alive or dead."

Oteri said he spoke to Flemmi at 9:30 p.m. yesterday and expected him to appear in court on schedule.

"I have heard nothing from him since then," Oteri said.

Flemmi, who has miraculously survived two attempts on his life by gangland executioners during the past year, was charged with shooting John Cutcliffe, 22, Edson st., Dorchester, on the sidewalk at 185 Tremont st. early on the morning of Aug. 23.

Cutcliffe was on the danger list at Massachusetts General Hospital for several days after the shooting but was released from the hospital under nursing care yesterday.

Flemmi surrendered himself in an early morning rendezvous with police Aug. 28.

He posted bail and was released Tuesday.

The Weldex st., Dorchester, man was gunned down by two unidentified men outside an apartment at 696 Adams st., Dorchester, May 1. Although he was hit nine times by pistol and shotgun slugs, he managed to fire twice at his assailants. He was released from City Hospital June 5.

Just a year ago, Flemmi came into City Hospital at 4 a.m. with a bullet wound in his left leg. He told police then that he was attacked on Bird st., Dorchester, by two gunmen who fired six shots at [illegible]

The court continued to hold two persons as material witnesses of the Aug. 23 shooting. They are Anthony Mazza, 24, of Roslindale, who failed to raise the $10,000 bond set by the court, and Miss Maureen Warden, unemployed waitress of Brook st., Brighton, who was released in her personal recognizance.

Judge Canavan ordered the hearing continued to Sept. 13.

Oteri said he expected the Grand Jury to return an indictment against his client next Tuesday.

Det. Elmer V. H. Brooks in a discussion of bail for the material witnesses said Mazza had obtained a one-day [illegible] to Italy since the shooting.

137-2447

[redacted]

F

(Indicate page, name of newspaper, city and state.)

1 BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
Boston, Mass.

BOSTON TRAVELER
Boston, Mass.

CHRISTIAN SCIENC MONITOR
Boston, Mass.

RECORD AMERICAN
Boston, Mass.

Date: 9-3-65
Edition: Final
Author: Robert Turner
Editor: Victor O. Jones
Title: Anti-Hacksteerin

Character:
or
Classification: 92-[illegible]
Submitting Office: Bos

☐ Being Investigated

137-2447

U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception (617) 748-3100
United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

December 19, 2000

John Cavicchi, Esquire
Attorney at Law
[redacted]
East Boston, MA 02128

RE: Disclosure of FBI Documents Relating to the
March 12, 1965 Murder of Edward "Teddy" Deegan

Dear Mr. Cavicchi:

This letter and its enclosures are being sent in response to your letter to me dated 11/16/2000, in which you asked that I provide "any information" that would assist you in responding to a Court Order in the matter of the Commonwealth of Massachusetts v. Peter Limone, Superior Court Crim. No. 32367, 69-70, which is pending before the Honorable Margaret R. Hinkle. As you explain, this Order requires you to file a Non-Live Witness Statement listing police reports, affidavits, transcripts and any other documents that you intend to rely upon in support of your motion for a new trial filed on behalf of your client, Peter Limone. I understand the matter being heard relates to your client's conviction for the 1965 murder of Edward "Teddy" Deegan and involves your motion for a new trial in that case.

In response to your request, FBI employees assigned to the Justice Task Force (JTF) initiated a review of Boston FBI informant, intelligence and investigative files that contain information that dates back to the 1950s and 1960s. JTF's search first determined that around the time Deegan was murdered, Vincent James Flemmi was an FBI informant. According to the file maintained in support of efforts to develop Flemmi as an informant, focus on Flemmi's potential as a source began on about 3/9/1965. The first reported contact with Flemmi was by FBI Boston Special Agent (SA) H. Paul Rico on 4/5/1965. The informant file was officially opened and assigned to SA Rico on 4/15/1965 and reflects that Flemmi was contacted a total of five times as an informant, each time by SA Rico. The dates of contact were 4/5/1965, 5/10/1965, 6/4/1965, 7/22/1965 and 7/27/1965. Flemmi's file was closed on 9/15/1965 after Flemmi was charged with a crime, unrelated to the Deegan murder.

Vincent James Flemmi's informant file was found to contain two documents that relate to the Deegan murder, one of which is a summary of information known by the Boston FBI about Flemmi's criminal activities at the time he was opened as an informant. This summary includes information previously reported to the FBI by other sources. The JTF attempted to review these other source files and any other intelligence files where their information may have been filed. Efforts have also been made to locate any investigative files that relate to the Deegan murder.

000315 [redacted] 17

F

Thus far, a total of five documents have been located that appear to be responsive to your request. These are: 1) 3/15/1965 Memorandum from Boston SA H. Paul Rico to the SAC, Boston, reporting a contact with a source on 3/10/1965. 2) 3/15/1965 Memorandum from Boston SA H. Paul Rico to the SAC, Boston, reporting a contact with the same source on 3/13/1965. 3) 3/19/1965 Airtel from SAC, Boston to Director, FBI, entitled "Criminal Intelligence Program, Boston Division" summarizing developments during that week. 4) 4/22/1965 Memorandum from a Boston "Correlator" to the SAC, Boston, entitled "Vincent James Flemmi, Aka (sic)" which summarizes information in FBI files known about Flemmi at the time he was opened as an informant. 5) 6/9/1965 Airtel from SAC, Boston, to Director, FBI, entitled "BS-9190-PC" which reports on the status of efforts to develop Vincent James Flemmi as an FBI informant. (These documents have been sequentially numbered 0000 1 thru 000026.)

Several impediments to the JTF's search for records were encountered. Since the Deegan murder occurred over 30 years ago, many files that could logically contain relevant information were routinely destroyed years ago. For example, the enclosed 4/22/1965 summary memorandum references many other source reports that contain the original record of this information. Efforts to locate these original records have been unsuccessful. As a result, this summary memorandum represents the only surviving record of its information. Simply stated, the raw source data that was originally reported appears to no longer exist. Efforts continue to locate copies of this data that may have been filed in intelligence files.

Only two informants have been found to have reported information relating to the Deegan murder after the murder occurred. Enclosures 1 and 2 report information from the same source and Enclosure 3 appears to report information from this source to FBI Headquarters. Each of the files for the informants whose information is contained in the enclosures appears to have been the subject of routine destruction. In this regard, however, I would note that a case file containing information from Joseph Baron (Barboza) was located on this date, and a review of that file will begin shortly.

You will note that the attachments have been subjected to a routine redaction process which removes information that is not relevant to your request or has otherwise been lawfully excluded. It should be noted that the JTF is not completely familiar with the issues before Judge Hinkle. In addition, the JTF has not completed its review of the many FBI files from the Deegan murder time frame. Therefore, it can not be stated with certainty at this time that the attached documents represent the only relevant material in FBI files. If either party to the Limone matter wishes to provide greater specificity as to the materials that would be relevant to that proceeding, the JTF will consider this information in its record search. Regardless of whether such a request is received, the JTF will promptly advise you if any additional relevant documents are discovered.

As you know, the JTF has also been in contact with Attorney Victor Garo who represents Joseph Salvati. Mr. Garo previously has brought issues regarding Salvati's conviction for the

Deegan murder before the Superior Court and is continuing his efforts to exonerate Salvati for this murder. These documents also appear to be relevant to concerns previously expressed to the JTF by Attorney Victor Garo on behalf of his client, Joseph Salvati, and, therefore, copies are being provided to him.

Let me conclude by stating that the JTF, the United States Attorney's Office, the Boston FBI Office and FBI Headquarters understand the potential significance of the enclosures to Mr. Limone and Mr. Salvati. These documents are being made available to you with the concurrence and encouragement of the Boston FBI and FBI Headquarters. Collectively, efforts will continue to locate other documents that may be responsive to your concerns. If you have questions concerning the enclosures, please do not hesitate to contact me at telephone number [redacted] (Justice Task Force, 18 Tremont Street, Suite 300, Boston, MA 021308), or [redacted] (United States Attorney's Office, 157 Church Street, 23rd Floor, New Haven, CT 06510).

Very truly yours,

DONALD K. STERN
United States Attorney

JOHN H. DURHAM
Special Attorney

cc: Assistant District Attorney Mark Lee w/ Enclosures
William Koski, Esquire w/ Enclosures
Victor Garo, Esquire w/ Enclosures

Donald K. Stern
United States Attorney

Charles Prouty
SAC FBI Boston

#20

DIRECTOR, FBI 11/3/65

SAC, BOSTON [redacted]

[redacted]

STEPHEN JOSEPH FLEMMI, FBI [redacted] being designated as a target in this program.

It was ascertained through contact with the now deceased [redacted] that STEVIE FLEMMI was actively involved in the gangland war that continues in the Boston area between what remains of the MC LAUGHLIN gang and members of the East Boston gang by JOSEPH BARBOZA, the Dearborn Square group led by STEVIE FLEMMI, TOMMY CALLAHAN's gang led by top hoodlum THOMAS CALLAHAN, and the Somerville gang now led by HOWARD WINTERS.

Although the LCN in this area has not actively taken part in this gang war, there is every possibility that they may move into the picture in the near future and since FLEMMI is in contact with the leaders of the different groups that are against the remaining MC LAUGHLIN faction, and that all these groups are very aware of the possibility of LCN moving in to support the MC LAUGHLIN group, it is felt that FLEMMI will be in a position to furnish information on LCN members in this area.

FLEMMI, when contacted on 11/1/65, advised in the "strictest confidence" that he believes that LARRY BALUNE, LCN member in this area, will eventually [illegible] openly support STEVIE [illegible], the recognized [illegible] remaining MC LAUGHLIN group. FLEMMI advised that he [illegible]

[illegible]

(3)

-13

[redacted]

H-183

EXHIBIT

111

[redacted]

that LARRY BAIONE and STEVIE HUGHES were very close to each other when both were incarcerated at Massachusetts State Prison and that BAIONE, in his opinion, is an extremely treacherous and dangerous individual and that he believes that BAIONE would act [illegible] instructions [illegible]

[illegible] FLEMMI further advised that he believes that the murder of JAMES J. "BUDDY" MC LEAN was perpetrated by STEVIE HUGHES and that he believes the getaway car used was driven by MAXIE SHACKELFORD.

Informant advised that he based this on the fact that HUGHES is thr only one in the group that has the courage to go in to the Winter Hill section of Somerville, Mass., where the murder took place and that the getaway car would have to be driven by either MAXIE SHACKELFORD or FRANCIS X. "GAGA" MURRAY and that MURRAY was home the day after the murder, and if MURRAY had been involved in the murder he would have taken off out of this area.

FLEMMI advised that he realizes that he is the prime target for an execution by the MC LAUGHLIN group and that he, therefore, does not live at home. He advised that when contacts are necessary that he can be called at the Mount Pleasant Realty, GArrison [redacted], or evenings at AVenue [redacted] or [redacted]. He said a message could be left to have him "Call JACK from South Boston," and he will then contact the Agent telephonically at the FBI office where a meet can be arranged.

This individual appears to be emotionally stable and if he survives the gang war he would be a very influential individual in the Boston criminal element.

EFH:ded

January 19, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I will be glad to help [redacted] in her preparation of your book to the degree possible.

Please find enclosed a portion of the government's brief filed in the Patriarca case in the United States Court of Appeals for the First Circuit which states in summary fashion the facts testified to at trial. This document should provide an overall view of the testimony introduced at trial. After [redacted] examines this document, we will provide certain portions of the transcript of the testimony which might be necessary to fill out the narrative provided here.

I will ask John Doyle with regard to the 150 photographs you require and suggest that you also communicate with John directly. Here follows some information which might be valuable to you in the preparation of your book:

10/31/61	Bernard McLaughlin	Charlestown
7/7/62	George Joynt	Medford
3/15/64	William J. Sheridan	Roxbury
5/4/64	Francis R. Benjamin	South Boston
5/12/64	Russell C. Nicholson	Wilmington
7/23/64	Paul J. Colicci	Quincy
7/23/64	Vincent A. Biasi	Quincy
8/20/64	Wilfred J. Delaney	Boston Harbor
8/30/64	Harold R. Hannon	Boston Harbor
9/3/64	Leo J. Lowry	Pembroke
9/4/64	Ronald P. Dermody	Watertown
9/26/64	Carlton Eaton	Malden
10/10/64	Robert S. Charlbois	Roxbury
10/17/64	Anthony Sacramone	Everett



BSF-00768

11/10/64	Mrs. Margaret Sylvester	Boston
11/13/64	William J. Treannie	South End
11/24/64	Edward P. Huber	Hingham
12/16/64	George O'Brien	South Boston
12/28/64	George E. Ash	South End
1/10/65	John F. Murray	Dorchester
1/15/64	Robert J. Rasmussen	Wilmington
1/23/65	Henry F. Reddington	Weymouth
1/26/65	Joseph Francione	Revere
3/2/65	John Barbieri	Rehoboth
3/12/65	Edward Deegan	Chelsea
4/12/65	Peter A. Cassetta	Maynard
5/20/65	William Ferguani	Tyngsboro
7/9/65	Joseph Romeo Martin	Revere
7/10/65	Edward I. Crowell	Burlington
8/21/65	Wady David	South End
10/20/65	Edward J. McLaughlin	West Roxbury
10/29/65	James J. McLean	Somerville
11/15/65	Robert T. Palladino	North End
11/15/65	Raymond DiStasio	Revere
11/15/65	John R. O'Neil	Revere
4/25/66	David Sidlauskas	Quincy
4/26/66	Anthony Veranis	Milton
5/66	Cornelius Hughes	Revere
6/16/66	Rocco DiSeglio	Topsfield
9/23/66	Stephen Hughes	Middleton
9/23/66	Samuel D. Lindenbaum	Middleton
9/28/66	John W. Jackson	Back Bay
11/15/66	Arthur C. Bratsos	South Boston
11/15/66	Thomas DePrisco	South Boston
12/7/66	Joseph Amico	Revere
1/15/67	William L. O'Brien	Stoughton
3/19/67	John Locke	Revere
6/26/67	Richard Cammarata	Charlton
12/24/67	William Bennett	Dorchester
2/2/67	Andrew Von Etter	Medford
12/31/67	J. Richard Grasso	Brookline
4/18/67	Joseph Lanzi	Medford

Missing: Edward Bennett
Walter Bennett
Thomas Timmons
Anthony Sasso
Rubin Needel

I filled out the questionnaire a few months ago and returned it to the prison. If it is not in the prison's records, please send me another one and I will fill it out again and promptly return it.

I will make a call to Coyle to determine the feasibility of your being returned to the State of California.

Have [redacted] call me after she has an opportunity to review the Patriarca brief.

Sincerely,

Ted Harrington

Enclosures

FD-204 (Rev. 5-3-54)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - WALTER H. BARNES, Departmental Attorney
Boston, Massachusetts

Report of: JOSEPH J. REILLY Office: BOSTON, MASSACHUSETTS
Date: 6/30/69

Field Office File #: 92-1144 Bureau File #:

Title: VINCENT J. FLEMMI

Character: ANTI-RACKETEERING

Synopsis: Investigation in this case was initiated upon receipt of information that VINCENT J. FLEMMI is closely associated with members of the LCN in the Boston area. Background and associates set forth. Credit and arrest set forth. FLEMMI is presently operating an after hours club above the Manor Cafe at Dudley and East Cottage Streets, Boston. FLEMMI is regularly seen at Suffolk Downs Race Track and Enrico's Lounge, LaGrange Street, Hyde Park, Boston, and at the Bat Cove, Friend Street, Boston.

-P-

DETAILS:

Investigation in this case was initiated upon receipt of information that VINCENT J. FLEMMI is closely associated with members of the La Cosa Nostra in the Boston area.

[redacted] B

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

BS 92-1416

B

[redacted]

On June 2, 1969, the subject was observed by SA JOSEPH J. REILLY in the company of JOHN MARTORANO at Enrico's Lounge on LaGrange Street, Hyde Park. On June 13, 1969, the subject was observed with FRANKIE SALEMME by SA REILLY in the Bat Cove Lounge on Friend Street, Boston, Massachusetts.

On June 10, 1969, Detective EDWARD WALSH, Boston Police Department, advised that since getting out of prison in March, 1969, VINCENT J. FLEMMI has been hanging around with JOHN MARTORANO and STEVE BUSIAS. WALSH advised he has observed FLEMMI at Suffolk Downs Race Track and has received information that FLEMMI is operating an after hours club above the Manor Cafe at Dudley and East Cottage Street, Boston.

On June 19, 1969, the subject was observed in the company of STEVE BUSIAS, JOHN MARTORANO and another unknown individual by SA REILLY at Suffolk Downs Race Track, Boston, Massachusetts. After the eighth race at approximately 5:40 PM on that date, the above four individuals were observed departing the premises in a 1967 Oldsmobile. They were followed to [redacted] in the Hyde Park section of Boston. FLEMMI entered the house alone and returned to the others in the parked vehicle five minutes later.

They drove off and surveillance was discontinued.

On June 10, 1969, Sergeant WALSH advised that on May 9, 1969, JIMMY FLEMMI, BUSIAS, and SALEMME were picked up as a result of a disturbance at the Party Lounge in Boston. The three were released from custody when no charges were brought against them.

On June 27, 1969, SA JOSEPH J. REILLY and Detective EDWARD WALSH, Boston, Massachusetts Police Department, observed VINCENT J. FLEMMI at an after hours club located above the Manor Cafe, Dudley and East Cottage Streets, Boston.

The following background information on VINCENT J. FLEMMI was obtained from the records of the Massachusetts Board of Probation, Suffolk County Courthouse, Boston, Massachusetts, a central repository for all criminal conviction records in the Commonwealth of Massachusetts.

Date of Birth:	September 5, 1935
Place of Birth:	Boston, Massachusetts
Race:	White
Sex:	Male
Weight:	185 pounds
Height:	5'8½"
Complexion:	Dark
Eyes:	Hazel
Hair:	Brown (balding)
Social Security Number:	[redacted]

Service Data:	None
Wife:	[redacted]
Marital Status:	Married, 6/19/64
Wife's date of birth:	[redacted] 1945
Residence:	[redacted] Hyde Park, Boston, Mass.
Parents:	[redacted] FLEMMI [redacted] Boston, Mass.
Brothers:	[redacted] and [redacted]
Sister:	Mrs. [redacted] Jersey City, New Jersey

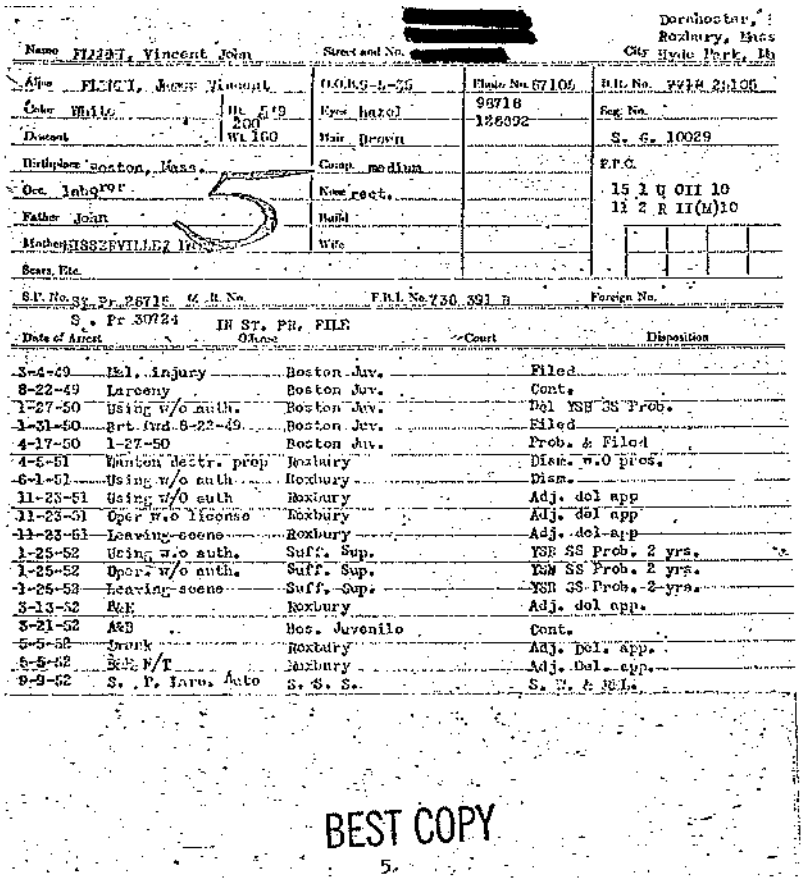
According to the Massachusetts Board of Probation, FLEMMI was last convicted on November 19, 1965, and sentenced to four to six years in prison for armed assault with intent to murder. FLEMMI served his time at the Massachusetts State Prison at Walpole, Massachusetts and was discharged March 28, 1969.

Subject has scores of arrests since March 4, 1949, for such offenses as larceny, automobile theft, assault and battery, drunkenness, breaking and entering, armed robbery.

BS 92-1416

On October 11, 1957, FLEMMI was sentenced to seven to ten years for armed robbery.

On June 26, 1969, the Credit Bureau of Greater Boston, Inc., 6 St. James Avenue, Boston, Massachusetts advised they could locate no record identifiable with VINCENT J. FLEMMI.



[redacted]

Dorchester, Roxbury, Mass

Name FLEMMI, Vincent John | Street and No. [redacted] | City Hyde Park, Ma

Alias FLEMMI, James Vincent	O.O.B. 9-4-35	Photo No. 67105	B.R. No. 7718 25105
Color White	Ht. 5'9 200 Wt. 160	Eyes hazel	98718 128092
Descent		Hair Brown	Seg. No. S. G. 10029
Birthplace Boston, Mass.		Comp. medium	F.P.C. 15 1 U OII 10 11 2 R II(M)10
Occ. laborer		Nose rect.	
Father John		Build	
Mother HISSERVILLE, Ire		Wife	
Scars, Etc.			

S.P. No. St. Pr. 26715 M.R. No. F.B.I. No. 730 391 B Foreign No.

S. Pr 30724 IN ST. PR. FILE

Date of Arrest	Offense	Court	Disposition
3-4-49	Mal. injury	Boston Juv.	Filed
8-22-49	Larceny	Boston Juv.	Cont.
1-27-50	Using w/o auth.	Boston Juv.	Del YSB SS Prob.
1-31-50	Brt. Gwd 8-22-49	Boston Juv.	Filed
4-17-50	1-27-50	Boston Juv.	Prob. & Filed
4-5-51	Wanton destr. prop	Roxbury	Dism. w.o pros.
6-1-51	Using w/o auth	Roxbury	Dism.
11-23-51	Using w/o auth	Roxbury	Adj. del app
11-23-51	Oper w.o license	Roxbury	Adj. del app
11-23-51	Leaving scene	Roxbury	Adj. del app
1-25-52	Using w.o auth.	Suff. Sup.	YSB SS Prob. 2 yrs.
1-25-52	Oper. w/o auth.	Suff. Sup.	YSB SS Prob. 2 yrs.
1-25-52	Leaving scene	Suff. Sup.	YSB SS Prob. 2 yrs.
3-13-52	B&E	Roxbury	Adj. del app.
3-21-52	A&B	Bos. Juvenile	Cont.
5-5-52	Drunk	Roxbury	Adj. Del. app.
5-5-52	B&E F/T	Roxbury	Adj. Del. app.
9-9-52	S. P. Larc. Auto	S. S. S.	S. W. & R&L.

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Date of Arrest	Offense	Court	Disposition
9-11-52	S. P. Unarmed Robbery	Div. 4	No Prob. Cause
	NO RECORD D OF J		
9-13-52	A&B	Central Ct.	1 Mo. H. C.
1-8-54	Affray	Roxbury	3 Mo. H. C. sev. tol 8-5
2-23-54	SP A&B W/D Weapon	Div. 4	S. W. & RFL.
3-20-54	S/ P. A. & W/D Weapon	Div. 4	
3-22-54	A&B (2)	Suff. Sup. Ct.	2 Mos. H. C on ct. Fel
3-22-54	Mal Inj. Prop	Suff. Sup. Ct.	2 Mos. H. C. F&A App.
4-3-54	Surr. on 1-8-54-case	Roxbury	3 Mo. H. C. Committed
10-9-54	S. P. Larc. M. V.	S.S.S.	S. F. & RFL.
10-17-54	S. P. Unarm. Robb.	Div. 4	
10-17-54	Affray	BMC	Filed
10-18-54	Unarmed Robbery	BMC	N. G.
10-18-54	A&B (2)	BMC	6 Mos. H. C. SS appeals
5-5-54	A&B	Suff. Sup.	2 Mo-HC fr. & aft. sent
5-5-54	A&B	Suff. Sup.	6 mo. H. C from & after a
6-5-54	Post. Property	Suff. Sup.	Prob. 2 yrs. aft sent n
12-21-56	S. P. Armed Robbery	Div. 4	S. W. & RFL.
1-25-57	S. P. Arm. Robb.	Div. 4	S. W. & RFL.
3-11-57	S. P. Unarmed Robbery (att)	Div. 3.	
4-16-57	S. P. Assault, Int. to Rob	DCI	S. W. & RFL.
7-23-57	SP Armed Robbery	RCI	T. C. T. Div. 10
	FROM BOARD OF PROBATION 9-12-57		
4-16-52	Del. Rel. M/T	Suff. Sup	Del Prob. 3 yrs.
5-5-52	Drunk	Roxbury	Adj. Del. App.
5-5-52	B&E	Roxbury	Adj. Del. A pp.
7-5-52	Unarmed Robbery	Boston Juv.	Bound Over
9-26-52	Del. Drunk	Suff. Sup.	On File
9-26-52	Del. B&E	Suff. Sup.	On File
9-26-52	Robbery (Habeas)	Suff. Sup.	MXXXIX 18 Mos. HC fr. &
9-26-52	Surr. Unc M/C Auth.	Suff. Sup	On File aft sent.
9-26-52	Surr. Oper. W/O Lic.	Suff. Sup.	On File aft. sent.
9-26-52	Surr. on ret. aft. Inj. prop.	Suff. Sup.	On File aft. sent.
9-26-52	Surr. B-S M/T	Suff. Sup.	On File aft. sent.
12-22-53	Par. 1-26-54 H of C.		
9-16-52	A&B	Central	1 mos. H. C. Conc.
1-8-54	Affray	Roxbury	3 mos. HC as Fr. 1-8-5
3-22-54	A&B	Central	3 mos. HC on ct. fr &
3-23-54	Unl. Post. Prop. (part)	Central	1 mo. HC fr & aft. app
4-3-54	Surr. 1-8-54	Roxbury	3 mos. H. C. Conc.
5-5-54	A&B	Suff. Sup.	2 mos. H C fr & af.

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FLAHERTY, Vincent John BR. # 25105 DOB: 9-5-35

Date of Arrest	Offense	Court	Disposition
6-5-54	A&B	Suff. Sup.	6 mos. HC fr & aft. A&B
6-5-54	Wants Dest. Pers. Prop.	Suff. Sup.	Prob. 2 yrs. aft. sents.
8-10-54	Rel. Esc. H of C.		
10-18-54	Affray	Central	Filed
10-18-54	A&B	Central	6 mos. HC appd.
10-18-54	A&B " "	Central	6 mos. HC conc. appd.
12-15-54	A&B	Suff. Sup.	2½ yrs. HC Dedham
12-15-54	A&B	Suff. Sup.	2 yrs. H.C. & Prob. 5 yrs. c
12-15-54	Surr 5-5-54	Suff. Sup.	Filed
11-20-56	Par. 1-8-57 Horf H of C		
12-24-56	Robbery Armed	Central	Waive Exam
1-23-57	Forg. & Utter	Roxbury	Bound Over
3-12-57	A&B	Central	1 yr. HC app.
10-10-57	Attempted Unarmed Robbery	Suff. Sup. Crt.	1 yr. HC
10-11-57	Robbery Armed	Suff. Sup. Ct.	7-10 yrs. St. Pr.
7-23-63	Par. from Walpole Date Disch.		
8-27-63	Asslt. Int. to Murder	Dist. 2	4-6 yrs. at Walpole
	from BOARD OF PROBATION 9-10-65		
11-20-56	Paroled to 1-8-57		
12-24-56	Robbery Armed (3)	Central	H. S.
3-12-57	A&B	Central	1 yr. HC app.
7-23-57	Forge & Utter	Roxbury	BO
10-10-57	A&B	Suff. Sup	1 Yr. HC Com.
10-10-57	Surr. 12-18-54	Suff. Sup	2 yrs. HC
10-11-57	Robb. Armed (2)	Suff. Sup.	MCI Walpole 7-10 yrs.
10-11-57	Forge & Utter	Suff. Sup.	2½-3 yrs. MCI-W. Conc.
10-11-57	Consp. to Rob.	Suff. Sup.	Filed
12-9-58	A&B	Horf. Sup.	6 mos. HC & a cont sen
7-23-63	Discharged		
2-3-64	Drunk	Roxbury	Rel.
3-5-65	Spooding	Dorchester	Filed
6-25-65	Larc. on Person		
11-18-66	Asslt w/int to Murder	Dist. 1 Homicide	
3-9-66	B & A resd w B/I Asslt w/i murder	Suff. Sup	4-6 yrs.

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DIRECTOR, FBI (137-12516) 9/15/65

SAC, BOSTON (137-2447)(C)

SS 919-PC
TOP ECHELON CRIMINAL INFORMANT PROGRAM

Reboslet to Bureau dated 9/6/65.

This informant has been charged with "Assault with a Dangerous Weapon with Intent to Murder," which involved the shooting of JOHN CUTLIFFE outside of a cafeteria at Tremont and Boylston Streets, Boston. Informant surrendered on this charge and was released in $25,000. The case was continued until 9/3/65 and informant failed to appear and a default warrant was issued.

In view of the fact that informant is presently a local fugitive, any contacts with him might prove to be difficult and embarrassing.

In view of the above, this case is being closed.

SEARCHED
SERIALIZED
INDEXED
FILED

2-Bureau
1-Boston

HPR:po'b
(3)

137-2447-18

'Party' at Boston Jail
Lacks Guest of Honor

BAIL RAISED TO $100,000 NOV 20 1965

3 Tries to Kill Barboza

EXHIBIT
114

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Boston, Massachusetts

Report of: THOMAS H. SULLIVAN Office: Boston, Massachusetts
Date: 7/18/67

Field Office File #: 92-1132 Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Subject born 9/20/32 and attended elementary schools in New Bedford, Mass. No military record. Subject married [redacted] 7/12/58 and was divorced 4/22/63; married [redacted] 4/30/64. Wife [redacted] and daughter [redacted], born 5/23/65, reside [redacted]., Swampscott, Mass. Extensive criminal record set out. Informants report that JOSEPH BARBOZA in 1964 was engaged in money lending activities and that in 1966 he split with CONNIE FRIZZI in loansharking to go into partnership with ARTHUR BRATSOS. In 1965 it was rumored [redacted] that BARBOZA was under contract to be assassinated since he was tied into the BUDDY MC LEAN-GEORGE MC LAUGHLIN feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with ROMEO MARTIN and RONNIE CASSESSA. In 1965, BARBOZA was rumored to be the killer of JOSEPH FRANCIONE. [redacted]

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EXHIBIT
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FD-263 (Rev. 5-1-62)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	1/14/66	11/15/65 - 1/11/66

TITLE OF CASE	REPORT MADE BY	TYPED
BOSTON GANGLAND MURDERS; CRIMINAL INTELLIGENCE PROGRAM	JOHN F. KEHOE, JR.	po'b
	CHARACTER OF CASE AR	

REFERENCE: Bureau letter to Boston dated 12/15/65.

- C -

ENCLOSURES:

TO BUREAU

Original and one copy of an LHM, dated and captioned as above at Boston, characterizing informants mentioned in instant report.

APPROVED: James J. Hennity SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

92 563 454

COPIES MADE:

4-Bureau (Encs. 2)
1-USA, Boston, Mass.
3-Boston (92-563)

Kehoe K

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

EXHIBIT 116

BS 92-563

INFORMANTS

B

[redacted] is BS 955-PC, contacted by SA H. PAUL RICO

B*
COVER PAGE

FD-204 (Rev. 3-9-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Boston, Mass.

Report of: SA JOHN F. KERN, JR. Office: Boston, Massachusetts
Date: 1/18/66

Field Office File #: 92-563 Bureau File #:

Title: BOSTON GANGLAND MURDERS;
CRIMINAL INTELLIGENCE PROGRAM

Character: ANTI-RACKETEERING

Synopsis: This report contains information concerning the various gangland murders that have occurred in Boston and vicinity from 5/4/64 through 11/15/65.

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BS 92-563

TABLE OF CONTENTS

		Page No.
I.	BACKGROUND	4, 5
II.	GANGLAND MURDERS	5 to 23
	Victim No. Name and Date of Murder	
	1 FRANCIS EUGIS BENJAMIN, 5/4/64	5, 6
	2 RUSSELL C. NICHOLSON, 5/12/64	7, 8
	3 PAUL J. COLUCCI, 7/23/64	9,10
	4 VINCENT A. BIENNI, 7/23/64	9,10
	5 HAROLD RAYMOND HANNON, 8/20/64	11
	6 WILFRED THOMAS DELANEY, 8/20/64	12
	7 LEO C. LOWEY, 9/3/64	13
	8 RONALD PAUL DEMOUY, 9/4/64	14
	9 CARLTON HERBERT LANGILLE EATON, 9/25/64	15
	10 ANTHONY D. SACRAMONE, 10/17/64	16
	11 EDWARD F. BURKE, 11/24/64	17
	12 DEXTER E. ASH, 12/28/64	18, 19
	13 JOHN FRANCIS MURRAY, 1/10/65	20
	14 ROBERT J. HANNIGAN, 1/15/65	21
	15 HENRY F. KENDLEWICZ, 1/23/65	22, 23

BEST COPY

BS 92-563

TABLE OF CONTENTS (Continued)

		Page No.
II.	GANGLAND MURDERS	
	Victim No. Name and Date of Murder	
	16 JOSEPH RALPH FRANCIONE, 1/25/65	24
	17 JOHN BARBIERI, JR., 3/2/65	25
	18 EDWARD T. DUNGAN, 3/12/65	26, 27
	19 PETER ANTHONY CASSETTA, 4/12/65	28
	20 WILLIAM EDRA FERGUSON, 5/20/65	29, 30
	21 JOSEPH ROMEO MARTIN, 7/9/65	31, 32
	22 EDWARD J. MC LAUGHLIN, 10/20/65	33, 34
	23 JAMES J. MC LEAN, 10/31/65	35, 36
	24 RAYMOND DI STASIO, 11/15/65	37, 38
	25 JOHN B. O'NEIL, 11/15/65	37, 38
	26 ROBERT T. PALLADINO, 11/15/65	39
III.	MISCELLANEOUS	40, 41A
	Reliability Memorandum	

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BS 92-563

DETAILS:

I. BACKGROUND

Many of the violent, premeditated gangland killings in the Boston area have been attributed by various police officials to the MC LEAN-MC LAUGHLIN feud.

A review of the files of the Boston Office reflect that the feud originally started over a fight that took place in a cottage in Salisbury Beach, Massachusetts, approximately three years ago. In attendance at the party was GEORGE MC LAUGHLIN who made a pass and used very vulgar language to the wife of one of the other individuals at the party. As a result of this, a fight ensued.

MC LAUGHLIN broke a whiskey bottle and stabbed the individual he was fighting with in the face. This individual and his friend physically beat MC LAUGHLIN to such an extent that MC LAUGHLIN was admitted to the hospital in a serious condition. Both of the individuals who beat MC LAUGHLIN were from Somerville, Massachusetts.

Shortly thereafter, EDWARD MC LAUGHLIN, brother of GEORGE, contacted JAMES J. "BUDDY" MC LEAN and requested that he, MC LEAN, set up the two individuals for the MC LAUGHLINS to kill. MC LEAN refused to set these individuals up as they were his friends. A few months later, while MC LEAN was home with his wife, he observed these individuals trying to put something under the hood of his, MC LEAN'S, car. MC LEAN ran out the door and the individuals fled. The local police came to MC LEAN'S home and located a bomb in his car which, if connected, when the car started, would have exploded and killed anyone in the car.

MC LEAN'S wife was to take [illegible] children in the morning [illegible] between [illegible] and MC LEAN felt that his wife and three children would [illegible] killed if he did not [illegible]

The following day, [illegible] brothers GEORGE and EDWARD MC LAUGHLIN, was killed in City Square, Charlestown, Massachusetts, shortly after noon time. MC LEAN was picked up for questioning concerning this murder but was released because of insufficient evidence.

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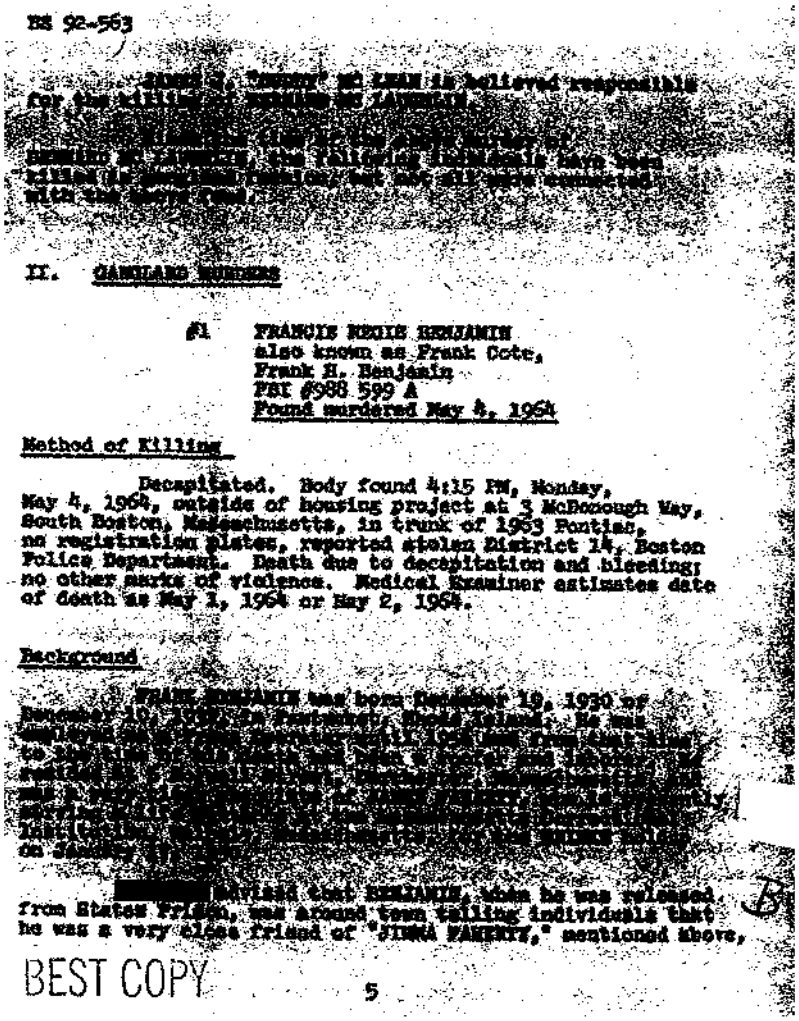

BS 92-563

[illegible] is believed responsible for the killing of [illegible].

[illegible] the above murder of [illegible], the following individuals have been killed in [illegible] fashion, but not all were connected with the above [illegible].

II. GANGLAND MURDERS

#1 FRANCIS REGIS BENJAMIN
also known as Frank Cote,
Frank H. Benjamin
FBI #988 599 A
Found murdered May 4, 1964

Method of Killing

Decapitated. Body found 4:15 PM, Monday, May 4, 1964, outside of housing project at 3 McDonough Way, South Boston, Massachusetts, in trunk of 1963 Pontiac, no registration plates, reported stolen District 14, Boston Police Department. Death due to decapitation and bleeding; no other marks of violence. Medical Examiner estimates date of death as May 1, 1964 or May 2, 1964.

Background

FRANK BENJAMIN was born December 19, 1930 or December 10, [illegible] in Pawtucket, Rhode Island. He was employed [illegible] until 1954 and from that time to the time of his death had been a roofer and laborer. He resided [illegible] Massachusetts and was a [illegible] of [illegible] who is presently serving [illegible] Correctional Institution, [illegible] Massachusetts, for the [illegible] on January [illegible].

[redacted] advised that BENJAMIN, when he was released from States Prison, was around town telling individuals that he was a very close friend of "JIMMA FAHERTY," mentioned above,

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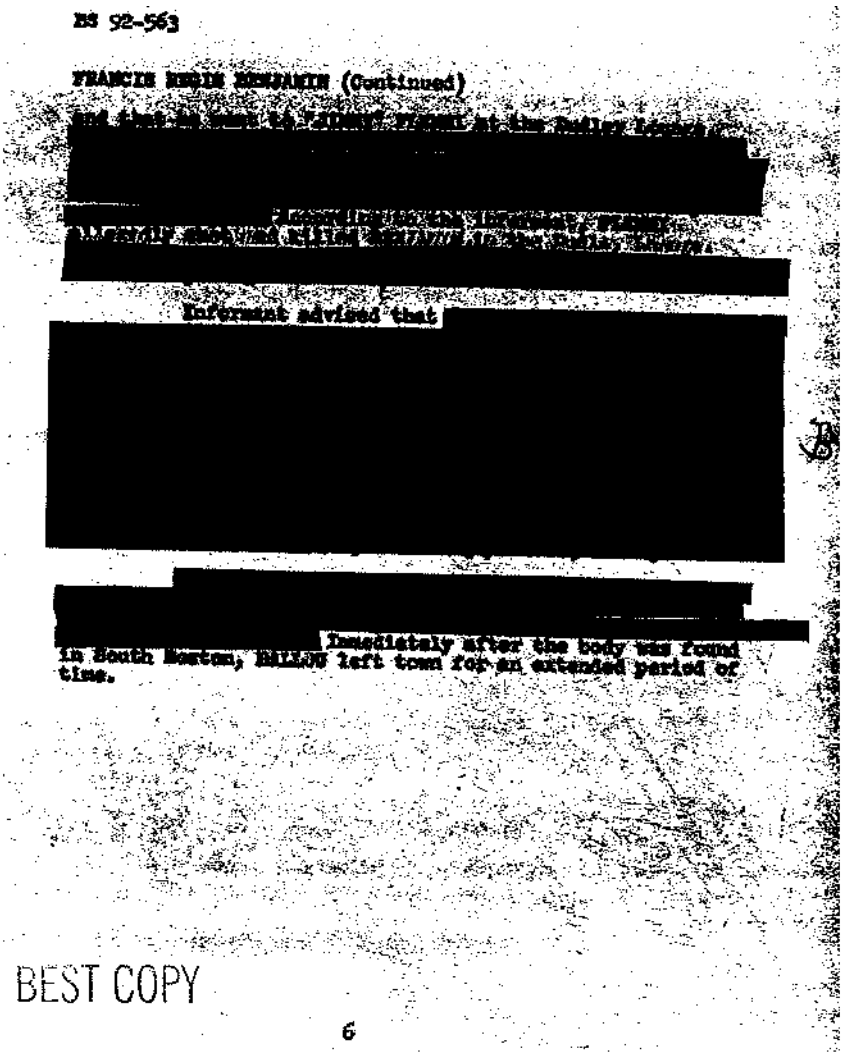

BS 92-563

FRANCIS ERWIN BENJAMIN (Continued)

[redacted]

Informant advised that [redacted]

Immediately after the body was found in South Boston, [redacted] left town for an extended period of time.

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BS 92-563

#2. RUSSELL C. NICHOLSON
MDI #[illegible]
Murdered May 12, 1964

Method of Killing

Body found in woods near Pumping Station in Wilmington, Massachusetts, about 2:45 PM, Tuesday, May 12, 1964. Shot twice, left side of face, and twice in back of head with .32 caliber revolver.

Background

RUSSELL NICHOLSON was born June 30, 1930 in Somerville, Massachusetts. He is a former Metropolitan District Commission (MDC) Police Officer who resigned on November 6, 1961, which was on the eve prior to the hearing of his "Misconduct" charge. This hearing was based on his association with JAMES J. "BUDDY" MC LEAN, who was a co-defendant with him on his assault case. Since the time of his resignation NICHOLSON was suspected of being an "enforcer for loan sharks."

According to [redacted] NICHOLSON was killed by HARRY JOHNSON, Charlestown, Massachusetts hoodlum. NICHOLSON allegedly collected [redacted] from an unknown business individual that both he and JOHNSON were "shaking down" [redacted] did not split the shakedown money with [redacted]

[redacted]

[redacted] was furnished to the Massachusetts State Police and they recovered the car.

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BS 92-563

RUSSELL C. NICHOLSON (Continued)

Their examination of the car indicated numerous blood stains and the fact that there was a new front seat and the car had been "wiped clean" with some type of fluid. There was also a new floor mat on the car's floor and the substance holding the floor mat was still tacky.

The Massachusetts State Police, however, did find blood in the car and picked up HARRY JOHNSON as he came to pick up the car. JOHNSON refused to discuss the matter and the State Police, to date, were unable to obtain sufficient evidence to warrant prosecution against JOHNSON.

JOHNSON is currently confined to the Massachusetts Correctional Institution, Walpole, Massachusetts, serving a sentence for "Extortion" relative to the executive mentioned above.

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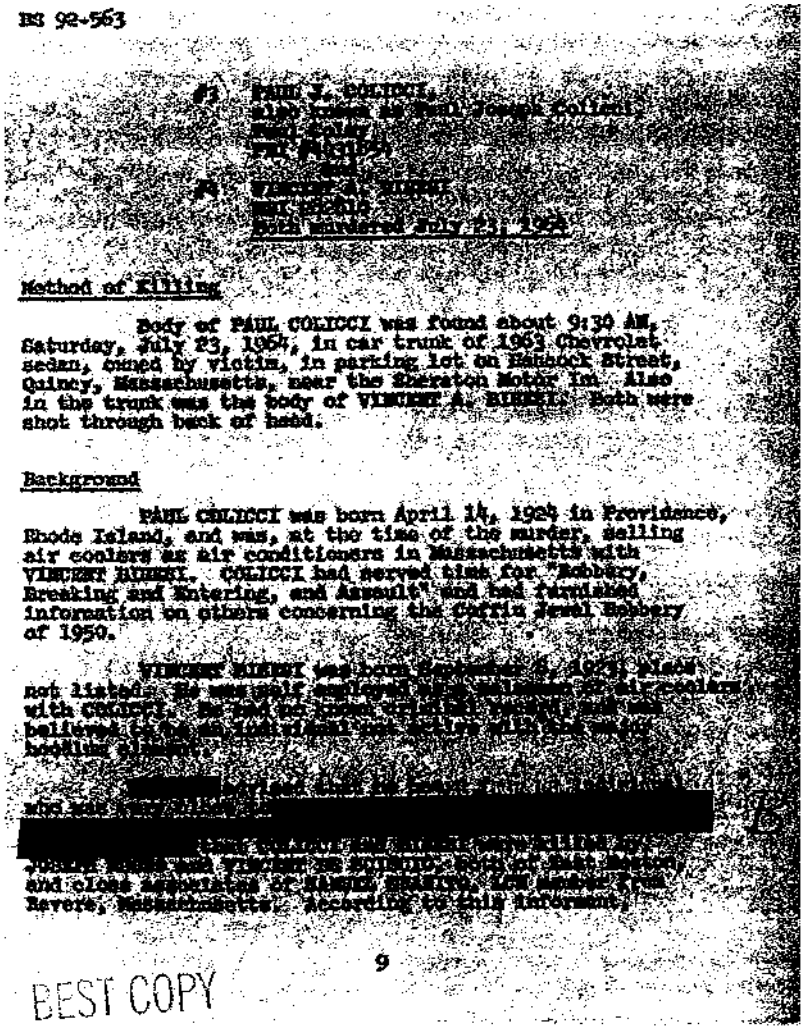

BS 92-563

#3 PAUL J. COLICCI,
also known as Paul Joseph Colicci,
Paul Colay
FBI #[illegible]
and
#4 VINCENT A. BIRESI
MSI [illegible]
Both murdered July 23, 1964

Method of Killing

Body of PAUL COLICCI was found about 9:30 AM, Saturday, July 23, 1964, in car trunk of 1963 Chevrolet sedan, owned by victim, in parking lot on Hancock Street, Quincy, Massachusetts, near the Sheraton Motor Inn. Also in the trunk was the body of VINCENT A. BIRESI. Both were shot through back of head.

Background

PAUL COLICCI was born April 14, 1924 in Providence, Rhode Island, and was, at the time of the murder, selling air coolers as air conditioners in Massachusetts with VINCENT BIRESI. COLICCI had served time for "Robbery, Breaking and Entering, and Assault" and had furnished information on others concerning the Coffin Jewel Robbery of 1950.

VINCENT BIRESI was born September 8, 1923, place not listed. He was self employed as a salesman of air coolers with COLICCI. He had no known criminal record, and was believed to be an individual not active with the major hoodlum element.

[redacted] advised that he heard [illegible] who was very close to [redacted] that COLICCI and BIRESI were killed by JOSEPH [illegible] and VINCENT DE [illegible], both of East Boston, and close associates of SAMUEL [illegible], LCN member from Revere, Massachusetts. According to this informant,

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BS 92-563

PAUL J. COLICCI and VINCENT A. BISESI (Continued)

SAMUEL GRANITO was probably present at the time of the killing which took place in a restaurant owned by DE SCISCIO's brother in Braintree, Massachusetts, and formerly called Mary Anna's. It was located near the Braintree Shopping Plaza.

It should be noted that COLICCI was the individual, when incarcerated several years ago, attempted to smuggle letters from the prison to RAYMOND L. S. PATRIARCA of Providence, Rhode Island. The letters were addressed to PATRIARCA as "Dear Boss" and requested assistance from PATRIARCA. Sources have indicated that PATRIARCA was very perturbed at COLICCI for addressing him as "Dear Boss" and requesting assistance from him.

BS 92-563

#5 HAROLD RAYMOND HANNON,
also known as Harold A. Hannon
FBI #284 002
Murdered August 20, 1964

Method of Killing

HANNON's body was found about 4:00 PM, Thursday, August 20, 1964, in Boston Harbor, wedged in pilings at Logan Airport. Strangled, blindfolded, gagged, and trussed with Chinese strangle-knot (same as for PHILLIP GOLDSTEIN, MBI #81012, found murdered May 5, 1959 at Kingston, New Hampshire). Victim strangled with thermal underwear tied about his neck; gagged with taped stocking. Autopsy reveals victim dead when put into water.

Background

HAROLD HANNON was born January 10, 1910 in Cambridge, Massachusetts. He was a very close associate of GEORGE PATRICK MC LAUGHLIN, former Top Ten Fugitive. He was suspected of having committed "killings for hire" with MC LAUGHLIN throughout the country for leading hoodlums in this area. He was formerly associated with JAMES FAHERTY, convicted BRINKS robber, and operated several bars in Boston, allegedly as a front for "JIMMA" FAHERTY.

According to [redacted] he believes that HANNON and WILFRED DELANEY were lured to an apartment on Dudley Street, Roxbury, Massachusetts, where he was tortured by EDWARD BENNETT, the FLEMMI brothers - JIMMY and STEVIE FLEMMI, in an effort to ascertain where the proceeds of the $30,000 burglary was that he and DELANEY committed on CARMEN PUOPOLO, a bookmaker from Everett, Massachusetts. During the torturing HANNON was apparently killed, as the Medical Report reflected that he had died by suffocating. B

It should be noted that the clothes taken in the break at PUOPOLO's home were later recovered in WILFRED DELANEY's apartment in Braintree, Massachusetts.

BS 92-563

#6 WILFRED THOMAS DELAHEY
FBI #166 568 C
Murdered August 20, 1964

Method of Killing

WILFRED DELAHEY's body was found about 8:05 AM, Thursday, August 20, 1964, in Boston Harbor near Pier 9, Boston. Beaten, unconscious but alive when thrown into water, drowned, according to autopsy.

Background

WILFRED DELAHEY was born September 22, 1936 in Quincy, Massachusetts. He was a resident of South Boston, Massachusetts and had been employed as a roofer, laborer and sand hog. Prior to his employed as a killing he was active in tailgating from trucks in the Boston area and was previously convicted for "assault with intent to kill" for which he served a five to seven-year sentence. It is believed that DELAHEY was killed only because of the fact that he was with HANNON at the time they were abducted.

BS 92-563

#7 LEO C. LOWRY
also known as Leo J. Lowry,
Leo Loury,
Edward Kearns,
"Iggy"
FBI #3435043
Murdered September 3, 1964

Method of Killing

LEO LOWRY's body was found Thursday, September 3, 1964, off Cross Street, Pembroke, Massachusetts. Death caused by gunshot wound in back of head. Time of death estimated as on or about August 31, 1964.

Background

LEO LOWRY was born January 2, 1927 in Boston, Massachusetts. He had a long record back to 1943, including "Larceny, Breaking and Entering, and Escape." He was prominently active in tailgating from trucks in Boston and vicinity and was associated with WILFRED DELANEY and FRANCIS X. "GAGA" MURRAY in this activity. He resided in South Boston, Massachusetts, at the time of his death.

According to [redacted] this was a direct result of the MC LAUGHLIN-MC LEAN feud. It appeared that the MC LAUGHLINS suspected LOWRY of setting up both HAROLD HANNON and WILFRED DELANEY for murder and they employed JIMMY FLEMMI to kill LOWRY. They did not realize at this time that LOWRY was not actually responsible for setting up HANNON or DELANEY, but the story had been put out by JIMMY FLEMMI and EDWARD BENNETT.

B

BS 92-563

#8 RONALD PAUL DERMODY,
also known as Ronald Paul Dermady
FBI #4962260
Murdered September 4, 1964

Method of Killing

RONALD DERMODY's body was found at 11:00 PM, Friday, September 4, 1964, at the corner of Belmont and School Streets, Watertown, Massachusetts, in English compact, listed to JENNIE MARKWORTH, 1025 Cambridge Street, Burlington, Massachusetts. Reported shot by a Somerville resident following an incident in which DERMODY had shot at one of the man's associates (ROBINSON case). Victim was wanted for questioning at time of his death.

Background

RONALD DERMODY was born March 5, 1931 in Cambridge, Massachusetts. He had a long record since being a juvenile for "Breaking and Entering, Robbery, Armed Robbery" and had been recently released from the Federal Penitentiary after serving eight years of a 17-year sentence for "Bank Robbery."

[redacted] advised that RONALD DERMODY, who was killed on September 4, 1964, had been requested to set up JAMES J. "BUDDY" MC LEAN for murdr by the MC LAUGHLIN group. B

DERMODY allegedly met with MC LEAN and told him of the request by the MC LAUGHLIN group. MC LAUGHLIN heard of this contact by DERMODY with MC LEAN and recontacted DERMODY. They told DERMODY that in order to square himself with the MC LAUGHLINS he had to "hit" one of the MC LEAN group or else he, himself, would be killed. As a result of this, on September 3, 1964, DERMODY went to the Capitol Cafe in Somerville, Massachusetts, which is a known hangout for MC LEAN and his associates. DERMODY had a gun and was in a drunken condition. He shot at one of the MC LEAN group but missed and several shots were exchanged in the Capitol Cafe. DERMODY ran out of the cafe and, as he did so, turned and fired and shot one CHARLES ROBINSON in the leg. As a result of this incident DERMODY was found murdered with four shots in the back of his head in Watertown, Massachusetts. The actual killer of DERMODY is not known but probably a member of the MC LEAN faction.

BS 92-563

#9 CARLTON HERBERT LANGILLE EATON,
also known as Carlton Herbert,
Herbert Carlton,
Herbert Eaton,
Calton Eaton,
Carleton Eaton,
"Bobby"
FBI #434 579 C
Murdered September 26, 1964

Method of Killing

CARLTON EATON's body was found about 6:20 A.M., Saturday, September 26, 1964, in his car, black, 1957 Cadillac, outside 17 Mingo Street, Malden, Massachusetts. Death was caused by gunshot wounds (.38 caliber) in head, one entering lower part of left ear and exiting high on right side, second entering left temple and exiting middle of right cheek.

Background

CARLTON EATON was born November 17, 1936 in Medford, Massachusetts. He was employed as a laborer, salesman and bartender and had been convicted and served time for "Assault with Force and Violence to Rob, Bad Checks and the Loan Shark racket." Allegedly he was working as a shylock for JOE BARBOZA, but BARBOZA found out that he had all phony customers and that he, himself, had been using the money, and, for this reason, BARBOZA allegedly killed EATON.

BS 92-563

#10 ANTHONY D. SACRAMONE
MBI #292697
Murdered October 17, 1964

Method of Killing

ANTHONY SACRAMONE's body was found on Russell Street in Everett, Massachusetts, in his own car, at 12 noon, Saturday, October 17, 1964. Death was caused by two bullets fired into the back of his head; also stabbed four times about the head and neck.

Background

ANTHONY SACRAMONE was born August 13, 1942 in East Boston, Massachusetts. He was employed as a painter and had no criminal record. He was under investigation at the time of his death for selling harmful drugs (believed to be goof balls, etc.) He resided in Everett, Massachusetts and was a constant frequenter of the Ebb Tide Restaurant in Revere, Massachusetts, which is owned by RICHARD CASTUCCI and HENRY TAMELEO, chief lieutenant of RAYMOND L. S. PATRIARCA of Providence, Rhode Island.

According to [redacted] SACRAMONE was killed by EDWARD T. DEEGAN of Chelsea, Massachusetts. The reason for the killing was that SACRAMONE and his girl friend had a fight, after which the girl friend went to DEEGAN and complained about the manner in which SACRAMONE treated her. DEEGAN told her that he would straighten SACRAMONE out, and, on the night of the killing, while in an intoxicated condition, DEEGAN killed SACRAMONE.

B

BS 92-563

#11 EDWARD P. HUBER,
also known as Edward Peter Huber
FBI #295 982 A
Murdered November 29, 1959

Method of Killing

EDWARD HUBER's body was found on Tuesday, November 29, 1959, in Tewers Brook, off Main Street, Hingham, Massachusetts. Shot twice in the back.

Background

EDWARD HUBER was born October 7, 1919 in Boston, Massachusetts, and was employed as a salesman. His criminal record consisted of "Breaking and Entering" in Boston and vicinity and the "Malicious Destruction of Property" in Keene, New Hampshire, in 1956. HUBER was allegedly in partnership with WILLIAM TREANOR in a narcotics racket, after which they had a "falling out" for some reason unknown to the informant, but informant believes it concerned the loan shark operation. Because of this "falling out," TREANOR allegedly killed HUBER.

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BS 92-563

#12 GEORGE E. ASH,
also known as George Elmer Ashe,
"Giggie"
FBI #268458[illegible]
Murdered December 28, 1964

Method of Killing

GEORGE ASH's body was found about 6:30 AM, Monday, December 28, 1964, at Lenox Street and Harrison Avenue, South End, Boston. Shot and stabbed; death caused by composite of both bullet wounds in right side of head and multiple stab wounds in back.

Background

GEORGE ASH was born November 19, 1923 in Charlestown, Massachusetts (verified); also gave a birth date of November 19, 1924. He was employed as a bartender and night watchman. His criminal record consists of "Taking Without Authority, Larceny, Carrying a Pistol, Armed Robbery and Accessory after 2nd Degree Murder," for which he received five years. He had been recently released from the Rhode Island State Prison where he was serving a five-year sentence for the murder of "PURKY" FREELAND, formerly of Boston.

On November 23, 1964, EDWARD "PUNCHY" MC LAUGHLIN, while sitting in his car outside the Beaconsfield Hotel, Brookline, Massachusetts, was shot at and severely wounded in the face by means of a shotgun. This was the first of three attempts on his life. On [redacted] advised that MC LAUGHLIN did not actually see his assailants as they were both hooded. However, inasmuch as GEORGE ASH had used complete hoods in the past and the fact that he worked as a bartender in a cafe a short distance from the Beaconsfield Hotel, MC LAUGHLIN was of the opinion that he might have been one of those who shot him.

On [redacted] advised that ASH was recently at a club called the West End Social Club, which is owned and operated by PETER LIMONE, close associate of

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BS 92-563

GEORGE E. ANN (Continued)

[redacted]

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BS 92-563

#13 JOHN FRANCIS MURRAY
FBI #905710
Murdered January 10, 1965

Method of Killing

JOHN MURRAY's body was found about 7:40 AM, Sunday, January 10, 1965, inside lot of Gallagher's Warehouse, Tenean Street, Dorchester, Massachusetts. Death was caused by gunshot wound in head.

Background

JOHN MURRAY was born August 6, 1926 at Boston, Massachusetts, and was employed as a laborer, counter man, and tree surgeon.

According to [redacted] MURRAY had been convicted of "Larceny, Carrying Concealed Weapons Breaking and Entering, Burglarious Tools, and Armed Robbery" for which he served a considerable amount of time. Shortly after he was released from prison he commenced associating with EDWARD H. BOSS, a local Boston hoodlum. [redacted] his aspirations were to become a "hit man" for anybody, believing that this was the only way to make real money. [redacted]

[redacted] As a result of this information, JAMES O'TOOLE and FRANCIS X. "CAGA" MURRAY killed JOHN MURRAY.

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B892-563

#14 ROBERT J. RASMUSSEN
FBI #574 326 A
Murdered January 15, 1965

Method of Killing

ROBERT RASMUSSEN's body was found lying in a snow bank off Lake Street, at the intersection of Lake and Grove Streets, Wilmington, Massachusetts, at 12:50 AM, Friday, January 15, 1965. Death caused by single shot in back of head from .38 calibre weapon, body nearly nude.

Background

RASMUSSEN was born June 21, 1928 at Boston, Massachusetts, and had been employed sporadically as a truck driver and salesman. He had served time for "Forgery, Armed Robbery, Larceny, and Extortion."

According to information received, RASMUSSEN was attempting to shake down JOHN J. KELLY, prime suspect in the mail robbery at Plymouth, Massachusetts; that GEORGE WILLIAM ADIRONDELIS of Lexington, Massachusetts and close associate of KELLY's, and formerly a close associate of RASMUSSEN, told RASMUSSEN that he had a score of a safe in a bookmaker's house, and lured him in to the apartment of MAURICE LERNER where KELLY, LERNER and ADIRONDELIS overpowered him and drove him out to the Silver Lakes district of Wilmington, Massachusetts, where they killed him.

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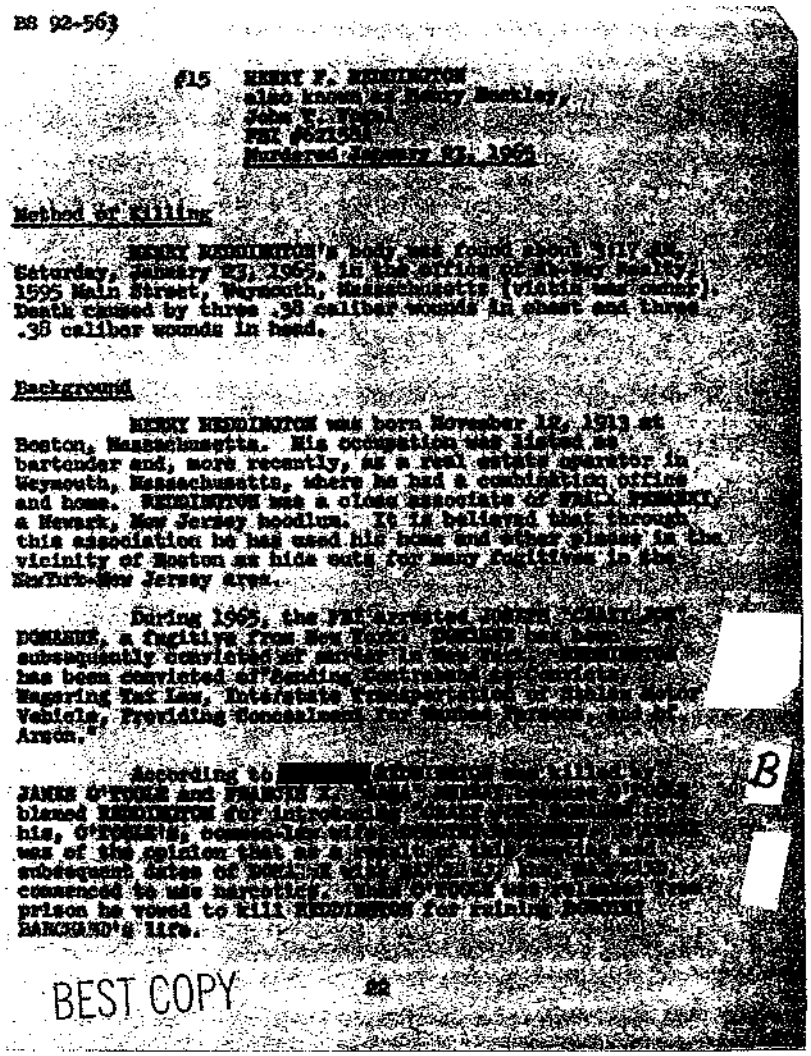

BS 92-563

#15 HENRY F. REDDINGTON
also known as Henry Buckley,
John T. Vogel
FBI #621[illegible]
Murdered January 23, 1965

Method of Killing

HENRY REDDINGTON's body was found about 3:17 AM, Saturday, January 23, 1965, in the office of [illegible] Realty, 1595 Main Street, Weymouth, Massachusetts (victim was owner). Death caused by three .38 caliber wounds in chest and three .38 caliber wounds in head.

Background

HENRY REDDINGTON was born November 12, 1913 at Boston, Massachusetts. His occupation was listed as bartender and, more recently, as a real estate operator in Weymouth, Massachusetts, where he had a combination office and home. REDDINGTON was a close associate of FRANK [illegible], a Newark, New Jersey hoodlum. It is believed that through this association he has used his home and other places in the vicinity of Boston as hide outs for many fugitives in the NewYork-New Jersey area.

During 1965, the FBI arrested [illegible] DONAHUE, a fugitive from New York. [illegible] has been subsequently convicted of murder in New York. [illegible] has been convicted of "Sending Contraband to Convicts, Wagering Tax Law, Interstate Transportation of Stolen Motor Vehicle, Providing Concealment for Wanted Persons, and of Arson."

According to [redacted] REDDINGTON was killed by JAMES O'TOOLE and FRANCIS X. [illegible] blamed REDDINGTON for introducing [illegible] his, O'TOOLE's, common-law wife [illegible] was of the opinion that as a result of this [illegible] subsequent dates of [illegible] commenced to use narcotics. [illegible] O'TOOLE was released from prison he vowed to kill REDDINGTON for ruining [illegible] BARCHARD's life.

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BS 92-563

HENRY F. REDDINGTON (Continued)

It should be noted that DOROTHY BARCHARD has been a paramour of not only JAMES S. O'TOOLE, but had been indicted for bank robbery and acquitted; was the wife of RICHARD BARCHARD, a convicted bank robber, has gone with and was arrested with LOUIS ARQUILLA, bank robber, and was the paramour of many other hoodlums in the Boston area.

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NS 92-563

16 JOSEPH RALPH FRANCIONE
also known as "Fats"
[redacted]
FBI #[redacted]
Murdered January 25, 1965

Method of Killing

JOSEPH FRANCIONE was shot at 49 South Avenue, Revere, Massachusetts, at 2:30 p.m., Monday, January 25, 1965. Three shots through back of head by .38 caliber weapon. Body found face down on kitchen floor. Seen shoveling snow at 2:00 PM by landlord.

Background

FRANCIONE was born February 5, 1929 at Boston, Massachusetts. He was employed as a baker, salesman, and laborer and had been convicted of "Receiving Stolen Goods, and Theft From Interstate Shipments" and was suspected of being implicated in many fur and jewelry robberies, as well as selling stolen cars. FRANCIONE has been in the rackets on a small scale in Boston for many years.

According to [redacted] FRANCIONE was killed by JOSEPH BARBOZA who was involved in the loan shark activities with "CHRO" FRIZZI from East Boston, Massachusetts. FRANCIONE was killed by BARBOZA on a "hit contract" which later was ascertained to have been ordered by FRANK SALTIS, Boston hoodlum who is presently connected with STEPHEN LAWRENCE ROCKWELL, leader of the American Nazi Party.

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BS 92-563

#17 JOHN BARBIERI, JR.
also known as John Santigardo,
John Santiago,
John Stanliano,
Harry Patton,
Frank Deasy,
John Murray,
Bob Moran,
"Jew,"
"Heeb"
MBI #151393
Murdered March 2, 1965

Method of Killing

JOHN BARBIERI's body was found in woods about 230 feet off Carpenter Street, Rehoboth, Massachusetts, 50 feet from vehicle, Rhode Island Registration SE220, about 10:40 AM, Tuesday, March 2, 1965. Death caused by gunshot at close range, entered back of left ear and exited left eye.

Background

BARBIERI was born on either November 6, 1917, November 6, 1914, or November 6, 1912 at Mamaroneck, New York. He was employed as a carpenter and contractor and operated a small sewing machine business. He had been previously arrested for "Larceny" and is believed to be involved in tailgating and fencing stolen material.

According to information received from police sources in Providence, Rhode Island, they believe that BARBIERI was killed over a "Breaking and Entering" which he, BARBIERI allegedly was involved in, and sources believe that BARBIERI was shot by one of his accomplices for failing to divide the loot evenly. There was no indication that BARBIERI was involved in major type hoodlum activities.

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BS 92-563

#18 EDWARD T. DEEGAN
also known as "Teddy"
FBI #708 279 B
Murdered March 12, 1965

Method of Killing

"TEDDY" DEEGAN's body was found in a doorway in the alley off Fourth Street, Chelsea, Massachusetts, behind the Lincoln National Bank, at 10:59 PM, Monday, March 12, 1965. Shot in head and body with three different guns, one a .45 caliber and two .38 calibers.

Background

EDWARD DEEGAN was born January 2, 1930, Boston, Massachusetts, and was employed spasmodically as a laborer. His record consisted of "Larceny, Breaking and Entering, Felonious Assaults, Armed Robbery, Accessory After the Fact to Assault with a Dangerous Weapon, and Automobile Thefts."

[redacted] advised that JAMES FLEMMI had told him that DEEGAN was lured to a finance company in Chelsea, Massachusetts, where the door of the finance company had been left open by an employee. At that time he was accompanied by ROY FRENCH who was actually setting DEEGAN up to be killed, JOSEPH ROMEO MARTIN, and RONALD CASSERRA. All of these individuals hung out at the Ebb Tide restaurant in Revere, Massachusetts, and were close associates of HENRY TAMELEO, top lieutenant of RAYMOND L. S. PATRIARCA.

While DEEGAN was approaching the doorway, JAMES FLEMMI and JOSEPH BARBOZA, hoodlums who were in the immediate vicinity, walked over to the car driven by TONY "STATS" STATHOPOULOS who had brought DEEGAN to the scene of the proposed burglary. BARBOZA and FLEMMI were going to kill "STATS"; however, "STATS" saw them coming and immediately drove off before any shots were fired. FLEMMI told informant that RONALD CASSERRA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals and that is why they wanted to "hit" DEEGAN. FLEMMI indicated that they did an awful sloppy job.

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BS 92-563

EDWARD F. DEEGAN (Continued)

It should be noted that prior to the time DEEGAN's body was found, [redacted] apparently immediately proceeded to the offices of Attorney JOHN FITZGERALD, thinking that the two individuals who approached him while waiting for DEEGAN to come out of the finance company were Police Officers. After telling FITZGERALD the story, FITZGERALD called the Chelsea, Massachusetts Police Department requesting information concerning DEEGAN.

The Police Officer suggested that FITZGERALD come to the Police Department for the information, which FITZGERALD did. When he came the Police Officers, having no knowledge of the escape or shooting, and having not, as yet, found the body, talked to FITZGERALD at the station and commenced looking for the break. At this time they came upon the body of DEEGAN behind the finance company.

The above information was furnished to the Police Department. However, as yet, they have not obtained sufficient evidence to warrant prosecution against any of the above individuals.

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BS 92-563

#19 PETER ANTHONY CASSETTA,
also known as Peter A. Cassetta
FBI [illegible]
Murdered April 12, 1965

Method of Killing

The body of PETER CASSETTA was discovered by police about 9:00 PM, Monday, April 12, 1965, face down by the side of Old Marlboro Road, Maynard, Massachusetts, a dirt roadway about 250 yards from Route 27. Shot close range twice in back of head, body dumped from car which had been rented by victim from a Boston agency, and was recovered later in Everett, Massachusetts. Bullets were recovered from skull cavity. Statements indicate subject was in Ball Square, Somerville, Massachusetts, about 7:00 PM on April 12, 1965.

Background

PETER CASSETTA was born either December 20, 1930 or December 22, 1930 in Somerville, Massachusetts.

According to [redacted] CASSETTA was known by informant to be a small-time bookmaker in Somerville, Massachusetts, who, in the previous several months, had "gone bad." CASSETTA was at the time of his death around attempting to borrow a few dollars from anyone who would loan him money and was drinking heavily on a daily basis, as well as taking some type of barbiturates. B

CASSETTA was an associate of a small-time needlum named ROBERT FRANCIS JOYNT, also of Somerville, Massachusetts, and was to testify against JOYNT on April 15, 1965 concerning an attempted burglary case. [redacted] did not know who was responsible for the death of CASSETTA but was positive it did not pertain to the [illegible] feud.

[redacted] advised that [illegible], Waltham, Massachusetts, actually killed CASSETTA over the split of a small burglary. CASSETTA was being held in connection with a bank robbery in Worcester, Massachusetts, where the teller was killed. B

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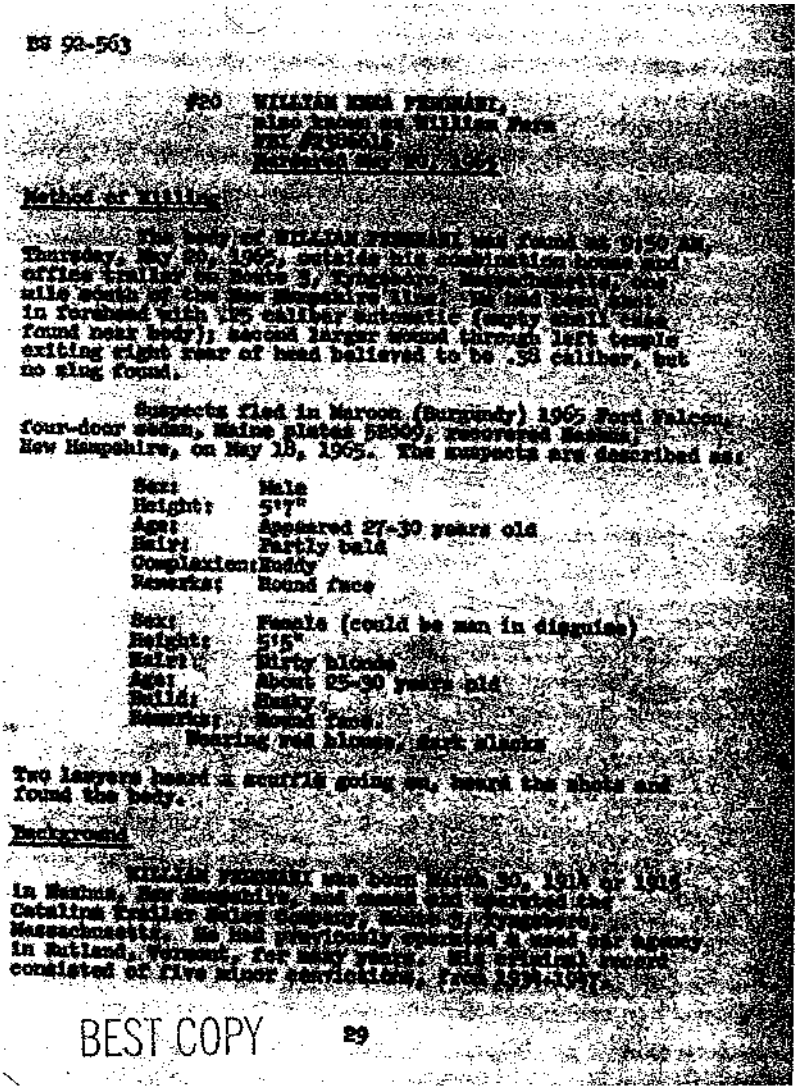

BS 92-563

#20 WILLIAM [illegible] FERGNANI,
also known as William Fern
FBI #[illegible]
Murdered May 20, 1965

Method of Killing

The body of WILLIAM FERGNANI was found at 9:50 AM, Thursday, May 20, 1965, outside his combination house and office trailer on Route 3, Tyngsboro, Massachusetts, one mile south of the New Hampshire line. He had been shot in forehead with .25 caliber automatic (empty shell case found near body); second larger wound through left temple exiting right rear of head believed to be .38 caliber, but no slug found.

Suspects fled in Maroon (Burgundy) 1965 Ford Falcon, four-door sedan, Maine plates 52009, recovered Nashua, New Hampshire, on May 18, 1965. The suspects are described as:

Sex:	Male
Height:	5'7"
Age:	Appeared 27-30 years old
Hair:	Partly bald
Complexion:	Ruddy
Remarks:	Round face

Sex:	Female (could be man in disguise)
Height:	5'5"
Hair:	Dirty blonde
Age:	About 25-30 years old
Build:	Husky
Remarks:	Round face.

Wearing red blouse, dark slacks

Two lawyers heard a scuffle going on, heard the shots and found the body.

Background

WILLIAM FERGNANI was born March 30, 1914 or 1915 in Nashua, New Hampshire, and owned and operated the Catalina Trailer Sales Company, Route 3, Tyngsboro, Massachusetts. He had previously operated a used car agency in Rutland, Vermont, for many years. His criminal record consisted of five minor convictions, from 1934-1947.

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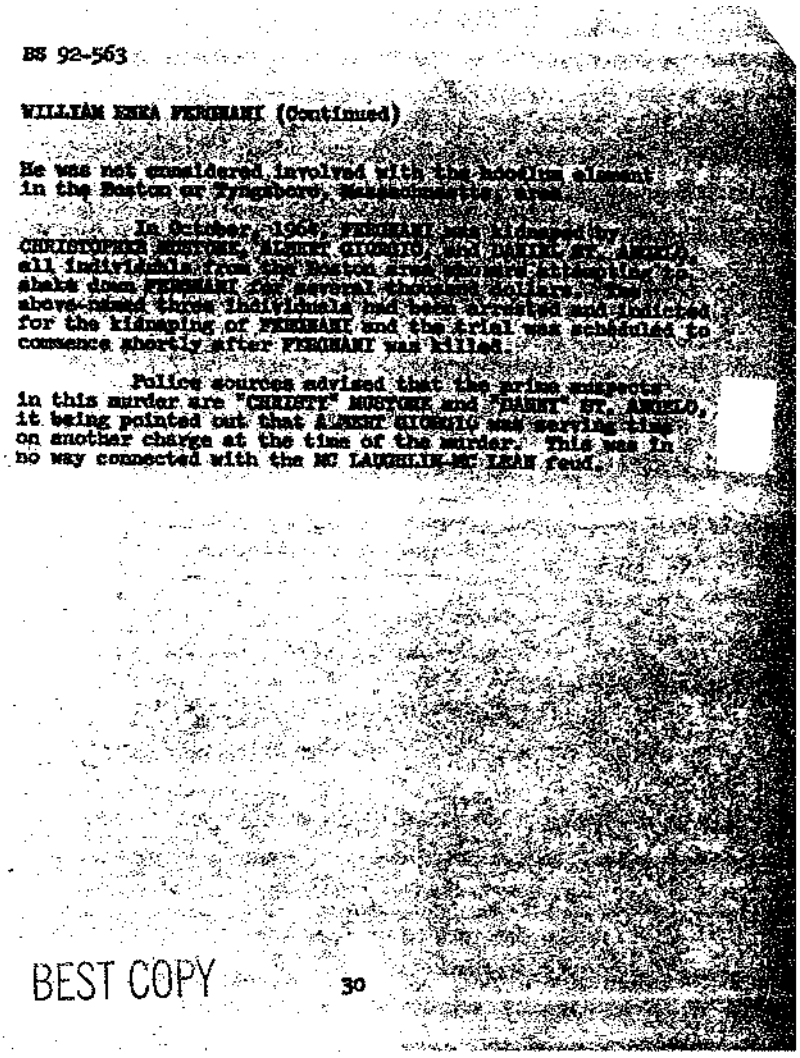

BS 92-563

WILLIAM EZRA FERRIANI (Continued)

He was not considered involved with the hoodlum element in the Boston or Tyngsboro, Massachusetts, area.

In October, 1965, FERRIANI was kidnaped by CHRISTOPHER MORTORE, ALBERT GIORGIO, and DANIEL ST. ANGELO, all individuals from the Boston area, who were attempting to shake down FERRIANI for several thousand dollars. The above-named three individuals had been arrested and indicted for the kidnaping of FERRIANI and the trial was scheduled to commence shortly after FERRIANI was killed.

Police sources advised that the prime suspects in this murder are "CHRISTY" MORTORE and "DANNY" ST. ANGELO, it being pointed out that ALBERT GIORGIO was serving time on another charge at the time of the murder. This was in no way connected with the MC LAUGHLIN-MC LEAN feud.

BEST COPY

BS 92-563

#21 JOSEPH ROMEO MARTIN,
also known as Romeo A. Martin,
"Bull"
FBI #[illegible]
Murdered July 9, 1965

Method of Killing

The body of JOSEPH ROMEO MARTIN was found in his 1963 red Oldsmobile Convertible on Harris Street, Revere, Massachusetts, about 3:00 AM, Friday, July 9, 1965. Shots were heard shortly before police were called, and the body was found in the front seat, engine and wipers of car still running. Five gun shot wounds in upper left quarter of chest between heart and shoulder.

Background

JOSEPH ROMEO MARTIN was born November 23, 1923 in Peabody, Massachusetts, and resided in Revere, Massachusetts, at the time of his death with his wife. He was not employed at the time of his death but had worked as a baker and laborer many years ago. Since 1942 he has been convicted and served time for "Breaking and Entering, Larceny, Army Deserter, Carrying a Dangerous Weapon, Escape from Walla Walla, Prison, Washington," and was considered to be a known gambler. At the time of his murder he was awaiting trial for "Breaking and Entering" and was known to have been implicated in several armed robberies in Boston and vicinity, with RONALD CASSESSA and JOSEPH [illegible] of Boston, Massachusetts.

[redacted] advised that [redacted]

B

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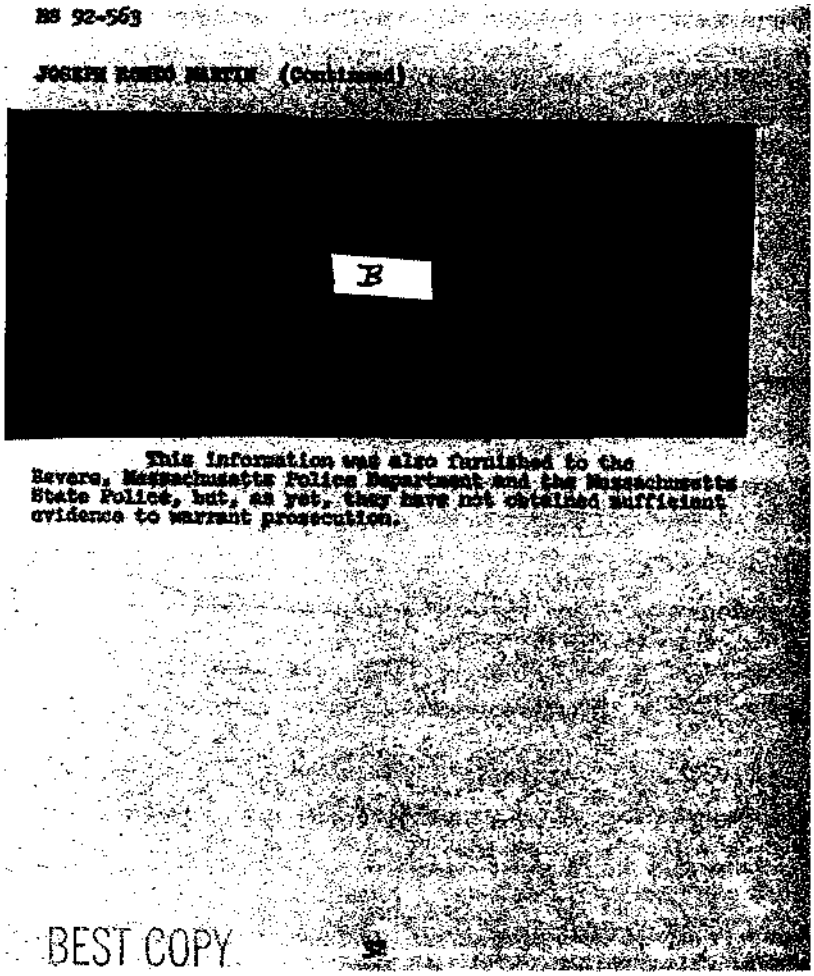

BS 92-563

JOSEPH ROMEO MARTIN (Continued)

B

This information was also furnished to the Revere, Massachusetts Police Department and the Massachusetts State Police, but, as yet, they have not obtained sufficient evidence to warrant prosecution.

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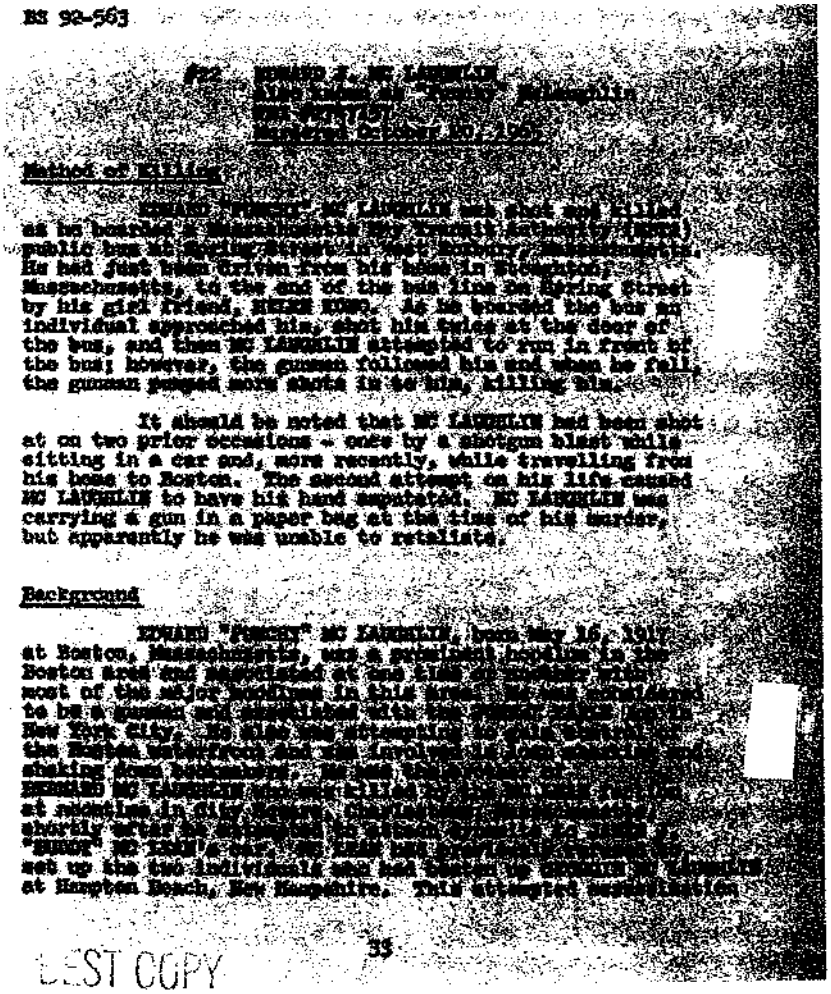

BS 92-563

#22 EDWARD J. MC LAUGHLIN
Also known as "Punchy" McLaughlin
FBI #[illegible]
Murdered October 20, 1965

Method of Killing

EDWARD "PUNCHY" MC LAUGHLIN was shot and killed as he boarded a Massachusetts Bay Transit Authority (MBTA) public bus at Spring Street in West Roxbury, Massachusetts. He had just been driven from his home in Stoughton, Massachusetts, to the end of the bus line on Spring Street by his girl friend, HELEN KONO. As he boarded the bus an individual approached him, shot him twice at the door of the bus, and then MC LAUGHLIN attempted to run in front of the bus; however, the gunman followed him and when he fell, the gunman pumped more shots in to him, killing him.

It should be noted that MC LAUGHLIN had been shot at on two prior occasions - once by a shotgun blast while sitting in a car and, more recently, while travelling from his home to Boston. The second attempt on his life caused MC LAUGHLIN to have his hand amputated. MC LAUGHLIN was carrying a gun in a paper bag at the time of his murder, but apparently he was unable to retaliate.

Background

EDWARD "PUNCHY" MC LAUGHLIN, born May 16, 1917 at Boston, Massachusetts, was a prominent hoodlum in the Boston area and associated at one time or another with most of the major hoodlums in this area. He was considered to be a gunman and associated with the [illegible] in New York City. He also was attempting to gain control of the Boston waterfront and was involved in loan sharking and shaking down bookmakers. He was the brother of BERNARD MC LAUGHLIN who was killed by the MC LEAN faction at noontime in City Square, Charlestown, Massachusetts, shortly after he attempted to attack [illegible] "BUDDY" MC LEAN's car. MC LEAN had previously refused to set up the two individuals who had beaten up [illegible] MC LAUGHLIN at Hampton Beach, New Hampshire. This attempted assassination

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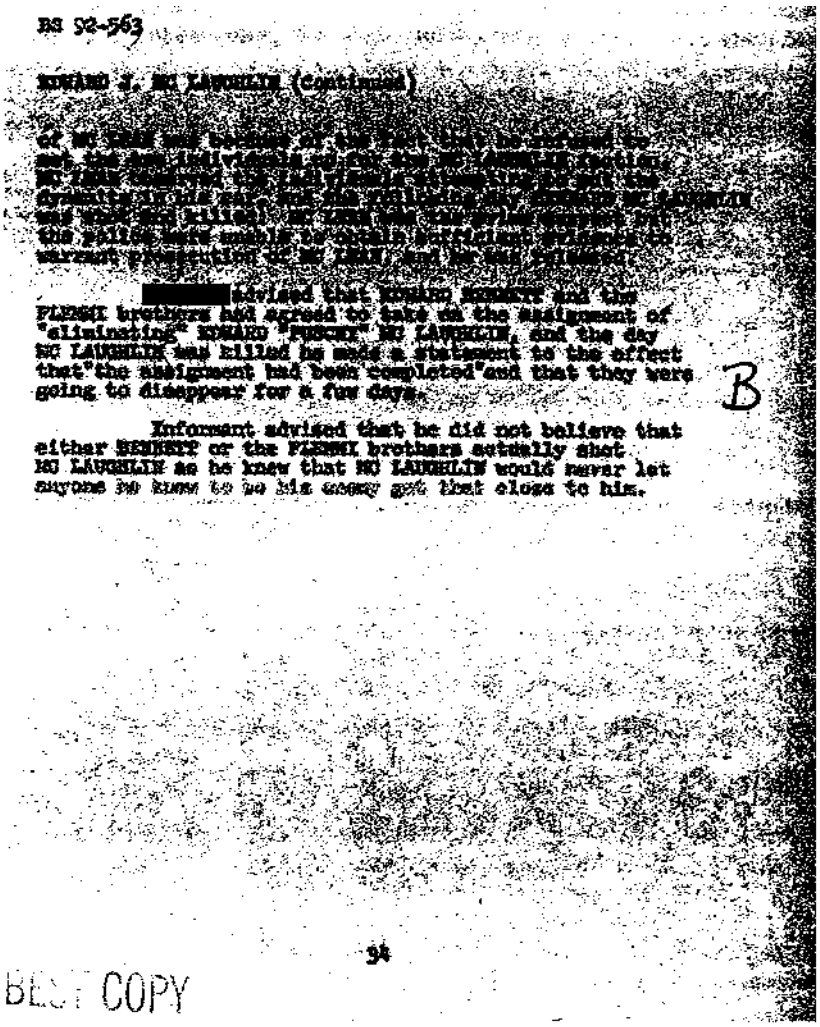

BS 92-563

EDWARD J. MC LAUGHLIN (Continued)

of MC LEAN was because of the fact that he refused to set the two individuals up for the MC LAUGHLIN faction. MC LEAN observed the individuals attempting to put the dynamite in his car, and the following day EDWARD MC LAUGHLIN was shot and killed. MC LEAN was the prime suspect but the police were unable to obtain sufficient evidence to warrant prosecution of MC LEAN, and he was released.

[redacted] advised that EDWARD BENNETT and the FLEMMI brothers had agreed to take on the assignment of "eliminating" EDWARD "PUSCHY" MC LAUGHLIN, and the day MC LAUGHLIN was killed he made a statement to the effect that "the assignment had been completed" and that they were going to disappear for a few days.

B

Informant advised that he did not believe that either BENNETT or the FLEMMI brothers actually shot MC LAUGHLIN as he knew that MC LAUGHLIN would never let anyone he knew to be his enemy get that close to him.

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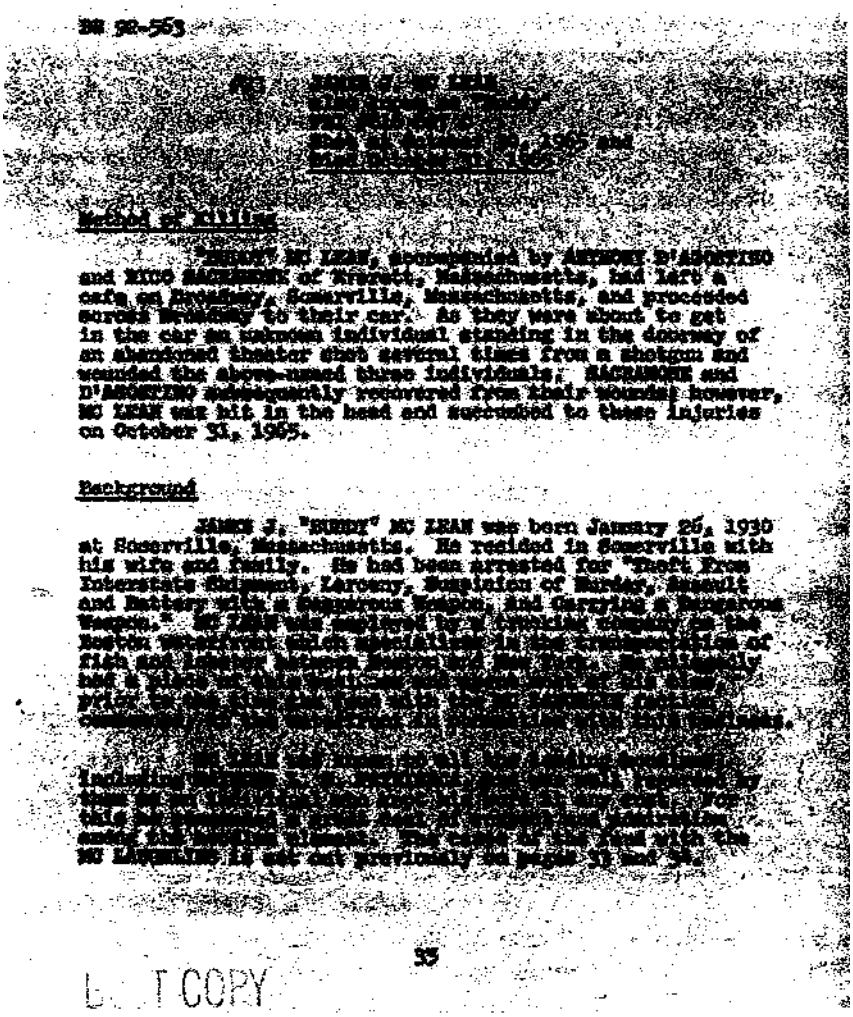


BS 92-563

[redacted]

Method of Killing

"Sunny" MC LEAN, accompanied by ANTHONY D'AGOSTINO and KING MACKENZIE of Everett, Massachusetts, had left a cafe on Broadway, Somerville, Massachusetts, and proceeded across Broadway to their car. As they were about to get in the car an unknown individual standing in the doorway of an abandoned theater shot several times from a shotgun and wounded the above-named three individuals. MACKENZIE and D'AGOSTINO subsequently recovered from their wounds; however, MC LEAN was hit in the head and succumbed to these injuries on October 31, 1965.

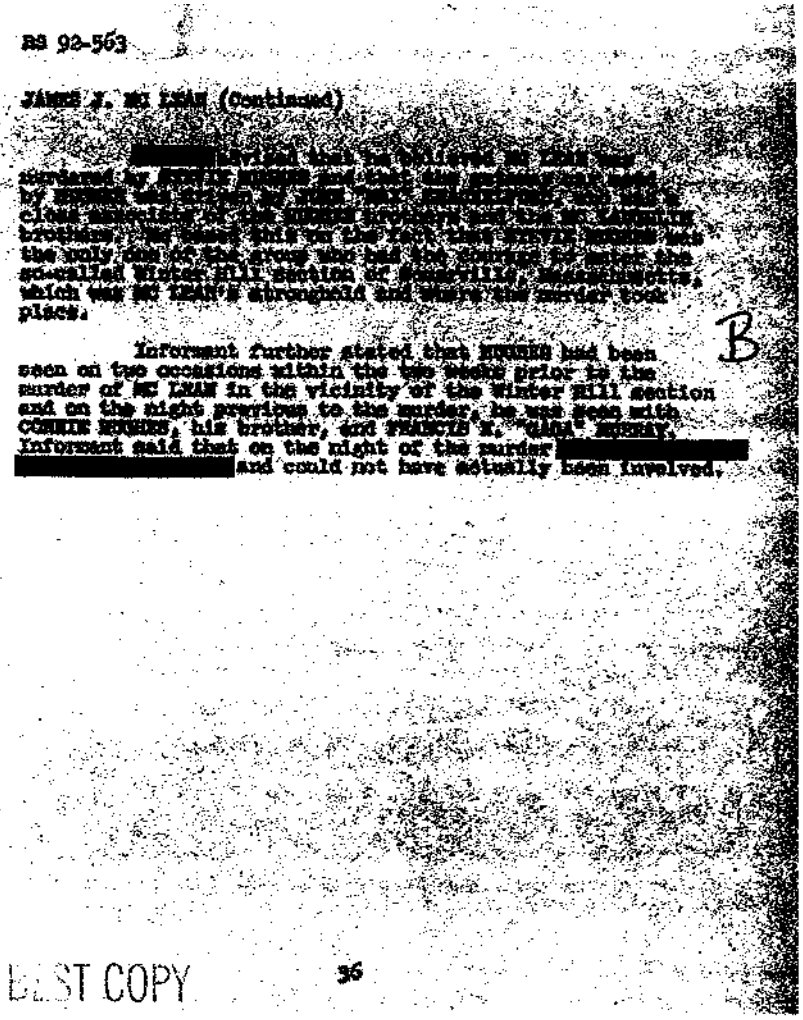
Background

JAMES J. "SUNNY" MC LEAN was born January 26, 1930 at Somerville, Massachusetts. He resided in Somerville with his wife and family. He had been arrested for "Theft From Interstate Shipment, Larceny, Suspicion of Murder, Assault and Battery with a Dangerous Weapon, and Carrying a Dangerous Weapon." MC LEAN was employed by a [redacted] company in the Boston waterfront, which specializes in the transportation of fish and lobsters between Boston and [redacted]. [redacted]

[redacted]

[redacted]

[



BS 92-563

JAMES J. MC LEAN (Continued)

[redacted] advised that he believed MC LEAN was murdered by STEVIE HUGHES and that the gateway car used by HUGHES was driven by JOHN "MAX" KNACKELFORD, who was a close associate of the HUGHES brothers and the MC LAUGHLIN brothers. He based this on the fact that STEVIE HUGHES was the only one of the group who had the courage to enter the so-called Winter Hill section of Somerville, Massachusetts, which was MC LEAN's stronghold and where the murder took place.

B

Informant further stated that HUGHES had been seen on two occasions within the two weeks prior to the murder of MC LEAN in the vicinity of the Winter Hill section and on the night previous to the murder, he was seen with CONNIE HUGHES, his brother, and FRANCIS X. "GAGA" MURRAY. Informant said that on the night of the murder [redacted] and could not have actually been involved.

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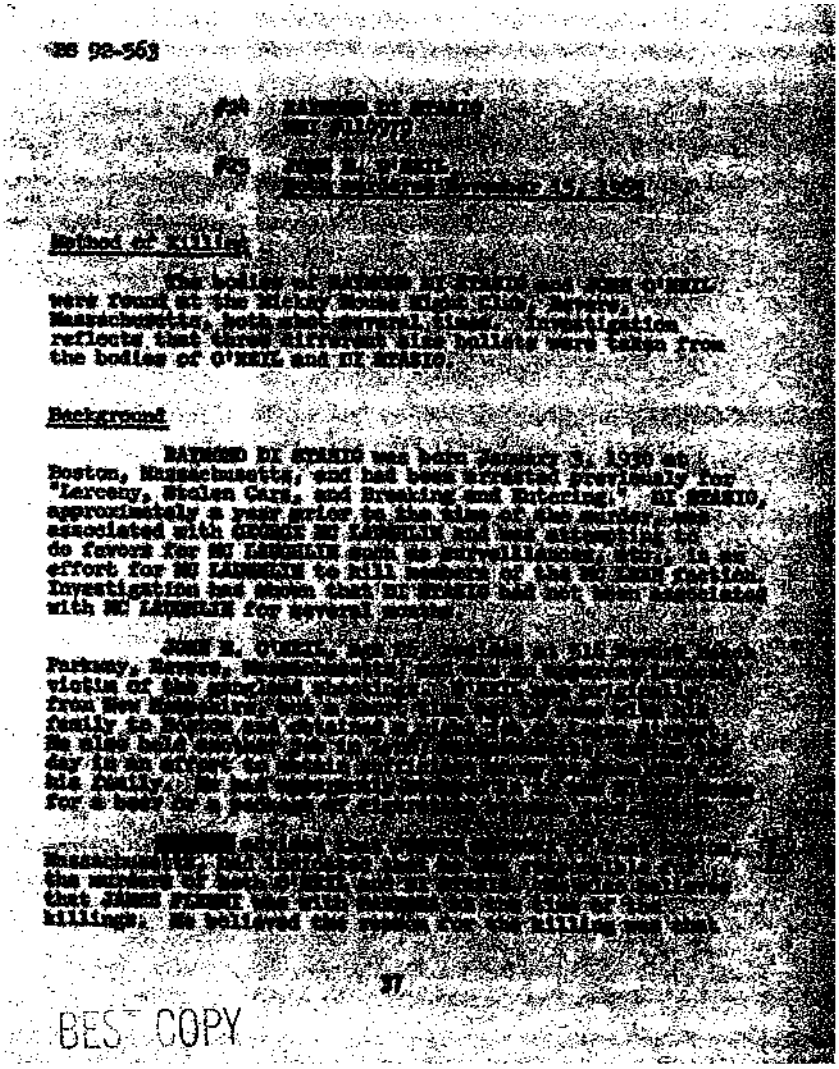
BS 92-563

#24 RAYMOND DI STASIO
[illegible]

#25 JOHN E. O'NEIL
[illegible] November 15, [illegible]

Method of Killing



The bodies of RAYMOND DI STASIO and JOHN O'NEIL were found at the Mickey Mouse Night Club, Revere, Massachusetts, both shot several times. Investigation reflects that three different size bullets were taken from the bodies of O'NEIL and DI STASIO.

Background

RAYMOND DI STASIO was born January 3, 1930 at Boston, Massachusetts, and had been arrested previously for "Larceny, Stolen Cars, and Breaking and Entering." DI STASIO, approximately a year prior to the time of the murder, was associated with GEORGE MC LAUGHLIN and was attempting to do favors for MC LAUGHLIN such as surveillances, etc., in an effort for MC LAUGHLIN to kill members of the MC LEAN faction. Investigation has shown that DI STASIO had not been associated with MC LAUGHLIN for several months.

JOHN E. O'NEIL, [illegible] Parkway, Revere, Massachusetts, [illegible] victim of the gangland shooting. [illegible] from New Hampshire, [illegible] family to Boston and obtained a [illegible] He also held another [illegible] day in an effort to [illegible] his family. [illegible] for a beer or a [illegible]

[illegible] Massachusetts, [illegible] the murders of both O'NEIL and DI STASIO. [illegible] that JAMES FLEMMI was with [illegible] killings. He believed the reason for the killing was that

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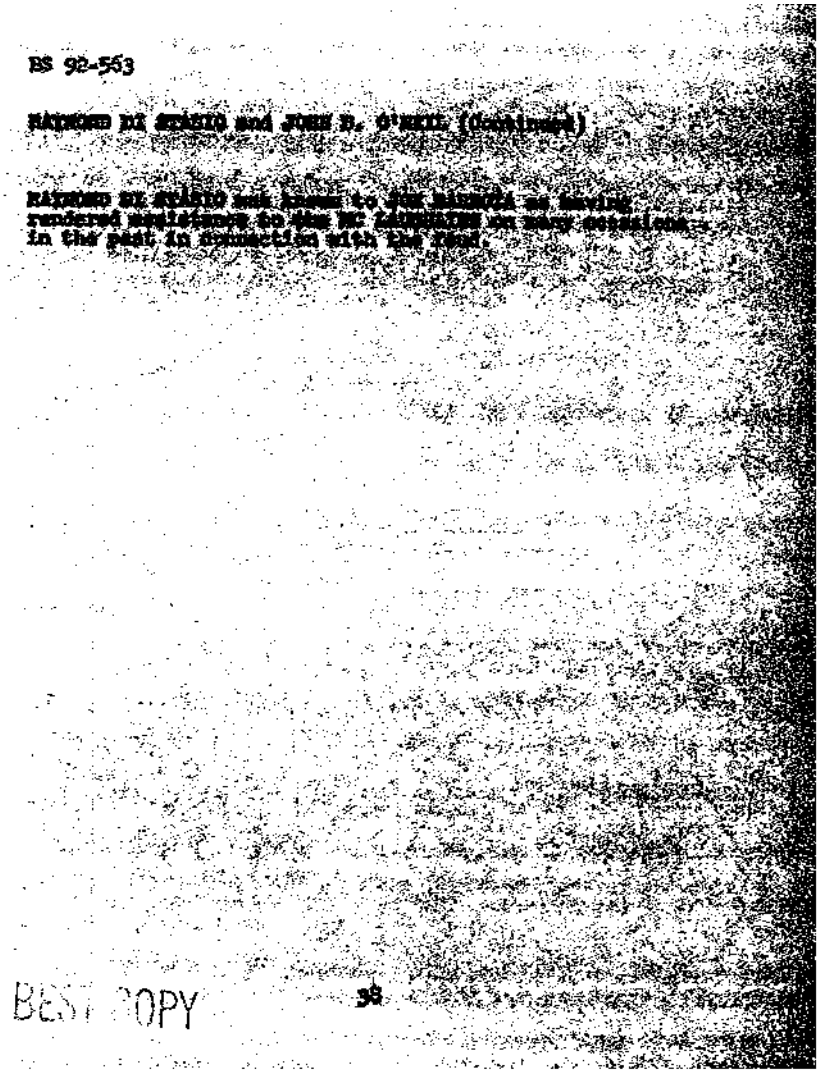

BS 92-563

RAYMOND DE STASIO and JOHN D. O'NEIL (deceased)

RAYMOND DE STASIO was known to JOE BIANCHI as having rendered assistance to the MC LAUGHLINS on many occasions in the past in connection with the road.

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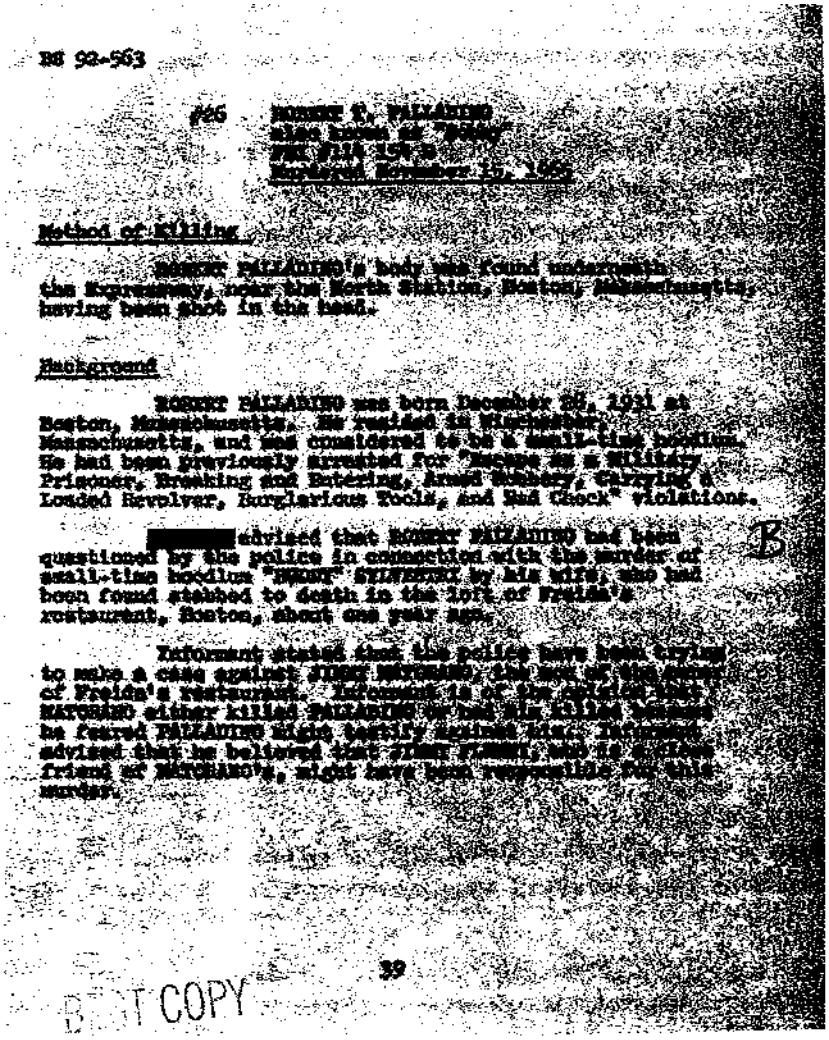

BS 92-563

#26 ROBERT T. PALLADINO
also known as "Bobby"
FBI #114 154 D
Murdered November 15, 1965

Method of Killing

ROBERT PALLADINO's body was found underneath the Expressway, near the North Station, Boston, Massachusetts, having been shot in the head.

Background

ROBERT PALLADINO was born December 28, 1931 at Boston, Massachusetts. He resided in Winchester, Massachusetts, and was considered to be a small-time hoodlum. He had been previously arrested for "Escape as a Military Prisoner, Breaking and Entering, Armed Robbery, Carrying a Loaded Revolver, Burglarious Tools, and Bad Check" violations.

[redacted] advised that ROBERT PALLADINO had been questioned by the police in connection with the murder of small-time hoodlum "BUDDY" SYLVESTRI by his wife, who had been found stabbed to death in the loft of Freida's restaurant, Boston, about one year ago. B

Informant stated that the police have been trying to make a case against JIMMY MATORANO, the son of the owner of Freida's restaurant. Informant is of the opinion that MATORANO either killed PALLADINO or had him killed because he feared PALLADINO might testify against him. Informant advised that he believed that JIMMY FLEMMI, who is a close friend of MATORANO's, might have been responsible for this murder.

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BS 92-563

III. MISCELLANEOUS

It should be noted that all of the above information concerning these murders has been disseminated to the local police authorities involved, or to the Massachusetts State Police. However, because of lack of witnesses, individuals who refused to testify, they have been unable to obtain sufficient evidence to warrant prosecution of these individuals.

At the present time, GEORGE PATRICK MC LAUGHLIN, former Top Ten Fugitive, is serving time in Walpole State's Prison, Walpole, Massachusetts, for the murder of WILLIAM SHERIDAN while attending a christening party in Roxbury, Massachusetts. He is awaiting the electric chair at this prison.

JAMES S. O'TOOLE has also been sentenced to the Massachusetts Correction Institution for "Accessory After the Fact of Murder." He is serving a five-year sentence.

JIMMY FLEMMI is presently awaiting trial for the shooting of an individual with whom he had an argument outside a cafe. He is being held without bail.

Since the time of the last murder, November 15, 1965, the Massachusetts State Police and local police have instituted 24-hour surveillances of the more prominent individuals involved in the MC LAUGHLIN-MC LEAN feud. These individuals under surveillance are [illegible] and [illegible] HUGHES of Charlestown, Massachusetts, JOHN "MAX" [illegible] of Wilmington, Massachusetts, of the MC LAUGHLIN faction, and HOWARD [illegible], who has assumed control of the MC LEAN faction, [illegible] of East Boston, [illegible] "[illegible]" [illegible], [illegible] and occasionally the other individuals associated with the MC LEAN faction. Because of this activity, [illegible] report that the individuals involved in this feud have not been able to meet [illegible] further action they desire to take. It is believed that if and when the HUGHES brothers are killed, this feud will cease.

In addition to the above murders, the following individuals have been shot at on various occasions, and all have survived the shootings:

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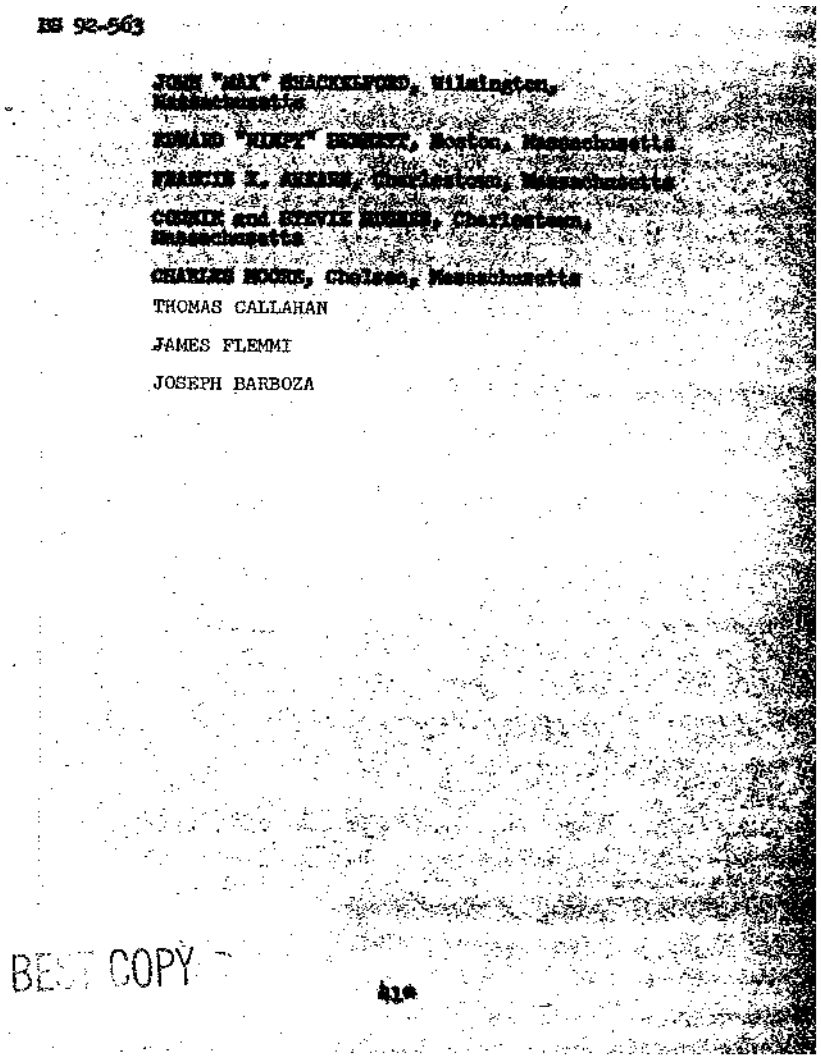

BS 92-563

JOHN "MAX" SHACKLEFORD, Wilmington, Massachusetts

EDWARD "KIRBY" HERBERT, Boston, Massachusetts

FRANCIS X. AHERN, Charlestown, Massachusetts

CONNIE and STEVIE MORRIS, Charlestown, Massachusetts

CHARLES MOORE, Chelsea, Massachusetts

THOMAS CALLAHAN

JAMES FLEMMI

JOSEPH BARBOZA

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410

FD-329 (Rev. 11-29-61)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Boston, Massachusetts

January 14, 1966

In Reply, Please Refer to File No.

Title BOSTON GANGLAND MURDERS;
CRIMINAL INTELLIGENCE PROGRAM

Character ANTI-RACKETEERING

Reference report of SA JOHN F. KEHOE, JR., dated and captioned as above at Boston.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

4-Bureau
1-USA, Boston, Mass.
3-Boston (92-563)

JFK:po'b
(8)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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188

The Commonwealth of Massachuse
Executive Office of Public Safety
Department of Correction
Leverett Saltonstall Building, Government Cent
100 Cambridge Street, Boston, Mass. 02202
(617) 727-3300

William F. Weld
Governor

Larry E. DuBois
Commissioner

Michael T. Maloney
Deputy Commissioner

727 3300 x
153 7232

September 30, 1993

TO WHOM IT MAY CONCERN:

I, Jaymie S. Derderian, do declare that I am employed as Records Supervisor of Central Records for the Massachusetts Department of Correction, Leverett Saltonstall Building, Bostor Massachusett and that the records attached are true and correct copies reflecting the incarceration history of inmate Vincent M Flemmi file number W-36397. Inmate Vincent M. Flemmi's was incarcerated with the Massachusett Department of Correction on March 9, 1966 for 4-6 years Armed Assault with intent to Murde: On October 7, 1968 inmate Flemmi was transferred to MCI Norfol and on October 16, 1968 was transferred to MCI Walpole. Inmat Flemmi was returned/transferred to MCI Norfolk on December 5, 1968 and was transferred to MCI Walpole on December 12, 1968. Inmate Flemmi received a Good Conduct Discharge from MCI Walpo on March 28, 1969.

If you have any questions concerning these dates, please feel free to contact me.

Jaymie S. Derderian
Central Records Supervisor

001068

EXHIBIT
117



On 10-19-65, he was COMMENDED, THROUGH SAC J. L. HANDLEY, along with the agents in the Boston Office who participated in such an excellent manner in the investigation of George David Matthews and four other subjects of a Bank Robbery case.

His daily average overtime for October, 1965 was 1 hour 47 minutes; November, 2 hours 24 minutes.

By letter dated 12-27-65, he was COMMENDED for his superior performance in the apprehension of Paul V. Davis, the subject of a Harboring case.

His daily average overtime for December, 1965 was 2 hours 46 minutes; January, 1966 was 2 hours 31 minutes.

On 2-13-66, he received a Within-Grade Increase to $14,250 per annum in GS-13.

His daily average overtime for February, 1966 was 2 hours 43 minutes.

On 3-31-66, he was rated EXCELLENT with comments he had been assigned exclusively to the development of Top Echelon informants and had worked primarily on this important program. He had exceptional talent in his ability to develop informants and his participation was considered outstanding. He was a conscientious and industrious Agent who always displayed a very keen interest in the Bureau's work. He consistently applied himself and was qualified to handle in an able fashion complicated investigative matters with a minimum of supervision. He submitted the names of 2 potential applicants for consideration under the applicant recruitment program. He participated and lead [redacted] raids and dangerous assignments. He had [redacted] Potential Criminal Informants, [redacted] Criminal Informants [redacted] Top Echelon Informants all under the Top Echelon Program and attempted to develop [redacted] other Potentials and [redacted] Top Echelon informant during the period. He testified before the Federal Grand Jury, twice in Federal Court and at 3 U. S. Commissioner's hearings. He was considered an able, excellent witness. He was completely available and continued to be listed as being not interested in administrative advancement.

His daily average overtime for March, 1966 was 2 hours 5 minutes; April, 2 hours 6 minutes; May, 2 hours 55 minutes; June, 2 hours 59 minutes.

On 7-3-66, he received a Basic Salary Increase to $14,665 per annum in GS-13.

On 7-20-66, the Director's note of sympathy was sent upon the passing of his son, H. Paul Rico, Jr., on 7-18-66, at the Paul A. Dever State School, Taunton, Massachussets. This son had suffered from epilepsy for many years.

 SUBJECT TO PROTECTIVE ORDER

BS 92-1132

On January 18, 1968, GENNARO J. ANGIULO, BENJAMIN ZINNA, MARINO LEPORE, and RICHARD DE VINCENT were found not guilty in a jury trial in Suffolk County Superior Court, Boston, Massachusetts, of the gangland murder of ROCCO DI SEGLIO on June 15, 1966.

9*



EFH:ded

January 19, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I will be glad to help [redacted] in her preparation of your book to the degree possible.

Please find enclosed a portion of the government's brief filed in the Patriarca case in the United States Court of Appeals for the First Circuit which states in summary fashion the facts testified to at trial. This document should provide an overall view of the testimony introduced at trial. After [redacted] examines this document, we will provide certain portions of the transcript of the testimony which might be necessary to fill out the narrative provided here.

I will ask John Doyle with regard to the 150 photographs you require and suggest that you also communicate with John directly. Here follows some information which might be valuable to you in the preparation of your book:

10/31/61	Bernard McLaughlin	Charlestown
7/7/62	George Joynt	Medford
3/15/64	William J. Sheridan	Roxbury
5/4/64	Francis R. Benjamin	South Boston
5/12/64	Russell C. Nicholson	Wilmington
7/23/64	Paul J. Colilicci	Quincy
7/23/64	Vincent A. Bisesi	Quincy
8/20/64	Wilfred J. Delaney	Boston Harbor
8/30/64	Harold R. Hanson	Boston Harbor
9/3/64	Leo J. Lowry	Pembroke
9/4/64	Ronald P. Dermody	Watertown
9/26/64	Carlton Eaton	Malden
10/10/64	Robert S. Charlbois	Roxbury
10/17/64	Anthony Sacramone	Everett

11/10/64	Mrs. Margaret Sylvester	Boston
11/13/64	William J. Treannie	South End
11/24/64	Edward P. Huber	Hingham
12/16/64	George O'Brien	South Boston
12/28/64	George E. Ash	South End
1/10/65	John F. Murray	Dorchester
1/15/64	Robert J. Rasmussen	Wilmington
1/23/65	Henry F. Reddington	Weymouth
1/26/65	Joseph Francione	Revere
3/2/65	John Barbieri	Rehoboth
3/12/65	Edward Deegan	Chelsea
4/12/65	Peter A. Cassetta	Maynard
5/20/65	William Ferguani	Tyngsboro
7/9/65	Joseph Romeo Martin	Revere
7/10/65	Edward I. Crowell	Burlington
8/21/65	Wady David	South End
10/20/65	Edward J. McLaughlin	West Roxbury
10/29/65	James J. McLean	Somerville
11/15/65	Robert T. Palladino	North End
11/15/65	Raymond DiStasio	Revere
11/15/65	John R. O'Neil	Revere
4/25/66	David Sidlauskas	Quincy
4/26/66	Anthony Veranis	Milton
5/66	Cornelius Hughes	Revere
6/16/66	Rocco DiSeglio	Topsfield
9/23/66	Stephen Hughes	Middleton
9/23/66	Samuel O. Lindenbaum	Middleton
9/28/66	John W. Jackson	Back Bay
11/15/66	Arthur C. Bratsos	South Boston
11/15/66	Thomas DePrisco	South Boston
12/7/66	Joseph Amico	Revere
1/15/67	William L. O'Brien	Stoughton
3/19/67	John Locke	Revere
6/26/67	Richard Cassarata	Charlton
12/24/67	William Bennett	Dorchester
2/2/67	Andrew Von Etter	Medford
12/31/67	J. Richard Grasso	Brookline
4/18/67	Joseph Lanzi	Medford

Missing: Edward Bennett
Walter Bennett
Thomas Timmons
Anthony Sasso
Rubin Needel

I filled out the questionnaire a few months ago and returned it to the prison. If it is not in the prison's records, please send me another one and I will fill it out again and promptly return it.

I will make a call to Coyle to determine the feasibility of your being returned to the State of California.

Have [redacted] call me after she has an opportunity to review the Patriarca brief.

Sincerely,

Ted Harrington

Enclosures

EFH:ded

January 19, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

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9/3/64	Leo J. Lowry	Pembroke
9/4/64	Ronald P. Dermody	Watertown
9/26/64	Carlton Eaton	Malden
10/10/64	Robert S. Charlbois	Roxbury
10/17/64	Anthony Sacramone	Everett



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12/31/67	J. Richard Grasso	Brookline
4/18/67	Joseph Lanzi	Medford

Missing: Edward Bennett
Walter Bennett
Thomas Timmons
Anthony Sasso
Rubin Needel

I filled out the questionnaire a few months ago and returned it to the prison. If it is not in the prison's records, please send me another one and I will fill it out again and promptly return it.

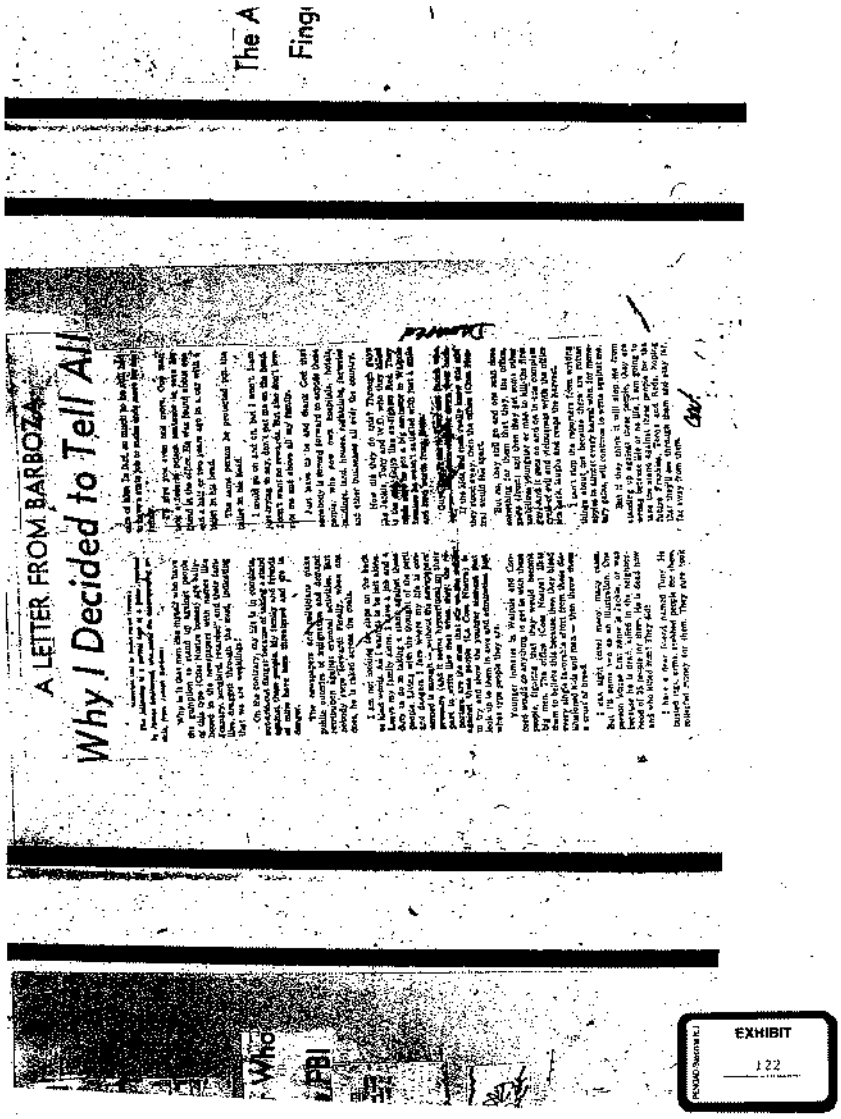
I will make a call to Coyle to determine the feasibility of your being returned to the State of California.

Have [redacted] call me after she has an opportunity to review the Patriarca brief.

Sincerely,

Ted Harrington

Enclosures

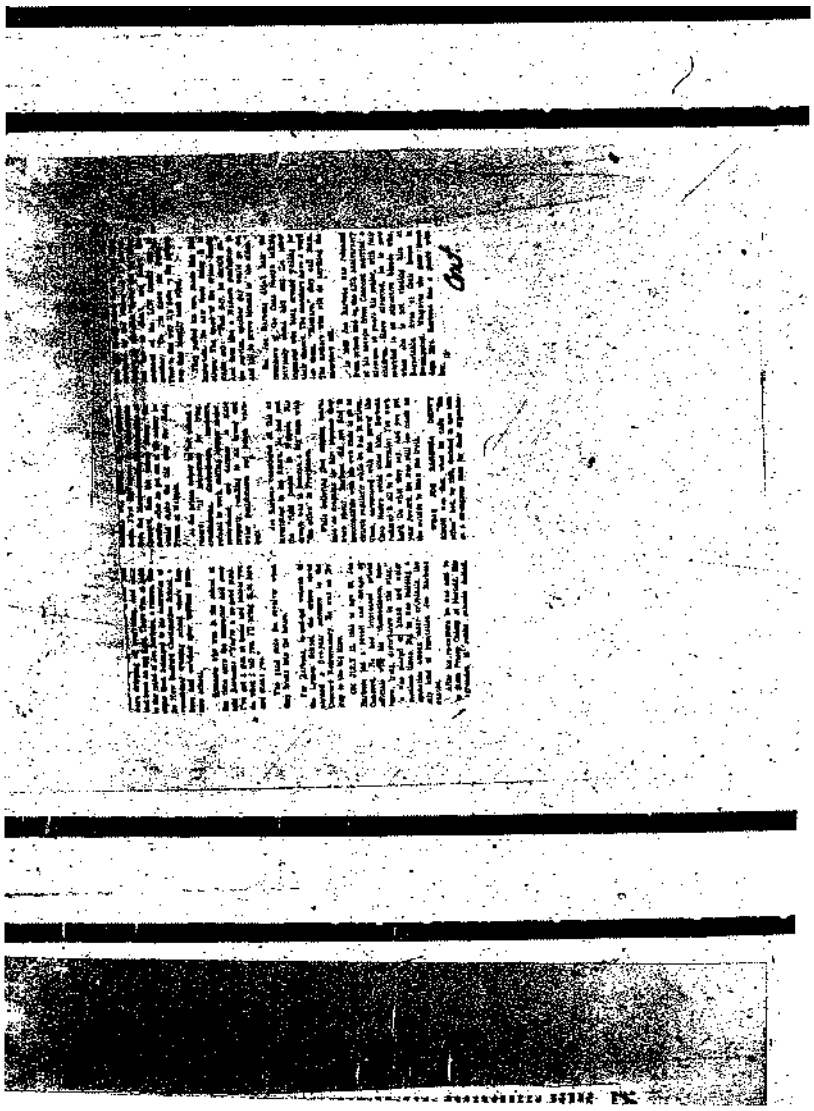


A LETTER FROM BARBOZA

Why I Decided to Tell All

EXHIBIT

122



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	Married - 6 Children
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None
Offices of Assignment:	
3-28-51 assigned	Philadelphia
1-8-52 reported	New York
4-11-52 reported	Boston

LS:lrb
(1)

[redacted]

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

His daily average overtime for April, 1966, 1 hour 54 minutes; May, 3 hours; June, 2 hours 32 minutes; July, 2 hours 25 minutes.

On 7-3-66 he received a Basic Salary Increase to $14,665 per annum in GS-13.

His daily average overtime for August, 1966, 3 hours 8 minutes; September, 2 hours 44 minutes; October, 2 hours 6 minutes; November, 2 hours 52 minutes.

During an inspection of the Boston Office in November, 1966, Mr. H. C. Phillips, of the Inspection Staff, stated he was an enthusiastic and highly knowledgeable Agent who had an excellent attitude. He was one of the better Agents in the Boston Office and he had done a fine job in developing and handling a well-above-average number of sensitive and quality informants.

He was involved in a substantive error write-up case when a review of an informant file assigned to him disclosed an instance of failure to properly disseminate information obtained from the informant. It was recommended and approved that no administrative action be taken against him.

His daily average overtime for December, 1966, 2 hours 10 minutes; January, 1967, 2 hours 20 minutes; February, 2 hours 55 minutes; March, 2 hours 50 minutes.

On 3-31-67 he received an EXCELLENT rating with comments he was a member of the Criminal-Intelligence Squad and assigned exclusively to criminal-intelligence matters. He handled complicated matters in an able and capable fashion with an absolute minimum of supervision. He was dependable, enthusiastic and showed a great interest in the Bureau's work. He had an outstanding knowldege of the hoodlum and gambling element in the Boston area and was considered to be an outstanding investigator. He was qualified to participate in raids and dangerous assignments and he had no limitations on his availability. His participation in the informant program was considered outstanding. He was not interested in administrative advancement.

His daily average overtime for April, 1967, 3 hours 21 minutes; May, 2 hours 37 minutes; June, 3 hours.

By letter dated 7/3/67 he received an INCENTIVE AWARD in the amount of $150.00 in recognition of his developing and handling several confidential sources of much interest to the Bureau in the criminal field. (Re: BS 868 C-TE, BS 954 C-TE, BS 955 C-TE)

His daily average overtime for July, 1967, 2 hours 11 minutes.

FBI-HCGR-000003347

CONFIDENTIAL PRODUCED SUBJECT TO PROTECTIVE ORDER

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

Name: Dennis M. Condon Title: Special Agent

EOD: 1-29-51 Grade: GS-13 at $14,665

Veteran

SAC JAMES L. HANDLEY: This writeup is submitted on SA DENNIS M. CONDON inasmuch as he received a substantive writeup. SA CONDON dresses in a neat and business-like fashion. He makes an over-all excellent personal appearance. He is considered outstanding in attitude, ingenuity, aggressiveness, judgment, initiative, accuracy, industriousness, productivity and investigative ability. He exhibits a keen interest in Bureau work, and is outstanding in the development of informants. He is considered excellent in planning ability, performance as a witness, and ability on raids and dangerous assignments. He is assigned Top Hoodlum matters. He was commended by the U. S. Attorney, Eastern District of Pennsylvania, for his excellent appearance as a witness in the Tar case, a national wire service in Philadelphia. He shared in commendation by the Bureau, dated 6-29-66, for his noteworthy performance and enthusiasm in connection with the move of the Boston Office. By Bureau letter dated 9-15-66, through the SAC, he was commended for his participation in the Steak Out of the Boston Office held 9-8-66.

Rating: Excellent

BOSTON INSPECTION
11-2-66
JFK:CAK

2 NOV 17 1966

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

INSPECTOR H. E. CAMPBELL, JR.: Inspector concurs with comments
(H. C. Phillips:wmj 11/5/66) of SAC regarding SA Condon's personal appearance and personality. He is an enthusiastic and highly knowledgeable Agent who has an excellent attitude. During recent inspection a review of an informant file assigned to SA Condon disclosed an instance of failure to properly disseminate information obtained from the informant (copy of substantive error write-up attached). The informant had reported that an individual who was a suspect in a Bureau case had a machine gun in his possession (obtained in another state) and was "crazy." No dissemination of this information was made to the Treasury Department in accordance with provisions of Manual of Instructions. SA Condon explained that due to the fact that the suspect was under active investigation by the FBI, he inadvertently failed to make appropriate dissemination. The SAC initialled the serial for filing in the belief that appropriate dissemination would be made in a separate communication.

OBSERVATIONS:

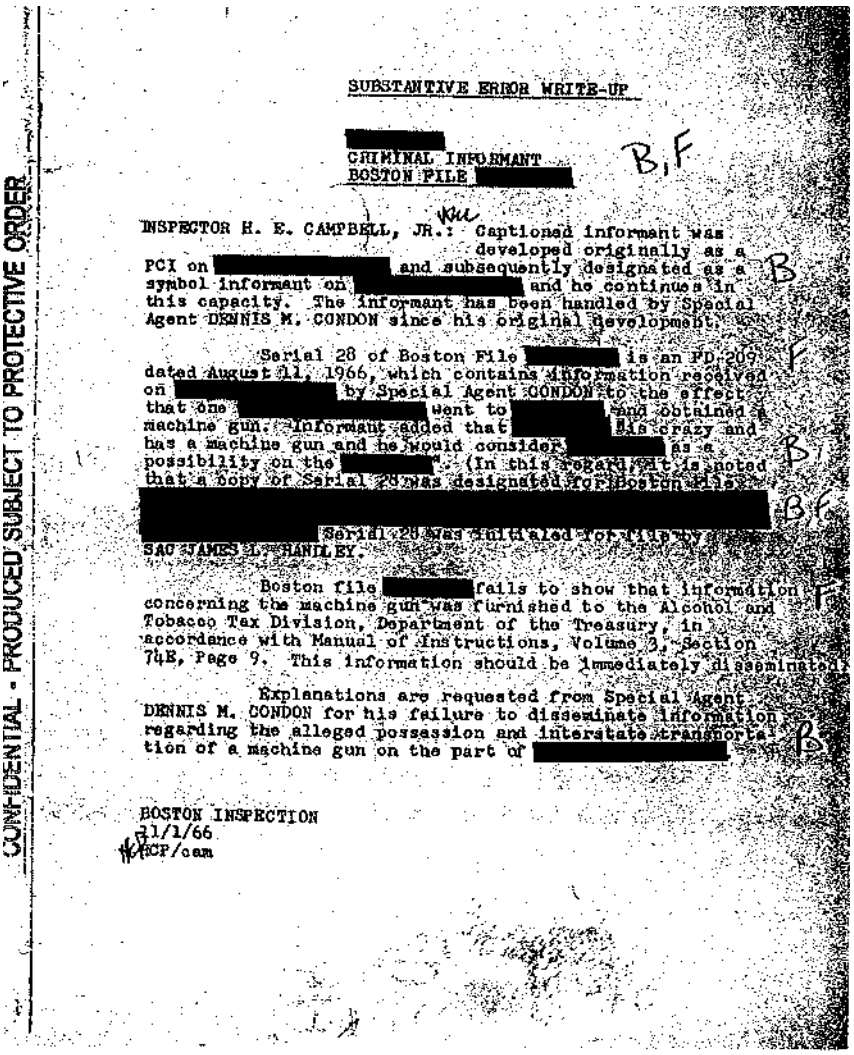
SA Condon is one of the better Agents in the Boston Office. He has done a fine job in developing and handling a well-above-average number of sensitive and quality informants. (SAC rated him outstanding in this respect.) Condon has been commended on three occasions in the past year. The informatic has now been disseminated and has resulted in no embarrassment to the Bureau. It is felt that the best interests of the Bureau would be served by taking no further administrative action against this capable and very productive Agent. Admonishment by the Inspector is deemed sufficiently effective to preclude a reoccurrence of this error.

RECOMMENDATIONS:

1. No further administrative action against SA Condon at this time. Inspector's admonishment deemed sufficient in consideration of all circumstances.

2. Recommendations concerning other personnel being handled separately.

3. There is no SOG culpability as delinquency could only have been detected by review of the field office file.



CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

SUBSTANTIVE ERROR WRITE-UP

[redacted]
CRIMINAL INFORMANT
BOSTON FILE [redacted]

INSPECTOR H. E. CAMPBELL, JR.: Captioned informant was developed originally as a PCI on [redacted] and subsequently designated as a symbol informant on [redacted] and he continues in this capacity. The informant has been handled by Special Agent DENNIS M. CONDON since his original development.

Serial 28 of Boston File [redacted] is an FD-209 dated August 11, 1966, which contains information received on [redacted] by Special Agent CONDON to the effect that one [redacted] went to [redacted] and obtained a machine gun. Informant added that [redacted] is crazy and has a machine gun and he would consider [redacted] as a possibility on the [redacted]. (In this regard, it is noted that a copy of Serial 28 was designated for Boston File [redacted] Serial 28 was initialed for filing by SAC JAMES L. HANDLEY.

Boston file [redacted] fails to show that information concerning the machine gun was furnished to the Alcohol and Tobacco Tax Division, Department of the Treasury, in accordance with Manual of Instructions, Volume 3, Section 74E, Page 9. This information should be immediately disseminated.

Explanations are requested from Special Agent DENNIS M. CONDON for his failure to disseminate information regarding the alleged possession and interstate transportation of a machine gun on the part of [redacted]

BOSTON INSPECTION
11/1/66
HCP/cam

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

Explanations of SAC HANDLEY are also requested, it being noted that matter was handled on his desk and he initialed memorandum for file.

SA DENNIS M. CONDON
DMC:maw 11/2/66

[redacted] was being investigated as a principal suspect in the case entitled, "[redacted]" Boston file [redacted] at the time that information was received from [redacted] to the effect that [redacted] had gone to [redacted] and obtained a machine gun.

In view of our active interest and investigation of [redacted] at the time of receipt of the information, I did not disseminate it to Alcohol and Tobacco Tax Division, Department of the Treasury.

Through inadvertence, this information was not disseminated at a later date. Since it was brought to my attention by the Inspector it has been disseminated.

SAC J. L. HANDLEY:
JLH:ds (11/2/66)

While I initialed the FD 209 for the Informant's file in this case, I presumed that an Agent of SA CONDON experience would disseminate whenever necessary.

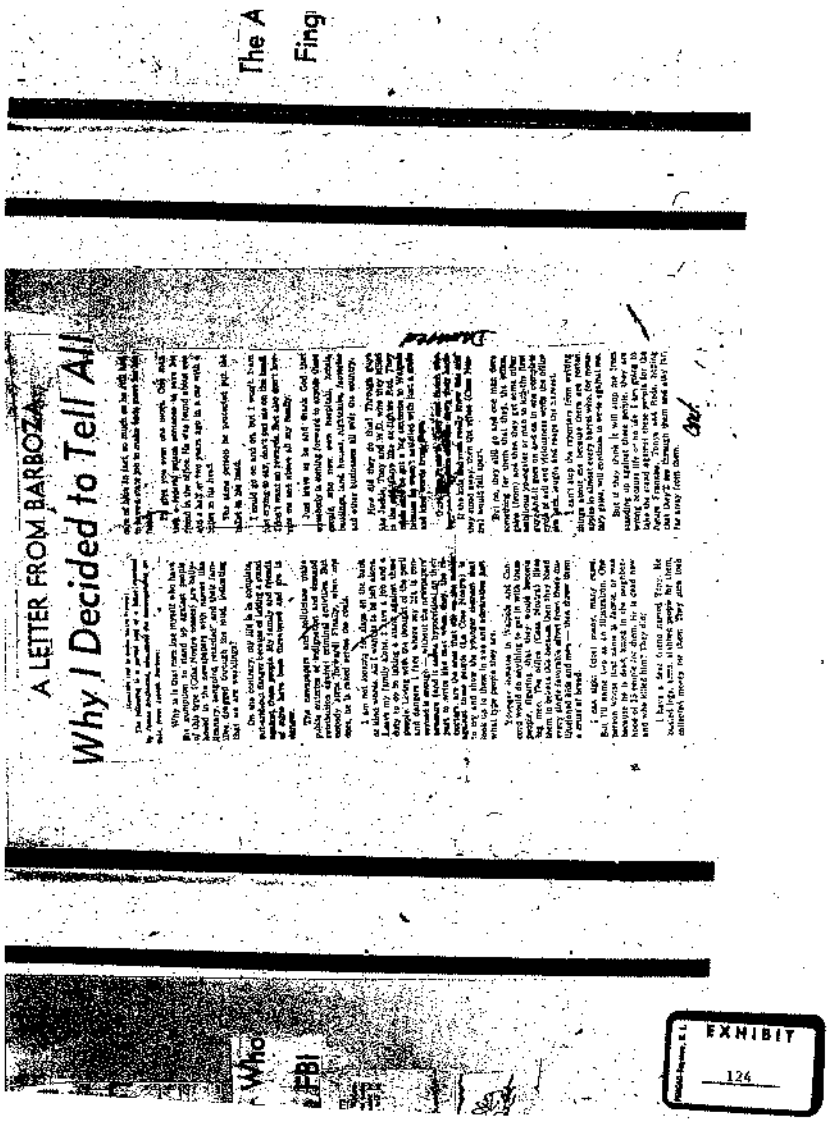
Dissemination has been discussed in this Office at least twice monthly and all Agents should be familiar with the rules pertaining to and the need for dissemination.

I will continue to reiterate the necessity of prompt dissemination in all cases wherein the FBI does not have jurisdiction and will follow closely to see that it is effectively done.

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

INSPECTOR H. E. CAMPBELL, JR.: There does not appear to be any Seat of Government culpability in this matter inasmuch as this error could have been detected only through a review of the field office file.

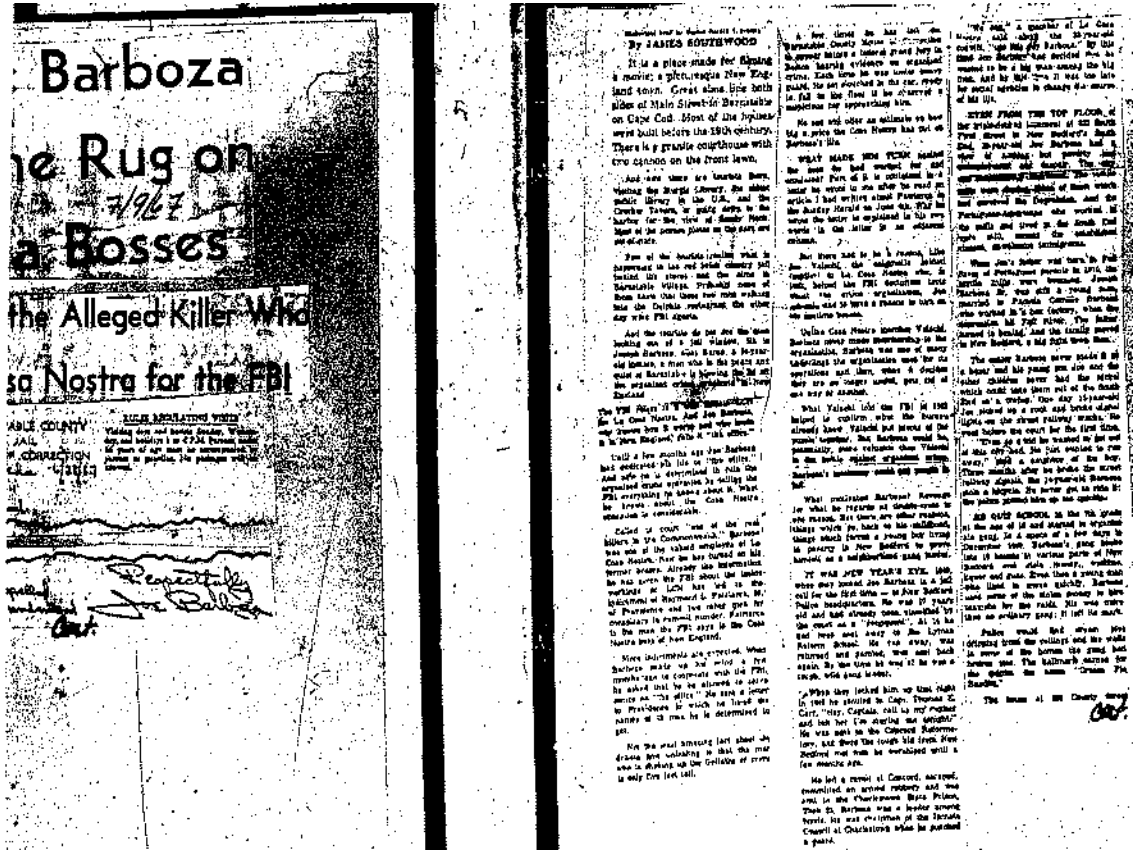
BOSTON INSPECTION
11/1/66
AWW/spc



A LETTER FROM BARBOZA

Why I Decided to Tell All

EXHIBIT
124



Barboza

ne Rug on

7/96 F

a Bosses

the Alleged Killer Who

sa Nostra for the FBI

ABLE COUNTY

JAIL

CORRECTION

Respectfully

Joe Barboza

Cost.

By JAMES SOUTHWOOD

It is a place made for filming a movie; a picturesque New England town. Great elms line both sides of Main Street in Barnstable on Cape Cod. Most of the houses were built before the 19th century. There is a granite courthouse with two cannon on the front lawn.

And here there are tourists from, visiting the Sturgis Library, the oldest public library in the U.S., and the Crocker Tavern, or gaily dress to the harbor for the view of Sandy Neck. Most of the persons places on the scene are out of place.

One of the tourists strolling what is supposed to be old New England charm past the United Cape Cod Bank is Joseph Barboza, who knows a lot about the Cosa Nostra, a man who in the years and years at Barnstable is known for his ac... the organized crime syndicate in New England.

The FBI flight "I'll make Barboza, the La Cosa Nostra. And Joe Barboza, who knows how it works and who knows why knows how, England, talks it "out often."

Until a few months ago Joe Barboza had dedicated his life to "one effort." And one he is determined to win the organized crime syndicate by telling the FBI everything he knows about it. What he knows about the Cosa Nostra is considerable.

Called at least "one of the real killers in the Commonwealth," Barboza was one of the valued emplo... Cosa Nostra. Now he has turned on his former bosses. Already the information he has given the FBI about the underworld in LCN has led to the indictment of Raymond L. Patriarca, Mr. Underboss of New England, and two other men for criminal conspiracy to commit murder. Patriarca is the man the FBI says is the Cosa Nostra boss of New England.

More indictments are expected. When Barboza made up his mind a few months ago to cooperate with the FBI, he asked that he be allowed to serve his whole life in one prison. He says a letter came to "the office" in which he hinted that as a Providence is which he lived as a prisoner of it was his determined to get.

But the real tragedy last about Joe Barboza was unfolding in that the man who is thrown up the Goliaths of crime is only five feet tall.

A few times in his life Joe Barboza has been a big man. He was a big man in the prison hierarchy. He was a big man in the Cosa Nostra. He was a big man in the eyes of the Boston underworld. But he was never a big man in his own eyes. He was always a little man, a man who had to prove himself.

Joe Barboza was born Joseph Nunes in the North End of Boston. His father was a fisherman who died when Joe was 3. His mother married Frank Barboza, a longshoreman, and Joe took his stepfather's name. Joe was the youngest of seven children. The family lived in a cold-water flat on Prince Street. Joe's mother was a strict disciplinarian. Joe was a sickly child, and his mother was overprotective.

Joe was a poor student and a poor athlete. He was small for his age and was always getting beaten up by bigger boys. He began to hang around with older boys who were members of the Prince Street gang. He was arrested for the first time when he was 11 for breaking into a freight car. He was sent to the Lyman School for Boys in Westborough, Mass. He was released when he was 14 and went back to the North End.

He was arrested again for breaking and entering and was sent to the Concord Reformatory. He was released in 1952 and went back to the North End. He was arrested again for breaking and entering and was sent to the Concord Reformatory. He was released in 1954 and went back to the North End. He was arrested again for breaking and entering and was sent to the Concord Reformatory. He was released in 1956 and went back to the North End. He was arrested again for breaking and entering and was sent to the Concord Reformatory. He was released in

Gunned down in San Francisco

Killer Barboza slain

MURDERS HERALD FEB 12 '76

[Journal to the Herald American]

SAN FRANCISCO—Former mobster Joseph Dyrus Jaime Barboza Baron, 46, who was given a new identity after informing on the New England organized crime syndicate eight years ago, was shot to death in San Francisco, Sunset District area night.

Police Lt. Charles Zinn of the homicide detail said Baron was killed by shotgun blasts fired from a sedan that as he walked in the area of a quiet residential street.

"He was a former black leader," Zinn said. Barboza had been living in San Francisco under the name of Joe Dennis, Lt. Zinn said.

Zinn said detectives were investigating "rumors" by the assailant to the effect he had killed Baron because of a dispute over a gambling operation. Zinn declined to elaborate.

Baron testified during the trial in California that he witnessed and attempted to prevent the murder of a Providence, R.I., man whose body was found in the trunk of a car in Boston.

HIS TESTIMONY led to the indictment of Raymond L. S. Patriarca, reputed crime boss in New England, on charges of conspiring to murder Roger Wheeler, a Tulsa, Okla., millionaire who was gunned down in Tulsa.

Patriarca was convicted in that case and sentenced to serve a minimum of 15 years in prison.

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AT ONE TIME, he told federal officials that his wife and daughter had been threatened and that the underworld had issued a death sentence for his murder.

True to his life style in the past, Baron was dressed with a handgun and had $200 in his wallet, police said. He was wearing sports clothes.

Baron was killed instantly by one shotgun blast, Police said he was living "in an apartment for two owned on La Playa st., which fronts the park.

The shootings was at about 2:30 a. m. Police said Baron was found lying in the street near the rear wheel of his car.

He was represented in one of his many court appearances in the late 1960s by high-profile criminal lawyer, F. Lee Bailey, who helped a San Francisco jury defend Patricia Hearst on bank robbery charges that was aided the terrorist group Hearst's kidnapers had.

Bailey, a very controversial figure in his own right, said he was "shocked" by the murder.

"Joe had a very rough life and his death was not unexpected," Bailey said in an interview.

BARON WAS serving a [illegible] prison in 1971 for unlawful possession of weapons. Later, he pleaded guilty to two counts of manslaughter for shooting two men in a Boston bar.

Two of Baron's former business associates, Frank Salemme and Vincent Flemmi, were convicted in the 1965 murder of Wheeler. He was found shot to death in the trunk of his car.

Baron was released from prison, married a divorcee with four children, moved to Oakland, and took up residence in Pennsylvania.

In 1974, he began his association with La Cosa Nostra, and for the next seven years, underworld informers say, he was involved in a number of gangland slayings.

On June 6, 1975, "Joe Barboza" was arrested in connection with the murder of Nicholas F. Femia, 31, Patrick J. Kelleher, 37, both of East Boston, and Joseph C. Barrasso, 28, of Medford. Police said the victims were shot to death in a car in the Fore River area of Quincy.

Baron was released on $100,000 bail after posting a $10,000 cash bond.

Told friend minutes before death

Baron predicted own murde

MURDERS PM GLOBE FEB 12 '76

By Walter Robinson and John F. Cullen Globe Staff

Underworld informer Joseph Barboza Baron told a friend minutes before he was shot to death yesterday in a San Francisco thoroughfare that three would-be killers were on his tail.

Baron, a one-time Boston area hit man who was living quietly under assumed name, was killed by three or four shotgun blasts to the body as he was about to enter his car, police said.

The shotgun blasts, on a quiet residential street overlooking San Francisco Bay came from the right front window of a white van, according to San Francisco police Sgt. Thomas Black.

Black said the victim had been seen earlier yesterday and Tuesday parked on the street, where Baron had been visiting a friend.

The white van was recovered by police that morning abandoned in a driveway five blocks from where Baron was slain. Inside police found a weapon which they believe was the murder weapon.

A homicide detective said it appeared the van had been stolen and then outfitted with phony license plates. The van and its shotgun had, he said, been arranged for possible fingerprints.

Baron, 46, whose testimony once helped send reputed New England underworld chieftain Raymond L. S. Patriarca to prison, was believed to have had a "bodyguarding operation" on his life, which San Francisco police said may have amounted to $500,000.

F. Lee Bailey, the Boston trial lawyer who once defended Baron and who is in San Francisco on Patricia Hearst's espionage, said Baron once told him he had killed 26 persons.

"With all due respect to my former client, I don't think Baron has suffered a great loss," Bailey said of Baron's death.

Baron's murder, one of three homicides yesterday, in San Francisco, came a little more than three months after his release from prison.



Joseph Barboza Baron is shown at various stages of his life. From left to right, in 1966 and in 1974.

He was living with an unidentified woman in a Sunset-district apartment in the city, police said, and was using the name Joseph Dennis.

Early yesterday afternoon, Sgt. Black said, Baron drove to 26th avenue and Moraga street to have lunch at the apartment of a friend, identified as Tom Sheridan.

Apparently, Black said, Baron feared or knew the two-model, white van that yesterday was had been parked across the street from Sheridan's apartment building at 1720 26th av.

During lunch, Baron and Sheridan he was worried for his own safety, according to Black, and had applied for assistant's papers as he could leave San Francisco.

His cab (illegible) that he knew someone was after him. But nothing was going to try to kill him," Black said.

At 2:30 p.m. (PST), Baron arranged from the building and parked in his car. The van pulled alongside.

"One woman heard two more bangs and looked out her front window," Black said. "She saw the van double-parked in the street by the car. She saw one man leaning out the right front window with a shotgun in his hands, aiming it at Baron.

"She heard another bang. The man threw away a gun and sped," he said.

The woman was one of several witnesses, police said, who witnessed either the shooting or the getaway by the van. They said, who also to provide police with a license number.

But Black said, one of the witnesses who saw the van speed away subsequently stated it helped Baron and again, provided aid from the Sheridan apartment.

When police arrived, Baron was lying on the street. He was on his left side, bleeding profusely from his right side. He head was propped against the left rear wheel of his car, a blue, two-door 1961 Thunderbird with a valid license plate "BEBCO." He was dead, killed instantly, police said.

Baron, police said, was dressed in a sports jacket and slacks, with no overcoat. Fifty-two [illegible] casings were on the broken pavement near where he lay. [illegible]

In 1966, in 1974 and in 1975.

"There is no question the was a premeditated execution, Francisco Det. Lt. Charles Zi of the death of a man who w an informer because his order [illegible] slain two of his friends.

He had changed his name f from Barboza to Baron several yrs, but also had been known several other names.

Zinn said Baron was [illegible] yesterday. "He was [illegible] surveillance by s [illegible]," he said.

Members of the Boston Po [illegible] Division said it was rumored for weeks that Bar going to return to Boston with some proof.

"Once they send him the everybody expected that it would be a matter of weeks before [illegible] he would be killed," one de said.

Meanwhile, Baron's body [illegible] the San Francisco coroner's today, awaiting an autopsy. [illegible] asked asking about [illegible] the body, a spokesman [illegible]

EFH:ded

January 19, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I will be glad to help [redacted] in her preparation of your book to the degree possible.

Please find enclosed a portion of the government's brief filed in the Patriarca case in the United States Court of Appeals for the First Circuit which states in summary fashion the facts testified to at trial. This document should provide an overall view of the testimony introduced at trial. After [redacted] examines this document, we will provide certain portions of the transcript of the testimony which might be necessary to fill out the narrative provided here.

I will ask John Doyle with regard to the 150 photographs you require and suggest that you also communicate with John directly. Here follows some information which might be valuable to you in the preparation of your book:

10/31/61	Bernard McLaughlin	Charlestown
7/7/62	George Joynt	Medford
3/15/64	William J. Sheridan	Roxbury
5/4/64	Francis R. Benjamin	South Boston
5/12/64	Russell C. Nicholson	Wilmington
7/23/64	Paul J. Colicci	Quincy
7/23/64	Vincent A. Bisesi	Quincy
8/20/64	Wilfred J. Delaney	Boston Harbor
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EXHIBIT
126

BSF-00768

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Anthony Sasso
Rubin Needel

I filled out the questionnaire a few months ago and returned it to the prison. If it is not in the prison's records, please send me another one and I will fill it out again and promptly return it.

I will make a call to Coyle to determine the possibility of your being returned to the State of California.

Have [redacted] call me after she has an opportunity to review the Patriarca brief.

Sincerely,

Ted Harrington

Enclosures

The Acting Attorney General

December 22, 1966

Director, FBI (92-5586)

JUNE

1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Green

DAN ANGIULO;
MIKE ANGIULO

Reference is made to letter of Fred M. Vinson, Jr., Assistant Attorney General, Criminal Division, of November 23, 1966, captioned, "Electronic Surveillance in Organized Crime Cases," and my letter to you under the same caption dated December 12, 1966.

Dan and Mike Angiulo were participants in conversations monitored by the FBI on an electronic eavesdropping device. The monitoring of Dan Angiulo's conversations occurred on December 8, 1963, and November 18, 1964. Conversations of Mike Angiulo were monitored on ten occasions between October 27, 1963, and April 20, 1965. The monitoring occurred on an electronic eavesdropping device which had been placed by entry into a place of business, Jay's Lounge, 255 Tremont Street, Boston, Massachusetts, on January 9, 1963. The person who was subject to this electronic surveillance was Gennaro J. Angiulo, brother of Dan and Mike, who was the proprietor of Jay's Lounge. Trespass was involved in the entry.

MAILED 5
DEC 22 1966
COMM-FBI

The logs and supporting memoranda pertaining to the monitoring of Dan and Mike Angiulo are being forwarded to FBI Headquarters and will be made available for review by the Department as soon as they are received.

The installation of the eavesdropping device placed in Jay's Lounge was made under the general authority of Attorney General Robert F. Kennedy. By memorandum of May 12, 1965, Attorney General Katzenbach was advised that the device had been in operation since January 9, 1963, and he authorized its continuance. It was discontinued on July 12, 1965.

None of the information received from monitoring conversations of either Dan or Mike Angiulo has appeared directly or indirectly in FBI investigative reports nor was any of it communicated in any way to the Internal Revenue Service.

1 - The Deputy Attorney General
1 - Mr. Fred M. Vinson, Jr.
Assistant Attorney General

CLG:djg
(9)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

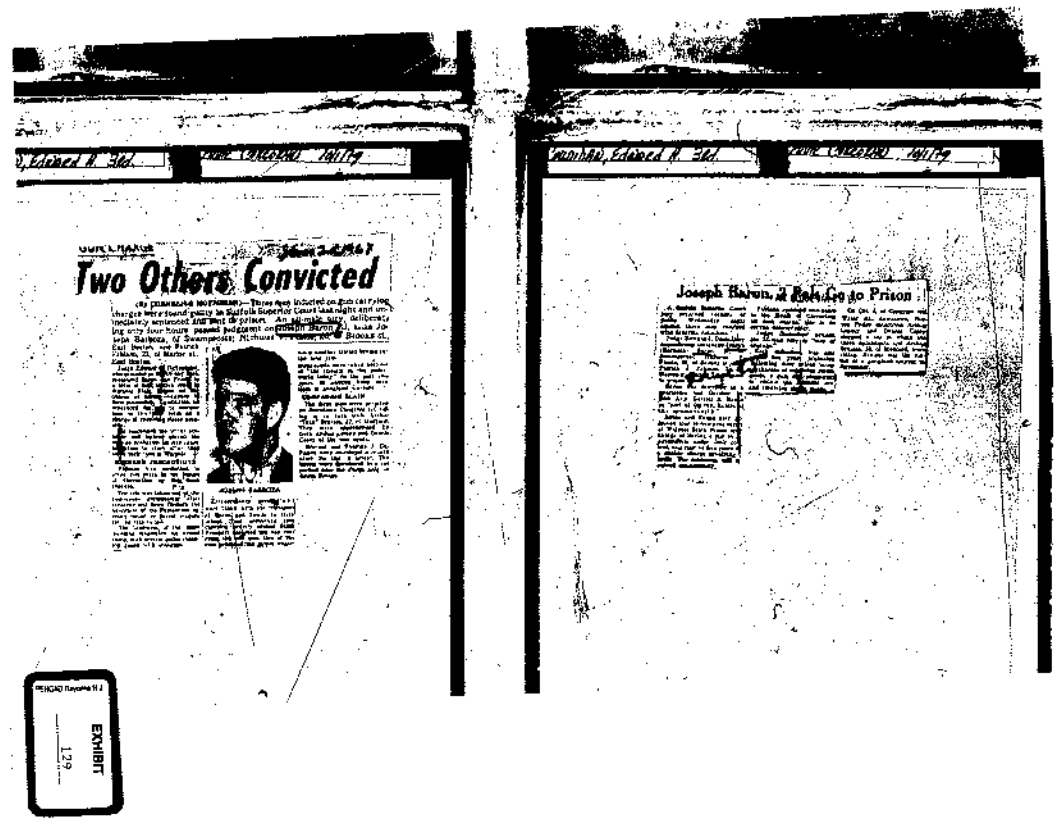
MAIL ROOM ☐ TELETYPE UNIT ☐

EX-104 REC 19 92-5586 189

DEC 27 1966

EXHIBIT 127

FILED IN 92-2158 COPY OF ENCL. AND COPY OF THIS MEMO



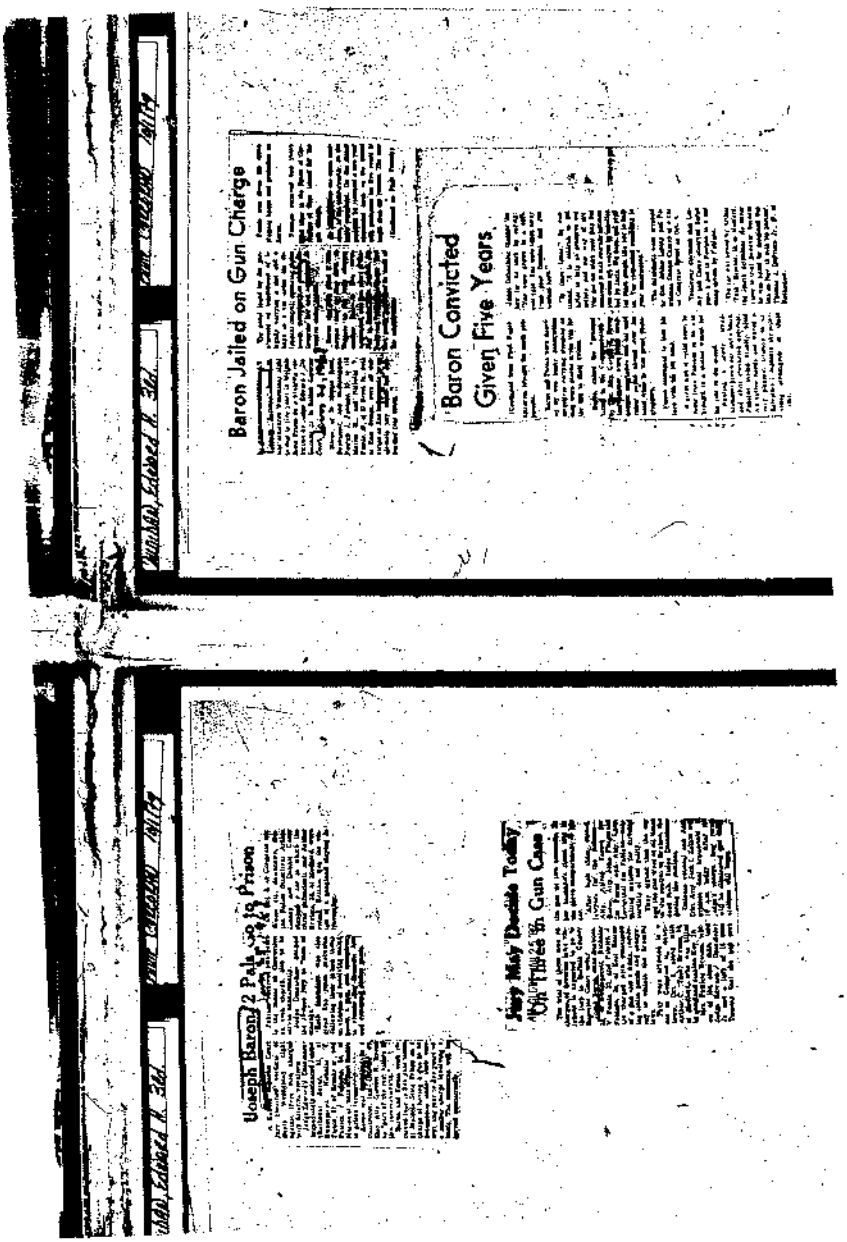
GUN CHARGE

Two Others Convicted

Joseph Baron, 2 Pals Go to Prison

EXHIBIT

129


Baron Jailed on Gun Charge
Baron Convicted
Given Five Years

FD-263 (Rev. 4-30-85)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
Boston	FBIHQ	8/13/97	7/08/97 - 8/14/97

TITLE OF CASE	REPORT MADE BY	TYPED BY:
UNSUB(S); OBSTRUCTION OF JUSTICE; OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR); BOSTON DIVISION; OO: FBIHQ	Joshua Hochberg, PIS, DOJ IIC Charles S. Prouty	tls
	CHARACTER OF CASE ADMINISTRATIVE INQUIRY	

REFERENCE:

Acting Deputy Attorney General memorandam to Attorney General, dated July 3, 1997.

The redacted copy for the Trial Team will be released following review and approval by the Department of Justice and FBI Headquarters.

The Department of Justice copy will not contain the Sensitive Information Section containing informant information.

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: 3 - Bureau (263-HQ-1220323) [1 - AD Michael A. DePeo] (2 - Inspection Team] 1 - Department of Justice 1 - Massachusetts USAO Trial Team		

DISSEMINATION RECORD OF ATTACHED REPORT				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

COVER PAGE

EXHIBIT 130

managers stated emphatically that they never gave improper authorization for any informant to commit criminal acts. Furthermore, they never authorized Bulger or Flemmi to participate in criminal activity. The FBI MIOG advises that only a manager can give authorization for an informant to commit criminal acts.

We examined the Bulger and Flemmi informant files. The files contained no documented written authorization to engage in criminal activity. We noted in reviewing several other informant control files that the procedures for authorizing criminal activity and documenting the authorization were followed for these other informants. These authorizations went from the field supervisor through the appropriate ASAC and were documented as approved by the division.

The review of informant files reflected the general policy of Agents yearly placing into the informant file a certification that the informant was advised of the Attorney General Guidelines. These guidelines reflect the informant's relationship with the FBI and state that the informants are not protected from prosecution for any violation of federal, state or local law, except where the informant's activity is approved by the supervisor or SAC. The Bulger and Flemmi files contain numerous Attorney General Guidelines certifications.

We also looked for instances in which Bulger and Flemmi were under investigation by a law enforcement agency and in which the USAO or DOJ exercised prosecutorial discretion in their favor due to the value of information provided by Bulger and Flemmi. There is no evidence that prosecutorial discretion was exercised on behalf of Bulger and/or Flemmi.

Cooperation of the defendants, and former agents Morris and Connolly, is imperative to resolve many of the authorization allegations. Morris has refused to be interviewed and Connolly gave a very limited interview through his attorney.

Within this general allegation, the following specific allegations were addressed:

1. That the Boston Division failed to comply with DOJ/FBI regulations or guidelines regarding unauthorized criminal conduct by Stephen Joseph Flemmi and James "Whitey" Bulger.

Informant History

James "Whitey" Bulger

Date opened:	May 13, 1971
Handling Agent:	SA Dennis Condon

Closed:	September 10, 1971 - due to "unproductivity"
Date reopened:	September 18, 1975
Handling Agent:	SA John Connolly
Closed:	January 27, 1978 - due to "legal problems" noted subject of an FBI Rico investigation
Date reopened:	May 11, 1979
Handling Agent:	SA John Connolly Rico matter resolved - no prosecutable case against source
Date:	October 7, 1979 Memo to file notes SSA John Morris as Alternate Handling Agent
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent"

Bulger was advised of the Attorney General Guidelines on seven occasions, between November 23, 1982 - October 11, 1989.

Stephen Joseph Flemmi

Targeted dates November 1964 - November 1965	
Date opened:	November 10, 1965
Handling Agent:	SA Paul Rico
Date:	February 14, 1967 Approved a TE source
Closed:	September 15, 1969 - Document from Boston to FBIHQ September 15, 1969, "In view of the fact that this informant was indicted for murder on September 11, 1969, by a Suffolk County Grand Jury and a federal warrant has been issued for his arrest, UFAP - Murder, this informant's emotional stability can no longer be justified and he is being closed."
Date reopened:	September 12, 1980
Handling Agent:	SA John Connolly - Boston document to FBIHQ

Closed:	September 23, 1982 - Document from SA Connolly to SAC Boston, "Captioned matter was placed in closed status in that captioned subject was under investigation (Flemmi) in two separate investigations." "Wheeler and Callahan murders."
Reopened:	July 10, 1986
Handling Agent:	SA John Connolly
Closed:	December 3, 1990 - "Placed in closed status due to the retirement of case Agent."

Flemmi was advised of the Attorney General Guidelines on four occasions between October 16, 1986 - November 17, 1989. The relevant Attorney General Guidelines were established on December 2, 1980. Section E of the guidelines requires that informants receive instruction that he/she is not protected from prosecution. Section F details procedures for authorizing informants to engage in criminal activity based on written findings. The FBI manual provisions set forth below effectuate the Attorney General Guidelines.

The following excerpts from the FBI MIOG Section 137-5, effective as of January 12, 1981, are related to "Informant Participation in Authorized and Unauthorized Criminal Activity."

GUIDELINES GOVERNING PARTICIPATION IN AUTHORIZED CRIMINAL ACTIVITY

1. An informant may not be authorized to engage in any activity that would constitute a crime under state or federal law, if engaged in by a private person acting without the authorization or approval of an appropriate FBI and United States Attorney's Office representative, except as authorized...

2. Participation by an informant in authorized extraordinary criminal activity may only be made by the SAC, or in the SAC's absence, the ASAC after a consultation with the approval of the United States Attorney...Extraordinary criminal activity is defined as that activity which may involve a significant risk of violence, corrupt actions

[redacted]

JOSEPH BARON, also known as JOE BARBOZA, was interviewed at the Massachusetts Correctional Institution, Walpole, Massachusetts.

BARON stated that he would not mind talking to the Agents if the Agents would not end up testifying against him for what he said. BARON was told that if he wanted to talk in confidence that "we would respect his confidence."

BARON advised that he has always tried to make a living outside of the law and that if anyone in law enforcement could prove that he was doing wrong, he is willing to pay the consequences. However, he said, when you find that a police officer that you know "fingered scores, acted as lookout when scores were being pulled, and divided up the proceeds of these scores" turns around and manufactures evidence and testimony against you, you have a feeling that maybe you, the criminal, have played by the wrong standards.

BARON said that he never wanted to physically hurt anyone in law enforcement but added that "If my life is ruined by this individual trying to benefit his own ambitions, the day I come out of jail could be the day this Lieutenant becomes nervous."

BARON said that he knows that INGEGNERI is friends with the "connected people" and that these people wanted to see him hurt. BARON advised that he has always tried to get along with ~~these~~ people and that, as a matter of fact, he used to see RAYMOND PATRIARCA and get an "OK" before he made most of his moves. Since they killed three of his friends, however, (THOMAS J. DE PRISCO, ARTHUR C. BRATSOS and JOSEPH W. AMICO) and stole $70,000 from him (This is in reference to the money allegedly in BRATSOS' possession when he was murdered), he had made statements that he was going to kill several of them. BARON said that after thinking the entire situation over, he realized that he could not possibly

On 3/8/67 at Walpole, Massachusetts File [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:po'b 3 Date dictated 3/9/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 131

000786

[redacted]:HPR:po'b

2

[redacted] BARON, knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow JAMES VINCENT FLEMMI to "fry" but that he will consider furnishing information on these murders.

DIRECTOR, FBI [redacted]

3/28/67

SAC, BOSTON [redacted]

INTERVIEW PROGRAM
CRIMINAL INTELLIGENCE MATTERS

Rebosairtel to Bureau, 3/10/67, and Bostel to Bureau, 3/21/67.

The following interview with JOSEPH BARRON, aka Joseph Barboza, was a follow up to interview conducted on 3/8/67, as set forth in rebosairtel.

[redacted]

INTERVIEW OF JOSEPH BARRON

JOSEPH BARRON, aka JOSEPH BARBOZA, was interviewed at the Federal Building, Boston, Mass., on 3/21/67, by SA's H. PAUL RICO and DENNIS M. CONDON [redacted] It also should be noted that he conferred with his Counsel, JOHN FITZGERALD, at approximately 12:15 p.m., at which time he received some advice from his counsel and then returned to continue his interview with the Agents.

BARRON said that he would talk to the Agents in confidence and that he would not testify to any information that he was furnishing at this time.

2-Bureau
4-Boston
[redacted]

HPR:DMC:po'b
(6)

SEARCHED
SERIALIZED
INDEXED
FILED

EXHIBIT
132

000788

[redacted] f

BARRON stated that since he last talked to the Agents (He was interviewed on 3/8/67 at the Massachusetts Correctional Institution, Walpole, Mass.), he had come to the conclusion that the Agents and him have a common enemy in the "Italian organization." He said he realizes that this "organization" is going to try to kill him regardless of when he is released from jail, and he believes that this "organization" can reach out into local law enforcement agencies and obtain practically any information in their possession, and he would like to help the FBI in their efforts to obtain evidence against the "Italian organization."

m

BARRON said that he hopes that GARRETT BYRNE, District Attorney of Suffolk County, Boston, will appreciate his (BARRON's) assistance in obtaining this testimony and give him (BARRON) a break on the two cases that he has presently pending in Suffolk County.

m

BARRON advised that he had also discussed the last interview with the Agents with JAMES VINCENT FLEMMI and that he had told FLEMMI that he was considering having FABIANO cooperate with the FBI, and that FLEMMI indicated that he thought that that was an excellent idea.

2

[redacted]

[redacted] F

It was pointed out to BARRON that he could be making a very serious mistake in talking to any other inmate concerning his interview with Agents of the FBI.

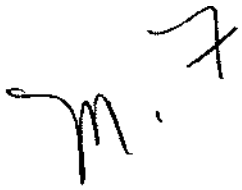
BARRON advised that in connection with the murder of EDWARD DEEGAN, DEEGAN had been causing some problems for a lot of people and had been "out of order" at the Ebb Tide night club in Revere, Mass., on a number of occasions. DEEGAN was also looking for some kind of an excuse to kill BOBBY DONATI who was friendly with RICO SACRAMONE. DEEGAN was killed in Chelsea, Mass., around March of 1965. He said ANTHONY STATHAPOULOS was with DEEGAN and remained in an automobile. One of the individuals in the group that killed DEEGAN went towards STATHAPOULOS carrying a 375 magnum and wearing a bullet-proof vest, but STATHAPOULOS was able to take off and get out of the area.

[redacted]

Pages 5 through 6 of serial 8 are being deleted in their entirety for code: F, M.

[redacted]F

In further discussions of gangland murders, he made the comment that EDWARD DEEGAN had killed ANTHONY SACRAMONE of Everett, Mass., and that this was a senseless murder that DEEGAN had perpetrated just to make himself look like a big man.



000794

[redacted] F

m

BARRON was asked if he did not feel that since the "Italian organization" was doing everything in their power to hurt him, didn't he feel that he could help justice be done by testifying. BARRON stated, "If I ever testified, you people would have to find me an island and make a fortress out of it."

BARRON said that he would be willing to furnish information to the Agents, but under no circumstances could he bring himself to testify. [redacted]

B

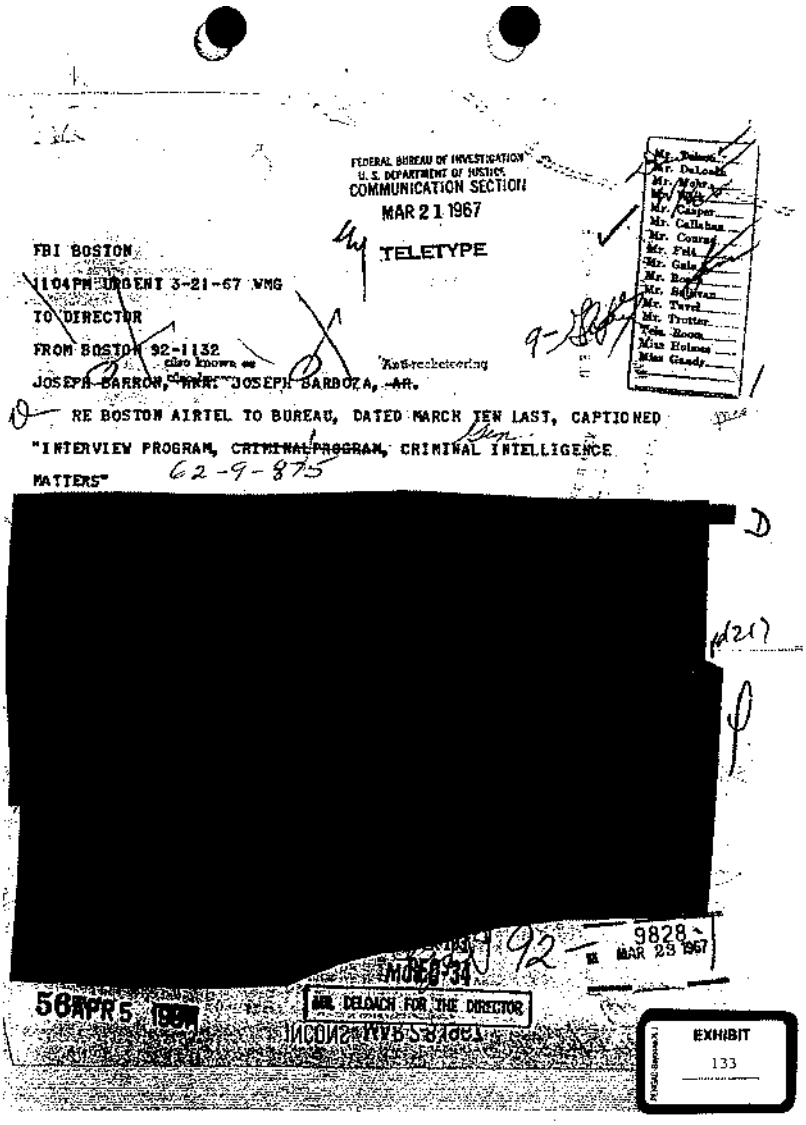
On 3/23/67 [redacted] "MIKEY" FLEMMI and JOHNNY MATORANO have been up to visit VINCENT JIMMY FLEMMI in Walpole on 3/22/67, and that FLEMMI told them how JOE BARBOZA had been interviewed by the FBI at the U. S. Attorney's office and that he, BARRON, was going to get [redacted] to testify against the individuals involved in the murders of [redacted] JIMMY would probably tell other individuals about this plan and that if RAYMOND PATRIARCA hears of this, he will believe that they are part of the conspiracy to hurt members of his organization. [redacted]

[redacted] F

This office is aware of the distinct possibility that BARRON, in order to save himself from a long prison sentence, may try to intimidate FABIANO into testifying to something that he may not be a witness to. It is planned to interview FABIANO and ascertain from him what his testimony can be in connection with the murders at the Nite Lite and if FABIANO cannot testify as BARRON indicates, BARRON will be again contacted and be given the opportunity for himself to testify in his dealings with known LCN members.

[redacted]

000796



FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION
MAR 21 1967
TELETYPE

FBI BOSTON
1104PM URGENT 3-21-67 WMG
TO DIRECTOR
FROM BOSTON 92-1132
JOSEPH BARRON, aka JOSEPH BARBOZA, AR.
Anti-racketeering

RE BOSTON AIRTEL TO BUREAU, DATED MARCH TEN LAST, CAPTIONED "INTERVIEW PROGRAM, CRIMINAL PROGRAM, CRIMINAL INTELLIGENCE MATTERS"

62-9-875

[redacted]

92-9828
MAR 23 1967

56APR5 1967

MR. DELOACH FOR THE DIRECTOR

EXHIBIT
133

PAGE TWO

[redacted]

D

[redacted]

BOSTON "RECORD AMERICAN" RECEIVED CALL FROM SOMEONE AT WALPOLE CORRECTIONAL INSTITUTION, WALPOLE, MASS., THAT BARBOZA WAS TAKEN OUT BY FEDERAL AUTHORITIES AND HEADLINES IN THIS AFTERNOON'S PAPER STATED THAT U.S. GOVERNMENT OPENED ITS WAR ON CRIME BY BRINGING GANG LEADER FROM WALPOLE FOR APPEARANCE BEFORE FEDERAL GRAND JURY.

COMPLETE TEXT OF INTERVIEW WILL BE FORWARDED TO THE BUREAU.

BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS.

END

~~CORR PAGE 1 LINE 2 OMIT THE THIRD WORD~~

~~WA...PLS GIVE ME THE FIRST THREE WORDS IN THAT LINE THAT YOU WANT~~

~~OMIT CIRMIN OMIT CRIMINALPROGRAM~~

OK

END

MKS

FBI WASH DC

CC: MR. GALE

DIRECTOR, FBI [redacted]

3/28/67

SAC, BOSTON [redacted]

INTERVIEW PROGRAM
CRIMINAL INTELLIGENCE MATTERS

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2-Bureau
4-Boston
[redacted]

HPR:DMC:po'b
(6)

SEARCHED
SERIALIZED
INDEXED
FILED

[redacted]

000788

[redacted] P

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[redacted]

[redacted] F

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000790

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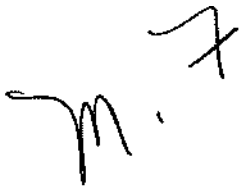

000794

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[redacted]

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[redacted]

DIRECTOR, FBI [redacted] 3/28/67

SAC, BOSTON [redacted]

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2-Bureau
4-Boston [redacted]

HPR:DMC:po'b
(6)

SEARCHED
SERIALIZED
INDEXED
FILED

EXHIBIT
134

000788

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[redacted]

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[redacted] F

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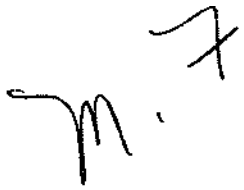

000794

[redacted] F

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On 3/23/67 [redacted] "MIKEY" FLEMMI and JOHNNY MATORANO have been up to visit VINCENT JIMMY FLEMMI in Walpole on 3/22/67, and that FLEMMI told them how JOE BARBOZA had been interviewed by the FBI at the U. S. Attorney's office and that he, BARRON, was going to get [redacted] to testify against the individuals involved in the murders of [redacted] JIMMY would probably tell other individuals about this plan and that if RAYMOND PATRIARCA hears of this, he will believe that they are part of the conspiracy to hurt members of his organization. [redacted]

[redacted] F

This office is aware of the distinct possibility that BARRON, in order to save himself from a long prison sentence, may try to intimidate FABIANO into testifying to something that he may not be a witness to. It is planned to interview FABIANO and ascertain from him what his testimony can be in connection with the murders at the Nite Lite and if FABIANO cannot testify as BARRON indicates, BARRON will be again contacted and be given the opportunity for himself to testify in his dealings with known LCN members.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	[redacted]
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None

Offices of Assignment:

3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

LS:lrb
(1)

EXHIBIT
139

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-HCGR-00000332

His daily average overtime for April, 1966, 1 hour 54 minutes; May, 3 hours; June, 2 hours 32 minutes; July, 2 hours 25 minutes.

On 7-3-66 he received a Basic Salary Increase to $14,665 per annum in GS-13.

His daily average overtime for August, 1966, 3 hours 8 minutes; September, 2 hours 44 minutes; October, 2 hours 6 minutes; November, 2 hours 52 minutes.

During an inspection of the Boston Office in November, 1966, Mr. H. C. Phillips, of the Inspection Staff, stated he was an enthusiastic and highly knowledgeable Agent who had an excellent attitude. He was one of the better Agents in the Boston Office and he had done a fine job in developing and handling a well-above-average number of sensitive and quality informants.

He was involved in a substantive error write-up case when a review of an informant file assigned to him disclosed an instance of failure to properly disseminate information obtained from the informant. It was recommended and approved that no administrative action be taken against him.

His daily average overtime for December, 1966, 2 hours 10 minutes; January, 1967, 2 hours 20 minutes; February, 2 hours 55 minutes; March, 2 hours 50 minutes.

On 3-31-67 he received an EXCELLENT rating with comments he was a member of the Criminal-Intelligence Squad and assigned exclusively to criminal-intelligence matters. He handled complicated matters in an able and capable fashion with an absolute minimum of supervision. He was dependable, enthusiastic and showed a great interest in the Bureau's work. He had an outstanding knowldege of the hoodlum and gambling element in the Boston area and was considered to be an outstanding investigator. He was qualified to participate in raids and dangerous assignments and he had no limitations on his availability. His participation in the informant program was considered outstanding. He was not interested in administrative advancement.

His daily average overtime for April, 1967, 3 hours 21 minutes; May, 2 hours 37 minutes; June, 3 hours.

By letter dated 7/3/67 he received an INCENTIVE AWARD in the amount of $150.00 in recognition of his developing and handling several confidential sources of much interest to the Bureau in the criminal field. (Re: BS 868 C-TE, BS 954 C-TE, BS 955 C-TE)

His daily average overtime for July, 1967, 2 hours 11 minutes.

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

UNITED STATES DEPARTMENT OF JUSTICE . 3-2-76 60 DJF
RAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

2 331 253 A

The following FBI record, NUMBER , is furnished FOR OFFICIAL USE ONLY.
Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Boston Mass	Joseph Barboza Jr #128-867	9-16-65	A&B D/W	
PD Boston Mass	Joseph Barboza Jr #128 867	11-16-65	SP vio of Firearms Laws	
Metropolitan District Police Boston Mass	Joseph J Baron #454	7-26-66	A&B with intent to mur	
Mass Corr Inst South Walpole Mass	Joseph Baron #31146	1-25-67	unl carry pistol in M/V	4-5 yrs
Co Jail & H of C Barnstable Mass	Joseph Baron #4039	4-24-67 in trans from HCI Walpole	1.unl carry weapon in M/V 2.unl carry dagger in M/V	1.not more than 5 yrs nor less than 4 yrs 2.4-5 yrs conc
USCG	#295035 AP	FP 7-25-69		
Co Jail & H of C Barnestable Mass	Joseph Baron #4039	9-23-70	1.ADW 2.unlaw carry DW in MV 3.poss DW 4.poss narcs 5.unlaw poss firearms	
SO Santa Rosa Calif	Joseph Baron #D-35320	2-26-71	mur	SPr for ter prescribed by law on chg of 187P 2nd degree
CII Sacramento Calif	#B 38509	12-14-71	mur 2nd degree 187 Penal Code	5 yrs to life 10-30-75 paroled to S.F. Co

IDENTIFICATION DIVISIO

EXHIBIT 137

BSF-00188

UNITED STATES DEPARTMENT OF JUSTICE 3-2-76 60 DJE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

3 331 253 A

The following FBI record, NUMBER , is furnished FOR OFFICIAL USE ONLY.
Information shown on this Identification Record represents data furnished FBI by fingerprint contributors.
WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
DC Jail Wash DC	#173505	5-22-72	USM held	
Coroner San Francisco CA	Joseph Barboza 298	DECEASED 2-12-76		

BSF-00189

IDENTIFICATION DIVISION

FEDERAL BUREAU OF INVESTIGATION

Date 5/15/67

1

RONALD CASSESSA was contacted in the United States Attorney's Office, Boston, Massachusetts, prior to his appearance before a Federal Grand Jury. CASSESSA was advised that he did not have to speak with the Agents if he did not desire and had a right to consult his attorney before doing so. He was also advised that anything he said at that time could be used against him in a court of law. CASSESSA was advised of his rights by SA DENNIS M. CONDON.

CASSESSA said that he was going to be represented by Attorney JOSEPH OTERI and that he thought that OTERI would be present before he went to the Grand Jury, but if OTERI did not show up, he would go ahead without him as he was anxious to get out of this place and go back to the Massachusetts Correctional Institution at Norfolk, Massachusetts.

CASSESSA made the comment that he had lost over 100 pounds since incarcerated and was working as a trustee electrician at Norfolk.

He said that he did not know what the Grand Jury was all about and did not know what he could tell them about organized crime. He said that people in prison were telling him that he was a member of La Cosa Nostra and that it seemed to him that if such an organization existed and he was a member, he would know it. He said that he felt that this tag of being a member of La Cosa Nostra had hurt him in his efforts to be transferred to the Forestry Camp.

CASSESSA was told that if he would cooperate in the investigation of organized crime, and, if he was of material help, his assistance would be brought to the attention of local authorities and his degree of cooperation would also be made known to the Parole Board.

On 5/12/67 at Boston, Massachusetts File # [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:po'b 42 Date dictated 5/15/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 138

000800

[redacted]F

2

CASSESSA said that he had nothing to worry about and did not plan to furnish any information before a Grand Jury. He said he used to think that standing on the corner well dressed and making the night spots was a big deal, but since his incarceration, he feels that that kind of life is a sucker's game and plans to go to work when he is released from Prison.

43

[redacted]

5/24/67

Airtel

To: SAC, Boston (92-1132)

From: Director, FBI (92-9828)

JOSEPH BARRON, aka
JOSEPH BARBOZA
ANTI-RACKETEERING

Reurtel 3/21/67.

A review of the Bureau records reveals that no investigation of Barron has ever been conducted by your office. In view of the current circumstances, the Bureau should be cognizant of all background information. Therefore, you should submit to the Bureau an investigative report per instructions set out under the Criminal Intelligence Program containing all background and identifying data available.

MAILED 2
MAY 24 1967
COMM-FBI

MAY: skh (4)

REC 26 92-9828-2

8 MAY 25 1967

MAY 29 1967

MAIL ROOM TELETYPE UNIT

EXHIBIT
140

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI DATE: June 20, 1967

FROM : SAC, Boston

SUBJECT: SA H. PAUL RICO
EOD: 2-26-51

SA DENNIS M. CONDON
EOD: 1-29-51

RECOMMENDATIONS FOR QUALITY SALARY INCREASE

SA H. PAUL RICO has been assigned exclusively to the development of Top Echelon Criminal Informants in the Boston Office since September 16, 1963. SA DENNIS M. CONDON has been assigned to the Top Hoodlum Program since 1962.

SA RICO was successful in developing [redacted] B [redacted] Based on the development of [redacted] SA RICO was able to determine the basic reasons for each gangland slaying, the identities of the majority of individuals involved, the latter information, where significant, disseminated to pertinent law enforcement agencies. Only as a result of this informant was the Boston Office able to separate the true reasons for the slayings as distinguished from the camouflage put forth by the [redacted] and/or the LCN.

During this period, SA RICO and SA CONDON were making continuing efforts to develop as an informant an active LCN member. When intensified efforts in this area were not immediately productive, SA RICO was able to have [redacted] and through this contact, able to follow the philosophy of the LCN, particularly concerning the infamous Boston gangland slayings. [redacted] and through these contacts the Boston Office had continuing high quality information concerning LCN activities. [redacted] was based on the guidance and counsel said informant received from SAS RICO and CONDON.

67-178766-150
Searched ..... Numbered .....
JUL 7 1967

REC-145

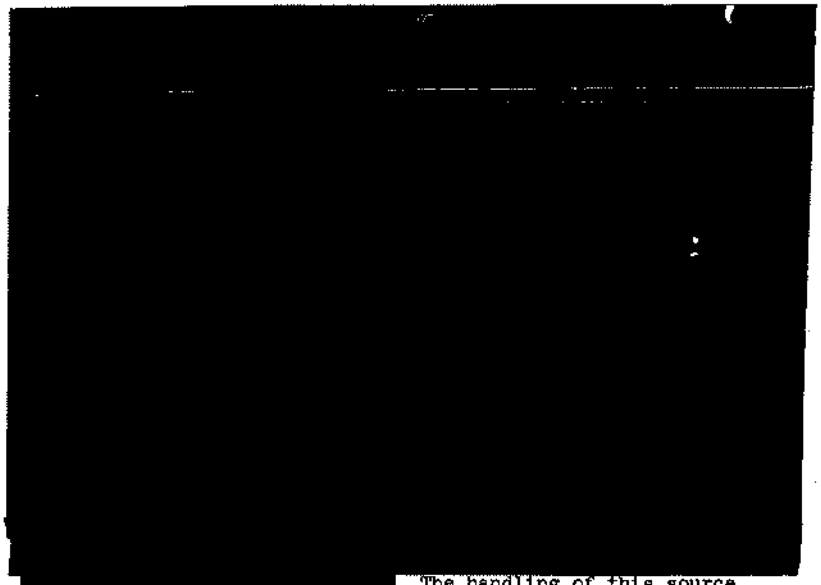
4 - Bureau
2 - Boston
JLH:CAK JUL 12 1967
(6) 73

B

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT 141

B



[redacted] The handling of this source, obviously, was an extremely delicate and sensitive problem requiring not only continuous skillful direction, but almost 24-hour contact on a daily basis with [redacted]

B

Realizing the potential that [redacted] might one day be victim of a homicide, SAS CONDON and RICO have continued vigorous attempts to obtain additional high quality LCN sources. Accordingly, BS 955 C-TE was developed by these agents and via imaginative direction and professional ingenuity utilized said source in connections with interviews of JOSEPH BARON, a professional assassin responsible for numerous homicides and acknowledged by all professional law enforcement representatives in this area to be the most dangerous individual known.

B, D

SAS RICO and CONDON contacted BARON in an effort to convince him he should testify against the LCN. BARON initially declined to testify but through utilization of BS 955 C-TE, the agents were able to convey to BARON that his present incarceration and potential for continued incarceration for the rest of his life, was wholly attributable to LCN efforts directed by GENNARO J. ANGIULO, LCN Boston head. As a result of this information received by BARON from BS 955 C-TE, said individual said he would testify against the LCN members.



The indictments against PATRIARCA, TAMELEO and CASSESSO are the first major blow to the LCN in New England. PATRIARCA, as LCN boss and possible Commission member, and his top lieutenant, HENRY TAMELEO, were felt to be beyond prosecution by top state and local police officials based on what for years resulted in frustration in securing witnesses who would testify. The Providence, Rhode Island Police and Rhode Island State Police have, for over twenty years, concentrated a large number of men in efforts to secure even a minor prosecution, unsuccessfully.

SAS CONDON and RICO were assigned to develop a prosecutable quality case against top LCN members in New England. They have done so via highest devotion to duty, requiring personal sacrifices, in time, on a continuing basis. Their time would have been wasted were it not for the skillful, unprecedented ability to develop the highest type criminal intelligence data, coupled with securing as a witness a professional killer who, in the past, would never furnish data other than his name to any law enforcement agency. Their performance for over twelve months

has been of the highest caliber; their drive and desire to fulfill a vital objective of the Bureau have been rewarded with the prosecution of top LCN members.

In view of the above, noting we have broken what at times has seemed to be an insurmountable barrier, I am recommending Quality Salary Increases be awarded to SAS RICO and CONDON.

On the following dates, Officer Robson was in the company of Tony Stathopolous 22, 23, 26, 27, 29; July 1 and 3, 1967. During the course of conversations with Tony, he stated to me that while he was incarcerated at Deer Island, he had quite a bit of conversation with one Patrick Fabiano. Fabiano stated that the "beef" between he and Joe Barboza had been cleared up. (He also stated that on the night that Teddy Deegan was killed in Chelsea, Mass; in an alley, that he; Stathopolous, was driving the motor vehicle that took him there.) He stated that one Charlie Moore had set the whole job up and told them that his brother, a Chelsea Police Officer, would see that the door was left open at the rear of the building. Stathopolous was with Roy French and Teddy Deegan and they had tried previously to bring French in, to get Shackleford to go along on the job but Shackleford was in New Hampshire. Stathopolous had tried to caution Deegan about going on the job, because he could not see where there would be $30,000.00, in cash in a safe in a finance company that small. (When Stathopolous heard the shots in the alley, he left the scene in the same type car as the killers had arrived in.) Stathopolous stated that he actually saw Ronnie Cassesso with a gun in his hand that night and Romeo Martin. He did not see the others involved. At a later time, Charlie Moore's window in his place of business in Revere was broken out by a shotgun blast because of the fact that Charlie was talking to a personal friend of Stathopolous too much and was told to keep quiet.

In referring to the Sacramone killing in Everett, Stathopolous stated that this was because of Sacramone talking too much about the Peopolo job that Hannon, Delaney, etc. were involved in. He stated to Officer Robson that Populo's best friend and the only one alive, to date, of the four men involved, was the man who set the whole job up. He is also the one that wound up with complete profit from the job.

Buddy McLean from Somerville was the one who killed Hannon and Delaney. Hannon had been set up before his death on four or five(4 or5) occasions by his own

EXHIBIT
143

Charlie Moore. Sacramone was talking to people and involving Stathopolous and Populo's best friend in the conversation in regards to the Populo theft. It was at this time that Vincent (alias Jimmy) Flemmi met with Deegan and Tony Stathopolous at the Howard Johnson Restaurant with the fourth man involved in the Populo theft, to make arrangements to silence Sacramone. Shortly after, Flemmi was shot in Dorion and unable to complete the job. Deegan then went ahead and set Sacramone up for two other unknowns to take care of him. Stathopolous also stated that Shackleford and Steve Hughes were the two who killed McLean.

Stathopolous also stated that he has pretty good information that Koerne and Stillings were the two men who killed Locke.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: June 23, 1967

FROM : J. J. Gale

SUBJECT: SPECIAL AGENT HAROLD PAUL RICO
SPECIAL AGENT DENNIS M. CONDON
RECOMMENDATION FOR INCENTIVE AWARDS

RECOMMENDATION, SPECIAL AGENT IN CHARGE, BOSTON

Special Agent in Charge (SAC), Boston recommends quality salary increases for the above-captioned Special Agents (SA) based upon their development and skillful handling of extremely valuable top echelon informants in the organized crime field. Special Investigative Division recommends these Special Agents receive incentive awards.

DETAILS

SA Rico through a resourceful and diligent effort in October, 1964, obtained the cooperation of [redacted] B

[redacted] Based upon development of this source, the Boston Office was able to determine the basic reasons for the numerous gangland slayings in the Boston area and the identities of many of the individuals involved in these murders. The informant provided the Boston Office with accurate and authentic data regarding gangland strife in their division.

As a direct result of the shrewd guidance given the informant by SAs Rico and Condon, [redacted] B This information has been vitally important in establishing the Interstate Transportation in Aid of Racketeering violation

1 - Mr. DeLoach
1 - Administrative Division
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Kelly

CONTINUED - OVER

[redacted]

Enclosures -
JEK:bjn (6)

JUL 12 1967

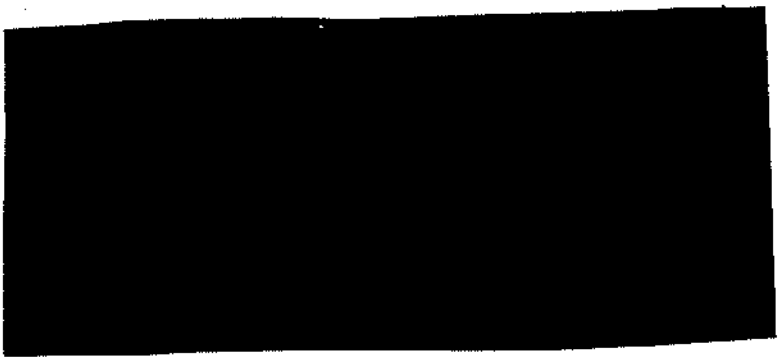
See Administrative Division Addendum Page 2a.

BEST C

EXHIBIT
144

Memorandum to Mr. DeLoach
Re: Special Agent Harold Paul Rico

against Patriarca and his chief LCN henchman, Henry Tameleo, who were arrested this week by Bureau Agents.



R

SAs Condon and Rico also developed another top echelon informant, BS 955-C-TE. He was most effectively utilized to convince Joseph Barboza, the professional assassin, that he should testify against Patriarca and his associates. The informant's efforts with skillful interviews of [redacted] by SAs Rico and Condon resulted in [redacted] appearance before a Federal Grand Jury and the indictments of Patriarca and Tameleo.

D

The arrest of Patriarca and Tameleo by Bureau Agents received extensive publicity and constituted a major blow against LCN. These noteworthy achievements were brought about by the development and handling of top echelon informants by SAs Rico and Condon. Their tenacity, ingenuity, and professional skill were of the highest order.

RECOMMENDATION SPECIAL INVESTIGATIVE DIVISION

It is recommended that SAs Rico and Condon receive incentive awards for their noteworthy performance.

OVER

ADMINISTRATIVE DIVISION ADDENDUM, LDH:klb, 6-27-67.

Information furnished by SAC, Boston, and Special Investigative Division indicates performance of SAs H. Paul Rico and Dennis M. Condon in developing and handling top echelon informants warrants recognition in the form of incentive awards (Boston had recommended Quality Salary Increases, which are afforded incident to annual performance ratings; Administrative Division agrees with Special Investigative Division that they receive incentive awards). SA Rico's resourcefulness and diligent efforts to obtain cooperation of an informant, [redacted] resulted in receipt of much accurate and authentic data regarding gangland slayings in the Boston area. SAs Rico and Condon thereafter shrewdly guided him, which, [redacted] They developed still another top echelon informant and their efforts culminated in arrest of Raymond Patriarca, La Cosa Nostra leader in New England, and Henry Tameleo, his chief henchman. Based on approved tables utilized to determine amount of awards to be granted, their services are considered to be of moderate value and broad application to the work of the Bureau, entitling them to awards of $150-$300.

Performance of both SAs Rico and Condon during the past 3 years was satisfactory, both having been rated Excellent in their 1966 annual performance report, completely available, and overtime satisfactory.

SA Rico EOD 2-26-51, is in grade GS 13, $14,665. One censure and 4 commendations, 2 through SAC, and 2 incentive awards.

SA Condon EOD 1-29-51, is in grade GS 13, $14,665. One censure and 4 commendations, 2 through SAC, and 1 incentive award.

RECOMMENDATION:

That SAs H. Paul Rico and Dennis M. Condon each be afforded incentive awards in the amounts of $150 (amounts in line with previously approved awards for similar performances).

PERMANENT BRIEFS OF FILES OF SAS RICO AND CONDON ATTACHED.

Appropriate letters attached.

BEST COPY

MAY-07-2002 03:02 P.02/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
67-193-P

UNITED STATES OF AMERICA

v.

RAYMOND PATRIARCA
HENRY TAMELSO
RONALD CASSESSO

ORDER

September 18, 1967

A hearing having been held pursuant to the Government's Memorandum, filed on June 27, 1967, at which time the Government filed transcripts of the logs obtained as a result of the electronic surveillance conducted at 168 Atwells Avenue, Providence, Rhode Island, and at which time further hearing on said Memorandum being continued sine die, it is ordered that Joseph Baron, produced as a witness in this hearing pursuant to the Writ of Habeas Corpus ad Testificandum issued by this Court, be retained in the custody of the United States Marshal as of this date and from day to day thereafter until his presence for the purpose of testifying is no longer required.

UNITED STATES DISTRICT JUDGE

4

EXHIBIT
145

Sept 18, 1967 67-193-F G

FORD J ORDERED that the logs be impounded + placed in the custody of the Clerk, and the inspector of said logs is restricted to inspection for the defendants, namely Messrs. Ballro, Currie and Chisholm.

July 3, 1967

PERSONAL

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

For your developing and skillful handling of several confidential sources of great concern to the Bureau in the criminal field, I have approved an incentive award for you in the amount of $150.00. The enclosed check represents this award.

Through imaginative direction and professional ability, you have guided these individuals into furnishing valuable information. You have displayed devotion to duty without regard to personal convenience and your drive to fulfill a vital objective of the Bureau has been rewarded with prosecutions based on data furnished by these sources. I am most appreciative of your outstanding efforts.

Sincerely yours,

J. Edgar Hoover

REC-145

MAILED 8
JUL - 3 1967
COMM-FBI

Enclosure

1 - SAC, Boston (Personal Attention) Enclosure
You should personally present this award and should this not be possible or should presentation be unreasonably delayed by your absence official acting for you should present it. Inform employee net amount of check represents this award less withholding tax.

For your future guidance, quality within-grade increases are considered only incident to annual performance reports.

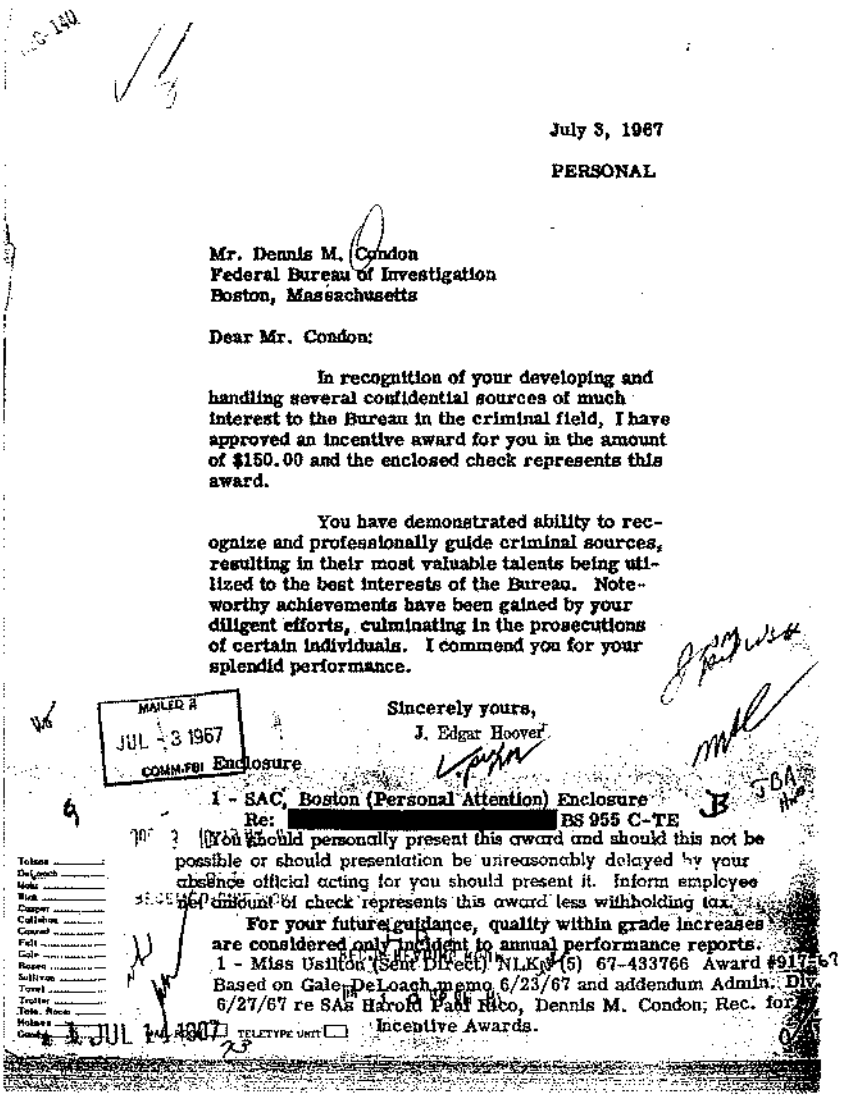
1 - Miss Usilton (Sent Direct) NLK:(5) 67-458484 Award #916-67
Based on Gale-DeLoach memo 6/23/67 and addendum Administrative Division 6/27/67 re SAs Harold Paul Rico, Dennis M. Condon; Recommendation for Incentive Awards.

Re: [redacted] BS 955 C-TE

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
146



July 3, 1967

PERSONAL

Mr. Dennis M. Condon
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Condon:

In recognition of your developing and handling several confidential sources of much interest to the Bureau in the criminal field, I have approved an incentive award for you in the amount of $150.00 and the enclosed check represents this award.

You have demonstrated ability to recognize and professionally guide criminal sources, resulting in their most valuable talents being utilized to the best interests of the Bureau. Noteworthy achievements have been gained by your diligent efforts, culminating in the prosecutions of certain individuals. I commend you for your splendid performance.

Sincerely yours,
J. Edgar Hoover

MAILED 4
JUL 3 1967
COMM-FBI

Enclosure

1 - SAC, Boston (Personal Attention) Enclosure
Re: [redacted] BS 955 C-TE

You should personally present this award and should this not be possible or should presentation be unreasonably delayed by your absence official acting for you should present it. Inform employee net amount of check represents this award less withholding tax.

For your future guidance, quality within grade increases are considered only incident to annual performance reports.

1 - Miss Usilton (Sent Direct) NLKM (5) 67-433766 Award #917-67
Based on Gale DeLoach memo 6/23/67 and addendum Admin. Div. 6/27/67 re SAs Harold Paul Nico, Dennis M. Condon; Rec. for Incentive Awards.

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

JUL 14 1967 TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	[redacted]
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None
Offices of Assignment:	
3-28-51 assigned	Philadelphia
1-8-52 reported	New York
4-11-52 reported	Boston

LS:lrb
(1)

EXHIBIT
147

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-HCGR-000003328

His daily average overtime for April, 1966, 1 hour 54 minutes; May, 3 hours; June, 2 hours 32 minutes; July, 2 hours 25 minutes.

On 7-3-66 he received a Basic Salary Increase to $14,665 per annum in GS-13.

His daily average overtime for August, 1966, 3 hours 8 minutes; September, 2 hours 44 minutes; October, 2 hours 6 minutes; November, 2 hours 52 minutes.

During an inspection of the Boston Office in November, 1966, Mr. H. C. Phillips, of the Inspection Staff, stated he was an enthusiastic and highly knowledgeable Agent who had an excellent attitude. He was one of the better Agents in the Boston Office and he had done a fine job in developing and handling a well-above-average number of sensitive and quality informants.

He was involved in a substantive error write-up case when a review of an informant file assigned to him disclosed an instance of failure to properly disseminate information obtained from the informant. It was recommended and approved that no administrative action be taken against him.

His daily average overtime for December, 1966, 2 hours 10 minutes; January, 1967, 2 hours 20 minutes; February, 2 hours 55 minutes; March, 2 hours 50 minutes.

On 3-31-67 he received an EXCELLENT rating with comments he was a member of the Criminal-Intelligence Squad and assigned exclusively to criminal-intelligence matters. He handled complicated matters in an able and capable fashion with an absolute minimum of supervision. He was dependable, enthusiastic and showed a great interest in the Bureau's work. He had an outstanding knowldege of the hoodlum and gambling element in the Boston area and was considered to be an outstanding investigator. He was qualified to participate in raids and dangerous assignments and he had no limitations on his availability. His participation in the informant program was considered outstanding. He was not interested in administrative advancement.

His daily average overtime for April, 1967, 3 hours 21 minutes; May, 2 hours 37 minutes; June, 3 hours.

By letter dated 7/3/67 he received an INCENTIVE AWARD in the amount of $150.00 in recognition of his developing and handling several confidential sources of much interest to the Bureau in the criminal field. (Re: BS 868 C-TE, BS 954 C-TE, BS 955 C-TE)

His daily average overtime for July, 1967, 2 hours 11 minutes.

FBI-HCGR-000003347

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

A LETTER FROM BARBOZA

Why I Decided to Tell All

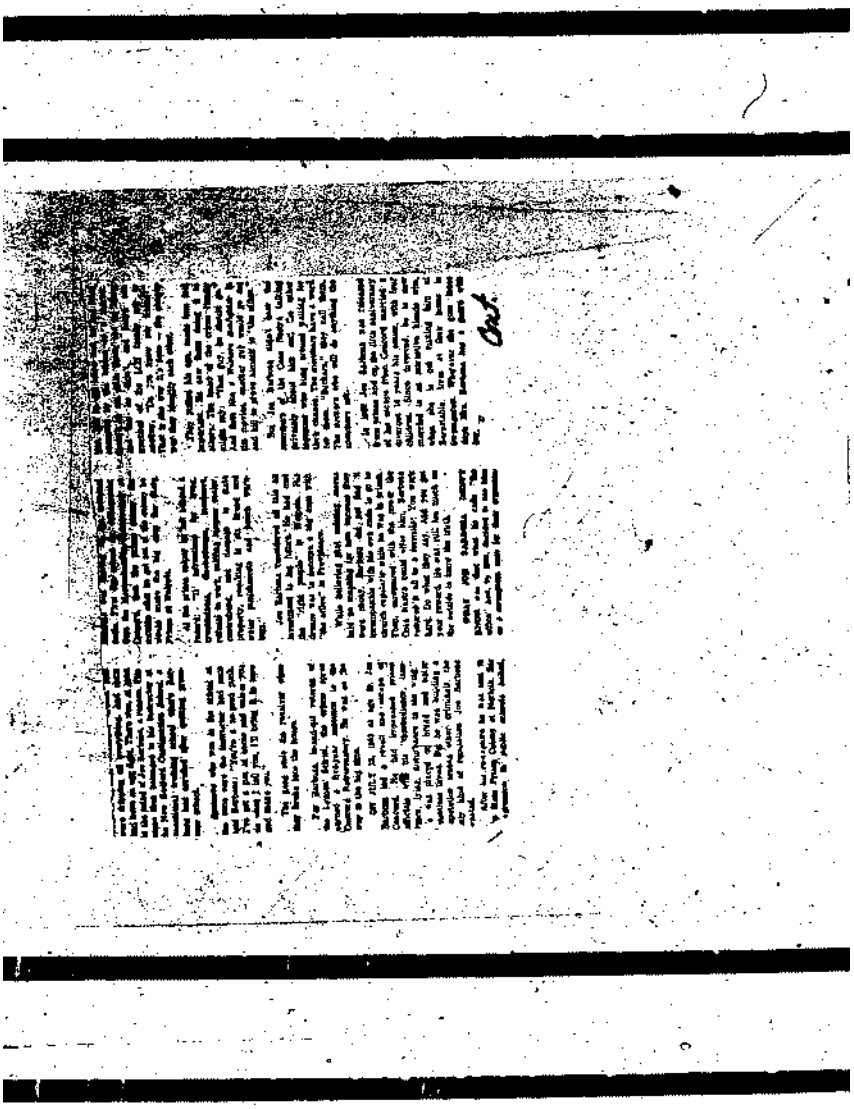
The Amc

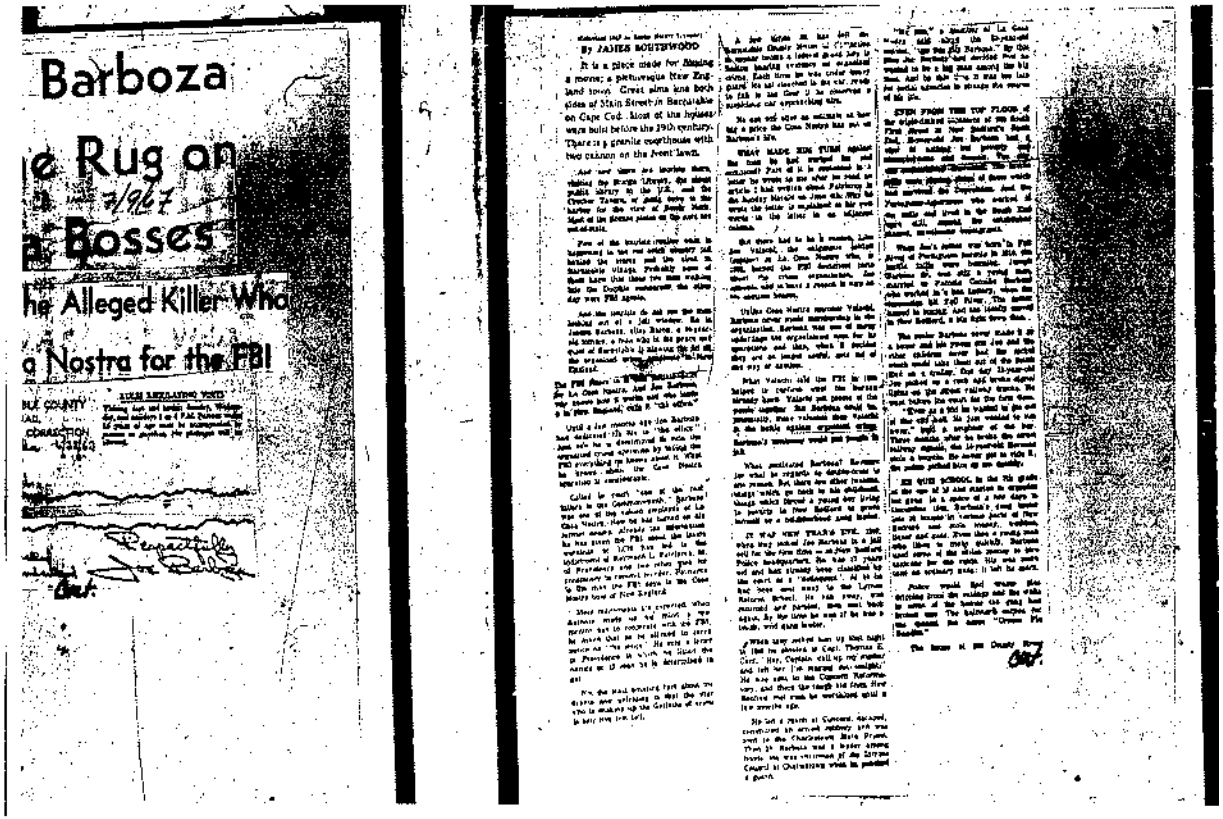
Fingere

Who

FBI

EXHIBIT
148





Barboza

e Rug on

Bosses

he Alleged Killer Who

a Nostra for the FBI

By JAMES SOUTHWOOD

It is a place made for filming a movie; a picturesque New England town. Great elms line both sides of Main Street in Barnstable on Cape Cod. Most of the houses were built before the 19th century. There is a granite courthouse with two cannon on the front lawn.

And now there are tourists there, visiting the Sturgis Library, the oldest public library in the U.S., and the Crocker Tavern, or public house in the history for the story of Jimmy Sutherland of the famous places on the east coast are at-mate.

Few of the tourists realize what happened in the red brick church just behind the trees and the town in Barnstable Village. Probably none of them know that there was more walking into the Dolphin restaurant the other day than FBI agents.

And the people do not see the men hustled out of a jail window. But in Joseph Barboza, alias Rossi, a reputed hit killer, a man who in the years and years of Barnstable is known for all the organized crime [illegible] United States.

The FBI flew in [illegible] for Joe La Cosa Nostra. And Joe Barboza, the La Cosa Nostra, and who knew how to work and who knew how to work in New England, calls it "the office."

Until a few months ago Joe Barboza had considered it his to "the office" and now he is determined to ruin the organized crime syndicate by telling the FBI everything he knows about it. What he knows, adds the Case Branch, operation is considerable.

Called to court "one of the most talkers in the Commonwealth," Barboza was one of the various employees of La Cosa Nostra. Now he has turned on all former bosses, already has implicated [illegible] has given the FBI about the inside workings of LCN and he is the [illegible] of Raymond L. Patriarca, 46, [illegible] of Raymond L. Patriarca, 46, of Providence and two other men for of Providence and two other men for [illegible] to commit murder. Patriarca [illegible] to commit murder. Patriarca presently is serving a [illegible] for [illegible] to the Case to the FBI into the La Cosa Nostra here of New England.

Most importantly he revealed, when Barboza made up his mind to [illegible] he decided that he [illegible] with the FBI, [illegible] he would [illegible] be allowed to serve [illegible] he would [illegible] be allowed to serve his sentence at "the place." He was a brief [illegible] at Providence in which he [illegible] the [illegible] Providence in which he [illegible] the [illegible] names of 19 men he is determined to [illegible] get.

Now, the most amazing fact about the entire new situation is that the man who is making up the Godfather of crime is only two feet tall.

A few weeks ago, he left the Barnstable County Prison in Cambridge [illegible] a [illegible] grand jury in [illegible] [illegible] [illegible]

FD-263 (Rev. 5-17-65)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	7/18/67	3/20 - 7/7/67

TITLE OF CASE	REPORT MADE BY	TYPED BY
JOSEPH BARON, aka Joseph Barron, Joseph Barboza, Jr., Joseph J. Barron, Joseph Medeiros	THOMAS H. SULLIVAN	maf
	CHARACTER OF CASE AR	

REFERENCE Bureau airtel, dated 5/24/67.

- C -

ENCLOSURES

TO BUREAU

Original and one copy of a letterhead memorandum characterizing informants used in this report.

INFORMANTS

[redacted]

Case has been: Pending over one year ☐ Yes ☐ No; Pending prosecution over six months ☐ Yes ☐ No

APPROVED Jerome L. Hendley SPECIAL AGENT IN CHARGE

COPIES MADE

3 - Bureau (92-9828)
1 - USA, Boston
2 - Boston (92-1132)
(1 - 166-629)

DO NOT WRITE IN SPACES BELOW

92-9828-3

REC 29

EX-110

JUL 21 1967

Dissemination Record of Attached Report

Agency				
Request Recd.				
Date Fwd.		CC. AAG, Criminal Division,		
How Fwd.		Organized Crime and Racketeering		
By		Section, Room 2501		

Notations

NONE STAT. SECT.

53 AUG 10 1967 163

EXHIBIT 149

BS 92-1132

INFORMANTS CONTINUED

[redacted] B

[redacted] B

[redacted] B

BS 92-1132
THS:mac

ADMINISTRATIVE

B

[redacted]

[redacted] that RONNIE CASSESSA and JOE BARBOZA were responsible for the shooting of ROMEO MARTIN in Revere, Massachusetts.

[redacted]

- C -
COVER PAGE

BS 92-1132
THS:mac

B

[redacted] that JOSEPH BARBOZA was the individual who shot and killed DI STASIO and O'NEIL at the Mickey Mouse Lounge in Revere, Massachusetts, the previous weekend. The informant stated that BARBOZA had been in the Mickey Mouse Lounge a couple of weeks ago and after he left, someone took several shots at him and BARBOZA suspected that DI STASIO had set him up with the MC LAUGHLIN crowd. As a result of this, BARBOZA returned and killed DI STASIO and O'NEIL.

[redacted] that JOSEPH "CHICO" AMICO and GUY FRIZZI are always together and were usually with JOE BARBOZA before BARBOZA went to jail. The informant stated he heard reports that BARBOZA and GUY FRIZZI were the ones who "bumped off" TEDDY DEEGAN a few months ago in Chelsea, Massachusetts.

[redacted] that while JOE BARBOZA was on trial in Suffolk Superior Court he decided to make one more "hit". He was trying to hit "INDIAN AL" from Medford, Massachusetts. At the time BARBOZA made his move against "INDIAN AL", he was in the company of "CHICO" AMICO, RICK FEMIA, and GUY FRIZZI.

[redacted] that JOSEPH BARBOZA, ROMEO MARTIN and RONNIE CASSESSA are frequently in attendance at the Ebb Tide in Revere, Massachusetts.

[redacted] that JOE BARBOZA is very frequently with ROMEO MARTIN, RONNIE CASSESSA, and FRANK IMBRUGLIA. BARBOZA was supposed to have "hit" FRANCIONE of Revere, Massachusetts, and also "hit" EATON. He also stated that BARBOZA was in prison with BENJAMIN, who was murdered after he left prison.

The informant stated that BARBOZA is a Portuguese kid who would otherwise be accepted into the LCN except for his nationality. BARBOZA claims that he shot TEDDY DEEGAN with a .45 caliber gun. BARBOZA indicated that ROY FRENCH was with DEEGAN and another individual when DEEGAN was shot by BARBOZA and two other individuals, one of whom the informant believes was ROMEO MARTIN.

The informant stated he heard that JOE BARBOZA was extremely friendly with JIMMY FLEMMI. The informant added that

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THS:mac

BARBOZA tried to reach JIMMY FLEMMI a short time ago and wanted to know if FLEMMI had gone to Providence, Rhode Island, to see RAYMOND PATRIARCA.

[redacted] stated that he had heard that JOE BARBOZA made the statement that ROY FRENCH was on the way out. Informant stated that FRENCH hangs around the Ebb Tide in Revere and appears to be friendly with BARBOZA, RONNIE CASSESSA and other individuals.

D

[redacted]

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BS 92-1132
THS:mac

This case is being placed in a closed status inasmuch as all information developed from interviews of BARBOZA by SA DENNIS M. CONDON and SA H. PAUL RICO is being placed in Boston File 166-629 entitled "RAYMOND L. S. PATRIARCA, aka; ET AL. ITAR."

- F* -
COVER PAGE

5/24/67

Airtel

To: SAC, Boston (92-1132)

From: Director, FBI (92-9828)

JOSEPH BARRON, aka
JOSEPH BARBOZA
ANTI-RACKETEERING

Reurtel 3/21/67.

A review of the Bureau records reveals that no investigation of Barron has ever been conducted by your office. In view of the current circumstances, the Bureau should be cognizant of all background information. Therefore, you should submit to the Bureau an investigative report per instructions set out under the Criminal Intelligence Program containing all background and identifying data available.

MAILED 2
MAY 24 1967
COMM-FBI

MMD:skh

REC 26 92-9828-2

8 MAY 25 1967

MAY 29 1967

MAIL ROOM ☐ TELETYPE UNIT ☐

FD-263 (Rev. 3-8-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	11/30/67	9/8 - 11/30/67

TITLE OF CASE	REPORT MADE BY	TYPED BY
JOSEPH BARON, aka	DENNIS M. CONDON	po'b
	CHARACTER OF CASE: AR	

REFERENCE: Report of SA THOMAS H. SULLIVAN, dated 7/18/67, at Boston.

- P -

ADMINISTRATIVE

This case has been reopened to report results of contacts with JOSEPH BARON inasmuch as information obtained has no bearing on the case entitled, "RAYMOND L. S. PATRIARCA, aka; ET AL, ITAR-GAMBLING," Bosfile 166-629, where previous information obtained from him had been reported.

ACCOMPLISHMENTS CLAIMED — NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO; PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: James J. Handley — SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

92-9825-4

REC-71

15 DEC 4 1967

EX-108

COPIES MADE:
3-Bureau (92-9825)
1-USA, Boston, Mass.
2-Boston (92-1132)

A*
COVER PAGE

Notations

Dissemination Record of Attached Report

Agency				
Request Recd.	- 1	CC: AAG, Criminal Division, Organized Crime and Racketeering Section, Room 2524		
Date Fwd.				
How Fwd.				
By				

67 DEC 26 1967

FD-204 (Rev. 3-1-[illegible])

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Boston, Massachusetts

Report of: THOMAS H. SULLIVAN Office: Boston, Massachusetts
Date: 7/18/67

Field Office File #: 92-1132 Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Subject born 9/20/32 and attended elementary schools in New Bedford, Mass. No military record. Subject married [redacted] 7/12/58 and was divorced 4/22/63; married [redacted] 4/30/64. Wife [redacted] and daughter [redacted], born 5/23/65, reside [redacted], Swampscott, Mass. Extensive criminal record set out. Informants report that JOSEPH BARBOZA in 1964 was engaged in money lending activities and that in 1966 he split with CONNIE FRIZZI in loansharking to go into partnership with ARTHUR BRATSOS. In 1965 it was rumored [redacted] that BARBOZA was under contract to be assassinated since he was tied into the BUDDY MC LEAN-GEORGE MC LAUGHLIN feud. He was reported in frequent attendance at the Ebb Tide, Revere, Mass., with ROMEO MARTIN and RONNIE CASSESSA. In 1965, BARBOZA was rumored to be the killer of JOSEPH FRANCIONE. [redacted]

B

- C -

This document contains neither recommendations nor conclusions of the FBI. It is the property of the F[illegible] your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT
150

BS 92-1132

Details:

On July 7, 1967, JOHN GAVIN, Commissioner, Massachusetts Department of Correction, State Office Building, Boston, Massachusetts, made available subject's file. All background information, aliases, criminal record and physical description concerning the subject contained in this report was obtained from a review of this file.

BS 92-1132
THS:mac
1.

I. BACKGROUND

A. Birth

September 20, 1932, at New Bedford, Massachusetts.

B. Education

Subject attended Winslow, DeValles and Ingraham Public Schools in New Bedford, completing the sixth grade in 1947. His attendance at Roosevelt Junior High School and Continuation Trade School has not been verified as there are no records. Since that time he has had no further formal education.

On November 28, 1958, subject took Stanford Achievement tests - Intermediate Form, and his grade equivalent was 9.0.

C. Military Service

None

D. Marital Status

On July 12, 1958, [redacted] married JOSEPH BARBOZA in New Bedford. [redacted] was born on May 15, 1916, in Boston, Massachusetts, and was previously married to [redacted] from whom she obtained a divorce in 1953, [redacted]. Five children had been born of this union.

The marriage of BARBOZA and [redacted] was dissolved by divorce on April 22, 1963, in Boston, Massachusetts, and no children had been born of this union.

[redacted] resides at [redacted] East Boston, Massachusetts, and BARBOZA has had no contact with her since 1963.

[redacted] and the subject were married on April 30, 1964, by a Justice of the Peace in [redacted], Maine, and were later married by a Rabbi in Temple service in [redacted] Massachusetts on October 12, 1964.

BS 92-1132
THS:mac
2.

[redacted] was born on November 27, 1941, in [redacted] Massachusetts, and is a high school graduate. This was the first and only marriage for [redacted] She has no criminal record and is supported by her employment at [redacted] Boston, Massachusetts. She presently resides at [redacted] Massachusetts. A child was born of this union, named [redacted] on [redacted] 1965, in [redacted] Massachusetts. This child resides with her mother in [redacted] Massachusetts.

E. Residences

The subject resided at [redacted] New Bedford, Massachusetts, with his [redacted] in June, 1958. He resided at [redacted] Massachusetts, with his [redacted] from July to September, 1958.

The subject resided at [redacted] Massachusetts, with [redacted] from April to August, 1964; at [redacted] Massachusetts, from August 1964 to August 1966; and at 79 [redacted] with his wife and child from August, 1966 to 1967.

For nineteen months prior to residing at [redacted], the subject was confined to the Massachusetts Correctional Institution, Walpole, for violation of parole. Before going to Walpole, he resided at [redacted] Massachusetts.

The subject's residence at [redacted] was purchased through the [redacted] Lynn, Massachusetts. The purchase price was $32,000 and a $4,000 personal loan from Mr. FISHBEIN was used as a downpayment. Monthly payments are $230.

F. Employment

The subject has worked at a fruit stand and as a helper in a restaurant. From September 22, 1949 until November 12, 1949, he was employed at the United Fruit Store in New Bedford. Also he was employed as a clerk and rated as a good worker.

BS 92-1132
THS:mac
3.

During June, 1958, the subject was employed by [redacted], Fishermen's Union, AFL, in New Bedford, Massachusetts, unloading fishing boats. He left to go to work in East Boston.

From August, 1958 to September, 1958, he was engaged as a professional boxer managed by [redacted] Chelsea, Massachusetts. He won three out of four fights, averaging $30 a fight. He applied for a license through the Massachusetts State Boxing Commission, but did not obtain it.

The subject, whose Social Security Number is [redacted] was employed by Scooter-land, located at the [redacted] Boston, in 1960. He was employed as an Assistant Manager earning $90 a week.

From 1964 to 1966, the subject was employed at [redacted] Massachusetts, for $150 a week as a salesman and clerk. Also during this period he was employed in a public relations capacity and payroll clerk at $100 a week at the [redacted], Massachusetts, and at [redacted], Nantasket Avenue, Hull (Nantasket), Massachusetts. He was employed under the names BARON and BARBOZA.

G. Mental Condition

On January 19, 1956, the subject was given a psychological examination by DANIEL LEVINSON, Ph.D. He stated concerning the subject:

> "His features make him look less bright than he actually is; his I.Q. is of the order of 90-100 and he has the intellectual ability to do well in a moderately skilled occupation."

A psychiatric report dictated by Dr. SALTZMAN, March 13, 1958, is set forth verbatim below:

BS 92-1132
THS:mac
4.

"This inmate is being seen for psychiatric evaluation prior to an appearance before the Parole Board.

"He is a 26 year old man serving a 10 to 12 year sentence for a series of offenses occurring on and after an escape from Concord in 1954.

"A review of his record reveals that he has been in difficulty with the law since the age of 10 and has been either at Lyman School or in Correctional Institutions most of the time since then. His behavior in and out of institutions has been poor. He has a sixth grade education, an I.Q. ranging from 92 to 100. However he has apparently conformed better since 1956. Also, for the past 5 months he has been attending Department of Legal Medicine, receiving psychiatric help from them.

"During the present interview he is pleasant, answers questions relevantly and coherently, is in good contact and shows no evidence of mental disease. He states that he has learned a few things, that he has grown up, realizes his previous behavior was childish and feels that the treatment by the psychiatrist has helped him a lot.

"IMPRESSION: Sociopathic personality disturbance, anti social reaction. While there is no actual psychiatric contraindication to parole should the Parole Board deem it advisable, there is always a great possibility of further anti social behavior in the future."

The following results of I.Q. examinations are set forth concerning the subject:

October, 1944 - New Bedford Schools - Otis A Test IQ-99.
February, 1946 - New Bedford schools - Pitner Test IQ-94.
1946 - Lyman School (type unknown) IQ-94 - "mentally he appears retarded"

BS 92-1132
THS:mac
5.

January 17, 1952 - Massachusetts Reformatory - Psychiatric examination by I. P. RAK, M.D.: "His home background and present personality point very strongly to future recidivism."

June 23, 1959 - psychiatric examination by HENRY M. BAKER, M.D. - "He is mentally alert, in good contact with surroundings, expresses himself with sincerity and shows ambition to better himself. In my opinion this man is developing his personality so that he should be able to respond satisfactorily to parole."

H. Health

Gonorrhea, 1965 - treated;
Arthritis, right hand;
Massachusetts General Hospital, O.P.D., December, 1966 - arthritis;
No mental hospitals.

I. Parents and Relatives

The subject's father, JOSEPH BARBOZA, was born March 19, 1910, in New Bedford, Massachusetts. He separated from his wife and has been living at [redacted] with [redacted]. They are not married, but two children, [redacted], have been born of this affair. The subject's father was born of Portuguese parentage, both of whom were employed in Fall River textile mills. The father has a poor reputation in the community, has never been a steady worker, and is the father of three illegitimate children." After marriage he did not support his family regularly, was a drinker, associated with other women, and finally moved out of the household about 1944. At one time he boxed professionally in the Southeast Massachusetts area.

The subject's mother, [redacted], was born November 4, 1907, in New Bedford, Massachusetts. She

BS 92-1132
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6.

resides at [redacted] Massachusetts. She is of Portuguese parentage and completed the sixth grade of school prior to employment in a Fall River box factory.

The subject's father has a lengthy criminal record which originated in 1927 for various counts of stubborn child; assault and battery; speeding; accessory to abortion; illegitimate child law; and neglect of children.

Subject's brother, [redacted] BARBOZA, was born on September 28, 1928, in New Bedford, Massachusetts, and is married to [redacted]. They have four children. He is [redacted]

Subject's brother, [redacted] BARBOZA, was born on September 29, 1945, in New Bedford, Massachusetts, is single, and has no criminal record. He resides with [redacted] and intends to enter the [redacted]

Subject's sister, [redacted] BARBOZA, was born on June 8, 1950, in New Bedford, Massachusetts. She attends public high school and resides with her mother at 320B Smith Street, New Bedford, Massachusetts.

J. Conduct

FCIB: 7-7-54, Insolence, Threats to an Officer - reprimand - (subject was insolent when told to get back in dinner line)

"3-11-55, Insolence, Interfering with Officer - reprimand - (subjec was insolent to an officer and interfered with the officer in charge of operating the gym)

"6-20-55, Threatening an Officer - 3 days B&W (after being turned in for wearing a blue and gold T shirt, subject called the officer vile names and subject asked the officer to fight)

"11-17-55, Malicious A&B on Officer; Insolence; Refusing to obey - (subject after interfering with an officer who was arresting two inmates, hit a correction officer on the side of the head with his

BS 92-1132
THS:mac
I.

fist and ripped the tie from the officers throat) - subject held in segregation pending court action. - Case never went to court.

"WALPOLE: 2-23-56, Refusal to obey; Insolence to an Officer - reprimand. (subject refused to acknowledge an officer when he was called and subject used profane language in talking to the officer)

11-7-56, Insolence to an Officer, Disturbance - reprimand. (subject ignored an order from an officer in the block and when ordered to leave the block he waved his hands in a threatening manner and became loud)

"NORFOLK: No infractions."

BS 92-1132

II. ACTIVITIES

B

[redacted] advised that JOSEPH BARBOZA had been arrested Friday night, September 10, 1965, for beating a policeman with a gun at the Ebb Tide in Revere, Massachusetts.

[redacted] stated that the general rumor [redacted] was that JOSEPH BARBOZA of Revere was under contract to be assassinated since he was tied into the MC LEAN-MC LAUGHLIN feud.

[redacted] stated that JOSEPH BARBOZA split with CONNIE FRIZZI in loansharking and was then in partnership with ARTHUR BRATSOS.

Informant added that BARBOZA had plenty of money and had just purchased a new home in Swampscott, Massachusetts.

BS 92-1132

B

[redacted] advised that he had been frequenting the Ebb Tide in Revere, Massachusetts, that it was being operated by RICHARD CASTUCCI and NICHOLAS JUNIOR VENTOLA.

Informant added that JOSEPH BARBOZA, ROMEO MARTIN and RONNIE CASSESSA were frequently in attendance at the Ebb Tide.

[redacted] stated that JOSEPH BARBOZA had married and was then living at 216 Revere Beach Parkway, Apartment 24, Revere, under the name of BARON and was driving a Pontiac with Massachusetts registration 414-225. Informant added that the subject frequently visited the Ebb Tide and it was rumored that BARBOZA was the killer of JOSEPH FRANCIONE in Revere.

B

[redacted] stated that GUY FRIZZI and JOSEPH BARBOZA, who hung around at North Station, occasionally were there to see JOHNNY BATS who worked for the Boston Garden Corporation. Informant added that BATS was associated with FRIZZI and BARBOZA in the money lending activities.

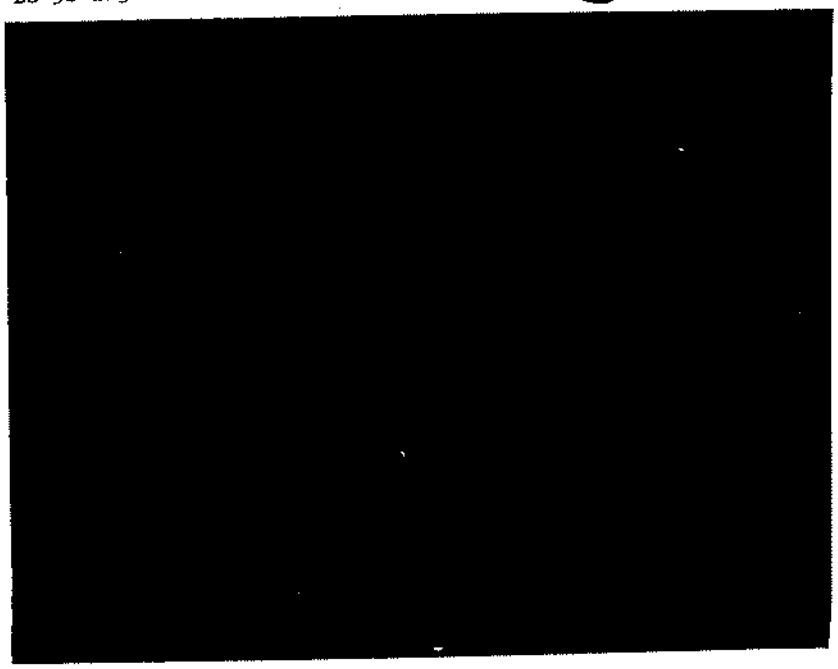
[redacted] stated that on May 3, 1965, JOSEPH BARBOZA and RONNIE CASSESSA were looking for JIMMY FLEMMI [redacted] and returned in the evening of May 3, 1965.

Informant further stated that it was later during the evening of May 3, 1967, that FLEMMI was shot when he left his home on Adams Street, Dorchester, Massachusetts.

[redacted]

1

BS 92-1132 B



BS 92-1132
THS:mac

III. CRIMINAL RECORD

RECORD CHECKED

BD. OF PROB.								
PUBLIC SAFETY								
F. B. I.								

File No. [illegible]

Superior Court
PROBATION OFFICE
SUFFOLK COUNTY
COURT RECORD

Name BARBOSA, JOSEPH J.

Barbosa, Joseph

Date of Birth Sep 20 '32

Ex.	DATE	Number Court Appearances	OFFENCE	COURT	DISPOSITION DISTRICT COURT	DISPOSITION SUPERIOR COURT
			JUVENILE			
	Oct 20 '45	1	Delinquent Child Injury to Signals or Mechanism of Street Railway	New Bedford	6/29/45 Filed	
	Nov 10 '45	2	Delinquent Child Attempted Larceny of Auto	New Bedford	Del., Prob. 6/29/45 and Filed.	
	Feb 2 '46	3	Delinquent Child Larceny	New Bedford	6/1/46 Filed	
			Delinquent Child Receiving Stolen Goods	New Bedford	6/1/46 Filed	
			Delinquent Child Larceny in Building	New Bedford	6/1/46 Filed	

(O.T.S.D)

Sup. Ct. Form 1
1911-C, P. 1

Name BARSON, Joseph — 2 — File No. 660160

Barbosa, Joseph

DATE	Number Court Appearance	OFFENCE	COURT	DISPOSITION: DISTRICT COURT	DISPOSITION: SUPERIOR COURT	
		ADULT				
Dec 3 '49	7	Breaking and Entering and Larceny, Night (2 counts)	New Bedford	G.J.	Bristol	2/9/50 5 yrs-1 dy MR conc.
		Unauthorized use of auto	New Bedford	G.J.	Bristol	2/9/50 Filed
Dec 10 '49	8	Attempted Breaking and Entering (2 counts)	[illegible]	G.J.	Bristol	2/9/50 Filed (2 cts)
Dec 30 '49	9	Breaking and Entering and Larceny, Nighttime (2 counts)	New Bedford	G. J.	Bristol	2/9/50 - 5 yrs - 1 day Mass. Refty conc.
		Breaking and Entering and Larceny Night, 2 counts	New Bedford	G. J.	Bristol	2/9/50 - Filed
		Breaking and Entering and Larceny, Nighttime (5 counts)	[illegible]	G. J.	Bristol	2/9/50 - Filed

Sup. Ct. Form 2A
10M 6-46-K

[illegible] OVER

DATE	Number Court Appearances	OFFENCE	COURT	DISPOSITION: DISTRICT COURT	DISPOSITION: SUPERIOR COURT	
Dec 30 '49 (CONTINUED)	9	Breaking and Entering and Larceny, Night (10 counts)	New Bedford	C. J.	Bristol	2/9/50 - 5 yrs - 1 day Mass. Refty conc.
		Breaking and Entering and Larceny, Nighttime, 2cts	New Bedford	C. J.	Bristol	2/9/50 - Filed
		Larceny under $100	New Bedford	C. J.	Bristol	2/9/50 - Filed
May 19 '54	10	Robbery by Force and Violence			Middlesex Indictment 6/20/58 Parol	10-12 yrs. St. Pr. [illegible] notwithst. Sent. Serv. 9/10/58 - Par.Rev.& [illegible] 5/9/60 Par. 1/13/63 5/17/62 Ret'd. 6/28/62 Par. 4/18/63 10/9/62 Par. Rev., Mar/ 10/10/62 Ret. 4/30/64 - Disch.
[illegible]		Robbery by Force and Violence			Middlesex Indictment	10-12 yrs. St.Pr. conc.
		[illegible] by Means of [illegible] Weapon			Middlesex Indictment	8-10 [illegible]
		Kidnapping			Middlesex Indictment	8-10 yrs. [illegible]
				(DISPOSITION [illegible])		

Name BARECZA, [illegible] -3- File No. 660300

BARECZA, JOSEPH

DATE	Number Court Appearance	OFFENCE	COURT	DISPOSITION: DISTRICT COURT	DISPOSITION: SUPERIOR COURT	
May 19, '54 (CONTINUED)	30	Larceny of Auto 2 counts			Middlesex Indictment	8-10 yrs. St. Pr. conc.
		Escape from Mass. Refty			Middlesex Indictment	8-10 yrs. St. Pr. conc.
		Attempt to Steal Auto			Middlesex Indictment	2½-3 yrs St. Pr. [illegible]
		Assault and Battery by Means of a Dangerous Weapon			Middlesex Indictment	2½-3 yrs. St. Pr. conc.
		Assault and Battery			Middlesex Indictment	Filed
Sept. 6 '58	31	Attempt to Break and Enter Night	New Bedford	Grand Jury	Bristol	11/13/58 - 3-5 yrs MCI W. conc.
		[illegible]				5/9/60 - Par. 1/13/63 5/15/62 Par. Rev., Warr. Iss.; 5/17/62 Serv.& Ret. 6/28/62 Par. 4/18/63 9/24/63 Trans. M[illegible] 10/9/62 - Par. Rev., Warr. Iss. 10/10/62 War.Serv. & Ret. 4/30/64 - Disch.
		[illegible]	[illegible]	Grand Jury	Bristol	11/11/58 - 3-5 [illegible] conc.

Cap. Ct. Form 2A

DATE	Number Court Appearances	OFFENCE	COURT	DISPOSITION: DISTRICT COURT	DISPOSITION: SUPERIOR COURT	
Sept. 21 '60	12	Threats	Central	10/7/60 - $50. Paid		
June 12 '61	13	No inspection sticker	Malden	$5. Paid		
May 31 '62	14	Speeding	Dorchester	6/22/62 Def., Warr. Iss. 6/6/63 Def. Sen. $10. Paid		
Sept. 11 '65	15	Disturbing the peace 2002h	Chelsea	cont. to 9/17/65 - & dism	[illegible]	1[illegible]
		Possession of dangerous weapon	Chelsea	cont. to 9/17/65 - & dism		
		Assault & Battery with dangerous weapon	Chelsea	cont. to 9/17/65 & dism.		
Nov. 27 '65	16	Operating to endanger	Chelsea	cont. to 1/28/66 & def. 3/30/66 & Removed $20, paid		
Jan. 13 '65	17	Disturbing the peace			Suffolk	6 mos. H C comm. 13 days Cr.
Mar. 30 '66	18	Speeding	[illegible]	[illegible]		
Jul. 27 '66	19	Being present where drugs and narcotics found	[illegible]	[illegible]		
		Having firearms without permit	East Boston	[illegible]		
		Assault & Battery with dangerous weapon	East Boston	[illegible]		
		Assault & Battery with [illegible]	[illegible]	[illegible]		

BS 92-1132
THS:mac

IV. DESCRIPTION

Name	JOSEPH BARBOZA, JR.
Aliases	JOSEPH MEDEIROS JOSEPH BARRON JOSEPH J. BARRON JOSEPH BARON
Sex	Male
Race	White
Date of Birth	September 20, 1932
Place of Birth	New Bedford, Massachusetts
Height	5' 10½"
Weight	212 pounds
Complexion	Medium
Eyes	Brown
Hair	Black
Social Security Number	013-24-8570
Military Service	None
Scars and Marks	Tattoos, both arms; Scar over right eyebrow
Wife	[redacted]
Former Wife	[redacted] Date of Birth: [redacted] Married: [redacted] New Bedford Divorced: April 22, 1963 at Boston

BS 92-1137

THS:mac

Daughter	[redacted] Date of Birth: [redacted]
Father	[redacted] Date of Birth: [redacted] at New Bedford, Mass. (separated from wife)
Mother	[redacted] Date of Birth: [redacted] at New Bedford, Mass.
Brothers	[redacted] Date of Birth: [redacted] [redacted]t New Bedford, Mass.
	[redacted] Date of Birth: [redacted] [redacted] at New Bedford, Mass.
Sister	[redacted] Date of Birth: [redacted] at New Bedford, Mass.

P

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
AUG 9 1967
TELETYPE

FBI BOSTON

1034M URGENT 8-9-67 TJT

TO DIRECTOR

FROM SAC BOSTON (166-29)

RAYMOND L. S. PATRIARCA, AKA, ETAL. ITAR-GAMBLING.

REBSTEL AUGUST SEVEN LAST. ON THIS DATE, [redacted] TESTIFIED BEFORE THE GRAND JURY, SUFFOLK COUNTY SUPERIOR COURT [redacted]

[redacted] FOLLOWING PREPARATION OF PAPERS, DA BYRNE ADVISES ATTEMPTS WILL BE MADE TO APPREHEND ABOVE INDIVIDUALS. DA BYRNE ADVISED THAT UPON APPREHENSION, HE IS GOING TO MAKE EVERY EFFORT TO KEEP THESE MEN WITHOUT BAIL INASMUCH AS MURDER IS NOT A BAILABLE OFFENSE.

END PAGE ONE

Enclosures

REC-130

MR. MOHR FOR THE DIRECTOR

XEROX AUG 22 1967

EXHIBIT 151

SUBJECT TO PROTECTIVE ORDER

PAGE TWO

IN STATEMENT TO PRESS, DA BYRNE STATED THAT THIS TREMENDOUS PENETRATION INTO THE LCN AND THE HOODLUM ELEMENT WAS EFFECTED THROUGH THE OUTSTANDING INVESTIGATIVE EFFORTS OF THE FBI AND HIS OFFICE. AS A MATTER OF INFORMATION, THIS ENTIRE CASE WHICH WAS PRESENTED TO THE GRAND JURY BY DA BYRNE WAS DEVELOPED THROUGH THE EFFORTS AND ABLE HANDLING OF BARBOZA BY SA H. PAUL RICO AND DENNIS M. CONDON OF THE BOSTON OFFICE. THEY ALSO COOPERATED FULLY WITH DA BYRNE IN THE PREPARATION OF THIS MATTER FOR THE GRAND JURY. I KNOW THAT THIS INDICTMENT WOULD NOT HAVE BEEN POSSIBLE IN ANY SENSE OF THE WORD IF IT WERE NOT FOR THE EFFORTS OF THESE AGENTS AND THE FBI AT BOSTON. ON THE BASIS OF THIS, I RECOMMEND A COMMENDATION BE DIRECTED TO SAS RICO AND CONDON. I FURTHER RECOMMEND THAT SUPERVISOR JOHN F. KEHOE WHO SUPERVISED THIS ENTIRE PROGRAM AND WAS INVOLVED DEEPLY IN THE DEVELOPMENTS AND THE PLANNING RELATIVE TO BARBOZA AND THE MATTERS ATTENDANT TO THIS INDICTMENT BE STRONGLY COMMENDED FOR HIS EXCELLENT SUPERVISION.

ENDDEL

FBI WASH DC

Q

CC - Mr. Gale
Mr. Callahan

SUBJECT TO PROTECTIVE ORDER

August 14, 1967

PERSONAL

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

I want to commend you for your splendid services in a phase of the investigation of Raymond L. S. Patriarca and others, subjects of an Interstate Transportation in Aid of Racketeering case.

Your noteworthy efforts contributed substantially to the indictment of the persons involved in a gangland slaying which was related to the above-mentioned case. You performed in the highest traditions of the FBI and I want you to know I am appreciative.

Sincerely yours,

E. Edgar Hoover

1 - SAC, Boston (Personal Attention)

1 - Miss Usilton (Sent Direct)
NLK
(5)
67-458484
Based on Boston teletype 89/67 re Raymond L. S. Patriarca; ITAR-Gambling.

67-458484-136
Searched ... Numbered ...
REC-130
8 AUG 15 1967

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

SUBJECT TO PROTECTIVE ORDER

EXHIBIT
152

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	[redacted]
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None
Offices of Assignment:	
3-28-51 assigned	Philadelphia
1-8-52 reported	New York
4-11-52 reported	Boston

LS:lrb
(1)

EXHIBIT
153

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-ECGR-000003328

By letter dated 8/14/67 he was COMMENDED for his excellent performance in connection with the investigation of the Interstate Transportation in Aid of Racketeering case involving Raymond L. S. Patriarca and others.

His daily average overtime for August, 1967, 2 hours 18 minutes; September, 3 hours 12 minutes.

On 10/8/67 he received a Basic Increase to $15,307 per annum in GS-13.

His daily average overtime for October, 1967, was 2 hours 3 minutes.

On 11/19/67 he received a Within-Grade Increase to $15,757 per annum in Grade GS-13.

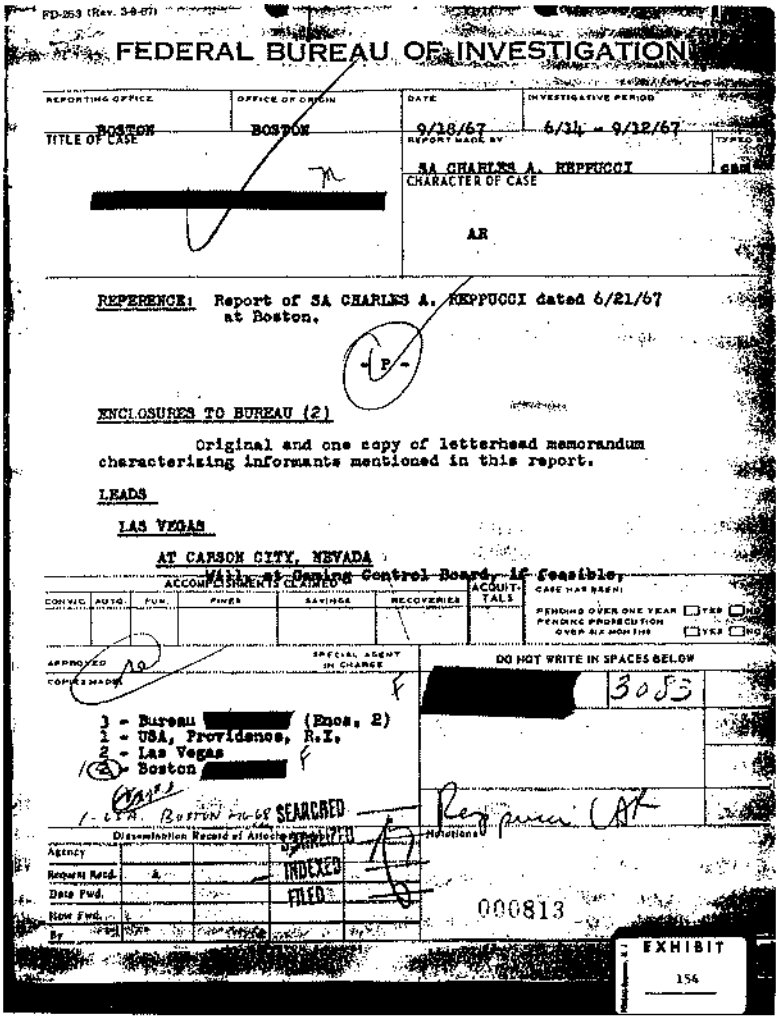
His daily average overtime for November, 1967, 2hours 5 minutes; December, 3 hours. January, 1968, 3 hours 1 minute; February, 2'56".

By letter dated 3-15-68, he received an INCENTIVE AWARD of $150 in appreciation for his noteworthy performance in the investigation of the Interstate Transportation in Aid of Racketeering-Gambling case involving Raymond L. S. Patriarca and others. He was cited for his skillful and knowledgeable efforts in handling an important Government witness whose cooperation was obtained which was vital to the success achieved in the conviction of Patriarca and two of his associates.

By letter dated 3-20-68, Attorney General Ramsey Clark expressed appreciation for the Bureau's work in the matter relating to Raymond Patriarca and others and his commendation for SA Condon's ability, initiative, patience and resourcefulness, under most difficult circumstances, in handling the Government's key witness prior to indictment and trial. He stated SA Condon worked long hours and rendered immeasurable assistance to the attorneys who prosecuted this case during the grand jury presentation, the pre-trial preparation and throughout the trial itself. He was an excellent witness. The Attorney General's letter was acknowledged on 3-22-68, with appreciation for his generous remarks.

On 3-31-68, he was rated EXCELLENT, with comments he continued in assignment to the Criminal-Intelligence Squad. He was considered outstanding in his knowledge of the hoodlum element and La Cosa Nostra activities in the Boston area. He was particularly adept in the development of informants and during the rating period was instrumental in obtaining a conviction of La Cosa Nostra boss Raymond L. S. Patriarca and several members. He presently had 5 Informants assigned. He was considered an outstanding probative-type investigator, he handled the most complicated matters as exhibited in his handling the Government witness in the Patriarca case, in an able and most capable fashion with an absolute minimum of supervision. He was considered outstanding in dependability,

CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY. PROTECTIVE ORDER



FD-263 (Rev. 3-8-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	9/18/67	6/14 - 9/12/67

TITLE OF CASE

[redacted]

REPORT MADE BY: SA CHARLES A. REPPUCCI

TYPED BY: cam

CHARACTER OF CASE: AR

REFERENCE: Report of SA CHARLES A. REPPUCCI dated 6/21/67 at Boston.

-P-

ENCLOSURES TO BUREAU (2)

Original and one copy of letterhead memorandum characterizing informants mentioned in this report.

LEADS

LAS VEGAS

AT CARSON CITY, NEVADA

Will, at Gaming Control Board, if feasible,

ACCOMPLISHMENTS CLAIMED

CONVIC.	AUTO.	FUN.	FINES	SAVINGS	RECOVERIES	ACQUIT-TALS

CASE HAS BEEN: PENDING OVER ONE YEAR ☐ YES ☐ NO; PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: no

SPECIAL AGENT IN CHARGE

COPIES MADE:

F

3 - Bureau [redacted] (Encs. 2)
1 - USA, Providence, R.I.
2 - Las Vegas
2 - Boston [redacted] F

1 - USA, Boston 2-6-68

DO NOT WRITE IN SPACES BELOW

[redacted] 3083

Reppucci AR

Dissemination Record of Attached Report

Agency			
Request Recd.			
Date Fwd.			
How Fwd.			
By			

SEARCHED / SERIALIZED / INDEXED / FILED

Notations

000813

EXHIBIT 156

Pages B through S of serial 3083 are being deleted in their entirety for code: F, B, M.

[redacted] F

B. M

On August 28, 1967 BS 955-CTE furnished the following information to SA H. PAUL FICO:

The informant advised that LARRY BAIONE asked the informant to contact JIMMY FLEMMI on behalf of GENNARO J. ANGIULO to see what FLEMMI can do to keep NICK FEMMIA from testifying against anyone and to see if FLEMMI can find some way to destroy JOE BALBOZA's testimony against PATRIARCA and ANGIULO. The informant advised that this puts JIMMY FLEMMI in a very bad position because JIMMY FLEMMI owes ANGIULO over $[illegible], and is therefore indebted to him. The informant knows that JIMMY FLEMMI would just as soon see PATRIARCA and TAMELLO get hurt but that he has always looked down on ANGIULO as a source of money for him and he feels that FLEMMI would want to help ANGIULO. The informant advised, however, that he will, when he is talking to FLEMMI, point out to him that BALBOZA could end up seriously

- 7 -

[redacted] F

hurting him, JIMMY FLEMMI, if he, FLEMMI, did anything to attempt to discredit BARBOZA.

Informant further advised that he has learned that LARRY BAIONE and PETER LIMONE have received information that JOE BARBOZA is going to testify for Suffolk County on the murder of TERRY DEEGAN and that they in all probability will attempt to make sure that TONY STACOPOULOS will not be around to corroborate BARBOZA's testimony. The informant advised that he believes that STACOPOULOS' life is in danger.

000816

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/20/67

1

JOSEPH BARON was contacted at the Barnstable County Jail, Barnstable, Massachusetts, and was interviewed by Detective JOHN DOYLE of the Suffolk County District Attorney's Office, Boston, Massachusetts, in the presence of Special Agents DENNIS M. CONDON and H. PAUL RICO.

There follows herein Detective DOYLE's report relative to this interview:

On 9/8/67 at Barnstable, Massachusetts File # Boston 92-1132

by Detective Sergeant FRANK WALSH and Detective JOHN DOYLE of the Suffolk County District Attorney's Office, and SA's DENNIS M. CONDON and H. PAUL RICO:pc 5 Date dictated 9/14/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 155

AFFIDAVIT

I, Anthony Stathopoulos, being duly sworn, depose as follows:

I am the Anthony Stathopoulos who testified in the case of Commonwealth v. French, in 1968, in the Superior Court for the County of Suffolk. To the best of my memory, I testified at that trial that the defendant Louis Grieco, in my opinion, looked like the man I had seen come out of the alley at 4th Street in Chelsea on March 12, 1965. Officer Doyle told me that Baron had told him that Grieco was in the alley shooting Deegan. Someone from the District Attorney's staff had told me the seating arrangement of the defendants in the courtroom before I testified.

On September 8, 1967, I was taken by Boston police officers to the County Jail at Barstable where I had a talk with Joseph Baron. We talked about the events of March 12, 1965, and about testimony that both he and I were going to give before a grand jury about that night. I told Baron that I wasn't sure that Charles Moore had set up the shooting so that, since I wasn't sure, I would not want to involve him. I asked Baron about Flemmi because Baron had told me in Charles Street Jail that he, Baron, could straighten me out with Flemmi. Baron told me that he was going to keep Flemmi out of it because he said that Flemmi was a friend of his and the only one who treated him decently.

EXHIBIT 156

Before the trial in 1968, I talked with Mr. Zalkind about the lawyers for the defendants wanting to talk with me before the trial. I thought that I would so that I would know what kind of questions they would ask me when I was on the witness stand. Mr. Zalkind told me that I shouldn't do this because someone was trying to kill me.

Since the trial I learned from Mr. Bailey about police reports and I talked with Mr. Zalkind about the reports. The reports were attached together and the first was headed "John Doyle's office" and related to the events of September 8, 1967, and the second related to certain statements made by Officer Robson about talks with me in June and July of 1967. Mr. Zalkind informed me, in August or September of 1970, to the best of my memory, that the second report had been delivered to Mr. Zalkind by Officer Doyle sometime after the trial was over and that Mr. Doyle believed that a copy of the second report had been delivered to one of the lawyers for the defendants by a police officer. I also talked with Officer Doyle who had some papers in his hand. He said that this was what the defense lawyers were talking about. He read parts of it to me. He asked me if parts were accurate and I agreed with him.

Anthony Stathopoulos

SUFFOLK, ss. January 5, 1971

Then appeared the above named Anthony Stathopoulos and made oath to the truth of the foregoing.

Before me,

Notary Public

[redacted] F

DIRECTOR, FBI [redacted] F

SAC, BOSTON [redacted] (P)

9/18/67

PETER J. LIMONE, aka,
AR

Re Bureau letter to Boston, 7/14/67.

R

2 - Bureau
2 - Boston
JPH/mc'k
(4)

000802

SEARCHED ____
SERIALIZED ____
INDEXED ____
FILED ____

EXHIBIT
157

[redacted]

[redacted]

By teletype dated 9/9/67 in the case entitled, [redacted], the Bureau was advised that JOSEPH BARON has furnished information relative to subject LIMONE'S involvement in the gangland killing of one EDWARD DEEGAN. Suffolk County authorities anticipate indictment of subject, LIMONE, in connection with the DEEGAN matter, sometime in the latter part of September, 1967. Further indication is that subject, LIMONE, like ANGIULO, when indicted, will be detained indefinitely awaiting trial and bail will not be granted to him.

The Bureau will be kept advised regarding this matter.

Report follows.

FD-302 (Rev. 4-13-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/22/67

1

JOSEPH BARON was interviewed at the Barnstable County Jail, Barnstable, Massachusetts, by Sergeant Detective FRANK WALSH and Detective JOHN DOYLE, both of the Suffolk County District Attorney's Office, Boston, in the presence of Special Agents DENNIS M. CONDON and H. PAUL RICO.

There follows hereinafter their report relative to this interview:

9

On 9/12/67 at Barnstable, Massachusetts File # Boston 92-1132

by Sergeant Det. FRANK L. WALSH and Det. JOHN DOYLE of the Suffolk County District Attorney's Office, Boston, and SA's DENNIS M. CONDON and H. PAUL RICO/mdd Date dictated 9/18/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



FEDERAL BUREAU OF INVESTIGATION

Date 9/22/67

JOSEPH BARON was interviewed at the Barnstable County Jail, Barnstable, Massachusetts, by Sergeant Detective FRANK WALSH and Detective JOHN DOYLE, both of the Suffolk County District Attorney's Office, Boston, in the presence of Special Agents DENNIS M. CONDON and H. PAUL RICO.

There follows hereinafter their report relative to this interview:

On 9/12/67 at Barnstable, Massachusetts File # Boston [redacted]-26

Sergeant Det. FRANK L. WALSH and Det. JOHN DOYLE of the Suffolk County District Attorney's Office, Boston, and

by SA's DENNIS M. CONDON and H. PAUL RICO:pbm Dictated 9/18/67

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

(2)

Statement of Joseph Barboza, in the presence of Sgt. Det. Frank L. Walsh, Det. John Doyle of the District Attorney's Office, and Dennis Dondon and Paul Rico on Tuesday, September 12, 1967 at about 9:50 A.M. at the Barnstable House of Correction:

"I think it was the day before the killing that I heard from Roy French, that he was going into the alley on the score. I found out from French early in the day, that's when I got all the info. It was at the Ebb Tide, I'm pretty sure that Chico and Nickie were there, they must have been, maybe Patsy was there too, I don't know for sure.

I had talked to French when I came back from Florida ... Greco and I grabbed French together a few days after we got back.

French had had a beef with McLean.. he said he wasn't scared or concerned but he was. I was going to square the beef for him with McLean.

I came back from Florida the first week in March. I was there eight days, about the end of February, maybe about March 3rd. I stayed at the Cadillac Hotel for three or four days, under my own name with my wife, and then we went to Fort Lauderdale for four or five days and stayed at Ronnie's place. There was a man named Westler owned the house. I know that Westler owned Channel #10 and went bankrupt. He had the Liston-Clay fight that was postponed. I don't know the address, but it was quite a house. One room had a round bed, with a white rug in the living room. It was one of those houses that had a screened patio with sliding doors leading to a lawn and a pier. I remember one bed had a canopy over it. Ronnie's girlfriend, Sis, was there. She was Joe Morelli's girl and Ronnie had Westler's books. Ronnie drove there from the airport. He used

his own name on the plane. I think it was around one or two P.M. My wife would know where the apartment house was...it was near San Souci Boulevard and I know Biscayne Boulevard was handy. Westler rented it for $1,000.00 a month.

I was at a cafe with Johnny Foto and Hy Gordon when Greco drove up one day. He wanted me to croak his wife, but I refused. I told him about the hit that I had and we discussed it. We made arrangements to see French. I saw Greco the day after I came back from Florida. He came down to my corner in East Boston. It could have been two days after I came back. We went to the Ebbtide and a few days went by when French said, "I'm going on a score with Deegan". I remember the Ebbtide was real jammed the night we left for the hit. Greco had asked French to set this up for us out of friendship and I told French that I would straighten out his beef with McLean. I think French came down to my corner or maybe it was at the Ebbtide it was early in the afternoon about 2:00 P.M. I spoke with the other guys after he told me he was going on the score with Deegan.

Another reason for them wanting Deegan out of the way, was the fact that John Fitzgerald, went to a gas station and with Deegan, got a $1,000.00 off of Peter Limone for George McLaughlin. Fitzie had to go and speak to a witness, named Herbie, who was in California Peter was mad and he thought that Georgie McLaughlin was shaking him for the money. I'm sure Fitzie will testify on the stands that he got the $1,000.00. One time, Stevie Hughes got $1,000.00 from Larry Baione who got it from Raymond. After I talked to French, I went to

Statement of Joseph Barboza, Continued:

Fleet Street. Greco, Ronnie, Joe the Horse, Chico and Romeo Martin were there. Maybe Nick was there, I don't remember. Peter Planque was there, so we told him to go for coffee. I told them I would meet them on Fleet Street. I went to see Peter Limone and that's when Limone said to me, "I'll give you $2500.00 more to hit Stath." Later, I checked with Henry Tameleo and he said, "Yes, hit Stath, too. He's caused a lot of trouble at the Ebbtide".

French said the Finance Company they were going to hit was on Fourth Street, over the Franklin Bank. The other guys knew the place I think Louis Greco drew a map, because he knows the area. There had to be precision because Stath might do some shooting. The night of the score French told me the kind of a car Stath would be in. When I left Fleet Street, I went to see Henry to confirm it. I met him at the Ebbtide that afternoon about 4:30 P.M. - it only took me 10 minutes. The night we were going, Joe the Horse, went out and got two .357 Magnums and a .45. He was gone about 10 or 15 minutes and then came back. I had a bullet-proof vest. Louis Greco took the .45. I had a Magnum, Ronnie had a Magnum, Joe the Horse had a .38. They were Ronnie's guns, but Joe got them. I had a .38 alloy gun and I gave it to Joe the Horse and told him, "Don't use it if you don't have to". Ronnie had a moustache on and horned-rimmed glasses. Joe the Horse had a wig on that made him look bald. I had horned-rimmed glasses with me, but I didn't have them on. Ronnie was wearing a white rain or shine coat and Joe had a black one. I had on a rain or shine coat, I forget what color, but it was dark. I had a soft h

Statement of Joseph Barboza, Continued: 9/12/67

Ronnie had no hat, and Joe the Horse had no hat. French was wearing a sport coat. Idon't remember too well, but I think it was grey colo I don't think he had an overcoat on. I left the Ebbtide before Roy French and when I left, Romeo Martin, Joe the Horse, Freddie Ciampa, and Frank Imbuglia all left. Greco left at the same time. Frank Imbuglia and Freddie Ciampa had no part in the thing. Greco was wearing a brown topcoat, about medium color, and when Greco went into the alley, he had no hat on. When he got out of the car on Pearl Street, he had a hat on. They had a dark olive green Ford. I think they got it from Wilmington Ford. When we left the Ebbtide we went separately and when I got there, Louis Greco and Romeo Martin were about 12 yards in on Pearl Street. Across from the alley, there was a woman over the store, peeking out the window. It was pre-arranged that French would leave the scene with Greco and Martin . Pearl Street is one way. I stopped my car across the street from the I got out and they got out of their car and they walked into the alle and I saw them.

We expected Deegan about 9:30 or so. Romeo and Louis were going to get into a doorway. They knew the door was left open. The original plan was to shoot them inside the building to muffle the noise but Roy French fucked it up. I drove down Pearl Street, across Broadway, took a right onto Fourth Street and parked on Court on the left-hand side against the curbstone.

WMSY, Doyle, Rico, [illegible]

9/12/67

Statement of Joseph Barboza, Continued:

ebb

-5-

The guy that came to the door of my car after he looked at the bent plate was wearing a black hat, black topcoat, was about 50 years old, square build, and looked Jewish. He unbuttoned his coat and reached with his hand into the coat. I took off and I don't remember whether I went right on Broadway or down Fourth Street...I was in a hurry. I think now I went right on Broadway. I stopped at the bagel factory and Ronnie ran up Pearl Street and got Chico and came back to the Ebbtide with him. I waited till Chico's car pulled up. When we got to the Ebbtide, I got out and Joe the Horse parked my car. My blue Olds was parked in front. I had bent the front plate and Ronnie bent the rear plate. It was 404-something. Ronnie bent it so that only half of the plate was showing.

When I saw Roy, he had blood on his sportcoat and both shoes, He told me he was going to say that he had broke up a fight in the joint. Roy had no jam that night. We went into the office in back of the coat rack, there was Ronnie, French, Romeo Martin, Joe the Horse, Louis Greco, Chico, and myself. Roy said, "I shot him first' Louis Greco said that he shot him a couple of times in the chest, and Romeo said the same thing. Roy French said that when he went to the front of the alley, he signaled with his hands to Stath to leav Louis Greco had hollered, "Get that bastard, too". I don't know why French signaled to Stath. We stayed there about 10 minutes in the rear room. Greco left right away and I met him the next day at Bennington and Brook Street about 2:30 in the afternoon and gave

him his bread.

I met Peter Limone about 1:00 P.M. on Prince Street the next day and got the money. I gave the rest of them their money on Fleet Street.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/26/67

1

JOSEPH BARON was contacted at the Barnstable County Jail, Barnstable, Massachusetts.

He advised he had been contacted telephonically by Attorney JOHN FITZGERALD the previous evening and FITZGERALD told him that a good many people were going to be picked up that day, September 14, 1967, and he, BARON, will be going to court himself on September 14, 1967. He said he did not know what the source of information was that FITZGERALD had, which enabled him to say that "a good many people were going to be picked up" and he, "BARON, was going to be going to court."

A brief discussion was held with BARON about the possibilities of his being transferred from the Barnstable County Jail, and he said that he would be glad to get out of the Barnstable County Jail, as he was fearing more and more for his life every day that he was confined there.

On 9/14/67 at Barnstable, Massachusetts File # Boston 92-1132

SAs DENNIS M. CONDON and H. PAUL RICO

by DMC:po'b 16 Date dictated 9/20/67

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9/15/67

AIRTEL

TO : DIRECTOR, FBI [redacted]

FROM: SAC, BOSTON [redacted]

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments of the current week:

ANTHONY STATHAPOULOS, who was with EDWARD DEEGAN and ROY FRENCH on the night that DEEGAN was killed in gangland fashion on 3/12/65, turned himself in to the Suffolk County DA's office, Boston, for protection. During the latter part of last week, an attempt was made to kill STATHAPOULOS. JOSEPH BARON had previously advised that STATHAPOULOS' life to be in jeopardy.

STATHAPOULOS furnished information relative to the DEEGAN murder [redacted]

3-Bureau
1-Boston
DMC:po'b
(4)

SEARCHED
SERIALIZED
INDEXED
FILED

000811

[redacted] 2735

EXHIBIT
160

[redacted]

000812

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/27/67

1

JOSEPH BARON, through arrangements made with Sheriff DONALD F. TULLOCH of the Barnstable County Jail, telephonically contacted Special Agent DENNIS M. CONDON at his home.

BARON indicated that he was quite concerned because there was some indication that he was going to the Grand Jury the following day, and he was completely unaware of any intention to bring him before the Grand Jury at that time.

He also said that he was greatly concerned because he had not been moved from the Barnstable County Jail. He still felt concerned about his safety and was hoping to move real soon.

On Telephonically 9/16/67 at Waltham, Massachusetts File # Boston 92-1132

by SA DENNIS M. CONDON:po'b 17 Date dictated 9/21/67

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EXHIBIT 161

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/27/67

1

1

JOSEPH BARON was contacted at the United States Marshal's Office, Boston, Massachusetts, while he was in the process of transferring from the Barnstable County Jail.

A brief discussion was held with BARON as to his physical welfare.

On 9/18/67 at Boston, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO
DMC:po'b 18 Date dictated 9/21/67

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EXHIBIT
162

P.02/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
67-193-F

UNITED STATES OF AMERICA

v.

RAYMOND PATRIARCA
HENRY TAMELEO
RONALD CASSESSO

ORDER

September 18, 1967

A hearing having been held pursuant to the Government's Memorandum, filed on June 27, 1967, at which time the Government filed transcripts of the logs obtained as a result of the electronic surveillance conducted at 168 Atwells Avenue, Providence, Rhode Island, and at which time further hearing on said Memorandum being continued sine die, it is ordered that Joseph Baron, produced as a witness in this hearing pursuant to the Writ of Habeas Corpus ad Testificandum issued by this Court, be retained in the custody of the United States Marshal as of this date and from day to day thereafter until his presence for the purpose of testifying is no longer required.

UNITED STATES DISTRICT JUDGE

U.S. DISTRICT COURT
DISTRICT OF MASS.

4

EXHIBIT
163

P.04/05

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

D. C. Form No. 1004 Rev.

Ford, D.J.

No. 67-193-P Crim.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. RAYMOND PATRIARCA HENRY TAMELEO RONALD CASSESSO VIOLATION OF TITLE 18 U.S.C. SECTIONS 2,371 and 1952, CONSPIRING TO TRAVEL AND CAUSING CERTAIN TO TRAVEL AND TO USE INTER-STATE TELEPHON FACILITIES BETWEEN MASS. AND R. I. WITH INTENT TO CONDUCT A CRIME OF VIOLENCE MURDER, INVOLVING GAMBLING ENTERPRISES ETC., (3 counts)	For U.S.: Paul F.Markham U.S.Attorney Edward F.Harrington Asst.U.S.Attorney For Defendant: Joseph J.Balliro 14 School St., Boston,Mass., Lib 7 5822 for deft. Tameleo see attached sheet for defts. addresses

STATISTICAL RECORD	COSTS			DATE	MAKE OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 6/67	Clerk			1967			
J.S. 3 mailed 4/68	Marshal			27	To Treas.		
Violation	Docket fee			1970			
Title				10-28	Fine - R. P.	10,000 00	
Sec.				10-29	To Treas.		10,000 00

DATE		PROCEEDINGS
1967		
June	20	1 Indictment returned
"	20	2 Warrant for arrest of defendant Raymond Patriarca issued
"	20	3 " " " " " Henry Tameleo issued
"	20	4 " " " " " Ronald Cassesso issued
"	20	5 Appearance of Joseph J. Balliro,Esq., for defendant Henry T. Tameleo filed
"	20	Ford, D.J. Defendant Henry Tameleo arraigned and pleaded not guilty, ordered to recognize in the sum of $25,000.00 with security, recog. on file defendant Henry Tameleo represented by counsel, Joseph Balliro,Esq.,
"	22	6 Petition for writ of habeas corpus ad prosequendum filed - Ronald Cassesso
"	23	Ford, D.J.Petition allowed, writ issued - delivered to U.S.Marshal
"	26	7 Appearance of Joseph J.Balliro,Esq., for defendant Ronald A. Cassesso filed

MAY-07-2002 03:03 P.03/05

No. 67-193-F Criminal FORD,D.J. 67-193-M Cr.

DATE 1967	PROCEEDINGS
July 26	Motion of defendant Ronald Cassesso to compel an election,filed.
" 26	Motion of the defendant Ronald Cassesso to dismiss,filed.
" 26	Motion of the defendant Ronald Cassesso to inspect statements,filed.
" 26	Motion of the defendant Ronald Cassesso for severance,filed.
" 26	Motion of the defendant Ronald Cassesso for inspection of Grand Jury minutes,filed.
" 26	Motion of the defendant Ronald Cassesso for production of documentary evidence prior to trial,filed.
" 26	Motion of the defendant Ronald Cassesso to be furnished with exculpatory evidence,filed.
" 26	Motion of the defendant Ronald Cassesso to transfer from the District of Massachusetts for trial, filed.
" 26	Motion of the defendant Ronald Cassesso for relief from prejudicial joinder of defendants,filed.
" 26	Motion of the defendant Ronald Cassesso for discovery and inspection,filed.
" 26	Motion of the defendant Ronald Cassesso to strike,filed.
" 26	Motion of the defendant Ronald Cassesso for bill of particulars,filed.
" 26	Motion of the defendant Raymond Patriarca to transfer from the District of Massachusetts for trial,filed.
" 26	Motion of the defendant Raymond Patriarca to dismiss,filed.
" 26	Motion of the defendant Raymond Patriarca to compel an election,filed.
" 26	Motion of the defendant Raymond Patriarca for discovery and inspection,filed.
" 26	Motion of the defendant Raymond Patriarca for production of documentary evidence prior to trial,filed.
" 26	Motion of the defendant Raymond Patriarca to strike,filed.
" 26	Motion of the defendant Raymond Patriarca for relief from prejudicial joinder of defendants,filed.
" 26	Motion of the defendant Raymond Patriarca for bill of particulars,filed
" 26	Defendant Raymond Patriarca's motion for severance,filed.
" 26	Motion of the defendant Raymond Patriarca for inspection of Grand Jury minutes,filed.
" 26	Motion of the defendant Raymond Patriarca to inspect statements,filed.
" 26	Motion of the defendant Raymond Patriarca to be furnished with exculpatory evidence,filed.
" 31	Electronic recording of hearings from March 8, 1967 to July 10,1967, filed by Court Reporter Frederick G.Feeney.
Sept. 7	Petition for writ of habeas corpus ad testificandum filed
" 7	Ford, D.J. Petition for writ of habeas corpus issued delivered to the Marshal. " allowed.
" 7	Motion for hearing filed - Notices to E.J.Ire,Chisholm,Asst.U.S.Atty. E.F.Harrington and C.A.Curran.
Sept. 18	Ford, D.J. Ordered that the logs be impounded and placed in the custody of the Clerk, and the inspection of said logs is restricted to counsel for the defendants, namely Messrs. Ballire,Curran & Chisholm.
Nov. 3	Affidavit filed

U. S. GOVERNMENT PRINTING OFFICE: 1966 O - 211-111

TOTAL P.05

Sept 18, 1967 67-153-F G

FORD J. ORDERED that the logs be impounded & placed in the custody of the Clerk, and the inspection of said logs is restricted to [illegible] for the defendants, namely Messrs. Bullard, Currie and Chisholm

Sept 18, 1967 67-153-F G

FORD J ORDERED that the logs be impounded & placed in the custody of the Clerk, and the inspection of said logs is restricted to issue for the defendants, namely Messrs. Bullivo, Carver and Chisholm.

EXHIBIT
164



U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 8, 2002

RECEIVED

MAY 09 2002

GOVERNMENT REFORM
COMMITTEE

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20510

Dear Mr. Chairman:

This follows up on our recent conversations with the Committee's Chief Counsel, Mr. James C. Wilson, about the Committee's interest in using two prosecution memoranda, which were subject to the President's assertion of executive privilege, at a hearing in Boston on May 11, relating to the Committee's investigation into the FBI's handling of informants in Boston.

As we have advised Mr. Wilson, the Department has significant concerns about the potentially adverse effect of this hearing on our prosecution of former FBI Special Agent John Connolly, the trial of which began in U.S. District Court in Boston on May 6. Specifically, we are concerned that the hearing publicity could lead to a defense motion for a mistrial based upon grounds that it improperly influenced the jury and jeopardized the defendant's right to a fair trial. While we recognize the Committee's legitimate interest in the FBI's handling of informants in Boston, we want to apprize you of the potential risks presented by the May 11th hearing and request that you limit the publicity that could adversely impact the criminal justice proceedings. We appreciate Mr. Wilson's report today that the appearance of one witness, former Assistant United States Attorney Jeremiah O'Sullivan, has been postponed in order to limit the publicity at the hearing.

We also have conferred with Mr. Wilson about your interest in using two of the prosecution memoranda, which we have previously made available for review by Committee staff pursuant to a confidentiality agreement that we reached with the Committee in February. We are now advised that the Committee does not seek to use the first memorandum, dated January 29, 1979, which was written by Mr. O'Sullivan, because he is not now scheduled to testify at the hearing. The memorandum pertains to the prosecution of twenty-one individuals for their participation in a horse race fixing scheme, not including Messrs. Bulger and Flemmi, who have been identified in other records as FBI informants. We understand the Committee's interest in providing the memorandum to Mr. O'Sullivan and questioning him about it, and we will agree to the Committee's use of the document for those limited purposes at a future time. This agreement is based on the Committee's articulation of a particularized need to question Mr. O'Sullivan about his memorandum and should not be considered as a precedent regarding other

Boston documents. The agreement is consistent with the accommodations we have previously made on the Boston prosecution memoranda based on the unusual circumstances surrounding this matter, where the Department has filed criminal charges alleging corruption in the FBI investigative process. Based on our conversations with Mr. Wilson, we understand that when the memorandum is used to question Mr. O'Sullivan, it will not be publicly disclosed, no copies will be made, and it will be returned to the Department's representative at the close of the questioning. We will advise Mr. O'Sullivan's counsel of this agreement.

The second memorandum, dated June 6, 1967, concerns the prosecution of Raymond Patriarca and others for actions relating to a conspiracy to murder a Mr. Willie Marfeo. We understand that you would like to show this memorandum to former Suffolk County prosecutor Jack Zalkind and question him at the May 11th hearing about information in the memorandum relative to the 1965 murder of Mr. Teddy Deegan. That information, which is set forth in two paragraphs, is derived from the Patriarca wiretap log recorded in FBI documents dated March 12, 1965 and May 7, 1965. While both of these documents have been previously provided to the Committee, copies are enclosed for your convenience. The Committee is free to use both of these documents at the hearing and we believe this accommodation is preferable to any further disclosure of the 1967 memorandum, in which we have continuing confidentiality interests.

In a further effort to accommodate the Committee's interests, we also have reviewed some of the FBI documents and local court records available to the Committee in response to your particular interests regarding what information was provided to local law enforcement authorities and the defendants in connection with the Deegan murder prosecution. A memorandum by Special Agent Paul Rico, dated March 15, 1965, indicates that information regarding the participants in the Deegan murder, including Jimmy Flemmi, had been provided by the FBI to the Police Department in Chelsea, Mass. (See Committee Exhibit 14, February 14, 2002 hearing.) A second FBI document, dated March 19, 1965, reiterates that the information about Jimmy Flemmi's reported involvement in the Deegan murder had been provided to the Chelsea Police Department and describes the investigative steps that the Police Department was taking based upon that information. We have enclosed copies of the relevant documents, which were previously provided to the Committee, for your convenience. The Committee is free to use these documents at the hearing without restriction.

The Department also has received information which indicates that two of the defense lawyers in the Deegan murder trial - Joseph Balliro and Ronald Chisholm - previously had access to the Patriarca wiretap logs which detailed Jimmy Flemmi's participation in Deegan's murder. Several months before Deegan's murder, Messrs. Balliro and Chisholm represented two individuals who became defendants in that state case in a separate federal criminal case in Boston, United States v. Raymond Patriarca, Henry Tameleo and Ronald Cassesso (No. 67-193-F Crim.). On September 18, 1967, the judge in that case directed that Messrs. Balliro and Chisholm be given access to the Patriarca wiretap logs and subsequent hearing transcripts indicate these attorneys did in fact review the logs. (See attached copies of the Judge's order and docket sheet for that date plus the transcript for an October 10, 1967 hearing.) Finally, the 1968

edition of Martindale-Hubbell indicates that, at the time of the Deegan murder trial, Mr. Bailiro shared his office with Chester C. Paris, the lawyer for Joseph L. Salvati in that case. A copy of the relevant attorney entries is enclosed.

We appreciate Mr. Wilson's sensitivity to our interests in following the President's guidance in connection with his assertion of executive privilege regarding these documents and in avoiding any action that would interfere with our ongoing law enforcement efforts, particularly the trial of former Special Agent Connolly. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: Dec. 8, 1971 Hon. JOSEPH P. MURPHY, JR., Judge — LOUISE V. EVANS, Deputy Clerk
GERALD THOMPSON, Bailiff — MARTHA BLASHFIELD, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff
vs.
JOSEPH BENTLEY BD, Defendant

Counsel appearing for Plaintiff: KIERNAN R. HYLAND, District Attorney and RONALD W. FAHEY, Chief Deputy District Attorney

Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

NATURE OF PROCEEDINGS: Violation Sec. 187 PC - 27th day Jury ACTION No. 6407-C

This cause came on regularly this day for further trial by jury. At 10:05 A.M. Court convened. All present. Defendant present.

Joseph Baron resumed the stand for further cross-examination.

One 25 automatic pistol marked People's Ex. 55 for identification.

Affidavit by Joseph Baron marked People's Ex. 56, for identification.

Letter dated Oct. 17, 1970, marked People's Ex. 57, for identification.

Letter dated Oct. 19, 1970, marked People's Ex. 58, for identification.

At 11:50 A.M. Court admonished the jury and excused them for the noon recess. Court remained in session for legal discussion. At 11:55 A.M. Court adjourned. At 2:20 P.M. Court reconvened. All present.

Joseph Baron resumed the stand for further cross-examination.

Stipulated by counsel that Joseph Baron was sentenced on Jan. 25, 1967, by the Suffolk County Court for a term of not more than five years or less than four years for each of two felony convictions. Said sentences to be served concurrently with credit for time served, deemed to be 113 days of said sentence. He was placed in custody after being sentenced in Barnstable County Jail, Jan. 25, 1967 until approximately Sept. 19, 1967, he was taken to Thatcher Island, Gloucester, after which he was removed to a private estate in Gloucester, from there he was taken to Fort Knox, Kentucky until April 1969, when he was placed in Santa Rosa in mid April 1969.

Edward F. Harrington sworn and testified in behalf of the defendant.

Dennis M. Condon sworn and testified in behalf of the defendant.

H. Paul Rico sworn and testified in behalf of the defendant.

Edward Harrington recalled for further direct testimony in behalf of defendant.

Greg P. Evans sworn and testified in behalf of the defendant.

At 3:25 P.M. Court admonished the jury and excused them for the day, Court remained in session. Legal discussion re: Interrogatories of Defendant.

At 4:00 P.M. Court adjourned to Dec. 9, 1971, at 10:00 A.M.

EXHIBIT 165

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 9/27/67

1

JOSEPH BARON was contacted at Thatcher Island, Rockport, Massachusetts, and inquiry was made relative to his physical welfare.

During the course of this contact, BARON mentioned that Detective EDWARD WALSH of the Boston Police had seen him at the Florentine Cafe on Hanover Street, Boston, in the past with RONALD CASSESSA and HENRY TAMELEO and should be able to testify to these observations. He said he believed that ROY THOMAS was also there at the time that he was with CASSESSA and HENRY TAMELEO.

On 9/21/67 at Rockport, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO
DMC:po'b 19 Date dictated 9/25/67

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EXHIBIT
166

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 10/12/67

1

JOSEPH BARON was contacted at Thatcher Island, Rockport, Massachusetts.

At this time, some personal property was returned to him at the request of Sheriff DONALD P. TULLOCH of the Barnstable County Jail.

BARON negotiated a receipt for this personal property which was returned to him.

On 10/6/67 at Rockport, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:pob 20 Date dictated 10/12/67

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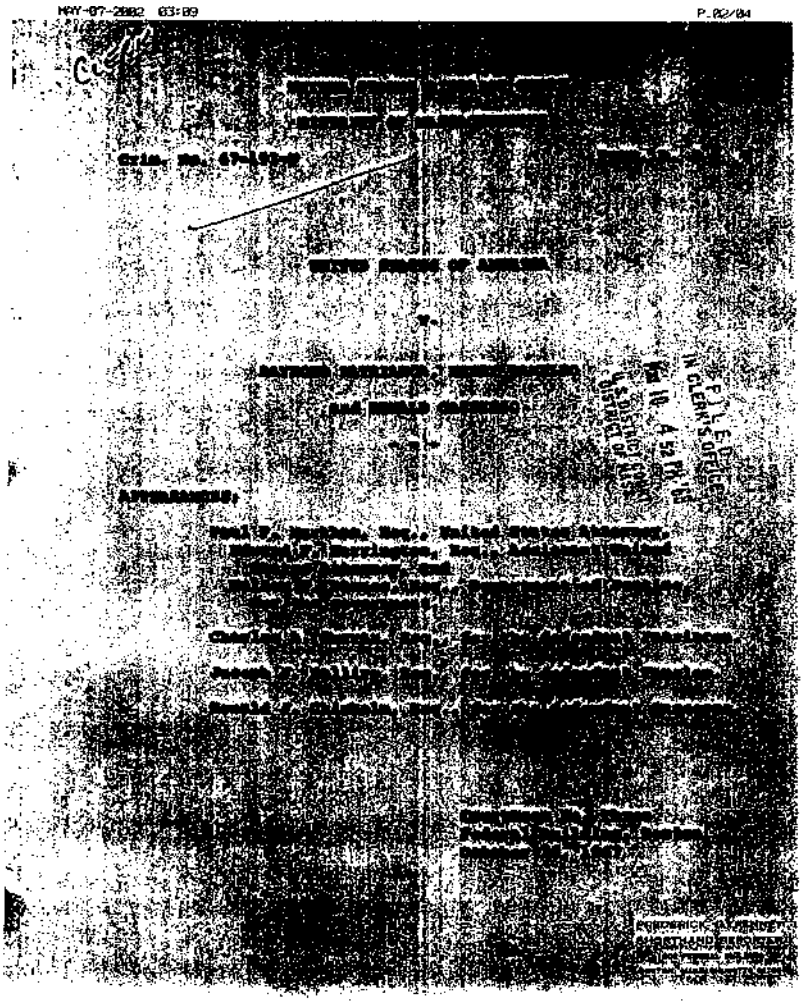
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EXHIBIT
168

AFTERNOON SESSION

The COURT. All ready, gentlemen.

Mr. CHISHOLM. May it please the Court, I understand you are still considering the motion to furnish the defense with copies of the grand jury minutes and I would like to bring to the Court's attention something that I think was before your Honor at the previous hearing when these monitored conversations were impounded.

At that time I think your Honor intimated you might furnish the defense with the grand jury minutes.

Although we accept the government's representations that these monitored conversations were not used before the grand jury and accepted the government's representati n that these monitored conversations will not be used at the trial, we can also accept the government's representations that it in good faith represents that this monitored conversation did not lead to the evidence that was presented before the grand jury, we can agree they wer acting in good faith, your Honor, but conceivably the government is misinterpreting or not evaluating the evidence the same as we, the defense, would if we had this information to compare to the monitored conversations. Then we could compare the grand jury minutes with the monitored conversations and perhaps we would dispute what

the government in good faith represents did not lead to these indictments. Then that would be for your Honor to determine, whether or not these monitored conversations furnished a lead to these indictments.

The COURT. Is it your position, Mr. Chisholm, that if some of these bugs were used before the grand jury, that it would vitiate the indictment?

Mr. CHISHOLM. No, I don't think that is my representation, your Honor. It is just that the monitored conversations may have led to evidence that was used — may have tainted the evidence.

The COURT. Do you mind answering the question now for me, if they were used, would it vitiate the indictment, in your thought?

Mr. CHISHOLM. Not necessarily, your Honor. That would perhaps lead to the exclusion of the evidence at the trial.

The COURT. If you don't want to answer it, say so. Is that it?

Mr. CHISHOLM. I suggest, your Honor, that ----

The COURT. Did you want further reflection? That's all right with me, but I thought you might give me that answer for my own benefit at this point.

Mr. CHISHOLM. I don't know what my position would be on that, your Honor, until I examined it. Maybe I

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 10/26/67

1

JOSEPH BARON was interviewed at Thatcher's Island, Rockport, Massachusetts, by Sergeant Detective FRANK L. WALSH and Detective JOHN DOYLE of the Suffolk County District Attorney's Office, Boston, in the presence of Special Agent H. PAUL RICO.

There follows hereinafter their report relative to this interview:

On 10/16/67 at Rockport, Massachusetts File # Boston 92-1132

Sergeant Det. FRANK L. WALSH and Det. JOHN DOYLE of the Suffolk County District Attorney's Office, Boston, and

by SA H. PAUL RICO:po'b 21 Date dictated 10/20/67

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Statement of Joseph Barboza, in the presence of Sgt. Det. Frank L. Walsh, Det. John Doyle of the District Attorney's Office, and Paul Rico on Monday, October 16, 1967:

"Shortly after Stathopoulos and Deegan were involved at th Ebbtide when they pulled a gun on Bobby Donati and Chris Brown early one morning, I found out about it and I went to the North End to see Ronnie Cassesse. Then I went to see Peter Limone about some money and while we wer talking, Deegan's name came up. Limone said to me, "I been meaning to talk to you about Deegan". Deegan, you know, had wacked out Sacramone and Limone also thought that Deegan was shaking him down for som money. You remember I told you about Fitzie, the lawyer, going to the gas station across from Langone's Funeral Parlor where they got $1,000. 00. Remember, I told you about the trouble that Deegan caused in the Ebbtide, a connected joint. Deegan also received money from the Puopolo house break in which Harold Hannon and Delaney were involved. Limone told me that one of the Puopolo family wanted him to take care of all the guys that robbed the Puopolo house. Limone also told me that h was friendly with the Sacramone family and that they had come to him and said that Deegan had done the killing and asked why something couldn't be done about it.

As a result of all these things that Peter mentioned to m , he asked me to take care of Deegan. Limone said, "I'll give you a contract for $7500.00." I told him I would make the arrangements, but it would take some time because Deegan is carrying a pistol and he is very careful. Peter said, "I'll leave it in your hands". About a month later, in February, I went to Florida and stayed for a couple of days at the Cadillac Hotel. Greico called the Hotel looking for me but I missed the message.

000819

I was at the Peppermint Lounge in Florida one afternoon with Johnny Foto - he's also called Beals, Hy Gordon, Ronnie Cassesa - and I think Peter Plank was there. We were standing out in front of the place. Bobby Vincent was there. He was singing at the Cadillac Hotel at the time. As a matter of fact, he's the one that picked me up at the Airport."

NOTE: The above-named officers asked Joseph Barboza to relate the facts as they happened, from the time they left the Ebbtide, on the night of the killing. The following is the continuing statement of Joseph Barboza:

"When we were in the Ebbtide that night, there was Jimmy Flemmi, Frank Imbruglia, Nick Femia, Bobby Cardillo, Roy French, Joe the Horse, Ronnie Cassesa, Romeo Martin, and Richie Castucci. The place was jam-packed. Louis Greico didn't come into the Ebbtide that night. I didn't see the car that he had. I left in Romeo Martin's car with Joe the Horse and Ronnie. Romeo left to pick up Louis Greico. I don't know where he finally met him. I think Greico was outside and that's why we used Romeo's car. When I left, Roy French was waiting for Stathopoulos, he was supposed to meet him about 9:00 P.M. but they were a little late. Deegan was supposed to call him and I think we left there when French got the phone call. I think it was a little after nine o'clock. I had on a dark coat and a black soft hat. Romeo had the light rain-or-shine

coat. Joe had a wig on that made him look bald. Ronnie had a hat but did not have it on his head.

When I drove down to Pearl Street, Louis Greico and Romeo Martin pulled up in a dark car. We let them walk to the alley and they left their car on Pearl Street. I watched them go into the alley. I saw them go in. They were in a very dark car and they stopped by the all y to get a look at it before they came to Pearl Street and they told me that some woman had looked out at them while they were at the alley. Romeo had dark clothes, I think a rain-or-shine coat. I don't remember what Greico had on. They told me as they went by that a woman looked at them while at the alley. I said, "Watch yourself".

Before we got back into the car, I bent the rront plate so that both ends met each other, and Romeo curled the rear plate. We took the first right on Pearl Street - went right across to the stop sign, a right at the lights, where a Jewish doctor lived, the street that Locke lived on. I took a right on Fourth Street and parked on the left side. The nose of the car was by a telephone pole. There were one or two cars in front of me and I turned the wheels as far as I could to the right. I had my soft hat on, Ronnie was sitting next to me with glasses on, and Joe the Horse was in the back with dark clothes and a wig that made him look bald. When that guy came by that I told you about the last time, I took a right on Broadway, went around some streets and stopped at the bagel place. Ronnie ran up and warned Chico who was on the corner. I went back to the Ebbide to try to stop French."

Memorandum

TO SAC [redacted] F DATE 10/26/67

FROM SA H. PAUL RICO

X CI [ ] SI [ ] R (Prob)
[ ] PCI [ ] PSI [ ] R
[ ]

SUBJECT [redacted] F

b,

Dates of Contact
10/19/67

Titles and File #s on which contacted
PETER LIMONE, AR [redacted] F

Purpose and results of contact

[ ] NEGATIVE
[X] POSITIVE
[ ] STATISTIC

b

Informant advised that he learned from [redacted] that RAYMOND PATRIARCA has told everyone that is to be indicted on the DEEGAN murder to surrender when the indictments are returned rather than fleeing, and that [redacted] indicated that they know that from Atty. JOHN E. FITZGERALD that PETER LIMONE, LOUIS GRIECO, ROY FRENCH, RONNIE CASSESSA and "JOE, THE HORSE" (SALVATI) are going to be indicted.

b

[redacted] further indicated that LIMONE is a little concerned with LOUIS GRIECO. LIMONE is afraid that LOUIS GRIECO may not follow RAYMOND's orders and may "take off" rather than be held without bail on a "Murder" charge.

b

[X] Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage [redacted] F

[redacted] F

HPR:pmb
(3)

OCT 2 0 1967
FBI - BOSTON

EXHIBIT
170

000831

October 25, 1965.

Ass't D. A. Jack Zalkind
Ass't D. A. John Pino

WITNESS SWORN:

Q. State your name?

A. Joseph Baron.

Q. Also known as Joseph Barboza?

A. Yes.

Q. Mr. Baron you spell your name B-A-R-O-N?

A. Yes.

Q. You know you don't have to say anything in here if you don't want to, you know that?

A. Yes sir.

Q. You know that anything you may say may be used against you?

A. Yes sir.

Q. Do you know that if you wish to have a lawyer to consult with, you may have one?

A. Yes.

Q. And that if you don't have the money to hire an attorney the Commonwealth will provide you with a lawyer?

A. Yes.

Q. You understand that?

A. Yes.

Q. Do you wish to testify here today?

A. Yes.

Q. To testify voluntarily?

A. Yes.

Q. Were any promises made to you?



GRAND JURY

A. No.

Q. And the testimony you wish to give may be used against you

A. Yes. Excuse me, do I know you?(Pointing to Juror)

JQ. No.

Q. Calling your attention to the first week in February, 1965, did you have occasion to meet Peter Limone?

A. Yes.

Q. Will you tell where you met him on that occasion?

A. On an angle across the street from Jerry Anguillo's place on Prince Street. It's known as the Dog House and there is a real estate office there and I Met Peter down around there.

Q. What was the reason for meeting him that day?

A. I went down there to pay him some money, some vig, I owed Larry Baione.

Q. Does vig mean interest on money that had been borrowed?

A. Yes.

Q. Why would you give it to him, Peter Limone?

A. Because Larry was not around there and they are partners and it was convenient for me to give it to Peter on Prince Street and he could give it to Larry.

Q. Rather than go to the South End and pay directly to Larry?

A. Yes.

Q. Did you have a conversation with Peter Limone regarding Teddy Deegan?

A. Yes.

Q. Tell what the conversation was.

A. Maybe several days before I saw Peter, it was late, or early morning about two o'clock, Teddy Deegan pulled a pistol out. He was with Stath and he pointed--

Q. Who is Stath?

A. Stathopoulos.

Q. Where did this happen?

A. At the Ebbtide.

Q. Did Peter Limone tell you that this happened?

A. Yes, but I was aware of it anyway and he said he wanted to talk to me about it. He said one of the Popoulo family--

Q. This was the conversation the first week in February after you met him to give him this money for Larry Baione?

A. Yes, the same day.

Q. Continue.

A. I don't know how long before, but the Popoulo home was broken into and from eighty to eighty-two thousand dollars was taken out of the house, and Harold Hannon, Wilfred Delaney and Teddy Deegan were supposed to be in on this score. Peter Limone said they would pay any amount of money to get these three people killed. I think it was before that that Hannon and Delaney were found floating in the river. He said they wanted to get Deegan for that and said that Deegan had killed Sacremone from Everett, and that he was friendly with someone in that family and that someone in the family said to him" How come you didn't get him yet?" Deegan had gone with Attorney Fitzgerald to a gas station across the street from Langone's

place, across from Prince Street, and they got one thousand dollars from Peter Limone for George McLaughlin who was waiting trial in the Charles Street Jail. That was to be given to Attorney Fitzgerald to get a statement from a fellow named Josselin in California. Peter Limone felt that he was shaken down for this money.

Q. That the money was not to be used for what Deegan said?

A. It was going to be used but why did Deegan pick on him to give the money. He talked about Italian boys like Sacremone being killed which had no effect on me, and said he would pay me seventy-five hundred dollars if I would kill, or have it arranged, to kill him. In other words it was a contract.

Q. What did you say to that?

A. I said I would try to make the arrangements.

Q. Did you tell him anything about having to be careful because of Deegan doing something?

A. Deegan killed Sacremone to make a show to the office that he was capable of killing someone. Then he was scared.

Q. What do you mean by the "office"?

A. What they term the Cosa Nostra. Mostly he wanted to make a show to the office by killing someone so they would say "He is a bad kid. Don't fool with him". Deegan was supposed to go the night Hannon and Delaney went. Deegan only missed by five minutes so he was scared. He used to look around him quite a bit and it would be hard to get him. He was being very careful.

Q. You told Peter Limone that?

A. Yes, and he left it in my hands.

Q. Did you mention getting an o.k. on this?

A. I said did Henry Tameleo know about this and he said "Yes" that he knew all about this. I had to go back to Henry and ask if this was o.k. because I always confided in him as to what I did.

Q. What was his position with the office as you understand it?

A. He was second to Ray. He was his spokesman.

Q. Are you referring to Raymond Patriarca when you say Ray?

A. Yes, Raymond Patriarca.

Q. How long had you known Peter Limone prior to this talk?

A. About three years.

Q. How many times did you see him during this three years?

A. I couldn't begin to tell you the number of times.

Q. How long had you known Henry Tameleo before this?

A. About the same time.

Q. How often would you see him?

A. About the same number of times.

Q. Where would you see Henry Tameleo at these times?

A. In Rhode Island and at the Ebbtide.

Q. What did Henry Tameleo say regarding this?

A. Peter Limone said that it was o.k, that he would bring back word from him.

Q. After this did you do anything about contacting anyone?

A. I saw Henry Tameleo down at the Ebbtide. I don't recall what particular day or night. I said "Peter Limone said it was o.k. to

wack out Teddy Deegan". He said "He has to go" because Henry Tameleo had a piece of the Ebbtide and because of the trouble Deegan had in there, and because I think maybe for wiping out Sacremone.

Q. Did he say that because of the trouble Deegan caused in the Ebbtide, he had to go?

A. Yes.

Q. And he told you that himself?

A. Yes.

Q. After this did you have occasion to be in Florida?

A. Yes.

Q. While in the State of Florida-how soon after this conversation was this trip to Florida?

A. I couldn't be exact. It was around the first of February that I spoke to Peter Limone and about the end of February, the 24th, 25th or 26th, I went to Florida.

Q. Where did you stay down there?

A. The Cadillac Hotel.for three of four days.

Q. While in Florida who were you with?

A. Originally I went down with my wife.

Q. At sometime did your wife or you move out of the Cadillac Hotel?

Q. My wife went to Fort Lauderdale to see a girl friend and I didn't want to go because Ronny Cassesso, Peter Plank and Bobby Vincent were down there and I stayed down there.

Q. While down there did you have occasion to be in the Peppermint Lounge one afternoon?

A. Yes. The Peppermint Lounge wasn't open at the time. The owner

was found floating. He was killed. I met By Gordon who was in a jewel robbery that was written up in Life. I went there with Ronny Cassesso and Peter Plank and I was introduced to him.

Q. Did someone pick you up at the Airport when you went to Florida on this trip?

A. Yes. I had never been to Florida before and I spoke to Ronny Cassesso and he had Bobby Vincent, a legitimate kid, a singer, there, whose wife by a coincidence, was on the same plane and she had a baby and when we came off the plane together, I didn't know Bobby Vincent was waiting for me, but RonnynCassesso had told him about me and he drove me to his home.

Q. Have you photos showing Bobby Vincent?

A. Yes, my wife and Bobby Vincent taken at the Airport.

Q. Were you inside the Peppermint Lounge?

A. I was inside but I came outside.

Q. When you came out did you have occasion to meet someone you knew from Boston?

A. Yes, Louis Grieco. He works for the Wilmington Ford as a processer.

Q. In Massachusetts?

A. Yes. I think they call it processer.

Q. Someone who takes back cars when the payments are not kept up?

A. Yes. He pulled up in a dark green Ford.

Q. Did you have a conversation with him?

A. Yes.

Q. What was that conversation?

A. He was having trouble with his wife. She was supposed to be

cheating on him and he wanted something done. He wanted me to wack out his wife. I said "No dice". I brought up the Deegan contract and said it was a hard one to set up. He said that if I could arrange it he wanted a piece of the action. I said there were other people involved but that he could have a piece of it. He said "Roy French steals with Teddy Deegan and Roy French is a close friend of mine". I said that"Buddy McLean is having trouble with French and if he goes along with you I can talk to Buddy McLean and straighten him out with McLean".

Q. Were you friendly with Buddy McLean at the time?

A. Yes.

Q. He is now dead?

A. Yes.

Q. When he said he wanted a piece of the action he wanted to be in on the contract regarding Deegan?

A. Yes.

Q. Did you make arrangements for him to talk to Roy French?

A. He said that he would call me back at the Cadillac Hotel and then I wasn't there. He left word to say that Louis ~~Lois~~ had called. There was a warrant out for him at the time..

Q. At that time, while you were in Florida, did you discuss this contract with Ronny Cassesso?

A. Yes, I told him that I had this contract and he wasn't included in on it.

Q. At that time?

A. Yes.

Q. You told him you had the contract but you didn't make any

formal arrangements with him at that time?

A. Yes.

Q. Then did you come back to Boston?

A. Yes, the first part of March, and within two or three days, I couldn't be exact on the time, Louis Grieco came down to my corner and we went to see Roy French.

Q. Was this in East Boston?

A. Yes. We went to see Roy French at the Ebbtide. I had got him a job there as a bouncer. We presented the details to Ray and he went for it.

Q. What did you tell him?

A. I said that Louis Grieco told me that he was close to Deegan and I said I could straighten out the beef with Buddy McLane.

Q. What did Roy French say?

A. He said that he was a friend of his-that he stole with Deegan and that he would set him up.

Q. After that did Roy tell you he was involved in something involving Deegan?

A. Yes.

Q. Do you recall when that was?

A. It had to be on a Thursday, the day before Deegan was killed.

Q. What did he tell you?

A. He said that tomorrow night he was going on a score with Teddy Deegan to a finance company in Chelsea.

Q. Was that the Beneficial Finance Company?

A. Yes.

and Deegan?

A. Yes, Stathopoulos.

Q. After he told you this what did you do?

A. I told the fellows to meet in Ronny Cassesso and Romeo Martin's place on Fleet Street, I forget the number.

Q. Where was this?

A. A building , they rented an apartment there. It was Tony DeMarco's place.

Q. Did you get there at some time?

A. Yes. Before that I saw Peter Limone.

Q. What conversation did you have with Peter Limone?

A. Roy French had told me Stathopoulos was going to be there on the score. I said "Look, in the very near future I can set this Deegan up but Stathopoulos is going to be there". Peter Limone said he would add another twenty-five hundred dollars. He had offered seventy-five hundred dollars. I said "What about Henry?" and he said "That's alright also".

Q.Did you do anything to verify that?

A. Yes, I verified it with Henry.

Q. How did you do that?

A. After I left Peter, Peter Plank was in the room but he is only an errand boy for Ronny Cassesso. Ronny pays him fifty dollars a week for his non-support and gives him spending money. They told Peter Plank to take a walk to get coffee or something. Louis Grieco

Q. Who was there?

A. Ronny and Joe the Horse.

Q. Was Louis Grieco there?

A. Yes, and Romeo Martin.

Q. Who is Joe the Horse?

A. Joseph Salvati.

Q. Anyone else?

A. Amico.

Q. Was Roy French there at this time?

A. No.

Q. What was said and done?

A. Stathopoulos was to wait outside the alley of this Lincoln National Bank.

Q. How did you know this? Did Roy French tell you this?

A. Yes. The back door of the finance company was to be left open so it was an easy grab. Deegan would be shot in the alley but after the shots were fired they would have to cope with Stathopoulos.

Q. Tell what was said between all of you?

A. They were arguing as to who was going to be in the alley. All gangsters want the easier spot. No-one wanted to handle Stathopoulos. That was the hot spot. Martin wanted to be in the alley because he had a beef from before. Deegan ratted on him or something. Louis Grieco drew a map of the alley because he knew it. It showed Broadway, Fourth Street and the alley.

Q. What was agreed?

A. Louis Grieco and Romeo Martin would wait in the alley. I had a bullet proof vest and a 357 Magnum and Ronny would have a 357 Magnum.

Q. Rifles?

A. No , pistols. The bullet would go through an engine block. The reason for the Magnums, after the shots were fired in the alley we would have to hit Stathopoulos and I didn't know if he would have a gun,or would have closed the window of the car, or would pull the car away, and that gun would have sent s shot through both sides of a car. Ronny would be in back of me in case Stathopoulos shot at me. I would take the chance where I had the vest, a bullet proof vest, on. Ronny was supposed to stay behind me.

Q. On the street or in the car?

A. On the street. When we saw them walk in the alley we would time it to get across the street as the shots were fired and then we would only have to run to the car-about from here to over there. Joe the Horse, as the shots were fired, was supposed to pull in fron of the car.

Q. Joe the Horse?

A. Joseph Salvati.

Q. Was Chico Amico there?

A. Yes. He was in a legitimate car. Once we shot by him, he would stay there and if the law pulled up, he would stall his car and block the road to give us time to get away.

Q. Did you tell them whose instructions you were going by?

A. They didn't know nothing. Later on, when I included Ronny,when I came back from Florida I got to be very friendly with Ronny. I had known him before but in Florida we got to be close and I

started to become partners with Ronny so he knew what was happening. As it stood, once it was over only Ronny and myself would take the credit for it, in the eyes of the office, in the murder of Deegan. Ronny had been involved for a long time with the office and he wanted to elevate himself.

Q. So the only one at this time that knew you were doing this for the office was Ronny Cassesso?

A. Yes.

Q. The others didn't know who you were doing it for?

A. Yes, that's right.

Q. But they were going to do their part?

A. Yes.

Q. Did you discuss how the money was going to be divided, Mr. Baron?

A. Yes.

Q. Was this at the meeting at Ronny Cassesso's place?

A. Yes.

Q. Tell what was said about how the money would be divided?

A. Louis Grieco, fifteen hundred dollars, Romeo Martin, fifteen hundred dollars, I would get fifteen hundred dollars, Ronny would get fifteen hundred dollars, Joe the Horse would get seven hundred and fifty dollars. He was a wheel man.

Q. Wheel man?

A. He would drive a car. And Chico was going to get the same thing seven hundred and fifty dollars.

Q. If Stathopoulos was knocked out there would be an additional twenty-five hundred dollars?

A. Yes.

Q. Did you make any decision regarding how that money would be divided?

A. No. When we cut the money up, seventy-five hundred, actually we didn't talk about the money for Stathopoulos. Ronny had included Joe the Horse and Chico came in with me. Romeo Martin was in with Ronny and Louis Grieco was in because he was a friend of mine.

Q. After you made the plans, did you go some place then?

A. Yes.

Q. Where did you go then?

A. I went down to the Ebbtide and saw Henry Tameleo and I told him about Stathopoulos and he said "Yes" that he had o.k'd that. He o.k'd that too because Stathopoulos was there the night they had the trouble at the Ebbtide. There was something added to that too. ~~Mr. [illegible]~~ There was probably the break at the Puopolo home because he is connected with gambling. And there was the Sacremone killing. They never knew whether Stathopoulos was involved in the Sacremone killing with Deegan.

Q. He confirmed what Peter Limone had told you regarding killing Stathopoulos also?

A. Yes.

Q. That night did you go any place?

A. That night I went to Ronny's place and Ronny sent Joe the Horse out to get two 357 Magnums and a forty-five. He came back with a bullet proof vest, an old army surplus vest. It was green and you snapped it up here, and it snapped with a plate here, and there was a snap with a plate here.

Imm # 6

Q. You are pointing to your chest and shoulder?

A. Yes, and down here at the groin and another on the chest.

Q. What kind of car were you in that night?

A. I had my own car.

Q. What kind of car?

A. A 1965 Olds 88, blue with a black top.

Q. At some time did you meet Louis Grieco?

A. The only time I met Louis Grieco after that was when he was going in the alley that night.

Q. Tell what happened that night in your own words.

A. We all went down to the Ebbtide.

Q. Who went there?

A. Joe the Horse, Chico, Ronny and there were people in the Ebbtide at that time, people like Bobby Cardillo, Fred Chiampi, Nick Femia, Frankie Imbruglia, Castucci, Roy French. The joint was packed with people. We had to wait for a phone call that Deegan was coming to pick up Roy French.

Q. Who was going to make the phone call to who?

A. He was going to make a phone call to French.

Q. Who was to make the call?

A. Teddy Deegan. It was supposed to be around nine and it was a littl after nine when he called.

Q. Do you remember the date, sometime in March?

A. It was the night he got killed.

Q. Some time in March, 1965?

A. Yes.

Grand Jury

Q. Continue.

A. It was a little after nine when he called, and when he called we all left. Nicky stayed. I think he got up at the same time that we did and the others Femia, Chiampi and Imbruglia left and I said I was leaving but that I would be back in an hour.

Q. Who did you leavewith?

A. Ronny Cassesso and Joe the Horse. Louis Grieco was waiting outside for Romeo Martin.

Q. Did you see him outside?

A. He was in a black Chevy.

Q. Did you see him?

A. No, but Romeo said he was further down the street.

Q. You saw Romeo out on the street?

A. This was in the back of the Ebbtide.

Q. Did you go out the front door or the back door of the Ebbtide?

A. The back door.

Q. Where did you see Romeo Martin when you went outside?

A. Walking down the back street of the Ebbtide. His car, a maroon Olds convertible,was outside. He asked if I wanted to use his car. I said "O.K." He said to bend the plates.

Q. He said to bend the plates on the car?

A. Yes.

Q. Did you bend the plates?

A. Not then.

Grand Jury

Q. At what time was it agreed that Louis Grieco and Romeo Martin would go in the alley?

A. As soon as the call was made. Then it was known that he was coming down and we had to shoot over there and set it up.

Q. When Roy French got the call from Deegan that Deegan was going to pick him up, you were scheduled to go to this alley then?

A. Yes.

Q. And this was agreed in the plans the day before?

A. Yes.

Q. And at that time Louis Grieco and Romeo Martin, it was agreed, would go in the alley?

A. Yes.

Q. And you, Joe the Horse and Ronny would be in your car?

A. Romeo Martin's car.

Q. Before you left the Ebbtide to go to the alley, what about weapons?

A. I knew Louis Grieco had a forty-five.

Q. Did you ever see it in his possession?

A. No. Romeo said he gave him a forty-five. Romeo had a thirty-eight.

Q. Did you see the weapon on Romeo?

A. I saw the weapon but I didn't see him give the .45 to Louis but I know Louis had a .45. I had a .38 Airweight that I gave to Joe the Horse. I said "Don't use this unless you have to". It is a very, very light gun and is much easier to carry.

Q. Who gave him the .45?

A. Joe the Horse gave the .45 to Romeo and Romeo had a .38 himself.

Q. And you gave a .38 to who?

A. Ronny Cassesso. I kept a 357 Magnum.

Q. Do you know if the .38 was a pistol of revolver?

A. A revolver. The .45 was a big army one.

Q. The automatic looked like an army gun? Do you know what it looked like?

A. No, it was dark.

Q. You do know it was a .45?

A. Yes.

Q. Would you tell what happened after this?

A. Where was I?

Q. You were talking to Romeo Martin and agreed to use his car and went to Chelsea in it?

A. And we parked on the first street on the right after the alley. We pulled up and they pulled up in front of the garage on Pearl Street.

Q. Did you see them pull up in front of the garage, this was Grieco and Martin?

A. Yes.

Q. Did you see them in the car?

A. Yes.

Q. Did you recognize their faces?

A. Yes. They said they stopped the car in front of the alley and said a woman across the street saw them and they mentioned that she might have turned the lights on or off.

Q. Who told you that?

A. Louis Grieco.

Q. Then what happened?

A. I said "Be careful", and they went in the alley.

Q. Did you see them go in the alley?

A. Yes.

Q. At this time did you have any discussion as to where they were going to go in the alley?

A. They were going to stand in the door that was open. They were going to try to shoot Deegan inside the building to muffle the shots. I went back to my car, or Romeo's car and said to bend the plates. I had a soft hat on, Chico had a phony mustache and glasses, Joe the Horse had a wig on that made him look bald, Ronny had a mustache and fake glasses. I took the front plate and bent it so that the ends met each other. Ronny took the back plate and rolled it up and left just 4-0-4 showing.

Q. Do you remember the 4-0-4?

A. Yes.

Q. Then what?

A. We went down Pearl Street and took the first right to Broadway and took the next right and went down to Fourth and took another right and stopped on the left hand side next to a big yellow building, part of a department store, three or four car lengths from the corner. I stopped with the nose of the car out. There was a pole and a meter and I stopped far enough behind another car to turn the wheels sharply to the right so that I wouldn't have to back up to pull out.

Q. Did you know what kind of car Deegan, French and Stathopoulos would be in?

A. They were coming in a very light car. I think it might be a convertible.

Q. How do you know this?

A. It might have been Stathopoulos' car but Roy French told me about it.

Q. Did Roy French tell you who was going in the alley?

A. Deegan and French were going in the alley and Stathopoulos was to wait outside.

Q. Did someone approach your car?

A. While we were sitting in the car there was a man standing there with a dark soft hat and a dark coat, a heavy set man with a round face. I don't know if it was because I was in Chelsea but I thought he was Jewish. He looked in the car and I don't know if he saw the front plate was bent. He walked to the front of the car and walked from here to the table looking at us and came back. I don't know if he looked at the back number plate then and saw it was bent, and then he came back and I had the 357 Magnum/and Ronny had the 357 Magnum in his hand. He looked Jewish to me.

in my hand

Q. How was he built?

A. Five-nine or ten, a big square sort of man. I wouldn't recognize him again. His face was ruddy and he looked Jewish.

Q. His age?

A. He was in his forties.

Q. What was he wearing?

A. A dark topcoat or overcoat and a soft hat, no gloves on. He looked in the car and it was a convertible and Ronny was sitting there with the mustache and fake glasses, Joe the Horse was sitting in back with a wig that makes him look bald and X he looked in and stepped back and unbuttoned his coat and I thought he was going to flash a badge of go for a gun, so I pulled out fast and went down Broadway. I took a street, Everett Avenue, on the left and another left and another left at the fire station and headed for the Bagel Factory. Ronny Cassesso got out of the car and ran up to get Chico's car and we waited for Chico and then went to the Ebbtide.

Q. Can you tell me approximately what time you pulled out from the curb?

A. I know Deegan was supposed to call at 9. He called a little after 9. Then there was a delay so it could be quarter of ten, or 9:30, or 10 o'clock.

Q. You went to the Ebbtide then?

A. Yes. I rushed down there because I wanted to stop Roy French because now two guys were in the alley and I didn't want them shooting police officers and these guys going there would be like sitting ducks.

Q. The purpose was to stop Roy French doing this?

A. Yes. He was gone when I got back there. When I would go to the front they would say he was in back. When I went to the back they would say he was in front. In other words no-one knew where Roy French was. There was a big crowd in there.

Q. When you got back there, was a uniformed policeman checking the identification of the customers?

A. They always have a man at the door. Roy French would probably be at the door. There were a couple of guys always at the door but not a special officer. They got a fellow named Rocky, from New York, to work there I know. He was at the trial.

Q. This particular night you don't remember if there was a uniformed policeman there?

A. No, I don't know. When I walked in I was looking for Roy French. I went to the front and to the back and to the front again and finally, after about 15 or 20 minutes--as I pulled away they must have gone in the alley-because in 15 or 20 minutes Roy French came in down there and I caught him and gave him a hug becaus I was glad to see him back because I felt I was responsible for this

Q. Where did you see him then?

A. In the Ebbtide.

Q. In what part?

A. In back.

Q. Is there a little room behind the clothes hangers?

A. Yes. First I saw him in the front and a police officer afterwards told me that I was seen to give Roy French a big hug. I said "Let's go in back". Louis Grieco wasn't there because he had a hot car to take care of. Ronny, Chico, Joe the Horse and myself and Roy went in the back room.

Q. Describe this back room.

A. When you go in back of the coat racks there is a door here and a room. It is long, maybe 5 feet wide and maybe 12 feet long. When you go in that room there is a light switch and a door going in this way to another small room, 4 or 5 feet wide and maybe 8 feet long. Henry Tameleo used to go in there to meet people. Babe Parilli used to meet him in there.

Q. After you got in the back room did you have a conversation?

A. Yes.

Q. Tell what was said?

A. Roy French said he was scared, that he thought he was going to be wacked out in the gunfire from in back and in front and from the side, and Beegan said "Why are you hesitating?" so he shot him first in the head. He had a .38.

Q. French shot him in the head?

A. Yes. Romeo said he shot him in the chest. Louis shot him in the stomach with a .45

Q. Was there any more discussion about how they fired?

A. As far as firing, no. They said they pumped quite a few shots in him. Roy French ran out of the alley and kept his hands down and signalled "Leave, Leave" to Stathopoulos. Louis Grieco said "Get that bastard too".

Q. Who told you that?

A. Roy French told me Louis Grieco said that. At the Ebbtide I noticed Roy French had blood on his sleeve and shoes. I told him about it and he said he broke up a fight earlier and there were people there who would attest to that. We left shortly afterward.

Q. When did you make the arrangements with French as to how he was to go in the alley? Was this on the phone?

A. Down at the Ebbtide. I would see him at the Ebbtide at eleven in the morning and I would have breakfast there and I would see Henry Tameleo there, and I used to be down there a lot. It was a stop for the "wise guys". I used to protect the place for Henry. If there was a beef I would stop it and if a guy had a beef in there he couldn't come back in there.

Q. You made the arrangements with Roy French at the Ebbtide?

A. Yes.

Q. What kind of weapon did he have?

A. A .38, he told me.

Q. Do you recall what he was wearing?

A. I didn't see him put a coat on. I don't know if he put a hat on. He is bald. All I saw him wearing was either a dark gray or blue suit. I do remember the blood.

Q. When you left the Ebbtide, did you leave with anyone?

A. Nicky Femia was back at that time and I left with Femia. I don't know if I left with Femia or not,but when I got back,he was there and I said I wanted to go someplace else. I don't know where we went. It was later on, the next day, that Roy French came down to see me.

Q. Where?

A. Down my corner in East Boston. He said "That asshole Farese went to the police". I said "What did he do?" He said Stathopoulos

called up his lawyer and said that the police got French and Deegan. After Stathopoulos heard the shots he called Farese up and said he thought the law had French and Deegan, and Farese asked the police if they had Deegan or Roy French down there.

Q. Is this what Roy French told you?

A. Yes. Mr. Farese was upset about it also. Roy French, that night in fact, was questioned by the law. We went up to Farese's office and Farese was very upset about it for the reason that we questioned the legality of what he was doing. He made some statements that weren't too kosher.

Q. What did he say?

A. He was concerned that Stathopoulos wasn't his client. Stathopoulos was John Fitzgerald's client, and when Stathopoulos called him and he went down there that night Farese said he got out of bed and wasn't dressed properly and when we talked to him Farese said he could be obstructing justice because he wasn't a client of his. A man, now dead, Connie Hughes, was concerned over that matter and called Roy French and said "Why did you let Stathopoulos get away. Go out and wack him". He said he was at Farese's office.

Q. Mr. Farese told you he got a phone call from Hughes?

A. No. Roy French got a phone call from Hughes. Connie said "You let Stathopoulos get away. You are in trouble if that kid rats on you". He said "Wack him out tonight". This was in the presence of Farese. Roy said that it was going to be taken care

of. Farese said "Is it?". Roy said "Yes". Farese said that he hoped so or they were all in trouble. Then, Sunday or Monday, Farese said "We are going to the wake, you and I, Roy. It will look good for you."

Q. The wake of Teddy Deegan?

A. Yes. I was up Farese's office, I don't know how much later, and Stathopoulos was very upset and he called up John Fitzgerald and Farese picked up the phone first and said to me "Come here, I've got Stathopoulos on the phone". Stathopoulos said that some people were outside in a car and said "I think they're going to wack me out". He was in a bat, I think, at the time. Farese said "No-one going to bother you. Why don't you go to California for a year or two and people will leave you alone". Farese was looking out for his end. John Fitzgerald didn't know anything about this. Farese said, in regard to the people being outside, that he would let him talk to John Fitzgerald. He told John to pick up the phone in his office and he did and they did go down and pick him up.

Q. After this incident did you have occasion to see Peter Limone?

A. Yes.

Q. Describe what was said and done.

A. I went with Chico to the North End and at the Florentine I said I was going to see Peter. I told him to go to the apartment. I went down there and got the money. He paid me off in fifties, hundreds and tens. I gave Ronny fifteen hundred for himself, fifteen hundred for Romeo and seven hundred and fifty for Joe Horse, and I gave

Chico his seven hundred and fifty, and I had three thousand left. Fifteen hundred was mine and fifteen hundred was Louis Grieco's When I left there I went down to the corner and Louis Grieco was waiting and I gave him his fifteen hundred and he shot right down to Florida, and he said no-one would know he left Florida. He had friends there and had bills and so on to show he was down there all the time.

Q. When you saw him the next day, did he have a conversation regarding what took place in the alley?

A. Yes. He said he wished he could have got hold of Stathopoulos. He said he told Roy French to grab him. I said "That asshole waved him off". He said that he shot Deegan in the chest or stomach and said he would have to go back and straighten out the beef with his wife, so he left right away. While I was in the Barnstable Jail I was before the Federal Grand Jury, and some people were indicted, and since then they are much concerned and Farese came down to see me. They first offered me twenty-five thousand dollars. Louis Grieco had said this, that they would give me twenty-five thousand dollars and take care of Arthur Pearson. I said "You wanted Stathopoulos taken care of yourself. You talk about your dead parents' grave and church and novenas and you are plotting things like this. You are really a mouthpiece". I said "Tell those people I want twenty-five thousand now" They wanted to put the twenty-five thousand in escrow. I said

"I want twenty-five thousand now and I am only getting my own money back and they can put another twenty-five thousand in escrow" and regarding Pearson, I said I would think about that. I called someone down there to talk to me, some officials, and I reported it.

Q. You did report it?

A. Yes, because I didn't want to be twisted off. I wrote four or five letters to Parese and it was still up in the air, and he came down and said "They don't trust you". I said "Why did they make this offer?" I wrote another letter and said " You made this proposition. What about it?" Some man took these letters out of his office. He doesn't have them now.

Q. The last you knew the letters were not in his possession?

A. No. They were in the possession of another man.

Q. After this, who did you pick up the money from? From Peter Limone?

A. Yes, I got it from Peter Limone.

Q. When you picked up the money did you have any conversation with him?

A. He was happy about it.

Q. Did you tell him what happened.

A. Yes. He said Stathopoulos was an asshole. I said I wasn't going to do it for twenty-five hundred dollars-that it was a package deal before, but that I was not going looking for him for twenty-five hundred dollars. He said that he was an asshole and that it was still up in the air about him. He didn't say he would pay five thousand dollars or more money or anything

like that.

Q. Amongst the six men that were there in Chelsea, how many of those six men knew that the man who hired you to do this was Peter Limone?

A. Ronny Cassesso.

Q. He was the only one that knew?

A. Yes.

Q. Did the others have any idea at all?

A. Afterwards I said it was an office thing. After it was over I told them to keep their mouths shut because it was an office thing-that I was doing it for someone-but I never told them who it was. Afterwards we went to Rhode Island and Ronny and I made up a story that we grabbed Deegan with regard to those other guys and to bolster Ronny's position with the office.

Q. Did you ever speak to Henry Tameleo after this event?

A. Yes.

Q. How soon after?

A. About five days.

Q. Did he say anything?

A. He said "That Irish bastard won't ever cause any trouble in my club again".

Q. Mr. Baron, you mentioned the name of Pearson in connection with some deal offered you. What is your relationship to him?

A. I am presently under indictment for assault with a dangerous

weapon, with a dangerous instrument, on him.

Q. He alleges you assaulted him with a weapon?

A. It was a sort of group action.

Q. I just wanted to know who Pearson was?

A. Yes. By doing that they would wipe out the threat from that direction.

Q. Actually did you see the gun carried by Grieco?

A. I never saw Grieco in possession of a gun. I saw Romeo with a .45.

Q. Can you describe the .45?

A. I don't know anything about pistols. I fire guns. I can squeeze a trigger.

Q. You know the difference between an automatic and a revolver?

A. Yes. It looked like an automatic. It was a dark gun, I would s blue. What's his name said he was going to give the .45 to Louis and Romeo was going to have a .38. I had two 357 Magnums, Ronny and I.

Q. Any questions?

FBI BOSTON

404PM URGENT 10/25/67 IP PJC

TO DIRECTOR [redacted] F

FROM BOSTON

CRIMINAL INTELLIGENCE PROGRAM, BOSTON DIVISION.

[redacted] D

[redacted] TESTIFIED BEFORE THE

SUFFOLK COUNTY GRAND JURY THIS DATE IN CONNECTION WITH THE

GANGLAND MURDER OF EDWARD DEEGAN ON MARCH TWELVE, SIXTYFIVE.

[redacted] D

[redacted] AS A RESULT OF [redacted] TESTIMONY BEFORE

THIS GRAND JURY, INDICTMENTS WERE RENDERED

AGAINST HENRY TAMELEO, PETER LIMONE AND RONALD CASSESSA,

ROY FRENCH, "JOE THE HORSE" SALVATI, LOUIS GRECO AND

JOSEPH BARON.

ABOVE BEING FURNISHED FOR INFORMATION.

END

BAP

FBI WASH DC

SEARCHED

SERIALIZED

INDEXED

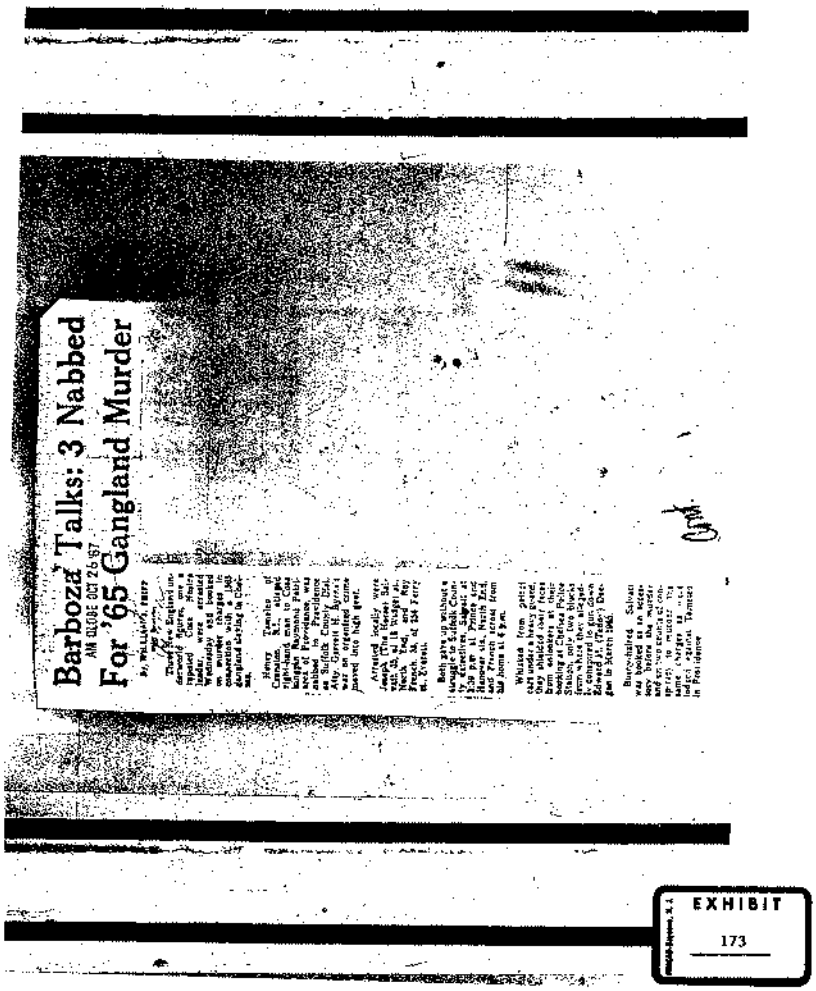
FILED

000830

[redacted] 2783

EXHIBIT

172



Barboza Talks: 3 Nabbed For '65 Gangland Murder

AM GLOBE OCT 26 '67

By WILLIAM J. PHIPP
Staff Reporter

Three New England underworld figures, one a reputed Cosa Nostra leader, were arrested Wednesday and booked on murder charges in connection with a 1965 gangland slaying in Chelsea.

Henry Tameleo of Cranston, R.I., alleged right-hand man to Cosa Nostra Raymond Patriarca of Providence, was nabbed in Providence as Suffolk County Dist. Atty. Garrett H. Byrne's war on organized crime moved into high gear.

Arrested locally were Joseph (The Horse) Salvati, 35, of 18 Widget st., North End, and Roy French, 38, of 254 Ferry st., Everett.

Both gave up without a struggle to Suffolk County detectives. Salvati at 3:30 p.m. at Prince and Hanover sts., North End, and French across from his home at 4 p.m.

Whisked from petrol cars under a heavy guard, they shielded their faces from onlookers at their booking at Chelsea Police Station, only two blocks from where they allegedly conspired to gun down Edward M. (Teddy) Deegan in March 1965.

Busty-haired Salvati was booked as an accessory before the murder and on two counts of conspiracy to murder the same charges as were lodged against Tameleo in Providence.

Cont.

EXHIBIT
173

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/24/67

1

JOSEPH BARON was contacted at Thatcher's Island, Rockport, Massachusetts.

The physical well being of BARON and his family were discussed with him, and United States Attorney PAUL MARKHAM discussed with him the possibilities of his moving to a new location in the near future.

On 11/1/67 at Rockport, Massachusetts File # Boston 92-1132

By SA's DENNIS M. CONDON and H. PAUL RICO; USA PAUL MARKHAM and USN ROBERT MOREY DMC:pc'b 25 Date dictated 11/21/67

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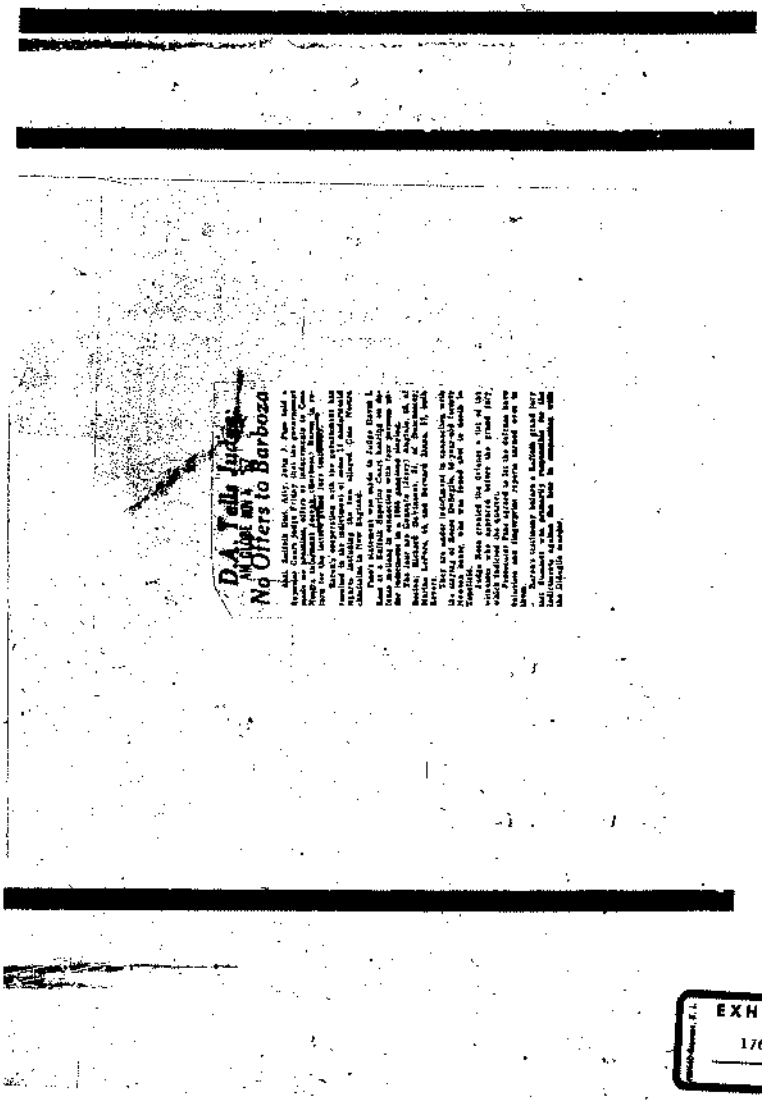
EXHIBIT 175



D.A. Tells Judge
No Offers to Barboza

EXHIBIT
176

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/24/67

1

JOSEPH BARON was contacted at Rockport, Massachusetts.

No matters of investigative pertinence were discussed with BARON at this time and the physical welfare of BARON and his family were discussed.

On 11/6/67 at Rockport, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:po'b 26 Date dictated 11/21/67

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EXHIBIT 177

AT GL. (4)

ADDITONAL NOTES TAKEN NOV. 8, 1967, from JOSEPH BARON, IN PRESENCE OF DET. JOHN DOYLE, AND AGENTS RICO AND CONDON.

Q. How much money did you Bioni, and what was the vig ?

A. Altogether I owed Bioni $1500, I had owed $500 before I went away, and when I came out I needed some money because I was buying a house in Swampscott, so I borrowed andther $1,000,. I paid $50 a week Vig.

I also owed Jerry Anguillo a $1,000 for a long time and when I got out of the Island, I borrowed a $1,000 from him, and the Vig on that was $20 a week. I still owe Larry the $1500 and I still owe Jerry the $1,000.

One time in the mnes room at the Florentine on Hanover St. Larry was drinking and he and Phil Waggenheim threatned me because I hadn't com up with any money. Phil held a gun on me and Larry held a knife on me. I had got in so much trouble with the Law that i wasnt making the payment

Larry apoligized later, he said that if he hadnt been drinking it never would have zhappened. Then he told me to hold off en any payments until I got myself straightend out.

Q. How long have you had dealings with Bioni and Peter Limone. ?

A. I knew Peter for a few years,...We started doing small favors for eact other and we got friendly. Finally he asked me to break different guys heads and stuff like that that owed him money and werent coming up with it. I'd go out and rough up a guy and I'd get a part of what the guy owed.

I used to bring money down to Jerry Anguillo for Tash.
Tash owed Jerry $26,000

Q. Why did you go tb the North End with the Vig instead of going to the South End.

A. There was too much heat on down there. There were too many racket guys there. Remember what happend in the Sahara. There were all kinds of pinches made that night.

Q. Afger you left Fourth St. the night of the murder where did you go ?

A. I drove to the Bagel Factory, and Ronnie got out and went up to warn Chico. He drove away with Chico and I drove Jose the Horse back to the Ebb Tide. Joe straightend out the plates. I went in th Ebb Side and went to the fron and the back several times looking for Roy Grench. I was there about 15. oftx or 20 minutes maybe it was a half an hour when Roy came in.. I gave him a hug.



FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/24/67

1

JOSEPH BARON was contacted at Rockport, Massachusetts.

Agents CONDON and RICO checked on the physical well being of BARON and his family at the time of this contact.

Sergeant Detective WALSH had a brief discussion with BARON relative to some points of information concerning the gangland murder of EDWARD "TEDDY" DEEGAN.

27

On 11/9/67 at Rockport, Massachusetts File# Boston 92-1132

by MA's DENNIS M. CONDON and H. PAUL RICO and Det. JOHN DOYLE, Sgt. Det. FRANCIS WALSH of the Suffolk County District Attorney's Office DMC:pol b Date dictated 11/21/67

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EXHIBIT 179

November 15, 1967

744

Harold L. Lokos
Polygraph Examiner
3189 Northwest 19th Terrace
Miami, Florida 33125

Judge, Richard Barest
123 Northwest 12th Avenue
Miami, Florida 33128

Re: LOUIS M. GRECO
11 Judith Street
West Peabody, Mass.
D.O.B. 2/4/17

At the request of Judge, Richard Barest, a polygraph examination was initiated at approximately 4:25 o'clock P.M., November 14, 1967, at 123 Northwest 12th Avenue, Miami, Florida. The subject being administered the polygraph examination was one LOUIS M. GRECO, 11 Judith Street, West Peabody, Mass. The subject matter was relevent to the death of one TEDDY DEEGAN, who expired in the State of Massachusetts on or about March 12, 1965. The following questions were first reviewed with the subject and subsequently administered under polygraph instrumentation. They are as follows along with the subject's reply:

Q. 1. Is your name Louis Greco?
A. YES

Q. 2. Were you born in Mass?
A. YES

Q. 3. Did you shoot or kill Teddy Deegan?
A. NO

Q. 4. Have you ever committed an offense or a crime that went undetected that you could

000350

EXHIBIT
180

754
172

Page Two
November 15, 196[illegible]

have been jailed?
A. YES.

Q. 5. Were you in Florida on March 12, 1965?
A. YES.

Q. 6. Have you ever cheated?
A. YES.

Q. 7. Were you in Chelsea, Mass. on March 12, 1965?
A. NO.

Q. 8. Did you shoot or kill Teddy Deegan?
A. NO.

Q. 9. Did you shoot or kill Ralph Hastings?
A. NO.

Two (2) polygraph chart tracings were analyzed of subject's recordings, and it is the opinion of the examiner that pertinent instrumentation recorded responses of LOUIS M. GRECO are indicative of those in the past that have been interpreted as TRUTHFUL responses. Simply in layman language with regards to the death of Teddy Deegan and the period the subject states he was in Florida were considered TRUTHFUL responses.

The instrument used in the administration of this polygraph examination was a Model 6303, 3 Pen Keeler instrument.

Harold L. Lokos

HAROLD L. LOKOS
Polygraph Examiner

000351

STATE OF FLORIDA)
: ss:
COUNTY OF DADE)

I, MARIE BLANTON, a Notary Public of the State of Florida, hereby certify that the signature of one HAROLD L. LOKOS, Polygraph Examiner, is his true and correct signature.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 20th day of November, 1967.

Marie B. Blanton
NOTARY PUBLIC, State of Florida at Large.

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES AUG. 3, 1971
BONDED THROUGH FRED W. DIESTELHORST

R 27

000352

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/17/67

1.

JOHN E. FITZGERALD, JR. was interviewed in a restaurant across the street from the Dorchester District Court, Washington Street, Dorchester, Massachusetts. He advised that he has learned that his law partner, ALFRED PAUL FARESE, has decided to testify as a defense witness against his client, JOE BARBOZA, if he is indicted federally for "Obstruction of Justice." FITZGERALD advised FARESE has in his possession a letter that JOE BARBOZA had sent to JOSEPH "CHICO" ANICO after TOMMY DE FRISCO and ARTHUR BRATSOS had been murdered, and in this letter BARBOZA allegedly tells of the movements of LARRY BAIONE, GENNARO J. ANGIULO, and others. In addition, FARESE has in his possession three by five cards on which he has recorded conversations he has had with BARBOZA.

FITZGERALD advised that some time ago GUY FRIZZI came up to his law office and he had made some threatening statements to the girl running the office; he said that he had killed before and he would kill again; he would not stand for this, and he was referring to something that had gone wrong with his income tax that was supposed to have been handled by his Attorneys.

FITZGERALD advised that he went down to the Bat Cove on Friend Street, Boston, and he walked up to the person who seemed to be in charge and introduced himself as Attorney JOHN FITZGERALD, and this individual introduced himself as LARRY BAIONE.

FITZGERALD said that he was looking for PETER LIMONE, and LARRY said he was sitting right over here, and he called PETER over to FITZGERALD. FITZGERALD said he told LIMONE how GUY FRIZZI had been up to his office threatening this 45 year-old woman and how FRIZZI has been telling everyone that he is PETER LIMONE's partner, and he wondered if PETER could do anything about this. LIMONE said he could stop FRIZZI from going up to his law office, if that is what h wanted.

On 11/15/67 at Dorchester, Massachusetts File # Boston 92-1132

SA's H. PAUL RICO and WILLIAM J. WELBY

HPR:pob 28

by Date dictated 11/16/67

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EXHIBIT 181

FITZGERALD advised that last week he got a telephone call at his office from LARRY BAIONE. LARRY wanted to talk to him. FITZGERALD advised he would agree to meet BAIONE at Howard Johnson's Restaurant on Route 1 in Dedham, Massachusetts. Before he made the meet with BAIONE, he notified someone that he was going to have this meet. He advised that BAIONE arrived by car and the person that was with him in the car remained in the car. FITZGERALD believes this party was PHIL WAGGONHEIM.

BAIONE told FITZGERALD that he understood that he was going to be indicted on information furnished by JOE BARBOZA, and he wanted to know what FITZGERALD could do to help him.

FITZGERALD said that he told him that there was nothing he could do; that he does not influence JOE BARBOZA; that he is only his legal counsel, and BAIONE said that it would be worth money to him if he could tell him everything he could about JOE and everything he could find out.

FITZGERALD claimed that he told BAIONE that he does not discuss these matters with JOE and could not be of any help to him.

FITZGERALD advised that, shortly thereafter, his girl friend, DOROTHY BARCHARD, received a telephone call in which the caller indicated that if she did not stop associating "with that guy," that she and her children could be killed. FITZGERALD advised that, in addition, his wife received a telephone call in which the caller told his wife about how he, FITZGERALD, was "keeping" DOROTHY BARCHARD.

FITZGERALD stated that he also had been told that if he would help them weaken JOE BARBOZA, they would hav JIMMY O'TOOLE killed at Concord where O'TOOLE is pres ntly incarcerated.

FITZGERALD was asked who made this statement to him, and he said, "I am not going to divulge the identity of this person, but I have given the identity of this party to JIMMY O'TOOLE, and he will probably be in trouble when O'TOOLE comes out of jail."

FITZGERALD also advised that when he was checking around as to who made the telephone calls to his wife and to DOROTHY BARCHARD, "the office" tried to lead him to believe that it was JIMMY O'TOOLE's friends; that he checked with O'TOOLE, and this was not so.

FITZGERALD said that recently, while he was out of the office, two men came up to the office and asked if "JOE BARBOZA's braintrust" was there? FITZGERALD said that his secretary told him that one of the men was about 5'7", paunchy and in his late 50's, and the other one was 6', about the same age and was smoking a cigarette held in a cigarette holder, and that both of these individuals had accents and were not from this area. FITZGERALD later had ascertained that one of these individuals was HENRY TAMELEO's brother.

FITZGERALD stated that he blamed AL FARESE for causing some of his problems and he made some statements to FARESE concerning what he was going to do to RAYMOND PATRIARCA and other individuals for the trouble they are causing him, and he feels sure that, for this reason, he is now "on the hit parade."

FITZGERALD advised that he has been in contact with DONALD COHN of the Attorney General's office because he had gone to law school with him and knew that he was an individual that could be trusted.

FITZGERALD advised that, in the future, if any unusual events occurred, he will contact the FBI.

SUFFOLK COUNTY
District Attorney's Office

DETECTIVE BUREAU REPORT OF ☐ COMPLAINT ☐ INVESTIGATION

DATE Nov. 27, 1967.

FILE No.

COMPLAINANT | PHONE

ADDRESS | STREET | CITY | STATE

DEFENDANT | AGE | D.O.B. | MO. | DAY | YEAR

ADDRESS | STREET | CITY | STATE

CRIME OR INCIDENT | LOCATION

DETAILS: (STATE FULLY ALL CIRCUMSTANCES OF OFFENSE, DESCRIPTION OF PROPERTY, DESCRIPTION OF SUSPECTS, ACTION TAKEN, WHO INTERVIEWED, ETC.)

COMMONWEALTH OF MASSACHUSETTS
VERSUS
FRENCH ET AL

ON NOVEMBER 24, 1967, DETECTIVES GOYLE AND ROBSON, OF THE DISTRICT ATTORNEY'S OFFICE, TRAVELLED TO ST. LOUIS, MISSOURI AND THEN BY CAR TO DUQUOIN, ILLINOIS, WHERE WE LOCATED ONE MRS. ROBERT GRIMES, 380½ VINE STREET, DUQUOIN. MRS. GRIMES FORMERLY WORKED AT THE EBB TIDE LOUNGE AS A WAITRESS AND WAS PRESENT THERE ON THE EVENING OF THE DEATH OF TEDDY DEEGAN. INFORMATION WAS RECEIVED BY THE ABOVE-NAMED OFFICERS SHORTLY AFTER THIS INCIDENT THAT THIS GIRL COULD IDENTIFY THE FOLLOWING PERSONS AS BEING PRESENT AT THE EBB TIDE AND THAT THEY LEFT AT APPROXIMATELY 8 P.M. IN GROUPS OF THREE OR FOUR AT A TIME AND RETURNED WITHIN TWO HOURS.

ON NOVEMBER 24, 1967, MRS. GRIMES IDENTIFIED PICTURES OF JOE BARBOZA, BONNIE CASSASA, JOE SALVATA, NICK SEMIA, FRANK IMBRUGLIA, FREDDIE CHIAMPA, ROMEO MARTIN AND ROY FRENCH (WHO WAS ALSO EMPLOYED AT THE EBB TIDE.) HOWEVER, MRS. GRIMES WAS MARRIED APPROXIMATELY THREE MONTHS AGO AND SHE STATED THAT HER HUSBAND DID NOT WANT HER TO GO BACK TO BOSTON TO TESTIFY. SHE SUBSEQUENTLY BECAME VERY HYSTERICAL AT THE PROSPECT OF RETURNING AND STATED HER HUSBAND ONE ROBERT GRIMES, A GROOM, EMPLOYED BY THE HAYES FAIR AREA, HAS REFUSED TO ALLOW HER TO RETURN TO BOSTON. SHE CALLED THE ABOVE OFFICERS, WHILE THEY WERE EATING AT APPROXIMATELY 7 P.M. ON THE 24TH AND SAID SHE WAS LEAVING TOWN AND THAT HER HUSBAND DIDN'T UNDERSTAND ABOUT HER EMPLOYMENT PRIOR TO HER MARRIAGE TO HIM AND THAT OUR VISIT HAD CAUSED HER GREAT DIFFICULTY WITH HER HUSBAND. THIS MAN IS A TYPICAL SMALL TOWN COUNTRY BUFF WHO CAME FROM KENTUCKY AND MRS. GRIMES STATED THAT HE HATES ANYTHING OR ANYBODY COMING FROM BOSTON AND STILL THINKS THE SOUTH WON THE WAR BETWEEN THE STATES.

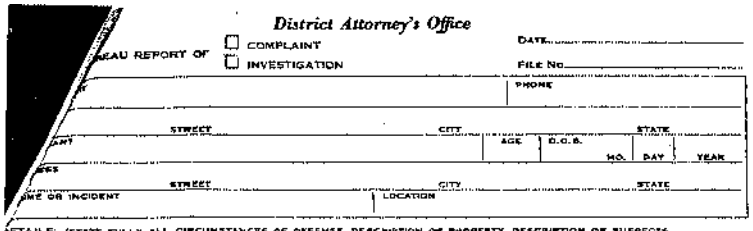
EXHIBIT
182

CASE TO BE:
INVESTIGATED ☐
PROSECUTED ☐
CLOSED ☐

COMPLAINT — INVESTIGATING OFFICER

SUPERVISING OFFICER

CASE NO.



- 2 -

WE RETURNED TO SEE MRS. GRINES ON NOVEMBER 25, 1967, AND SHE WAS STILL UPSET AND ADAMANT ABOUT REFUSING TO RETURN TO BOSTON TO TESTIFY FOR THE COMMONWEALTH, EXPRESSING FEAR THAT HER IMMEDIATE FAMILY IN CHELSEA WOULD BE IN DANGER. THIS WRITER TRIED TO IMPRESS UPON HER THAT THE DISTRICT ATTORNEY'S OFFICE WOULD FURNISH PROTECTION FOR HER FAMILY IF THEY WERE THREATENED BUT THIS WAS TO NO AVAIL. WHEN SHE STARTED ACTING HYSTERICAL AGAIN WE INFORMED HER THAT WE WERE LEAVING AND DID.

DUE TO THE FACT THAT ILLINOIS DOES NOT HAVE THE UNIFORM RECIPROCAL WITNESS ACT, IT APPEARS DOUBTFUL THAT THIS WITNESS COULD BE SUMMONSED TO BOSTON TO TESTIFY. FURTHER, IN HER PRESENT FRAME OF MIND DUE TO HER HUSBAND'S INFLUENCE, IT IS VERY DOUBTFUL THAT SHE WOULD BE OF MUCH HELP TO THE COMMONWEALTH.

DETECTIVE HOBSON, WHO SHE HAS KNOWN FOR THREE OR FOUR YEARS, WAS ALSO UNSUCCESSFUL IN HIS ENDEAVORS TO PERSUADE HER TO COME TO BOSTON VOLUNTARILY.

THIS INTERVIEW AND REPORT ARE TO BE TREATED AS EXTREMELY CONFIDENTIAL.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/24/67

1

JOSEPH BARON was contacted at Rockport, Massachusetts.

Agents CONDON and RICO checked on the physical well being of BARON and his family at the time of this contact.

Sergeant Detective WALSH had a brief discussion with BARON relative to some points of information concerning the gangland murder of EDWARD "TEDDY" DEEGAN.

27

92-1132

On 11/9/67 at Rockport, Massachusetts File # Boston

by SA's DENNIS M. CONDON and H. PAUL RICO and Det. JOHN DOYLE, Sgt. Det. FRANCIS WALSH of the Suffolk County District Attorney's Office DMC:po'b Date dictated 11/21/67

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EXHIBIT 183

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
NOS. 32368, 32369
32370

COMMONWEALTH

V.

JOSEPH L. SALVATI

MOTION OF THE DEFENDANT TO BE FURNISHED WITH EXCULPATORY EVIDENCE

Now comes the defendant in the above entitled matter, and respectfully moves this Honorable Court to direct the Commonwealth to furnish the defendant with all evidence of an exculpatory nature within the possession, custody, control or within the knowledge of the prosecuting officer during the pendency of all matters in regard hereto, specifically, but not limited to, any evidence that can be used for the purpose of impeaching the credibility of witnesses that the Commonwealth intends to rely upon in support of the matters referred to in the Indictment.

And the defendant further says that said evidence is material and necessary for the preparation of his defense.

By his attorney,

Chester C. Paris

EXHIBIT
184

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
INDICTMENT NOS
32368, 32369,
32370

COMMONWEALTH

VS

JOSEPH L. SALVATI

MOTION OF THE DEFENDANT FOR THE PRODUCTION OF POLICE DEPARTMENT REPORTS

Now comes the defendant entitled matter and respectfully moves this Honorable Court to direct the Commonwealth, its agents or servants, to make available for inspection, copying or photographing any and all State, County or Police Department reports made in compliance with General Laws, Chapter 4, Section 7, having to do with the matters referred to in the Indictment.

By his attorney,

Chester C. Paris

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 12/12/67

1

JOSEPH BARON was contacted and Detective JOHN DOYLE and Investigator JOSEPH FALLON reviewed with him some information previously furnished by him relative to the gangland murder of ROCCO DI SEGLIO.

On 11/30/67 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO; and Det. JOHN DOYLE and Investigator JOSEPH FALLON, Suffolk County District Attorn y's Off

by Boston DMC:pob 2 Date dictated 12/6/67

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EXHIBIT 185

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 12/19/67

1

JOSEPH BARON was contacted and a check made relative to his physical well being.

No matters of pertinence were discussed with him.

On 12/7/67 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

DMC:po'b 3 12/13/67

by Date dictated

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EXHIBIT 186

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/67

1

Assistant District Attorney JOHN PINO and Investigator JOSEPH FALLON, both from the Suffolk County District Attorney's Office, Boston, Massachusetts, reviewed with JOSEPH BARON a few details relative to the gangland murder of ROCCO DI SEGLIO in preparation for trial.

On 12/14/67 at Gloucester, Massachusetts File # Boston 92-1132

by SA DENNIS M. CONDON and Investigator JOSEPH FALLON and Assistant District Attorney JOHN PINO, Suffolk County District Attorney's Office DMC:pob 4 Date dictated 12/20/67

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EXHIBIT 187

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/67

1

Assistant District Attorney JOHN PINO of the Suffolk County District Attorney's Office, Boston, Massachusetts, briefly reviewed with JOSEPH BARON the manner in which he wanted BARON to handle all questions by defense attorneys and indicated that he wanted him to be responsive to questions and to be polite with the defense attorneys, even though they will spend a great deal of time attempting to antagonize him.

He told BARON that if he could not recall a date or circumstances surrounding any situation, he should not be afraid to say that he did not know or he did not remember, rather than speculating on answers.

On 12/20/67 at Gloucester, Massachusetts File # Boston 92-1132

by SA H. PAUL RICO and Assistant District Attorney JOHN PINO and Investigator JOSEPH FALLON, both of the Suffolk County District Attorney's Office HPR:pc'b Date dictated 12/22/67

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EXHIBIT 188

4/23/93 Boston Herald 010
1993 WL 6274794

Boston Herald
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Friday, April 23, 1993

NEWS

Playing both sides pays off Flemmi tight with Italians & Irish

SHELLEY MURPHY

The reputed leaders of the city's Irish and Italian Mobs have at least one thing in common - a trusted confidante and business associate named Stephen "The Rifleman" Flemmi.

For years, Flemmi, 58, has been referred to by law enforcement as a "sidekick" of reputed South Boston crime boss James J. "Whitey" Bulger.

But Flemmi also has longstanding ties to reputed New England Mob boss Francis J. "Cadillac Frank" Salemme, dating back to the 1960s when they were both charged with blowing up a lawyer's car with the lawyer in it.

Bulger and Salemme have attempted to insulate themselves from law enforcement by meeting with only a handful of trusted associates - yet Flemmi is a frequent visitor to both men.

He quietly travels from meetings with Bulger in South Boston and around the South Shore to rendezvous with Salemme in Brookline and Brighton, according to sources.

"They're all working together, and they own the whole city," said one source.

"Stevie and Frank are partners, and Stevie and Whitey are partners," said another source, speculating that Flemmi may feel he owes something to Salemme.

Both Flemmi and Salemme were charged with attempted murder for a January 1968 car bombing that injured attorney John Fitzgerald, who represented a Mob hitman-turned-informant.

But only Salemme was convicted of the crime.

After several years on the run, Salemme was nabbed in New York and convicted in 1973. He served 15 years of a 28- to 30-year prison term and was released in February 1988.



Charges against Flemmi were dropped when a key government witness, **Robert Daddieco,** disappeared.

Daddieco's disappearance also forced the government to drop murder charges against Salemme and Flemmi for the gangland slaying of William "Billy" Bennett of Mattapan.

Bennett's bullet-riddled body was thrown from a moving car onto a snowbank Dec. 23, 1967, on Harvard Street in Dorchester.

Sources said Salemme and Flemmi rekindled their friendship immediately after Salemme became a free man.

Flemmi's association with Bulger also dates back three decades to when both men were members of Somerville's Winter Hill Gang, headed by Howie Winter.

Flemmi, who was raised in Roxbury, allegedly began his underworld career as a loanshark in Roxbury and the South End.

Bulger, 63, the brother of Senate President William M. Bulger, was identified in 1986 by the President's Commission on Organized Crime as a "reputed killer, bank robber and drug trafficker."

Bulger and Flemmi allegedly inherited the remnants of the Winter Hill Gang's rackets when Winter and a number of his underlings were convicted of race-fixing in the 1970s.

Law enforcement sources speculate Flemmi may have been proposed for membership in the Mafia back in the early 1980s, but chose to remain an independent operator with Bulger - whose Irish heritage makes him ineligible for induction.

"Stevie and Whitey remain together, but they work with Salemme" said one source.

The independence of Flemmi and Bulger is the envy of some Mafiosi, according to FBI tapes that were played in 1991 at a Mob trial in Hartford.

"I wantta be like Whitey and ah, Stevie," reputed Mob soldier Louis Failla told a pal.

---- INDEX REFERENCES ----

EDITION: 01

Word Count: 517
4/23/93 BOSTONH 010
END OF DOCUMENT

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 1/3/68

1

JOSEPH BARON was contacted and a check was made on his physical well being.

It was determined that on that morning his wife had just been released from the hospital and no matters of any pertinence were discussed with him.

On 12/27/67 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO DMC:po'b 6 Date dictated 1/3/68

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EXHIBIT 190

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 1/5/68

1

JOSEPH BARON was contacted and advised that he will probably be required to testify in Suffolk County Superior Court during the week of January 8, 1968, in connection with the gangland murder of ROCCO DI SEGLIO.

BARON said that he was ready to testify and hoped that good arrangements had been made for his protection; that there was no question that "the organization" would do everything possible to prevent him from testifying.

On 1/3/68 Gloucester, Massachusetts File # Boston 92-1132

SA's H. PAUL RICO and DENNIS M. CONDON

by DMC:po'b 7 Date dictated 1/5/68

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EXHIBIT 191

FD-302 (Rev. 4-13-64)

FEDERAL BUREAU OF INVESTIGATION

Date 1/18/68

1

JOSEPH BARON was contacted and he was advised that he would be called to give testimony in Suffolk County Superior Court, Boston, within the next few days relative to the gangland murder of ROCCO DI SUGLIO.

On 1/8/68 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:pvl Date dictated 1/12/68

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EXHIBIT 192

BS 92-1132

On January 18, 1968, GENNARO J. ANGIULO, BENJAMIN ZINNA, MARINO LEPORE, and RICHARD DE VINCENT were found not guilty in a jury trial in Suffolk County Superior Court, Boston, Massachusetts, of the gangland murder of ROCCO DI SEGLIO on June 15, 1966.

9*



FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 2/6/68

1

JOSEPH BARON was contacted, and a check was made of his physical well being.

No matters of any pertinence were discussed with him.

On 1/25/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO
DMC:HPR:pc'b 2 Date dictated 1/31/68

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EXHIBIT
194

The Boston Globe
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Thursday, July 5, 2001

Metro/Region

MOB LAWYER MAIMED IN '68 DIES

Andy Dabilis, and Ralph Ranalli, Globe Staff

John E. Fitzgerald Jr., a former Everett lawyer who lost a leg but survived an underworld car bombing in 1968, died Tuesday in South Dakota, where he moved after the attempt on his life and became a noted judge. He was 69.

Mr. Fitzgerald died unexpectedly after heart surgery. He first came to Rapid City, S.D., in 1972 as a supervising lawyer following a flood there, and established a new life.

But in the 1960s, when Massachusetts was in the midst of gangland violence, Mr. Fitzgerald became a symbol of the brazenness of shootouts between warring underworld factions. His injury sparked outrage that an attack had been made on a lawyer.

Law enforcement officials said Mr. Fitzgerald was targeted for death because he was the lawyer for a famed Cosa Nostra soldier-turned-informer, Joseph Barboza Baron, who later was shot to death in San Francisco. Baron had been scheduled to testify in murder cases.

A former Army Ranger who carried two guns for protection, Mr Fitzgerald was warned that he had been marked for death, but he later said he never suspected a car bomb.

The car belonged to Baron, who had an alarm installed and had given the vehicle to Mr. Fitzgerald to pay legal fees. The car, parked on an Everett street, exploded when he started it, tearing away his right leg below the knee. Authorities said two sticks of dynamite were used for the bomb.

The bespectacled Mr. Fitzgerald, who lived in Westwood but practiced in Everett, had made a reputation defending gangland figures. A $50,000 reward was offered by law enforcement officials for information on the bombing.

But it wasn't until five years later that Frank Salemme, an associate of reputed gangland figure James "Whitey" Bulger, was convicted of planting the bomb in Mr. Fitzgerald's car.

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Law enforcement officials said Salemme and an associate, Stephen "The Rifleman" Flemmi, who were then up-and-coming gangland enforcers, had planted the bomb to curry favor with the family of New England mob boss Raymond Patriarca.

Salemme was convicted on the basis of testimony from another man, Robert Daddieco, who police said was also involved in the plot against Mr. Fitzgerald.

Flemmi is being held now on murder charges that he killed 10 people between 1974 and 1985, and a federal magistrate has ordered federal defenders to assign him a lawyer. The onetime FBI informant has been held without bail since January 1995 on other federal charges.

Salemme, who was released from jail in the Fitzgerald bombing after 15 years, is serving an 11-year sentence for racketeering, but has argued his time should be reduced now because he said he was framed in the Fitzgerald case by a corrupt FBI agent he says persuaded a witness to lie.

After the bombing, Mr. Fitzgerald walked for a time with a cane, and then a prosthesis. One of his sons, Timothy, who lives in Rapid City, said yesterday that his father followed in the news the exploits of Salemme, Flemmi, and the recent revelations that they had been involved with some FBI figures.

"He was disappointed in that," he said. But Timothy Fitzgerald said his father's survival gave him a chance for "a whole new life" after the family moved west

"He was battle-scarred . . . but he was going strong right up until the end," his son said.

Mr. Fitzgerald was a presiding judge of the circuit court in Rapid City, fulfilling a lifelong ambition to be a judge, his son said. He had served in the Army from 1954-56, graduated from Boston University and the BU law school, and was also an adjunct professor of law at two universities in South Dakota.

In addition to his son, he leaves his wife, Laura; another son, Mark, of Nebraska; two daughters, Cara Beth Faulk of Alaska and Elyce of Rapid City; a stepson, Jack Gordon of Cincinnati, a stepdaughter, Deana Thompson, of Rapid City, and 12 grandchildren.

A funeral will be held tomorrow in Bethel Assembly of God Church

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in Rapid City. Burial will be in Black Hills National Cemetery

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: JOHN E. FITZGERALD JR. / Lawyer for gangland figures

--- INDEX REFERENCES ---

NAMED PERSON: FITZGERALD, JOHN; SALEMME, FRANK; FLEMMI, STEPHEN "THE RIFLEMAN"

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content (ENGL)

NEWS CATEGORY: MET

REGION: United States - Washington; United States, North American Countries; Washington (State); North America; Pacific Rim; United States (USWA USA NAMZ WA NME PRM US)

EDITION: THIRD

LAYOUT CODES: (LCR)

Word Count: 678

7/5/01 BOSTONG B.1

END OF DOCUMENT

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Boston Herald
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Thursday, July 5, 2001

NEWS

Man dies 33 years after surviving Mob hit
Ed Hayward

Former Boston defense attorney John E. Fitzgerald Jr., who lost his right leg when a Mob bomb exploded beneath his car in a botched 1968 hit, died Tuesday in South Dakota after heart surgery.

The 69-year-old Roxbury native made a new life for himself and his family in South Dakota, where he practiced law and eventually was appointed presiding judge of the 7th Judicial Circuit.

Fitzgerald narrowly escaped death Jan. 30, 1968, when he left his Everett law office, climbed into his 1966 Pontiac and turned the key - detonating two sticks of dynamite that sent shards of metal through his body and chills through Boston's criminal defense attorneys.

Wary of a potential attack for months, the defense lawyer armed himself with two handguns. He said later he was not surprised by the assassination attempt - only the method of attack.

"I never expected a bomb," Fitzgerald said shortly after the blast. "When I turned the key, there was a blast. I thought, 'Oh, my God, they put a bomb in the car.' " His badly mangled right leg was amputated below the knee during six hours of surgery. Fitted later with a prosthetic foot and shin, he walked with barely a limp.

Fitzgerald, an Army veteran, will be buried tomorrow at the Black Hills National Cemetery in Sturgis, South Dakota, after services at the Bethel Assembly of God Church in Rapid City.

"Jack loved the law, loved his family and came to love life with a passion known only to those who are given a second shot at it, a chance to start anew," said his cousin, Joe Fitzgerald, a Herald columnist. "He was more than a cousin to me. He was a blessing to my life, my friend and my confidant and I will miss him dearly."

Fitzgerald practiced law in Massachusetts and South Dakota for 32 years, until he was appointed a circuit court judge in 1992 by South Dakota Gov. George Mickelson.

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At the time of the bombing, Fitzgerald had been in contact with FBI agents about "gangland activities." His client, Mafia hit man Joseph "The Animal" Barboza was testifying as a prosecution witness against former Hub La Cosa Nostra boss Gennaro "Gerry" Angiulo and three other men on trial for a gangland slaying. Barboza also had testified against then-New England Mafia boss Raymond Patriarca.

Sources told the Herald years later the Mafia had put out a contract on Fitzgerald because he refused to intercede with Barboza on behalf of the underworld.

The Everett blast proved a frightening reminder of Mob violence that resonates today, with many of the players from that time in the news and in the courts.

Francis P. "Cadillac Frank" Salemme served 17 years in prison for his role in the bombing on Mansfield Street in Everett. Salemme, former boss of the local Mafia, is now serving a jail term for racketeering. Stephen "The Rifleman" Flemmi was also a prime suspect in the blast, but was never tried. Flemmi is in custody facing racketeering and murder charges.

Barboza emerged as the star witness at the trial of six men for the 1965 murder of Edward "Teddy" Deegan in Chelsea, in which Fitzgerald testified emotionally from his wheelchair. This year, one of the co-defendants, Peter Limone, was freed from prison after 32 years behind bars when the FBI found agency files that cast doubt on the guilt of the accused men.

Fitzgerald admitted to a fascination with the underworld as he built a career handling Mob cases, often meeting in bars and steakhouses popular with reputed hit men, thugs and bookies. He and his family relocated from Westwood to Colorado for their safety and, in 1972, Fitzgerald moved to South Dakota.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: FITZGERALD: Attorney was target of 1968 car bombing.

---- INDEX REFERENCES ----

NAMED PERSON FITZGERALD, JOHN

NEWS SUBJECT: English language content (ENGL)

EDITION ALL EDITIONS

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Word Count: 618

7/5/01 BOSTONH 010

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Boston Herald
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Saturday, March 24, 2001

NEWS

Prosecutors rip Salemme claim of FBI frame job
J. M. LAWRENCE

Federal prosecutors yesterday scoffed at New England Mafia boss Francis P. "Cadillac Frank" Salemme's attempt to get out of prison based on new claims that the FBI framed him for the 1968 bombing of a Boston attorney's car.

"Tellingly, Salemme never claims that he is actually innocent of participating in the conspiracy to murder attorney (John) Fitzgerald," U.S. Attorney Donald K. Stern's office said in a motion filed yesterday with the court.

Salemme, 67, took a plea agreement in December 1999 in which he admitted to racketeering in connection with a conspiracy to murder Fitzgerald, the attorney for Mob turncoat Joseph "The Animal" Barboza in the 1960s.

The Jan. 30, 1968, explosion left Fitzgerald crippled.

Salemme and Stephen "The Rifleman" Flemmi were indicted for the crime based on information from witness Robert Daddieco.

Salemme served 17 years for the bombing while charges against Flemmi were later dropped.

Three decades later, revelations about Flemmi's role as a secret informant for the FBI cast new light on the case, according to Salemme's attorney, Anthony Cardinale.

Last month, Cardinale petitioned U.S. District Court Judge Mark L. Wolfe for "whatever relief he finds appropriate," claiming the government withheld information that might have helped Salemme's case.

New evidence will show the FBI manipulated Daddieco into framing Salemme, Cardinale has said.

He argues the case has parallels with the infamous 1965 Edward

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"Teddy" Deegan murder case, in which a state judge this year ruled the FBI withheld evidence that might have exonerated four men. The four were convicted and given life sentences.

Prosecutors, however, contend Salemme's defense "was aware of the various issues surrounding Robert Daddieco at the time Salemme pled guilty."

A judge should throw out the Mob boss' petition without so much as a hearing, prosecutors argued.

"The habeas petition should be rejected without an evidentiary hearing because the allegations in Salemme's petition, even if accepted as true, do not entitle him to any relief," the government said. Cardinale could not be reached for comment.

Salemme is currently serving 11 years after pleading guilty to racketeering and bribery charges.

As part of the plea, he has agreed to testify against former FBI agent John Connolly and Winter Hill gang leaders James "Whitey" Bulger and Flemmi.

--- INDEX REFERENCES ---

NAMED PERSON: DADDIECO, ROBERT; CARDINALE, ANTHONY

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime and Courts; Political and General News; Crime (ENGL GCRIM GCAT CRM)

EDITION: ALL EDITIONS

Word Count: 371

3/24/01 BOSTONH 006

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 2/8/68

11

JOSEPH BARON was contacted and a check was made on his physical well being.

No matters of any pertinence were discussed with him.

On 1/30/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO
DMC:pc 1b 3 Date dictated 2/5/68

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EXHIBIT
196

FD-263 (Rev. 3-2-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	1/30/68	11/30/67 - 1/23/68

TITLE OF CASE

JOSEPH BARON, aka

REPORT MADE BY: DENNIS M. CONDON

TYPED BY: po b

CHARACTER OF CASE

AR

REFERENCE: Report of SA DENNIS M. CONDON, dated 11/30/67, at Boston.

- P -

LEAD

BOSTON

AT BOSTON, MASSACHUSETTS. Will maintain contact with subject.

ACCOMPLISHMENTS CLAIMED NONE

CONVIC.	AUTO	FUG.	FINES	SAVINGS	RECOVERIES	ACQUIT-TALS

CASE HAS BEEN:
PENDING OVER ONE YEAR ☐ YES ☐ NO
PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

3-Bureau (92-9828)
1-USA, Boston, Mass.
2-Boston (92-1132)

1- dtd 1539

92-9828-5

REC 23

FX-113

4 FEB 3 1968

Dissemination Record of Attached Report

Agency			
Request Recd.		CC AAG, Criminal Division,	
Date Fwd.		Organized Crime and Racketeering	
How Fwd.			
By			

Notations

STAT. SECT.

EXHIBIT 197

BS 92-1132

ADMINISTRATIVE

This case has been re-opened to report results of contacts with JOSEPH BARON inasmuch as information obtained during some of these contacts has no bearing on the case entitled, "RAYMOND L. S. PATRIARCA, aka; HENRY TAMELEO, aka; RONALD CASSESSO, aka, ITAR-GAMBLING," Bosfile 166-629, where previous information obtained from BARON had been reported.

B*
COVER PAGE

FD-302 (Rev. 2-15-68)

FEDERAL BUREAU OF INVESTIGATION

Date 2/9/68

1
4

JOSEPH BARON was contacted, and a check was made on his physical well being.

No matters of any pertinence were discussed with him.

On 2/2/68 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:pob 4 Date dictated 2/8/68

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EXHIBIT 198

FD-302 (Rev. 4-17-64)

FEDERAL BUREAU OF INVESTIGATION

Date 2/21/68

1

JOSEPH BARON was contacted, and a check was made on his physical well being.

No matters of any pertinence were discussed with him.

On 2/9/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO
DMC:po'b 5 Date dictated 2/15/68

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EXHIBIT
199

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 2/28/68

1

Assistant District Attorney JACK ZALKIND, attached to the Suffolk County District Attorney's Office, Boston, Massachusetts, reviewed with JOSEPH BARON the details relative to the murder of EDWARD DEEGAN, in preparation for trial in Suffolk County Superior Court.

On 2/19/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA H. PAUL RICO; Sergeant Detective FRANK WALSH, and Assistant District Attorney JACK ZALKIND Date dictated 2/26/68

HPR:po'b 6*

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EXHIBIT 200

(5)

Statements made by Joseph Baron to Assistant D.A. Jack Zalkind, Agent Paul Rico and Sgt. Frank Walsh on Wednesday, Feb. 21, 1968.

"I owed Larry Baione about $1500.00; I was paying 5% a week. I knew Peter Baione and Stewart (Russell) from the Universal Cafe. Stewart was in a beef with Peter Baione. I had a Mercury then. One night Stewart came out of the Universal with some girls. We were supposed to follow him when we noticed a small car following him. When we got onto Storrow Drive, the small car tried to cut him off at the Viaduct at the Mass. General Hospital. We lost him, and we went to a housing project in South Boston and waited a couple of nights to catch up to him. I was doing it as a favor for the Nigurros.

When Larry came home I was with Jimmy Flemmi. I met Larry on Harrison Avenue at a bar. Jimmy had gone down to see Larry and Larry said to me, "I heard a lot about you". This is the first time that I met Baione and we sat down and talked. From then on I saw him from time to time at places like the Sahara, the West End Club, and so forth. We became friendly. One night at the El Morocco I was talking to Larry and I told him I needed some money. Larry said I'll give you some dought. I paid $25.00 per week on a $1,000 loan. When I got out of the can, I borrowed $2,000.00 more from Jerry. When I went away again, Larry and Jerry said, "Wait until you get straightened out, then you can pay us". I didn't like to go to the South End because there was too much heat on there. I used to give Peter Limon money for Larry, Larry told me it was okay to do it this way. Tash owed Jerry Angiulo $26,000.00 that h was paying on.

EXHIBIT 201

01125

Statements of Joseph Baron, continued:

-2-

I first met Peter Limone about 1962, when he started moving in on the shylocks. I was working around the North Station and I met Peter at the gas station on Friend Street. Bingie from the Golden Haven introduced us about 1962. I was still fighting then. Peter got real solid after the DeChristoforo murder. When I got out in 1964, I had a lamster. I met Peter at the Dog House and he said, so and so, owes you so much money, I'll pay it and I'll take over his account. The guy owed me about $200.00, so I told Peter to give me $250.00.

Peter sent for me and I met him in back of the Pizza Regina. He wanted to talke to me about Billy Cresta Curtis. Billy Cresta ~~Curtis~~ made a remark to me one night in front of the Attic. He was with Eddie Caruso at the time. I didn't like the remark and I told Peter that Cresta ~~Curtis~~ had better not fool with me or I'll put a hole in his head. I went to Peter to have Cresta keep quiet.

I owed $1500.00 to Larry and $3,000.00 to Jerry when I bought my house.

When I talked to Peter in January, 1965 he knew that other people had asked me to do things and he knew that I did them.

He wanted me to take out the Bethoney broad and I didn't want any part of it.

I went to make a payment when I saw Peter and he said he wanted to see me but there were people around there and he said to come back because he wanted to talk to me.

Statements of Joseph Baron, continued:

-3-

I went back with Chico a few days later. Peter gave me a big build-up about Italians, and he said that Deegan had killed Sacremone, and that a friend of his was close to the Sacremone family and the family was mad . He also said that $82,000.00 was grabbed from the Puopolo family and Puopolo wants to get the guys that broke into his house. Peter said that Deegan had come to him to get $1,000.00 for Georgie McLaughlin. It was to go to California to speak to Joslin, a witness in a case. He also mentioned the trouble that Deegan had at the Ebbtide. One night Deegan pulled a gun on Charlie Brown and Donati and caused some heat on the place. He said Henry had okayed it because of what happened at the Ebbtide. I went and spoke to Henry at the Ebbtide in the afternoon to get the okay for the hit on Deegan and when I okayed the hit on Stath, it was at night.

Donati is collecting in the Lynn area and he has a xxxxxx two-room suite at the Sherry Biltmore Hotel and the money is going to Louis' Greco's wife.

Before this, I didn't know Stath. I knew that he would be driving the car. I knew Deegan well through Johnny Batts. Deegan used to be around the North Station and I used to see him at the Track. One time I was leaving my mother-in-law's house with my wife and I met him and he said that he was going to the West End Club and wanted me to go with him and I didn't want to go.

Statements of Joseph Beron, continued:

-4-

I met him in 1958 when I first came to Boston. Deegan was in with Georgie McLaughlin. When I first got the contract from Peter, Jimmy Flemmi, Chico and Mickey knew about it and I knew how cautious Deegan was.

I knew Ronnie Cassesa was in Florida and I was going down there on a vacation with my wife. Louis Greco was in Boston at that time. I told Henry Tammeleo I was going to Florida and Henry said that the guys at the Firbuana Insurance Company on State Street knew all about Florida but Greco said that I could get along all right on my own. Henry knew I was going to Florida - a lot of people knew I was going. Greco knew I was going to Florida. One time he slapped Mickey Femia in the mouth. (John Savas that used to run the Baker's Dozen Store, I think saw the slapping incident). When I met Greco in East Boston, I didn't tell him about the contract. He wanted me to kill his wife, but he said don't hurt little Louis. He described the garage and the kitchen. He said there were no fences around the house, it was near the water and he said that when she was out, she always left the garage door open. You could go from the garage into the kitchen through a breezeway. Connie Frizzi was there. 001128

Dino Marino was supposed to tip off a jewel robbery. Johnny Cook used to come to Ronnie's house in Florida. I told Ronnie about the Deegan score at the house he rent d. My wife went to Fort Lauderdale to her girl friend's house and I didn't want to go.

Statement of Joseph Baron, continued:

-6-

I knew that it was at Fourth Street, directly in back of Broadway.

It was Friday when Louis Greco came to Fleet Street. Peter Planque was outside. It was Thursday when I double-checked with Henry Tammeleo at the Ebbtide. When we met on Fleet Street, we decided that the first shot had to be fired at Deegan, and then we had to get Stath. I said, I'll go to Stath's car with the bullet-proof vest that I have, it was one of those war-surplus ones. When I first got there, there was Ronnie, Joe the Horse, and Peter Planque. I said, I want to talk about business. Ronnie sent Peter out, and Ronnie said to Joe the Horse, I want to talk business with Joe and he left. Ronnie and I talked. Then Romeo came in about a half-hour later. We didn't know the area and we were waiting for Louis. When he came, I said to Louis, 'It's going to be in the alley in back of the bank', and he said he knew the alley and took a piece of paper and drew a map. I drew Fourth Street and Broadway. He said the alley is a ddep alley, and I told him Stath is going to be at the mouth of the alley. When Romeo had come in he said, "I want to be in that alley. I got a beef with Deegan". I could trust Louis to see that the job was done right. Romeo knew Louis. Ronnie called Joe the Horse in and told him he was going to be the wheel-man., on a hit. Joe said, "Okay". Joe would be in the back seat. Then he would drive the car to Stath's car after we hit him. He was to drive up to pick us up. At that time, I had a blue Olds. with a black top.

Statement of Joseph Baron, continued:

-7-

I drove to the Ebbtide in my car. Chico had a car but I forget whose it was. Chico had lost his license at that time. Louis Greco told us he had a hot car down the street from the Ebbtide. Ronnie and Silvati were to be with me, and Romeo and Louis were to be in a car, and Chico would be in mine. We were to be at the Ebbtide ahead of time, because at 9:00 P.M. Roy French was to wait for a call.

After the meeting on Fleet Street, after we had talked for an hour or an hour and a half, ~~xxx~~ I went home. Nicky picked me up about 7:30 or so and we were to meet at the Ebbtide. It was about 7:30 when I went back to Fleet Street. Ronnie told Joe the Horse to get the stuff. He was gone about 10 minutes when he came back with two bundles and the bullet-proof vest. One package had two .357 Magnums. Ronnie and I each took one. The other gun was in a towel and it looked like a .45 - I could only see part of it. He gave this to Romeo. Joe said, "I have no gun" and I said, "What do you need one for?" I gave Joe my .38 Airway and I said "Don't use this gun". We had an M-1 Carbine in case we were chased.

When Ronnie ran up that time to get Chico, he didn't leave right away. He and Chico stayed there until the hit came off. I remember that when Ronnie came back he said he was there at the hit. I was surprised because when Ronnie was in the car with me, he was terribly nervous.

Statements of Joseph Baron, continued:

-8-

When they came back to the Ebbtide, the first one I saw was Roy French. I gave him a big hug, and he said the thing was done, and everyone got away, but Stath wasn't hit. I said, "Where are the other guys?" Ronnie and Chico came in five minutes later. Joe Silvati straightened out the number plates and he put the guns and the vest in a field beside the Ebbtide at the parking lot, in the grass. The next day I got the .38 Airway from Ronnie".

Statements of Joseph Baron, continued:

"I remember now that sometime around 8:00 o'clock, before we went to the Ebbtide, we drove over and took a look at the alley. There was me, Chico, and Ronnie and I sat in the back seat of the car. When we got there, across from the alley, I saw a woman looking out a window. There were two windows, both had lights on. The woman looked at us and put the light out in one of her windows and I had the feeling that she was still looking at us. I wasn't going to get out of the car, but Chico and Ronnie got out, anyhow, and went down to look at the door in the alley. Chico was wearing a light tan rain-or-shine coat at the time."

Patriarca Prosecution Rests Case

BY RONALD A. WYSOCKI

U.S. Atty. Paul Markham, [illegible] rested the government's case alleging conspiracy in murder [illegible] Raymond Patriarca and two other defendants at 2:27 p.m. today.

Defense Counsel [illegible] the [illegible] of [illegible] the [illegible].

[illegible]

Patriarca, [illegible] Prosecution [illegible] Rests Case [illegible]

[illegible]

UNDERCOVER AGENT

[illegible]

CROSS EXAMINATION

[illegible]

[illegible]

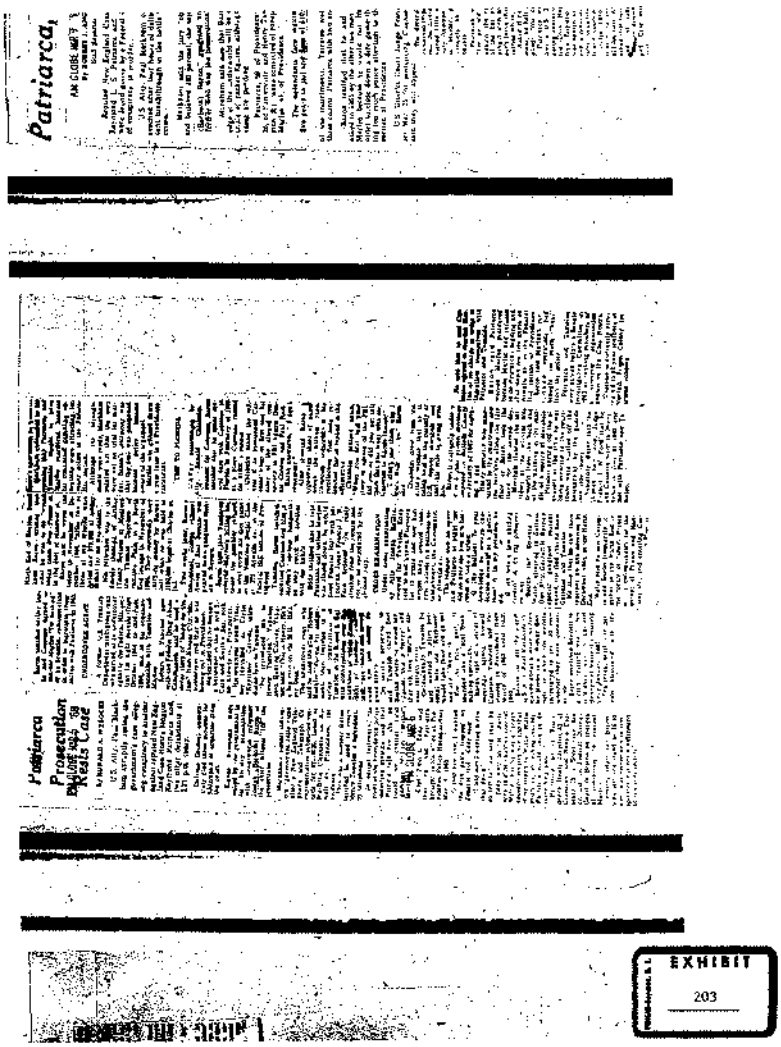
Patriarca, [illegible]

BY ROBERT A. [illegible]

[illegible]

EXHIBIT 207

Patriarca Prosecution Rests Case



BY RUPERT A. WESCHE

U.S. Atty. Paul Markham [illegible] the government's case alleging conspiracy to assist against reputed New England Cosa Nostra Mayor Raymond Patriarca and two other defendants at [illegible] [illegible]

[illegible]

PM GLOBE MAR 6

[illegible]

UNDERCOVER AGENT

[illegible]

CROSS EXAMINATION

[illegible]

TIME TO MEMORIA

[illegible]

Patriarca,

AM GLOBE MAR 7

By ROBERT J. [illegible]

[illegible]

EXHIBIT
203

Patriarca, 2 Others Guilty; Face 5 to 15 Years

Bom
Law,

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 3/25/68

1

JOSEPH BARON was contacted at a location where he is in the protective custody of the United States Marshal and a check was made on his physical well being.

On 3/12/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and 2 Date dictated 3/18/68
~~H. PAUL RICO DMC:pq'b~~

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EXHIBIT 205

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER.

PERMANENT BRIEF

Entered on Duty		1-29-51
Reported to Field		3-28-51
Present Grade and Salary		GS-13, $29,782
Last Salary Change		10-12-75, Basic Increase
Age		51, Born 11-23-1923
Place of Birth		Charlestown, Massachusetts
Marital Status		[redacted]
Education		Bachelor of Arts Degree
Language Ability		None
Office of Preference since 2/74		Boston
1975 Annual Performance Rating		EXCELLENT
Firearms Ability		Qualified
Immediate Relatives in Bureau		None
Offices of Assignment:		
3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

LS:lrb
(1)

EXHIBIT
206

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-HCGR-000003328

By letter dated 8/14/67 he was COMMENDED for his excellent performance in connection with the investigation of the Interstate Transportation in Aid of Racketeering case involving Raymond L. S. Patriarca and others.

His daily average overtime for August, 1967, 2 hours 18 minutes; September, 3 hours 12 minutes.

On 10/8/67 he received a Basic Increase to $15,307 per annum in GS-13.

His daily average overtime for October, 1967, was 2 hours 3 minutes.

On 11/19/67 he received a Within-Grade Increase to $15,757 per annum in Grade GS-13.

His daily average overtime for November, 1967, 2hours 5 minutes; December, 3 hours. January, 1968, 3 hours 1 minute; February, 2'56".

By letter dated 3-15-68, he received an INCENTIVE AWARD of $150 in appreciation for his noteworthy performance in the investigation of the Interstate Transportation in Aid of Racketeering-Gambling case involving Raymond L. S. Patriarca and others. He was cited for his skillful and knowledgeable efforts in handling an important Government witness whose cooperation was obtained which was vital to the success achieved in the conviction of Patriarca and two of his associates.

By letter dated 3-20-68, Attorney General Ramsey Clark expressed appreciation for the Bureau's work in the matter relating to Raymond Patriarca and others and his commendation for SA Condon's ability, initiative, patience and resourcefulness, under most difficult circumstances, in handling the Government's key witness prior to indictment and trial. He stated SA Condon worked long hours and rendered immeasurable assistance to the attorneys who prosecuted this case during the grand jury presentation, the pre-trial preparation and throughout the trial itself. He was an excellent witness. The Attorney General's letter was acknowledged on 3-22-68, with appreciation for his generous remarks.

On 3-31-68, he was rated EXCELLENT, with comments he continued in assignment to the Criminal-Intelligence Squad. He was considered outstanding in his knowledge of the hoodlum element and La Cosa Nostra activities in the Boston area. He was particularly adept in the development of informants and during the rating period was instrumental in obtaining a conviction of La Cosa Nostra boss Raymond L. S. Patriarca and several members. He presently had 5 Informants assigned. He was considered an outstanding probative-type investigator, he handled the most complicat d matters as exhibited in his handling the Government witness in the Patriarca case, in an able and most capable fashion with an absolute minimum of supervision. He was considered outstanding in dependability,

CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 3/19/68

1

JOSEPH BARON was contacted where he is in the custody of the United States Marshal. A check was made on his physical well being at this time.

BARON indicated that he was very disappointed in PAUL MARKHAM, United States Attorney, and EDWARD HARRINGTON, Assistant United States Attorney, and WALTER BARNES, Departmental Attorney, who handled the prosecution of the PATRIARCA case, for not immediately coming down, personally, and thanking him for his contribution in the conviction of PATRIARCA.

BARON was told that United States Attorney MARKHAM had gone to Washington and, very possibly, was down there on matters relating to BARON, and BARON said that, "While these people don't want to show their appreciation, I am sure that JOE BALLIRO, the chief attorney for the defense, would show his appreciation in me, and I am sure that if things don't work out, that I can at least end up with $150,000 from BALLIRO."

On 3/19/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO DMC:HPR:po'b 3 Date dictated 3/25/68

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EXHIBIT 207

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 3/25/68

1

Attorney JOHN FITZGERALD was contacted at the Massachusetts General Hospital where he is recuperating from injuries sustained in the bombing of his automobile in Everett, Massachusetts.

FITZGERALD advised that there are a lot of criminals that he has come in contact with or has knowledge of, both through his practice as a criminal attorney and through his association with MAUREEN DELLAMANO, GEORGE MC LAUGHLIN's girl friend, and DOROTHY BARCHARD, common-law wife of JAMES O'TOOLE, and that he believes that every criminal now is his enemy. He said that he believes that he can control DOROTHY BARCHARD and force her to testify against quite a few criminals and that anyone he can hurt, he is going to try to do this. He said that if DOROTHY BARCHARD backs down, he will see that she gets hurt.

FITZGERALD advised that RONNY WYSOCKI, A "BOSTON GLOBE" Reporter, had been to see her and he (FITZGERALD) said that WYSOCKI told him that he heard that the police suspect STEVIE FLEMMI, FRANK SALAME, FRANK BALLIRO, and LARRY BAIONE as having perpetrated the bombing of his car. FITZGERALD said that he was about to write a letter to JOE BARON and tell BARON that because he has lost a leg over this bombing, that he (BARON) should "turn" on these people and provide testimony that will send them to jail.

FITZGERALD was told by Agent RICO that he would rather take from JOSEPH BARON whatever he could testify to, without BARON being pressured into testifying against specific individuals. If we feel that at a later date that BARON is "holding out," we then may ask FITZGERALD's assistance, but we do not want BARON to be motivated by his (FITZGERALD's) revenge.

On [redacted] at Boston, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:HPR:pcb 9 Date dictated 3/25/68

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EXHIBIT

Date 3/25/68

1

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[redacted]

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F

On 3/19/68 at Boston, Massachusetts File # [redacted]

SA's DENNIS M. CONDON and H. PAUL RICO

9 Date dictated 3/25/68

DMC:HPR:pob

This report contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Office of the Attorney General
Washington, D. C.

March 20, 1968

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

The recent conviction of New England Cosa Nostra leader, Raymond Patriarca, and two of his cohorts is one of the major accomplishments in the Organized Crime Drive Program.

I have been advised by the Organized Crime and Racketeering Section and Mr. Paul Markham, the United States Attorney in Boston, that without the outstanding work performed by Special Agents Dennis Condon and H. Paul Rico these convictions could not have been obtained. We commend their ability, initiative, patience and resourcefulness, under the most difficult circumstances, in the handling of the Government's key witness prior to indictment and trial. These agents worked long hours and rendered immeasurable assistance to the attorneys who prosecuted this case during the grand jury presentation, the pre-trial preparation and throughout the trial itself.

In addition to Special Agent Condon, who was an excellent witness, the Government called representatives of the Rhode Island State Police, the Providence City Police, the Boston and Revere, Massachusetts Police Departments as well as an undercover agent of the Treasury Department. This prosecution is certainly one of the most significant examples of Federal-State cooperation.

It is indeed a pleasure to bring this matter to your attention. Please convey my sincere appreciation to Special Agents Condon and Rico.

Sincerely,

Attorney General

SUBJECT TO PROTECTIVE ORDER

EXHIBIT
209

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 3/29/68

1

JOSEPH BARON was contacted at a location where he is in the protective custody of the United States Marshal and a check was made on his physical well being.

BARON discussed with Assistant District Attorney JACK ZALKIND and Detective FRANK WALSH, both of the Suffolk County District Attorney's Office, Boston, Massachusetts, some aspects of the gangland murder of EDWARD "TEDDY" DEEGAN and the involvement of LOUIS GRIECO in this case.

BARON advised Agents CONDON and RICO that his wife has been ill on and off, for some time, and the government will not allow him to have a female Marshal or a matron present during the daytime to help her, and he is up against an impossible situation.

BARON was advised by Agent CONDON that the United States Attorney's office has been trying to work out something that would ease the situation so that his wife and child might possibly be cared for on a military reservation where there would be doctors available and her security and protection would be ensured.

BARON was also advised that it would not be possible for him at this time to be with them on the military reservation.

BARON said that he did not like this type of set-up being separated from his wife and child and was told that United States Attorney MARKHAM wanted it mentioned to him, and that Mr. MARKHAM would discuss it further with him at a later date.

On 3/21/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO; Det. FRANK WALSH and Assistant District Attorney JACK ZALKIND, both of Suffolk County District Attorney's Office

DMC:HPR:po'c Date dictated 3/25/68

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EXHIBIT 210

(6) eltna

Notes taken in conversation with JOSEPH BARON at Gl. on Thursday, March 21, 1968, with Paul Rico and Dennis London

At one time I slapped Marvin Karger in the face for Louis Greco. Louis asked me to do it for him.

The Revere Police can put me together with Louis, they have seen us together many times.

The only time I saw Louis that night was when I met them on Pearl St. and watched them go into the alley.

I think Roy French was awaiting an indictment for a bank job, at the time of the shooting.

The Frizzis willtry to protect Louis Greco.

Romeo told me that he fired at his belly and chest after Louis Greco fired.

Louis told me that after Roy French fired at Deegan he fired into the stomach.

Roy French told me that he was questioned by the Police.

(7)

STATEMENT OF JOSEPH BARON, TAKEN ON THURSDAY, MARCH 28, 1968, IN THE PRESENCE OF ASSISTANT DISTRICT ATTORNEY, JACK I. ZALKIND, SGT. FRANK WALSH AND DET. JOHN F. DOYLE.

IN RESPONSE TO A QUESTION BY JACK ZALKIND - - - -

Q. PRIOR TO THE DEEGAN MURDER, WHAT DID THE OFFICE DO FOR YOU?

A. I MET RAYMOND BEFORE THE DEEGAN THING. I HAD GONE TO A BAKER WITH RONNIE CASSESSO AND LOUIE ORECO AND ROMEO, SOMETIME IN DECEMBER OF 1964. IT WAS ABOUT THAT TIME. IT WAS IN LYNN, THERE WAS A DRUGSTORE OWNED BY T. LOMBARDI FROM LYNN. IT WAS IN A COLORED DISTRICT AND ACROSS THE STREET THERE WAS A BIG PACKAGE STORE AND A BAKERY. AT ABOUT THAT TIME, HENRY AND RICHIE CASTUCCI AND THE CHAIRMAN OF THE LICENSING BOARD IN REVERE WERE DOING SOME BUSINESS. I FORGET THE NAME OF THE CHAIRMAN, HE WAS AN ITALIAN GUY, WHO NOW OWNS THE COLONIAL INN. THE GUY IN THE BAKERY WOULDN'T GO ALONG WITH RICHIE AND THE MAN FROM THE LICENSING BOARD SO WE WENT IN TO SEE HIM. IT WAS IN THE DAYTIME. THE PEOPLE THERE SAID HE WASN'T THERE AND TOLD US THAT HE WORKS NIGHTS. WE WENT BACK AGAIN AT 3:30 IN THE MORNING. HE STILL WASN'T THERE. I HAD A SASH WEIGHT AND I DROPPED IT ON THE FLOOR. TWO OR THREE DAYS LATER, HENRY SAID, "JUST BECAUSE YOU WENT OVER THERE, THINGS ARE ALL STRAIGHTENED OUT."

THEY DID OTHER THINGS FOR ME FOR EXAMPLE, THEY NEVER BOTHERED MY SHYLOCK OPERATIONS. YOU KNOW THE GAS STATION AT THE NORTH STATION THERE WAS A GUY NAMED FRANKIE SHYLOCKING THERE. PETER LAMONE MOVED IN ON HIM.

PETER OFFERED ME A "G" NOTE TO BOTHER THE CHAIRMAN OF THE BAKERS UNION. IT WAS THE A & P BAKERY WAREHOUSE (STOP & SHOP) AT THE NORTH STATION. I REMEMBER THE DAY, IT WAS IN THE AFTERNOON, IT WAS RAINING AND IT WAS JUST AT THE START OF A HURRICANE. WE FINALLY GOT THE GUY AT HIS HOME IN DORCHESTER. HE GOT BEAT UP AND IT WAS IN THE RECORD AMERICAN. I TOLD PETER I WOULD DO IT FOR NOTHING.

. WHAT ABOUT THE BLUE BUNNY IN NANTASKET?

. IN THE SUMMER TIME OF 1965, AFTER THE DEEGAN THING, I DROVE HENRY TAMELEO AND RONNIE DOWN TO THE BLUE BUNNY. I DROVE HENRY'S CAR. AT THAT TIME, HE HAD A 1959 BLACK, CADDY CONVERTIBLE, IT WAS A BEAT UP CAR.

EXHIBIT 211

AT THAT TIME, THEY WERE TAKING CARE OF MY TAX RECORDS. I THINK BAKER IS IN WASHINGTON NOW. GERSHON BLAUSTIN IS SHAKY AND HE HAD A PIECE OF THE PLACE. WHEN I GOT THERE, ROMEO MARIN WAS THERE. HE WAS TRYING TO SHAKE THEM DOWN FOR A PIECE OF THE JOINT. I TOLD ROMEO, THESE PEOPLE ARE FRIENDS OF MINE AND FINALLY ROMEO SAID, "IF HE IS A FRIEND OF RAYMONDS, I WILL BACK OFF." RAYMOND TOLD ME THAT ROMEO HAD PLANNED TO KIDNAP BAKER'S KID. ROMEO DID FIND OUT FROM RAYMOND THAT BAKER WAS O.K. RAYMOND EXTORTED MONEY FROM BAKER. HE TOLD HIM TO GIVE ME $100 DOLLARS A WEEK AND HE WOULD TAKE CARE OF ALL TROUBLE THERE.

RONNIE WAS SUSPICIOUS OF PETER LAMONT BECAUSE OF A BREAK IN A PLACE CALLED "HALEYS" ON CAMBRIDGE STREET IN THE WEST END, WHEN HE AND RONNIE WERE KIDS. PETER TURNED STATES EVIDENCE.

RONNIE WAS AFFLIATED WITH JOE BURNS.

ABOUT TWO MONTHS BEFORE I WENT TO FLORIDA, I HEARD THAT ROMEO HAD A BEEF WITH RALPHIE CHONG, IN A ROOM DOWN THERE. ROMEO WAS GOING TO KILL RALPHIE AND RONNIE SIDED IN WITH ROMEO.

RONNIE BROUGHT ME TO RHODE ISLAND AND WAS THE ONE THAT INTRODUCED ME TO RAYMOND. RAYMOND TOLD RONNIE TO STAY WITH ME.

ROMEO DROVE RAYMOND TO A WEDDING ONE TIME AND THEN MADE A BIG THING OUT OF IT. ROMEO TOLD PEOPLE LATER THAT HE WENT TO NEW YORK FOR RAYMOND AND KNOCKED OFF TWO PEOPLE THERE. WHEN RAYMOND HEARD THESE LIES, HE WAS ALL UPSET.

THE NIGHT OF THE DEEGAN THING, ROMEO MARTIN WANTED TO BE IN THAT ALLEY. I DON'T KNOW WHY.

FEDERAL BUREAU OF INVESTIGATION

Date 4/5/68

1

Attorney JOHN FITZGERALD was contacted at the Massachusetts General Hospital where he is recuperating from injuries sustained in the bombing of his automobile in Everett, Massachusetts, and a check was made on FITZGERALD's physical well being.

FITZGERALD stated that he has told JACK ZALKIND, Assistant District Attorney, and District Attorney GARRETT H. BYRNE, both of Suffolk County District Attorney's Office, Boston, that he will testify in the gangland slaying of EDWARD "TEDDY" DEEGAN; that is, if his testimony is the difference between convicting these people or letting them go free, but he did not want to testify against these individuals unless his testimony was critical.

On 3/29/68 at Boston, Massachusetts File # [redacted]

SA's DENNIS M. CONDON and H. PAUL RICO Date dictated 4/4/68

IMC:HPR:po'b

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000870

EXHIBIT 212

UNITED STATES GOVERNMENT

Memorandum

TO: Director, FBI

DATE: March 29, 1968

FROM: SAC, Boston

SUBJECT: SA H. PAUL RICO
RECOMMENDATION FOR QUALITY-SALARY INCREASE

SA H. PAUL RICO has been assigned exclusively to the development of Top Echelon Criminal Informants and related matters in the Boston Office since September 16, 1963.

Through his intensive and most skillful efforts, SA RICO developed four Top Echelon informants, namely, [redacted] BS 955 C-TE and [redacted] The Top Echelon informants have furnished the day-to-day activities of RAYMOND L. S. PATRIARCA, LCN boss from Providence, Rhode Island, and LCN hierarchy in the New England area. More importantly, they also provide the results of decisions made by RAYMOND PATRIARCA in connection with LCN policy. This enabled the Boston Office to exploit and harrass the LCN in the New England area.

Through the careful, selective use of the information derived from these informants, SA RICO was able to exploit same and develop JOSEPH BARON, aka Joseph Barboza, to a point where he testified against RAYMOND L. S. PATRIARCA; his underboss, HENRY TAMELEO; and LCN member, RONALD CASSESSO. This resulted in the conviction of above-named individuals and also, the indictment of LCN members RALPH LAMATTINA and PETER LIMONE in the gangland slaying of EDWARD DEEGAN, which case is awaiting trial in Suffolk County, Massachusetts.

SA RICO has accomplished this great penetration of the LCN with the highest devotion to duty, requiring many personal sacrifices on a continuing basis. His performance has been of the highest caliber; his initiative, drive and desire to fulfill the Bureau's objective of convicting an LCN boss and many LCN members have been rewarded.

The manner in which SA RICO has performed is substantially above normal requirements. His work has been highly effective. His high level of effectiveness has been sustained over a period of time and is expected to continue.

1 - APR 16 1968

2 - Bureau
2 - Boston
JLH:CAK
(4)

4-8-68

SUBJECT TO PROTECTIVE

EXHIBIT
213

In view of the above, noting that we have accomplished what at times seemed to be an insurmountable barrier, I am recommending a Quality-Salary Increase be awarded to SA RICO.

John F. Kehoe, Jr., Supervisor

SUBJECT TO PROTECTIVE ORDER

UNITED STATES GOVERNMENT

Memorandum

TO Director, FBI DATE March 29, 1968

FROM SAC, Boston

SUBJECT SA DENNIS M. CONDON
RECOMMENDATION FOR QUALITY-SALARY INCREASE

During the past year SA CONDON has been specifically assigned to fulfill the prime objective of the Bureau in organized crime - penetration of the LCN. His initial success has resulted in both Federal and local prosecutions of LCN figures, which has been previously brought to the attention of the Bureau.

This Agent's achievement in developing an individual competent to testify against the LCN's New England head, RAYMOND L. S. PATRIARCA, and PATRIARCA's associates was finalized with the conviction of PATRIARCA, his underboss, HENRY TAMELEO, and LCN member RONALD CASSESSO in the U. S. District Court, Boston, March, 1968. Said individuals were sentenced to Federal penitentiary.

SA CONDON's ability to develop JOSEPH ~~BARON, aka Joseph~~ Barboze described as the most vicious criminal in New England and one whom law enforcement generally felt could never be compromised, required months of labor, seven days weekly, coupled with intelligence, aggressiveness and foresight. Direction of BARON to the point where he testified for the Federal Government was a momentous blow to the national prestige of the LCN.

I do not feel that there are many individuals in the history of law enforcement who had or would have the necessary background and ability to have so effectively developed and handled BARON.

REC 1 B 67-433766-161

This Agent's initative, drive and desire to fulfill the Bureau's objectives have resulted in convictions, to date, of three LCN members and indictments of four members. Additionally, SA CONDON has been successful in developing another individual [redacted] whose information not only resulted in indictment of two more LCN members but was instrumental in preventing perjured testimony from being presented in both Federal and State courts.

ENCLOSURE

2 - Bureau
2 - Boston

memo: Adams to Callahan
4-8-68
LDM: [illegible]

10 APR 1968

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	[redacted]
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None
Offices of Assignment:	
3-28-51 assigned	Philadelphia
1-8-52 reported	New York
4-11-52 reported	Boston

LS:lrb
(1)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
214

FBI-HCGR-000003328

By letter dated 8/14/67 he was COMMENDED for his excellent performance in connection with the investigation of the Interstate Transportation in Aid of Racketeering case involving Raymond L. S. Patriarca and others.

His daily average overtime for August, 1967, 2 hours 18 minutes; September, 3 hours 12 minutes.

On 10/8/67 he received a Basic Increase to $15,307 per annum in GS-13.

His daily average overtime for October, 1967, was 2 hours 3 minutes.

On 11/19/67 he received a Within-Grade Increase to $15,757 per annum in Grade GS-13.

His daily average overtime for November, 1967, 2hours 5 minutes; December, 3 hours. January, 1968, 3 hours 1 minute; February, 2'56".

By letter dated 3-15-68, he received an INCENTIVE AWARD of $150 in appreciation for his noteworthy performance in the investigation of the Interstate Transportation in Aid of Racketeering-Gambling case involving Raymond L. S. Patriarca and others. He was cited for his skillful and knowledgeable efforts in handling an important Government witness whose cooperation was obtained which was vital to the success achieved in the conviction of Patriarca and two of his associates.

By letter dated 3-20-68, Attorney General Ramsey Clark expressed appreciation for the Bureau's work in the matter relating to Raymond Patriarca and others and his commendation for SA Condon's ability, initiative, patience and resourcefulness, under most difficult circumstances, in handling the Government's key witness prior to indictment and trial. He stated SA Condon worked long hours and rendered immeasurable assistance to the attorneys who prosecuted this case during the grand jury presentation, the pre-trial preparation and throughout the trial itself. He was an excellent witness. The Attorney General's letter was acknowledged on 3-22-68, with appreciation for his generous remarks.

On 3-31-68, he was rated EXCELLENT, with comments he continued in assignment to the Criminal-Intelligence Squad. He was considered outstanding in his knowledge of the hoodlum element and La Cosa Nostra activities in the Boston area. He was particularly adept in the development of informants and during the rating period was instrumental in obtaining a conviction of La Cosa Nostra boss Raymond L. S. Patriarca and several members. He presently had 5 Informants assigned. He was considered an outstanding probative-type investigator, he handled the most complicated matters as exhibited in his handling the Government witness in the Patriarca case, in an able and most capable fashion with an absolute minimum of supervision. He was considered outstanding in dependability,

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

FBI-WOCD-000003348

resourcefulness and ingenuity, was most accurate and paid attention to pertinent detail. He testified in U. S. District Court 3 times, before a U. S. Grand Jury 3 times, in state court 3 times and was considered an experienced and outstanding witness. He was completely available and continued to be listed as being not interested in administrative advancement.

His daily average overtime for March, 1968 was 2'14"; April, 2'53".

EFFECTIVE 5-5-68, he receives a QUALITY WITHIN-GRADE SALARY INCREASE in GS-13 to $16,207 per annum. By letter dated 4-10-68, he was advised he was receiving this award in recognition of his having discharged his duties in splended fashion for the period 4-1-67, to 3-31-68.

He attended Top Eschelon Informant In-Service Training from 4-29-68 to 5-10-68.

On 4-29-68 while attendind In-Service Training the Director saw him and commented that he seemed interested in his work and would rate him above average.

His daily average overtime for May, 1968, 2'27"; June, 3'13"; July, 2'02".

On 7-14-68 he received a Basic Increase to $17,289 in GS-13.

By letter dated 8-15-68 he was COMMENDED for the excellent fashion in which he performed in the investigation of a local murder case involving Roy French and others.

His daily average overtime for August, 1968, 2'51"; September, 2'15"; October, 2'56"; November, 2'20"; December, 2'54"; January, 1969, 2'12"; February, 2'56".

On 3-31-69 he was rated EXCELLENT and comments reflected that he was considered outstanding in dependability, loyalty and enthusiasm and was capable of handling the most complicated investigative matters with a minimum degree of supervision. He was not interested in administrative advancement.

His daily average overtime for March, 1969, 2'13"; April, 2'38"; May, 2'41"; June, 2'25".

On 7-13-69 he received a Basic Increase to $18,974 in GS-13.

His daily average overtime for July, 1969, 2'57"; August, 2'24"; September, 2'47"; October, 2'26"; November, 2'44".

On 12-28-69 he received a Basic Increase to $20,114 in GS-13.

CONFIDENTIAL PRODUCED SUBJECT TO PROTECTIVE ORDER

FBI-HCGR-000003349

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 4/10/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal. A check was made on his physical well being at this time.

BARON said that his wife's health had improved somewhat but he was still disturbed and disappointed that the government would not allow a female Marshal or matron to help his wife during her period of illness where he is in custody. He said that United States Attorney PAUL MARKHAM and United States Marshal ROBERT MOREY for the District of Massachusetts had spoken to him of another possibility of having his wife and child on a military reservation where doctors would be available to her and he (BARON) could be kept in separate custody elsewhere, under the protection of the United States Marshal.

BARON said that he was most unhappy with the proposed arrangement and, for the time being, would go along taking care of his wife and child as best he could.

On 4/2/68 at Gloucester, Massachusetts File# Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO

DMC:pe'lb 5 Date dictated 4/5/68

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EXHIBIT 215

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 4/10/68

1

JOSEPH BARON was contacted at a location where he is in the custody of the United States Marshal.

Detective FRANK WALSH and Assistant District Attorney JACK ZALKIND, both of the Suffolk County District Attorney's Office, Boston, Massachusetts, reviewed with him some aspects of the gangland murder of EDWARD "TEDDY" DEEGAN in preparation for trial in Suffolk County Superior Court.

On 4/4/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA H. PAUL RICQ;
Det. FRANK WALSH and Assistant District Attorney JACK ZALKIND, both of Suffolk County District Attorney's Office HPR:pob 6

Date dictated 4/5/68

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EXHIBIT 216

(8)

Notes taken by Sergt. Walsh at visit with Joseph Baron at Gl. in presence of Jack Zalkind, and Paul Rico, on Thursday April 4, 1968.

Rel to observations made by Joe Mcain MDC. at the Ebb Tide on March 2, 1965, Baron rembmbers getting together with several people that night at the Ebb Tide, including George Katter, Peter Katter, Joe Modico, over a loan of his that the Katters wanted to buy or take over. Romeo and Henry Tameleo were present.

Baron bought his home at 79 Morton Rd. Swampscott about August 1966, and borrowed $3,000 from Jerry Anguilo at that time. He already owed Jerry a sum of money. He got the mortgage from a bank in Lynn.

Baron states that shortly before Romeo Martin got killed, he (Joe) and Ronnie went to the owner of Louis Room or Lounge at Revere Beach, and demanded a piece of the place. The owner gave them a "C" note a week during the season and when the customers dropped off in the slow season he cut it down to $50 a week. Henry Tameleo gave them the O.K. to move in on this guy.

GENO COGNATO dob. 4-25-27

[redacted]bout 5.00P.M. Friday April5, 1968, Sergt. Walsh with Det. Edward Walsh interviewed Geno Cognato, dob. 4-25-27, of 16 Liberty St. Medford, a bartender employed at Stella's Restaurant, Fleet St. The officers talked to Cognato on the sidewalk in front of Stella's.

He stated that he did not know Greco, Roy French, Anthony Stathopoul s, or Teddy Degan. He said that he has seen Henry Tameleo, and Peter Limone a few times but was not realy aquainted with them. He knew Ronnie Cassesso and Jo the Horse. and stated that he did not know Joseph Barboza but had seen him on a few occasions. He answered the list of questions in th following manner.

(1) answered above.

(2) R nnie Casseso and Joe the Horse were frequent customers of Stellas but he never saw Peter Limone or any of the others in the place.

(3) No

(4) No.

(5) No

(6) Yes I must have worked because I work every Friday night.

(7) Yes the Boss of Stella's would have them.

(8) I have nor recollection of having seen any of them in the restaurant that night.

(9) .....

(10) No

(11) No. How would I know ?

Cognato appeared to be quite cooperative and answered the questions without h sitation.

EXHIBIT 217

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 4/19/68

I

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal and a check was made on his physical well being.

During the course of this contact, BARON was introduced to Special Agent JAMES D. MC KENZIE.

On 4/9/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON, JAMES D. MC KENZIE, and H. PAUL RICO
DMC:po'b Date dictated 4/15/68

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EXHIBIT
218

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 4/26/68

1

JOSEPH BARON was contacted at the location where he is in the custody of the United States Marshal and a check was made of his physical well being.

On 4/17/68 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and H. PAUL RICO

by DMC:po'b 3 Date dictated 4/23/68

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EXHIBIT 219

Commonwealth vs. Lewis ... alias Louis Grieco, alias ... Grecco
Wilfr... French, alias Roy French, Alias ... ch
Ronald Anthony Cassesso, Joseph L. Salvati, Peter Joseph Limone
Henry Tameleo, alias Enrico Tammelleo
Joseph Baron, alias Joseph Barboza

NO. 32365

Offense: Conspiracy

Attorney:
10/30/67 Anthony F. McLaughlin 6 Beacon St. (for French)
11/1/67 Robert A. Stanziani 40 Court St. (for Limone)
11/17/67 William S. Pidgeon 261 Tremont St. (for Cassesso) (withdrawn 5/21/68)
12/12/67 Joseph Balliro 44 School St. (for Tameleo)
3/5/69 David Berman (for Limone)
4/15/69 A. Hutton (for Grieco)
2/27/68 Lawrence F. O'Donnell John B. Greene One State St. (for Grieco)
4/9/68 Ronald J. Chisholm 261 Tremont St. (for Cassesso)
5/10/68 Joseph J. Balliro 44 School St. (for Limone)
6/14/68 Lawrence F. O'Donnell
6/19/68 John B. Greene One State St. (for Cassesso)
6/18/68 Lawrence F. O'Donnell One State St. (for Tameleo) (Appointed by Court and relieved by Court 7/22/68)
6/20/68 Lawrence F. O'Donnell One State St. (for French)
6/21/68 Anthony F. McLaughlin 6 Beacon St. (for Limone)
3/25/69 Paul T. Smith Manuel Katz 89 State St. (for French)

Paper No.	Date of Filing	
1	Oct. 25, 1967	Indictment returned.
	Oct. 30, 1967	French brought into Court - indictment read - stands mute upon arraignment and Court directs plea of not guilty be entered.
		French committed to Common Jail on mittimus without bail. Rose, J. - Mittimus issued. J. Brown, stenographer.
		J. Zalkind, A.D.A. - A. McLaughlin, Esquire for French.
	Nov. 1, 1967	Limone brought into Court on warrant - indictment read - pleads not guilty.

EXHIBIT 220

Date of Filing	
Apr. 18, 1968	Cassesso's motion for access to witnesses, after hearing, denied as to Stathopoulos, no action as to Claire Baron.
	Cassesso's motion to interview Robert C. Glavin, after hearing, denied.
	Grieco's motion for opportunity to interview Joseph Baron and Anthony J. Stathopoulos, after hearing, denied.
	Salvati's, Grieco's, Cassesso's and Tameleo's motions to be furnished with criminal records and probation records, after hearing, each denied.
	Cassesso's motion to inspect filed, after hearing, denied. (Pap. No. 28 in 32366)
	Tameleo's, Cassesso's and Salvati's motions for Police Department reports, and Grieco's motion for the production of Police Department records, after hearing, each denied.
	Cassesso's files motion to dismiss. (Paper No. 29 in case No. 32366)
	Court orders exhibits (1 - 4 inclusive) impounded.. Forte, J.
	Anderson, stenographer.
Apr. 22, 1968	Cassesso's motions: for Lawful Jury; to interview Anthony J. Stathopoulos; for access to witnesses; to interview Robert C. Glavin; to be furnished with copies of the autopsy report; to inspect personal effects; to be furnished with criminal records and probation records; after rehearing, each denied.
	Cassesso's motion for Bill of Particulars filed, after hearing, denied.
	Tameleo's, Cassesso's, Salvati's, Grieco's motions to dismiss and Grieco's motion to dismiss because Grand Jurors improperly drawn, after hearing, each denied.

(Continued)

000627

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 5/6/68

1

JOSEPH BARSH was contacted at the location where he is in the custody of the United States Marshal and a check was made of his physical well being.

On 4/24/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO Date dictated 4/30/68

DMC:pe'b

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EXHIBIT 222

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Boston, Mass.

Report of: DENNIS M. CONDON
Date: 4/24/68

Office: Boston, Massachusetts

Field Office File #: 92-1132

Bureau File #: 92-9888

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Results of contacts with JOSEPH BARON and Atty. JOHN FITZGERALD not related to case involving RAYMOND L. S. PATRIARCA, HENRY TAMELEO, and RONALD CASSESSO, are set forth herein. BARON contacted on 3/21/68 and 4/4/68 by representatives of the Suffolk County District Attorney's Office in preparation for the murder trial involving the gangland death of EDWARD DEEGAN. FITZGERALD also in contact with Suffolk County authorities relative to DEEGAN case. SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

- P -

DETAILS:

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FD-263 (Rev. 3-8-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
BOSTON	BOSTON	4/24/68	3/2 - 4/22/68

TITLE OF CASE: JOSEPH BARON, aka

REPORT MADE BY: DENNIS M. CONDON — TYPED BY: po'b

CHARACTER OF CASE: AR

REFERENCE: Report of SA DENNIS M. CONDON, dated 3/4/68, at Boston.

- P -

LEAD

BOSTON

AT BOSTON, MASSACHUSETTS. Will maintain contact with subject.

ADMINISTRATIVE

This case is being maintained in a pending status to report results of contact with JOSEPH BARON, inasmuch as

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
					NONE		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: James F Hendley — SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:
3-Bureau (92-9828)
1-USA, Boston, Mass.
2-Boston (92-1132)

92-1128-7

REC 8

EX-105

12 APR 26 1968

Dissemination Record of Attached Report	Notations
Agency	
Request Recd.	
Date Fwd.	cc - AUSA, Criminal Division, Organized Crime and Racketeering Section, Room 2511
How Fwd.	
By	

NINE STATE SECT.,

EXHIBIT 224

BS 92-1132

information obtained during some contacts with BARON has no bearing on the case entitled, "RAYMOND L. S. PATRIARCA, aka; HENRY TAMELEO, aka; RONALD CASSESSO, aka, ITAR-GAMBLING," Bosfile 166-629, Bufile 166-3219.

B*
COVER PAGE

(129

Statement of Joseph Barron, in the presence of Sgt. Det. Frank L. Walsh, Detective John F. Doyle, and Jack I. Zalkind, Assistant District Attorney, on Friday, April 26, 1968 at about 11:00 A.M. to 1:00 P.M. at GL:

"Ronnie came back from Florida about the 21st of Febraary or the end of February. Ronnie ran a tab at the Cadillac Hotel.

Louis Greico told me that he had other business deals or swindles with Roy French. I told Greico I was going back to Boston sooner than I thought. I told him to call the hotel and give the name of John. When I met Greico at the Peppermint Lounge, I told him to set it up with Roy French. Later, Louis and I sat in the car in East Boston. We talked and then went down the Ebbtide and saw Roy French. It was about the first part of March when we talked to French; I was concerned about French because he was a friend of Deegan's, - that's why Louis Grieco spoke to Roy first at the Ebbtide. Then I went in after they had talked. I said to French, 'Louis told you about the deal' and he said, 'I'm doing it because I never liked Deegan.' I told him I would straighten out the beef with McLean, that's really why he did it - he never got any money out of it.

When I left Louis, he said he was staying up on the Pike and he said, 'If you want me, call the Deli.' We had a code. If I wanted him I would say, 'Tell John that Joe hit the daily-double.' Detective Adam DiPasquale talked to me many times in the Deli before and after the Deegan thing.

Louis used to stay at the Point of Pines and I think he stayed at the Ten Acres and the Saugus Pines. There was one on the hill, it was a brick motel and a guy from the North End ran it.

EXHIBIT 225

201135

Statement of Joseph Harrison, continued: (4-26-68)

-2-

In Florida, Louis was scared of the Law, because I think he was on probation and because he whacked his wife, he was afraid of violating his probation. Tameleo got involved in buying the house in Peabody or selling the house in Florida.

When Joe came home from Florida, his wife remembers that she picked him up at the airport on a Monday night, she's pretty sure of that. [redacted] came home Sunday night and Joe had told her he could not get a plane out of Miami because of the fog and rain. She called the airport and found out that there were no planes leaving, because of the weather. She remembers she picked up Joe at six or 7:00 P.M. on Monday. They went straight home, she remembers because they had a big argument that night. They went down to Florida, they think, on Eastern Airlines. Joe said that on the trip back from Florida the plane stopped at Philadelphia. They checked into the Cadilla the day after they got to Florida and he is pretty sure he stayed at [redacted] place for three days. While in Florida they saw Sinatra at the Eden Roc.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Callahan

DATE: 4-29-68

FROM : J. B. Adams

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran
EOD 1-29-51; GS-13, $15,757

EXHIBIT
226

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

SA Condon is at the Seat of Government for Top Echelon Informant School in session 4/29 through 5-10-68. The following is a summary of his record for the Director's use.

He entered on duty 1-29-51, and served at Philadelphia and New York prior to transfer to Boston on 4-11-52, his current office of assignment. He has been in Grade GS-13 since 5-29-60, is 44 years of age, married and has [redacted] He is a native of Charlestown, Massachusetts.

He is in his 2nd office of preference, listing Honolulu first. He currently is #4 for Honolulu. His overtime performance is considered satisfactory and he is completely available.

During the past year he had been specifically assigned to fulfill the prime objective of the Bureau in organized crime penetration of the La Cosa Nostra. In appreciation for his noteworthy services in the investigation of the Interstate Transport in Aid of Racketeering-Gambling case involving Raymond L. S. Patriarca, he received an INCENTIVE AWARD of $150 by letter dated 3-15-68.

In connection with the Bureau's work on that case, Attorney General Ramsey Clark, by letter dated 3-20-68, expressed his Commendation for SA Condon's ability, initiative, patience and resourcefulness under most difficult circumstances in handling the Government's key witness and stated he was an excellent witness. The Attorney General's letter was acknowledged on 3-22-68, with appreciation for his generous remarks.

-159 [illegible] 433266-1

For the rating year ended 3-31-68, he was rated EXCELLENT. He had continued in assignment to the Criminal Intelligence Squad. In connection with this report he was recommended for a Quality Within-Grade. He developed Joseph Baron, aka Joseph Barboza, described as the most vicious criminal in New England and one whom law enforcement generally felt could never be compromised to testify against La Cosa Nostra's head, Patriarca, and Patriarca's associates. SA Condon directed Baron to the point where Baron testified for the Federal Government. The trial was finalized

ENCLOSURE - Permanent Brief of SA Dennis M. Condon

FBI-HCGR-000003555

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

Memo J. B. Adams to Mr. Callahan

RE: SA DENNIS M. CONDON
Boston Office

with the conviction of Patriarca, his underboss, Henry Tameleo, and La Cosa Nostra member Ronald Cassesso in U. S. District Court, Boston, in March, 1968.

By letter dated 4-10-68, he was advised that EFFECTIVE 5-5-68, he will receive a QUALITY WITHIN-GRADE SALARY INCREASE in GS-13 to $16,207 which is in appreciation for his fine performance during the period 4-1-67, to 3-31-68.

During his career to date, he has been COMMENDED on 25 occasions, the last by letter dated 8-14-67, also in connection with the Patriarca case. He has been CENSURED twice 6-24-60 and 1-25-65.

He has received 9 INCENTIVE AWARDS in addition to the Quality he will receive in May. The most recent of these Cash Awards was on 3-15-68.

He has not been interested in administrative advancement.

His nephew, SA Dennis Condon entered on duty 8-21-67, and is a first-office agent assigned to Norfolk. He has been assigned there since 11-30-67, and he was rated Excellent on his 3-31-68 performance report.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 5/8/68

1

Attorney JOHN FITZGERALD was contacted at his residence, 151 Providence Highway, Westwood, Massachusetts. A check was made on FITZGERALD's physical well being.

FITZGERALD was advised that SA's M. PAUL RICO and DENNIS M. CONDON would be out of the city for the following two weeks and that if he had to call upon the FBI he could contact Special Agent JOHN F. KEHOE.

Mr. FITZGERALD made available a copy of a letter which he had received from JOSEPH BARON. This letter was from BARON to United States Senator ROBERT KENNEDY and consisted of complaints about his treatment since being in the custody of the United States Government and a witness against RAYMOND PATRIARCA. FITZGERALD said that this letter was pretty much the same as the letter that BARON had sent to the Attorney General. He said it was his feeling that BARON had no cause for complaint of his handling by the government but, because of his very nature, he will always complain, no matter how he is being handled.

On 4/27/68 at Westwood, Massachusetts File # Boston 92-1132

by SA DENNIS M. CONDON:po'b Date dictated 5/2/68

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EXHIBIT 227

(10)

STATEMENT TAKEN FROM JOSEPH BARON ON THURSDAY, MAY 9, 1968, ON QUESTIONING BY JACK I. ZALKIND - NOTES TAKEN BY SERGEANT FRANK L. WALSH.

I GOT THE BULLET PROOF VEST FROM WIMPIE BENNETT ABOUT SIX MONTHS BEFORE WE MADE THE HIT. WE HAD A STOCK PILE OF STUFF LIKE THAT. I HAD THE VEST IN THE BACK OF THE CAR FOR AWHILE. I KEPT USING DIFFERENT CARS, FINALLY PUT IT WITH RONNIE. I GAVE IT TO HIM SO WE COULD BOTH USE IT.

THE NIGHT THAT JOE SALVATO GAVE ME MY VEST, I PUT IT ON. IT WAS HEAVY BUT I PUT IT ON AND I HAD A DARK GREEN RAIN AND SHINY COAT ON, I PUT IT ON OVER IT. I DON'T REMEMBER WHERE I PUT IT ON AT THIS TIME. I MIGHT HAVE PUT IT ON IN THE BACK ROOM OF THE EBB TIDE. JOE, "THE HORSE", GAVE US THE GUNS IN RONNIE'S PLACE. I HAD A "357", WHEN WE WENT INTO THE EBB TIDE. WE ALL HAD OUR GUNS. WHEN I LET RONNIE OUT OF THE CAR TO TELL CHICO TO SCREW, I WAS DRIVING. I REMEMBER GOING BY THE DOG TRACK, AROUND THE ROTARY, AND I TOOK A RIGHT TO THE EBB TIDE. I STOPPED THERE, IT WAS DESERTED, THATS WHEN I TOOK THE VEST OFF AND GAVE IT TO JOE, "THE HORSE". I HAD A SHOT GUN IN MY CAR FOR AWHILE AND I HAD AN M-1 IN THE CAR THAT NIGHT. ROMEO MARTIN GAVE ME THE RIFLE SOMETIME BEFORE. IT WAS IN MY CAR AND THAT NIGHT I PUT IT IN THE BACK OF ROMEO'S CAR. THE AIRWAY PISTOL WAS LIGHT. ROMEO GAVE IT TO ME AT THE EBB TIDE ONE AFTERNOON.

EXHIBIT 228

001140

WHEN I WAS TALKING TO PETER LIMONE, I WENT TO PAY HIM SOME MONEY I OWED HIM, IT WAS SOMETIME IN JANUARY, ON PRINCE STREET. I GAVE HIM THE MONEY AND HE BROKE AWAY FROM SOME PEOPLE HE WAS TALKING TO. HE SAID, "I WANT TO TALK TO YOU ABOUT SOMETHING IMPORTANT, COULD YOU DROP BY LATER." HE SAID, "DO YOU KNOW TEDDY DEEGAN, THE IRISH BASTARD THAT KILLED THAT NICE ITALIAN KID, SACRAMONE." HE SAID THE OFFICE WAS UPSET ABOUT IT, AT THAT IRISH BASTARD, THAT HE HAD NO REASON TO KILL HIM. DEEGAN JUST WANTED TO LET THE OFFICE KNOW THAT HE WAS CAPABLE. I SAID THAT I HEARD THAT HE (DEEGAN) HAS BEEN CAUSING TROUBLE DOWN AT THE EBB TIDE AND HE SAID, "THATS RIGHT, THE EBB TIDE IS A CONNECTED JOINT".

PETER NEVER MADE ANY MONEY FROM THE EBB TIDE BUT PETER WAS CONCERNED BECAUSE THE EBB TIDE WAS TIED IN WITH PATRIARCA SO HE WOULD BE INTERESTED IN ANYTHING THAT CAUSED TROUBLE THERE. PETER ALSO TOLD ME THAT PROPOLO DOESN'T WANT TO LET THE GUYS WHO BROKE INTO HIS HOUSE GET AWAY AND HE SAID, "WE WEREN'T WRONG WHEN WE KNEW HANNON AND DELANEY DID IT, BECAUSE THEY FOUND PROPOLO'S SUIT IN HANNON'S HOUSE.

RAYMOND WAS AWARE OF THE PLAN TO KILL DEEGAN BECAUSE I TALKED TO HENRY AND HENRY TOLD HIM EVERYTHING. PETER ALSO TOLD ME THAT A FRIEND OF THE SACRAMONE'S HAD SAID, "ISN'T THE OFFICE GOING TO DO ANYTHING ABOUT THIS AND HE SAID HE TOLD THEM, JUST BIDE YOUR

TIME. PETER SAID TO ME, DEEGAN CAME DOWN WHEN GEORGIE MCLAUGHLIN WAS IN TROUBLE. DEEGAN WENT TO SEE PETER AND ASKED FOR $1000.00 TO HELP GEORGIE.

Q. WHY DID DEEGAN GO TO LIMONE INSTEAD OF RAYMOND OR HENRY?

A. IN HIS PAST RELATIONS, HE KNEW THE ANGIULOS WERE CONNECTED AND HE HAD DONE BUSINESS WITH THEM BEFORE. HE DIDN'T GO TO JERRY BECAUSE HE HAD ALREADY GIVEN HIM SOME MONEY, THATS WHY HE WENT TO LIMONE INSTEAD OF JERRY. PETER SAID WHEN I GAVE HIM THE $1000.00, I WONDERED WHY HE CAME TO ME INSTEAD OF THE OTHERS BUT LATER HE BRAGGED THAT HE SHOOK ME DOWN AND THE OFFICE IS MAD ABOUT IT. THE ONLY RESENTMENT I HAD AGAINST DEEGAN WAS BECAUSE HE WAS GEORGIE'S FRIEND. JOHNNIE SUTTS INTRODUCED ME TO DEEGAN AND WHEN I WENT TO THE DOG TRACK, I MET DEEGAN THERE. BOTH DEEGAN AND I WERE EX-FIGHTERS SO I HAD NO BEEFS WITH HIM. IN REGARDS TO 19 FLEET STREET, RONNIE HAD A HOME IN SOMERVILLE, HE HAD FIVE KIDS AND HIS WIFE WAS VERY RELIGIOUS SO ACTUALLY HE LIVED AT 19 FLEET STREET. ROMEO LIVED THERE TOO. IN REGARDS TO THE EBB TIDE, HENRY HAD A PIECE OF THE EBB TIDE AND AT THE EBB TIDE, HE TOLD ME, "JOE, WHEN I'M NOT HERE, DO ME A FAVOR, KEEP THEM FROM FIGHTING." I KNEW BEFORE THAT TIME THAT HE HAD A PIECE OF THE PLACE. AT ONE TIME, RICHARD CASTUCCI AND THESE OTHER RELATIVES, WITH HENRY, OWNED THE PLACE AT THAT TIME. HENRY HAD ABOUT 20% OF THE PLACE.

THE CASTUCCI FAMILY BROUGHT HENRY IN FOR PROTECTION. HENRY TOLD ME HIMSELF, "I GAVE JUNIOR VENTOLA $20,000 FOR HIS END AND HE WENT INTO ALFONSO'S." HENRY HAD A PIECE OF THE SBB SIDE IN ABOUT OCTOBER OF 1964. I SPENT A LOT OF TIME AT THE SBB SIDE BECAUSE HENRY WANTED ME TO WATCH OUT FOR THE PLACE. I BROKE UP MANY FIGHTS THERE. WE HAD A CERTAIN SLANG, FOR EXAMPLE, "DOWN THE STREET", MEANT PRINCE STREET AT THE ANGIULO'S. IF SOMEBODY SAID, "DOWN BELOW, THAT WOULD MEAN PROVIDENCE, RHODE ISLAND.

FD-302 (Rev. 3-13-64)

FEDERAL BUREAU OF INVESTIGATION

Date 5/20/68

1

JOSEPH BARON was contacted at the location where he has been in the custody of the United States Marshal. A check was made on his physical well being.

BARON advised that United States Attorney PAUL MARKHAM and Departmental Attorney WALTER BARNES had contacted him with Attorney General DE SIMONE from Rhode Island and Colonel WALTER STONE of the Rhode Island State Police. DE SIMONE was trying to ascertain if BARON would be willing to testify against PATRIARCA in the State of Rhode Island.

BARON said he listened to what they had to say but gave them no definite answer. He said he would be very much concerned for his personal safety if he had to go to Rhode Island and testify against PATRIARCA.

On 5/13/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO

DMC:pob:lb 6 Date dictated 5/17/68

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EXHIBIT 229

(11)

Statement of Joseph Baron to Assistant District Attorney Jack I. Zalkind, taken at G.L. by Sgt. Walsh, Friday, 5/17/68 at 11:00 A.M.:

"In connection with the Deegan thing, Romeo Martin's name was first mentioned after I came back from Florida. After Ronnie came back sometime about the 20th of February, or at least the latter part of February, I talked to Ronnie about Romeo. That was when we made our plans. Romeo and Ronnie were partners. I told Ronnie about Louis Greco a couple of days after he had come back from Florida. I had told Ronnie about the contract, in Florida, and that was after I talked to Louis Greco. I told Romeo about the score in the latter part of February, when Ronnie and I were back. I didn't give him all the details. In Florida, I told Ronnie about the contract but no details as to who the victime, was, etc. In Florida, I told Louis Greco about the contract after he wanted me to kill his wife. When Louis Greco drove up to the Peppermint Lounge, I said, 'Hi Louis, what's the matter?' He said, 'I've been driving all night'. I remember he had black gloves on, black pants and suit. He was in a green Ford and he was very tired. He told me there was a lot of heat on him down here because his wife had got a complaint against him.

I first met Greco about 1962. He used to borrow money from me.

On Thursday, before the Deegan thing, Roy French came to my corner about 2:00 P.M. He said that he had just met Deegan and spoken to him. He said Deegan was going on a score and Stath would be there. I asked him when and he said, 'I'll know tomorrow'. He also said that a door would be left open for them.

I got a hold of Ronnie and told him the thing is coming to a head, but I don't know all the details yet. I met him in the North End.

EXHIBIT 230

001144

Statement of Joseph Baron, continued: 5/17/68

-2-

On Friday, about 2:00 P.M. Roy French came down to my corner again and told me more of the details. He told me about the Finance Company and about Stath. He said, 'They are going to call me tonight about 9:00 P.M. at the Ebbtide'. He said the Finance Company is in Chelsea and that Stath, Deegan, and he were going on the job. He told me he asked Deegan if he should bring a gun and Deegan said, 'no'. He xxx told me the alley was across from the Chelsea Record and he described the Bank and the door to upstairs and he mentioned a cop.

I told Chico to call the Deli and he had a phone number, too, I don't know how Chico got in touch with Louis Greco. That afternoon, I got to Fleet Street about three or 3:30 P.M. Ronnie was there on the street and we went into the house. Joe the Horse and Peter Planque were there and Ronnie told both of them to go get a cup of coffee. They left and I told him the whole story about the thing. I told him there were two guys involved. One would stay in the car. I said, 'We got to make sure to grab Stath'. We were going to talk about it when Romeo came in. I told him about the hit and he said he didn't like Deegan. Louis came in with Chico. There was Romeo, Ronnie, Chico, and myself. I told them the story. Louis said, 'Give me a piece of paper. I know the area well', and he drew a map. He showed us the alley and so forth and he talked about the fruit cart being there. I said, 'Look, Stath will be in a car outside. We've got to grab him in the car after the first shot at Deegan and we have to make sure to protect ourselves from him. Romeo said, 'I want to be in the alley' and I said, 'All right, I'll take care of Stath, we got a bullet-proof vest in the stock pile, I'll use that and you and Louis will be inside the doorway'. 001145

Statement of Joseph Baron, continued: 5/17/68

-3-

The plan was that when Deegan started for the alley, and when in the middle of the street, we would run from the car and then walk across the street so that we would be there for Stath. Joe would close the doores of the car and get behind the wheel. We would have ~~three~~ .357 Magnums. We thought about how we would get out of there after we shot Stath and at that time Romeo said, 'We could use his car'. I didn't want to use my car, it was too well known. We said we'd need two guns in the alley for Deegan. They talked about French being treacherous and they didn't like the idea of French, so we decided to put two in the alley. We figured we would need two men to take care of Stath, so then we thought, 'How are we going to get away fast?' We knew with all the shots being fired....I said we'd need a good driver for the car to get away. Then we talked about maybe a cruiser car coming along at that time. We would need a man in a legitimate car to block the way, so we figured all together we would need six guys. I said, 'Chico could be in the legitimate car and we would need one more man'. Louis,said, ' How about Nickey being the driver of the getaway-car?' and I said, 'No, I don't want him involved' and that's when Ronnie said, 'How about Joe the Horse?' I knew Joe pretty good and I said okay. Louis said,that was all right with him but he didn't want Joe to know his name. I sent Ronnie out to get Joe and Ronnie talked to Joe in the bedroom and when they came out, Romeo said, 'Joe is in', and I said, 'Good'. It was now about 5:00 or 5:30 P.M. I had to change clothes and at that time I told them it was a $10,000.00 contract. I said, 'Louis understands that we will all meet at the Ebbtide about 8:30 or 9:00 P.M., but Louis said, 'I'll have a hot box and I'll be parked down the street. Ronnie can just come down and get me'

001146

Statement of Joseph Baron, continued: 5/17/68

-4-

Louis said, 'How about a piece for me?' and I said, 'Romeo will have a piece for you'. Ronnie and I had a stock pile of M-1's, a machine gun, at least one .357 Magnum and a couple of 38's and .32's. Ronnie had .45's as well. We were there at Fleet Street from about 3 to 5:00 P.M. I got home about quarter of six. I don't remember whether Chico drove me home or I drove myself. Nicky came to pick me up around 6:30 or 7:15. I had told Romeo and the others that I would be back at the apartment about 7 o'clock and I got there about that time. Ronnie, Romeo, and Joe the Horse were waiting there. I said, 'We're pressed for time - get all the stuff'. I had a black stetson and phony eyeglasses. Ronnie had on a white raincoat and he would have glasses and a phony moustache. Joe the Horse was laughing and xinx said, 'I'm going to be bald and showed me x wig with hair on the edges. I said, 'We'll have the M-1 that Ronnie gave me in the car so get two .357's for Ronnie and I. Romeo said, 'Get me a .38 and a .45 for Louis. Joe went out and came back in about five minutes with a canvas bag. He put it on the table and he had two .357 Magnums. He handed Romeo a .38. There was a paper bag there with grey undertaker gloves in it. Joe put his on and gave a .357 to me and one to Ronnie. Romeo said, 'Give me the .45 to Louis and Joe gave him a towel with a black gun in it, then he pulled out a round plastic container that had moustaches and he gave me a moustache. I had phony eyeglasses myself. He gave Ronnie glasses and the moustache. Joe took out a bald wig for himself with hair on the side and bald on top and a moustac for himself. Joe took the bag which still had a couple of .32's in there. He left then came back. When he came back, I said, 'Joe should have a gun So I gave him my .38 Airway and I told him to take good care of it.

Statement of Joseph Baron, continued: 5/17/68

-5-

Romeo and Ronnie were in my car with me and Joe took the vest and the M-1 and put it in Romeo's car and I gave him my soft hat too. Joe left in Romeo's car to go to the Ebbtide and wait for me. Chico was told to meet me at the Ebbtide at 8:30. Ronnie, Romeo, and I went to Chelsea. Romeo was driving my car and I was in the back seat. Ronnie and Romeo walked into the alley about 7:45 or so and when they came back, Romeo said he saw the door and it was open.

We went to the Ebbtide, Romeo parked my car out front, we went inside and I saw Roy French. He said, 'Im waiting for the call and he said, 'The car they will be in is an off-white convertible with a dark roof.' He said, 'Ill be carrying a .38. We sat inside there and Chico got there about twenty minutes after we got there. I told him to go outside and he went out. Nicky was there when we got there. It was about 15 minutes before we left that Romeo told Ronnie and I Louis was outside. Joe the Horse was with another group. I told Joe to put Romeo's car way in the back of the parking lot and he did.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 5/29/68

1

JOSEPH BARON was contacted at the location where he is in the custody of the United States Marshal. A check was made on his physical well being. BARON said he was concerned as he did not feel Attorney ZALKIND from the Suffolk County District Attorney's office was spending enough time with him in preparation for his court appearance in Suffolk County. He was advised that this matter would be brought to the attention of Attorney ZALKIND and JOHN DOYLE of the District Attorney's office.

On 5/29/68 at Gloucester, Massachusetts File # Boston 92-1132

SA's DENNIS M. CONDON and
JAMES D. MC KENZIE

by DMCepa:lb Date dictated 5/24/68

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EXHIBIT
231

Barboza Pleads Guilty

MAY 01 1968

Joseph Barboza, Jr., 25, of Swampscott pleaded guilty Monday to two counts of Conspiracy to Murder at the outset of the Suffolk Superior Court trial of seven men in connection with the gangland slaying of Edward "Teddy" Deegan. Baron, one of the de-

Baron Tells

EXHIBIT
232

May 23, 1968



On May 23, 1968 at approximately 1:30 p.m., Assistant District Attorney Jack I. Zalkind, in company with Sgt. Detective Walsh and Joseph B. Fallon, met Joseph Baron at the location in which he is presently in custody.

Mr. Zalkind conducted a lengthy interview with Baron relative to his testimony before the Grand Jury in the Deegan inquiry and the subject matter of his proposed testimony at the trial, scheduled to commence May 27, 1968.

Baron had personally prepared handwritten notes relative to matters which Mr. Zalkind had previously discussed with him and Baron read these notes to Mr. Zalkind.

Baron further stated that Henry Tameleo had given him one thousand dollars in cash to assist him in preparing his defense in the Pearson case and also stated that Peter Limone gave him two hundred dollars for the same purpose.

Baron recalled that one Anthony Sasso introduced him to Peter Limone in 1961 or 1962 at the time when Limone asked Baron to beat up an official of the Bakers Union. Baron knew Limone to be a shylock, vending machine operator, engaged in football pools and the operator of an after-hours joint. Baron has seen Limone placing "bags of money" on a table in the Dog-House on Prince Street and Baron was used by Limone to

locate persons who had borrowed money from Limone and were hiding out or delinquent in their payments.

Baron first met Tameleo at Bratso's wake. Peter Limone introduced Tameleo to Baron at that time. He believes it was in 1964.

As to Tameleo's interest in the Ebb Tide, Baron said that after one of the Ventolo's had been beat up and word got around that "Junior" Ventolo was going to be hurt, Tameleo spoke to Baron, told him he had bought out Ventolo's interest in the Ebb Tide for twenty thousand dollars and didn't want any trouble. Tameleo then asked Baron to keep an eye on the Ebb Tide premises during business hours and square away any beefs in the joint. This Baron proceeded to do.

With regard to Roy French working at the Ebb Tide, Baron states that French had borrowed money from him and that he, Baron, spoke to Tameleo about getting French employed. In this way Baron felt that he had a better chance of receiving the payments from French that were due him. As a result of this conversation between Baron and Tameleo, French was given a job at the Ebb Tide.

001150

This interview terminated at approximately 4:30 p.m. same date at which time Mr. Zakind discussed the proceedings to be held in the Courtroom at the opening of the trial, May 27, 1968.

000524

Date of Filing	
May 27, 1968	Certificate of protracted trial filed. (Paper No. 57 in case No. 31601)
	Court orders jury impanelled of sixteen members.
	Baron brought into Court - files waiver of right to counsel - certificate of Judge filed. (Paper No. 20 in case No. 32369)
	Baron pleads guilty.
	Baron recognizes personally without surety in the sum of $100 for further appearance before Court. Forte, J.
	Baker and Anderson, stenographers - L.O'Donnell and J. Greene, Attorneys for Grieco. A. McLaughlin Attorney for French. Zalkind, A.D.A.
	C.Paris, Attorney for Salvati. R. Chisholm, Attorney for Cassesso.
	R. Stanziani, Attorney for Limone. J. Balliro, Attorney for Tameleo.
May 28, 1968	Each defendant's oral renewal of motions to sever denied.
	Each defendant's joint motion to disqualify trial justice denied.
	Tameleo's motion for continuance filed and denied. (Paper No.29 in case No. 32365)
	Tameleo's motion to discharge veniremen filed and denied. (Paper No. 30 in case No. 32365)
	Trial as to French, Grieco, Tameleo, Cassesso, Limone and Salvati (with indictments Nos. 31601,32365 to 32369 inclusive) under provisions of General Laws (Ter.Ed.) Chap.278, Secs. 33A to 33G inclusive as amended before Forte,J.

PENGAD-Bayonne N.J.
EXHIBIT
235

UNITED STATES GOVERNMENT

Memorandum

TO: SAC [redacted] F

DATE: 5/31/68

FROM: SA H. PAUL RICO

[X] CI [ ] SI [ ] R (Prob)
[ ] PCI [ ] PSI [ ] R
[ ]

SUBJECT: [redacted] B,F

Dates of Contact: 5/28/68

Title and File No. on which contacted:

HENRY TAMELEO, aka, AR
PETER LIMONE, AR
RONALD CASSESSO, aka, AR

[redacted] F

Purpose and results of contact:

[ ] NEGATIVE
[X] POSITIVE
[ ] STATISTIC

Informant advised that he was told by [redacted] B that JERRY ANGIULO and LARRY BAIONE are very concerned about the trial that has just commenced in Suffolk County, Boston, in the murder of EDWARD "TEDDY" DEEGAN; that they have tried "to reach" prospective jurors; they have tried to reach defense witnesses and that they are going to try to reach JACK ZALKIND, the Assistant District Attorney who is handling the case.

Informant said [redacted] indicated that ANGIULO stated that they are going to have ZALKIND offered the kind of money he could not possibly refuse ([redacted] indicated that they are going to offer ZALKIND up to $200,000 for a guaranteed "not guilty.") ; that they have asked a friend of ZALKIND's to make an approach to ZALKIND but that this friend of ZALKIND's turned them down; however, [redacted] indicated that they are putting pressure on this friend to make the approach

[X] Informant certified that he has furnished all information obtained by him since last contact.

Filing: [redacted] F

Coverage: [redacted] F

HPR:po'b
(5)

EXHIBIT 236

JUN 4 1968

000876

[redacted] and that [redacted] feels sure that they will be successful in "forcing this individual" to contact JACK ZALKIND.

This information was disseminated to Suffolk County District Attorney GARRETT H. BYRNE orally on 5/29/68. BYRNE requested that the Agents also advise ZALKIND of this in his presence, which was done, and BYRNE instructed ZALKIND to immediately contact him if there is any approach made and, if he is invited to meet someone, to contact him first so that additional coverage can be given the meeting.

District Attorney BYRNE advised that he himself will be present during the trial to ensure that prosecution is carried out to the fullest extent and that if he cannot be there for some reason, he will have his First Assistant, LARRY CAMERON, sit in. BYRNE advised that ZALKIND has been preparing this case as if this is going to be a stepping-stone for him in his future and does not feel that ZALKIND would, under any condition, intentionally lose this case. BYRNE said, however, he is taking no chances.

FD 302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 6/12/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal. A check was made on his physical well being.

BARON advised that there have been a number of occasions when Assistant District Attorney for Suffolk County, JACK ZALKIND, notified him that he was going to meet with BARON in preparation for the pending DONOAN murder trial in Suffolk County and then ZALKIND called him to cancel the meeting. He complained that he did not feel ZALKIND was spending adequate time with him in preparation for the case. However, he was advised that this would be brought to the attention of Mr. ZALKIND and that ZALKIND would take the matter up with him.

On 5/31/68 at Gloucester, Massachusetts File# Boston 92-1132

by SA DENNIS M. CONDON:pob 8 Date dictated 6/6/68

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EXHIBIT 237

FEDERAL BUREAU OF INVESTIGATION

Date [redacted]

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal. A check was made on his physical well being.

BARON advised that there have been a number of occasions when Assistant District Attorney for Suffolk County, JACK ZALKIND, notified him that he was going to meet with BARON in preparation for the pending DEEGAN murder trial in Suffolk County and then ZALKIND called him to cancel the meeting. He complained that he did not feel ZALKIND was spending adequate time with him in preparation for the case. However, he was advised that this would be brought to the attention of Mr. ZALKIND and that ZALKIND would take the matter up with him.

On 5/31/68 at Gloucester, Massachusetts File # [redacted]-77

SA DENNIS M. CONDON:pot 6/6/68

by Date dictated

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FD-302 (Rev. 6-11-64)

FEDERAL BUREAU OF INVESTIGATION

Date 6/12/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal, and a check was made on his physical well being.

On 6/5/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO:pc'b 9 Date dictated 6/11/68

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EXHIBIT 238

FB 302 (Rev. 4-15-66)

FEDERAL BUREAU OF INVESTIGATION

Date 6/22/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal. A check was made on BARON's physical well being. He advised he has been in touch with Suffolk County authorities and hopes to testify in the near future in the EDWARD "TRUDY" DEEGAN murder case.

BARON advised that he knows that the Rhode Island authorities want him to testify against PATRIARCA in State proceedings but he had not made up his mind whether he wants to do this as he would be concerned for his protection if he had to go to the State of Rhode Island where PATRIARCA has had so much influence for so many years.

On 6/12/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO DMC:pb's 10* Date dictated 6/18/68

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EXHIBIT

239

FD-302 (Rev. 3-15-68)

FEDERAL BUREAU OF INVESTIGATION

Date 6/28/68

1

JOSEPH BARON was contacted at the location where he is held in custody of the United States Marshal.

A check was made on his physical well being. No matters of pertinence were discussed with him.

On 6/19/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO:po'b 2 Date dictated 6/25/68

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EXHIBIT 240

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Boston, Mass.

Report of: DENNIS M. CONDON
Date: 6/24/68

Office: Boston, Massachusetts

Field Office File #: 92-1132

Bureau File #: 92-9828

Title: JOSEPH BARON

Character: ANTI-RACKETEERING

Synopsis: Results of contacts with JOSEPH BARON and Atty. JOHN FITZGERALD not related to case involving RAYMOND L. S. PATRIARCA, HENRY TAMELEO, and RONALD CASSESSO are set forth herein. BARON contacted by Atty. General for the State of Rhode Island to ascertain if he would testify against PATRIARCA in Rhode Island. BARON also contacted by representative of Suffolk County District Attorney's Office in preparation for trial involving gangland death of EDWARD DEEGAN. SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS.

- P -

DETAILS:



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U.S. GOVERNMENT PRINTING OFFICE: 1967—O—273-838

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 7/5/68

1

JOSEPH BARON was contacted at the Suffolk County Superior Court, Boston, Massachusetts.

BARON was being held there prior to his appearance to furnish evidence in the EDWARD "TEDDY" DEEGAN murder trial.

No matters of any pertinence were discussed with him.

On 6/28/68 at Boston, Massachusetts File # Boston 92-1132

by SA DENNIS M. CONDON:po'b 4 Date dictated 6/28/68

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EXHIBIT 242

Q All right. Now, was there any conversation at that time with regards to the weapon that Louis Greco would have?

MR. O'DONNELL: Just a minute, Mr. Zalkind. I just didn't hear that have. Did the witness say "I swapped guns with Romeo"?

MR. ZALKIND: Excuse me, your Honor. Does Mr. O'Donnell want the answer read from the record?

THE COURT: Yes, I think he does, and he is entitled to it.

MR. ZALKIND: Would you read it, please?

THE COURT: Would the stenographer read it out loud, please? The jurors have to hear.

[Answer read as follows:

"A Because I swapped guns with Romeo."]

Q Was there any conversation at this time with regard to what sort of a weapon Mr. Greco would have?

A He would have a.45.

Q Now, was there any conversation as to what sort of a weapon Mr. Capocaso would have?

A He would have a 357.

Q Was there any conversation with regard to what kind of a weapon you would have?

A I would have a 357.



Q Please tell us what happened -- strike that question. Will you pick up your questions and tell us everything that was said at this meeting on Friday, and tell us everything that was done, everything that was said and everything that was done?

THE COURT: That has to do with this case.

MR. BALKIND: Absolutely, your Honor.

MR. CHISHOLM: Objection.

THE COURT: Objection overruled.

MR. CHISHOLM: It's too broad. Couldn't we have it in question-and-answer form?

THE COURT: That's a good question. Wasn't everything done so that the witness can tell us in his own way? That is a proper question. Proceed.

Q Tell us everything that was said and done on that Friday.

THE COURT: Tell us everything that was said and everything that was done.

THE WITNESS: I said that Lewis would bring -- that Romeo would bring Lewis' gun down at the Ebb Tide, that Chico would be down at 8:30, down at the Ebb Tide. He wasn't to come in. Lewis didn't want to be seen --

THE COURT: Was that the conversation?

sort?

A At that time?

Q Yes.

THE COURT: Yes or no? Was there or wasn't there?

THE WITNESS: I'm thinking.

THE COURT: What?

THE WITNESS: I'm thinking, trying to think of it.

THE COURT: You think, but all you have to do is answer yes or no, because the question was - Was there any conversation.

THE WITNESS: I will have to say yes.

THE COURT: You take your time.

THE WITNESS: I will have to say yes.

Q Please relate what the conversation consisted of and who said what?

A I don't remember how the conversation went. All I know is that I had phony glasses and a moustache, Ronnie had phony glasses and a moustache, Romeo didn't have nothing, Joe the Horse had glasses and a moustache and wig that made him look bald, Chico had a moustache.

Q Now, after this meeting that you had Friday afternoon, did you have an occasion to leave the apartment?

A Yes.

Q And after you left the apartment did you have an occasion

meeting?

A Then he took out another -- a bag and -- out of a transparent little envelope, he gave us the mustaches. I already had a pair of glasses which I always kept on me, and he gave Romeo -- Ronnie glasses and Chico glasses, and I don't think Romeo even had glasses. I don't think he had glasses. Romeo didn't have anything.

Q Did you take anything?

A I took the mustache.

Q You took the mustache. Did you make any other observations with regard to what was taken out of that plastic bag that you described?

A Yes. He took out -- Joe The Horse took out for himself a mustache, a pair of glasses and the wig.

Q What did you do with this mustache that you got when it was given to you?

A I put it in my pocket.

Q Now, with regards to these items that were in that plastic bag, had you put anything into that bag or had you given any of the equipment in the bag to either Ronnie or Joe prior to this time?

A I had given him some mustaches. He had some theatrical equipment, and I had some stuff over in

with him by way of weapons?

A Weapons? When he came back?

Q Yes.

A No.

Q What did you do?

A I gave him my airway .38.

Q What did you say, if anything?

A I said, "I am going to give you my gun," I said. "You know, it's best you have a gun in case anything happens, but don't fire this gun unless you really have to," I says, "and if the law chases us and we have to get rid of this gun, try to remember the general area that you drop it so that we can find it later on."

So that I had the 357 Magnum and Joe had my .38, and I told him to take the M-1 out of my car and put it in Romeo Martin's car and put it -- it was under the back of the front seat.

Q What type of a weapon was the M-1?

A .30 caliber. It holds a .30 clip and a .15 clip.

Q Was it a hand gun or a rifle?

A A rifle.

Q All right.

A And then he took the bag that he had with a wig in it.

what were did you do?

A I told them to take my coat off from the back -- no. I didn't tell them. Not that time, no.

Q What did you do?

A I gave -- we got in the car. We got in the car.

Q Once you got in the car describe everything that was done and everything that was said?

A We left the parking lot.

Q Was there anyone else in the car other than the three people you just mentioned - you, Ronald Cassesso, and Joe?

A No.

Q What were the seating arrangements in the car?

A I was driving. Ronnie was sitting in the front, and Joe the Horse was in the back.

Q What was Ronnie wearing?

A A very light rain-and-shine coat, a white rain-and-shine coat.

Q Did you make any remarks about this light rain-and-shine coat to him at that time?

A No.

Q What was Joseph Salvati wearing at that time?

A He was wearing a dark rain-and-shine coat.

Q All right. After you got seated in the car, what did you

F 7

moustache to him and I said, "When we get to the place put some gum on and give it to me."

Q All right. Now, at this time were you wearing these glasses that you spoke about before?

A No.

Q Did you notice any make-up on Ronald Cassesse as you drove to Chelsea?

A He had already handed -- he handed the moustache to Joe the Horse and by the time we got to Chelsea, he had his moustache on.

Q Did you see him do this?

A Yes, and he passed the moustache to Joe and then by the time we got -- he was putting the moustache on when we were driving there, and when I looked at him good in Chelsea, he had on the glasses and moustache.

Q With regards to Joseph Salvati, did you see or hear him do anything with regards to make-up?

A Through the front mirror, in hearing the elastics snap.

Q Repeat that?

A Through the front mirror, where you can view the rear, I could see Joe putting on this wig and the snapping of the elastic.

Q And what kind of a wig was this? What did it look like?

A It had hair around this way and it had a few strands over here. It gave you a very high -- there's a few strands in

Room that went back here, and you were told.

Q What did it look like in the back? What did the room or the shell look like, now? I'm pointing to it.

A You were told.

Q You say you heard the struggling and you saw this?

A Yes.

Q Is that right?

A Yes.

Q Now, at some time did you get to Chelsea?

A Yes.

Q Where did you first stop when you got to Chelsea?

A I stopped on Pearl Street, which is -- when stopping by there at night --

Q Speak into the microphone.

A On stopping by there at night with Ronnie and Romeo, we had stopped on this street which is called Pearl Street.

Q Now, is there anything to -- any distinguishing landmarks about this street that you noticed?

A Well, it was -- maybe on the left-hand side about five car lengths, six car lengths there'd be a set of garages.

Q All right. Now, when you got to Chelsea -- first of all, before you got to Pearl Street did you make a pass past the alley, or did you not?

A Before I got -- yes. Well, we had to go by the alley.

Q [illegible] what kind of a car was that?

A Romeo's car was a '63 maroon convertible with a black roof.

Q What kind of a car was it, do you know?

A '63.

Q A '63 Oldsmobile?

A Yes.

Q Now, after you got these two men - Romeo and Lewis - what did you next do with regards to the five of you? What happened?

A Joe the Horse stayed in the car and Ronnie got out and I got out.

Q All right.

A Ronnie stayed there and I walked with Lewis and Romeo to the alley. We walked singly. I stayed behind them.

Q You walked to the alley?

A No. We walked to Fourth and Pearl Street.

Q You walked to Fourth and Pearl Street?

A Yes.

Q Was there any conversation as you walked with Lewis Grisco and Romeo Martin at this time?

A Yes.

July 2 -
July 9, 1968

Q [illegible]

A He said he was just in front of the alley.

Q Right.

A And then he thought that old lady had seen him also.

Q Any other conversation?

A But he said he thought it would be all right. So I said, "Well, be careful. Good luck."

Q And then what happened?

A And I was at the corner. I waited for them while they got in the alley.

Q And you saw the two of them go into the alley?

A Yes.

Q Now, sir, prior to them getting into the alley, was there any conversation as to where these two men were supposed to go once they got in the alley and what they were supposed to do?

A They were supposed to --

Q Talk into the microphone.

A The door was going to be open, left unlocked. One of them was going to stay outside in the alley, if there was room, if there was a spot they could hide in in the alley -- one was going to stay outside -- and one of them was going to stay inside, because the express purpose of being inside was to shoot him

inside with the door closed so that the shots could be adequately muffled.

Q Was there any predetermined plan as to who would be outside and who would be inside?

A No.

Q All right. Now, sir, what you saw them go into the alleyway -- and you are sure you saw them walk into the alleyway?

A Yes.

Q -- were the lights on or off in the alleyway at that time?

A They were off.

Q What did you do after you saw them go into the alley?

A I headed back to Romeo's car.

Q Then you got back to the car, what did you do?

A I said, "Let's bend the plates."

Q Who did you say that to?

A Ronnie.

Q And what did you do after you said, "Let's bend the plates"?

A Ronnie bent over and he curled the back plate. He curled it from the front on the bottom right, curled it this way.

Q Using this piece of paper, will you show the jury what

you saw him do with the plate?

THE COURT. You may stand, if you like.

A Like this.

Q So in other words, after he curled the plate, he left a certain portion of the plate exposed, is that correct?

A Yes.

MR. ZALKIND. And may the record indicate that the witness took the left portion of the paper that I gave him and turned it and folded it over that portion of the paper?

Q Now, after he folded this plate, could you observe any number still showing from the folded plate?

A Yes.

Q What numbers did you see showing?

A 410.

Q 410?

A I think it's 410.

Q You think?

A Yes.

Q All right.

A Because, actually -- well, all right. 410 or 420; I don't know what it was.

Q But you remember the first number was a 4? Is that what you are saying?

MR. CHISHOLM. Wait a minute. I object.

MR. SALLIBO. I object.

MR. ZALKIND. Withdraw the question.

Q Do you have any positive memory as to what the first number was?

MR. CHISHOLM. I object, Judge.

A A 4, yes; I know it's a 4. I know the 4.

Q Do you have any positive memory as to what the other numbers were?

A I did at one time but not now; it's so long.

Q Now, after you saw Ronnie do that, what did you do?

A I went around to the front because --

Q Not because. What did you do?

A I took and I just bent the plate completely, and no numbers were showing.

Q Show us what you did to your plate, or the front plate, if you will.

A I can't remember now if I just went like this or if I went like this.

Q But after you folded it, were there any numbers that could be seen?

A No.

Q Now, after this, what did you next do?

A We got in the car.

Q All right. And after you got in the car, what did you do?

A I drove to my first right.

Q And after you took your first right, what did you do?

A I took my first right again that I was able to take.

Q And then what did you do?

A I went up Chestnut Street, I think, up to Fourth Street.

Q And when you got to Fourth Street, what did you do?

A I took another right.

Q And after you took another right on Fourth Street, what did you next do?

A I parked on the left after the parking lot on the left-hand side. I parked on the side of a yellow building about three or four car lengths from the c ner. The bumper of the car was next to a meter and the back of the bumper of the car that was in front of me was almost opposite a pole. And I parked back far enough so that I could pull right out, with my wheels turned on the right so I could pull out.

Q What was the building immediately to your left as you parked there?

A It was like an orange-yellowish brick, if I remember right.

Q All right. Now, I ask you to look at this photograph and I ask you if this is a fair representation of the

THE COURT: Cassesso wasn't present, was he?

MR. CHISHOLM: Yes.

THE COURT: Cassesso was present?

MR. ZALKIND: Cassesso was present.

THE COURT: All right. Your motion is overruled.

MR. CHISHOLM: Exception.

Exception No. 3;

Q Go ahead.

A Everybody was talking at once.

Q All right. What did French say, if anything?

A He said --

MR. McLAUGHLIN: I pray your Honor's judgment. said that everyone was talking at once. How could he describe what --

THE COURT: All he can testify to is to what he heard.

MR. McLAUGHLIN: I move for a voir dire, your H

MR. ZALKIND: I pray your Honor's judgment.

THE COURT: Proceed.

MR. McLAUGHLIN: Exception.

THE COURT: Yes.

Exception No.

THE WITNESS: He said when he was going into th alley, as he was --

Q Speak into the microphone, please.

THE WITNESS: He said as he was going into the alley Deegan said to him about half way inside the alley, he said, "What are you hesitating for?" and he made him that much more nervous. He said that he thought Deegan now was starting to get suspicious of him. Then besides being afraid of the shots--he said he took his gun out and shot Deegan in the back of the head.

Q Did you have any other conversation -- specifically, with Roy French? Did you have any other conversation with Roy French?

A Yes.

Q What did you say and what did he say?

A He said that upon leaving the alley that he was shocked to see the greek still out there. He bent over and went like this to get out of there.

Q Stand up and show us what you're doing?

A He went like this. (Witness demonstrating.)

Q All right.

A And that he went away from Stathopoulos, and he said that Stathopoulos, and he said that Stathopoulos -- he said they didn't have guns. I said "Did Stathopoulos have a gun in the car?" He said "No. They didn't have guns."

Q Now, when you saw him in the back room at that time did

[illegible]

you [illegible] with regard to his clothing?

A Yes.

Q What observations did you make?

A He had blood on his sleeve and shoes.

MR. McLAUGHLIN: I pray your Honor's judgment How could he make that conclusion?

THE COURT: He may describe what he saw. That may go out.

Q What did you see?

A I saw stains on his suit coat and --

Q What color were the stains?

A They appeared to be blood.

MR. McLAUGHLIN: I pray your Honor's judgment

Q What color were they?

A It was a reddish color, and he had told me that --

Q Wait. Now, when you saw this item on his sleeve, did you notice anything else on his person at all?

A Yes.

Q What did you see?

A His shoes.

Q What did you see on his shoes? Would you describe what you saw? Don't characterize it.

A His red shoes -- I mean his right shoe had blood spots

on it.

Q Now, after you saw these spots -- well, again, he had spots on his shoes?

A Yes.

Q After you saw these spots what did you say, if anything?

A I said, "You've got stains --" I said, "Your clothes are stained." He said, "It went through my jacket." He said, "When I was up close --"

Q Went through his what?

A Topcoat. He had a topcoat on. He said, "When I shot Teddy," he said, "the blood went all over my arm."

Q Anything else?

A He said that he had broke up a fight earlier in the night. He broke up a fight earlier in the night, and he would say that the guy had a bloody nose and bled all over him, and he said he'd have witnesses to testify to that.

Q Did you have any conversation at that time -

MR. ZALKIND: Well, this may go on longer than I thought, your Honor. Perhaps this will be longer that I thought.

MR. CHISHOLM: I thought we were going until

4:30.

MR. ZALKIND: All right. I will go. I thought the jury might be getting a little tired. I will go until 4:30.

THE COURT: All right.

Q Did you have a conversation at this time with Romeo Martin in the presence of Roy French, Ronald Casasesso, and Joseph Salvati?

A Yes.

Q Tell us everything you said and everything Romeo Martin said.

MR. CHISHOLM: I object.

THE COURT: Overruled.

MR. CHISHOLM: Exception.

Exception No. 378

MR. CHISHOLM: I move for a voir dire.

THE COURT: Motion denied.

MR. CHISHOLM: Exception.

Exception No. 379

THE WITNESS: Romeo said that upon leaving he had put one into Deegan's head.

Q Now, was there any conversation by any of the people in the room at that time with regard to Lewis Grieco?

A Yes.

Q What was the conversation?

MR. CHISHOLM: I object.

MR. O'DONNELL: I object.

THE COURT: Objection overruled.

Q Who said anything?

A Romeo.

Q What did Romeo say?

MR. CHISHOLM: Object and except.

Exception No. 380

THE WITNESS: Romeo said, "I was in the doorway, inside the doorway." Romeo was in the alley

Q Romeo?

A I mean Lewis was in the alley. He said, "I was inside the doorway when I heard a shot. I opened the door, and Deegan was just going to his knees, and Lewis was already there."

MR. O'DONNELL: Your Honor, I --

MR. ZALKIND: I pray your Honor's judgment. Is there an objection?

THE COURT: Wait a minute, now. Be seated. I will hear your objection.

MR. O'DONNELL: Is this the man that's speaking? A dead man --

THE COURT: Will you be seated? Will you ask the question that you were asking? Now, get the answer and I will hear the objection.

MR. ZALKIND: The first question was - Was there any conversation by any of these men in the room with you at this time concerning Lewis Grieco? I believe the witness said yes, and I asked him for the conversation as it concerned Lewis Grieco, and he was answering me as to what Romeo Martin said, your Honor.

THE COURT: Now, Mr. O'Donnell?

MR. O'DONNELL: Was Mr. Grieco making the statement?

MR. ZALKIND: Of course not, your Honor. Mr. Grieco wasn't in the room.

MR. O'DONNELL: Romeo is dead, so anything comes in.

MR. ZALKIND: Now, your Honor --

THE COURT: Proceed. You may ask the question. The objection is overruled.

MR. CHISHOLM: I object and move for a voir dire.

THE COURT: Your rights are saved.

MR. CHISHOLM: Exception.

Direct - Mr. Zalkind

Q As you understand it, sir, the statement was made by Romeo Martin in the presence of you, Ronald Casessso, Roy French and Joseph Amico? Is that correct?

A And Joe The Horse.

Q And Joe The Horse. In other words, there were three defendants there - Roy French, Ronald Casessso and Joseph Salvati. Is that correct?

MR. CHISHOLM: I object to his summarizing the evidence again, Judge.

THE COURT: Proceed.

Q Now, what did Romeo Martin say?

A He said he was inside the doorway and that Lewis was outside in the alley. He had found a spot inside the alley to hide near the doorway, and he said that he heard a shot, and he opened the door fast, and Deegan was in front of the doorway -- almost in front of the doorway, and was just slumping to his knees. Lewis was already over him, and Lewis was firing into his chest, and that Romeo fired. He said -- and as they left, he said, "I put one into Deegan's head."

MR. ZALKIND: I would stop at this point,

your Honor.

THE COURT: All right. Tomorrow morning at 9:30.

[Adjournment.]

THIRTY-SECOND DAY

Tuesday,
July 9, 1968

[The Court came in, the jurors were polled and the defendants and counsel were present.]

MR. ZALKIND: Your Honor, may I approach the bench with Counsellor Stanziani at this time?

CONFERENCE AT THE BENCH:

MR. ZALKIND: Your Honor, I quote for the record on Page 4071:

"Before we have a recess, the Commonwealth calls for all the letters that Mr. Stanziani used to be marked for identification, your Honor.

"MR. STANZIANI: Your Honor, I will do that after the recess."

I asked for these letters after the recess. Mr. Stanziani did not give me the letters at that tim and I do not have these letters marked for identifica tion.

MR. STANZIANI: May I be heard when you are all through with your dramatics? Are you through?

First of all, your Honor, I questioned from these letters. It is my choice if I wish to

July 2-9, 1968

Cross-Examination

Q (By Mr. O'Donnell) Mr. Baron, did you ever see Lewis Grieco fire a bullet into the body of Edward Ted Deegan on March 12, 1965?

A No, sir.

Q Did you ever see any of the defendants fire a bulle into the body of Edward Ted Deegan on March 12, 1965?

A No, sir.

Q Now, how old are you, Mr. Witness?

A I will be 36 in September, sir.

Q And being 36 in September, is it fair to say that about half your adult life has been spent in prison

A Yes, sir.

Q Now, insofar as that is concerned, -- you're famili with Chelsea, aren't you?

A Yes, sir.

Q As a matter of fact, you are familiar with Hawthorn Street, aren't you?

A Yes, sir.

Q And when you talked about your wife now, is the wife you are with now the one you are living with on Everett --

MR. ZALKIND: Pray your Honor's judgment.

Q So with a wig like this on somebody in a car near a bank, you feel that would completely deceive the police department and they would get fooled by it?

A I think the only thing that could do that you have there is taking a shower or something or going in a pool, with that wig you have there.

Q And the one you described, of course -- I haven't been able to find one -- had hair around it like a crown and some hair going over the top?

A You can find one.

Q Now, of course, Mr. Baron, you never saw a .45 in Lewis Griece's hand, did you?

A No, I didn't, sir.

Q And insofar as a .45 is concerned, you heard about a .45, is that right?

A Yes, sir.

Q Now, I show you this toy. You said you couldn't see what was passed in the little kit, in some sort of a kit, that you couldn't see it was a .45. Would that be substantially a chalk of a .45?

MR. ZALKIND: I pray your Honor's judgment. The evidence -- may I be heard?

THE COURT: I will hear you.

MR. ZALKIND: The evidence, as the Commonwealth

maintained in its opening statement, was that it was not a .45 automatic but that it was a .45 revolver. That which Mr. O'Donnell has is a replica of an automatic, not a revolver.

Secondly, this witness has testified he has never seen the gun. This is just another display trick by Mr. O'Donnell.

I ask the testimony be stricken and this line of inquiry stopped.

MR. O'DONNELL: Cross-examination.

THE COURT: But you are showing something he said he never saw.

MR. O'DONNELL: I am asking about the .45 now and a .45 did come into the evidence.

THE COURT: That is an automatic.

MR. O'DONNELL: Yes.

MR. ZALKIND: Would your Honor rule on my motion?

THE COURT: Your objection is well taken.

MR. ZALKIND: But Mr. O'Donnell continues to ask the question.

MR. O'DONNELL: I am cross-examining.

THE COURT: He is cross-examining. And he said this kind of a gun had nothing to do with the killing.

Q Now, insofar as you are saying that this type of a gun never had anything to do with the murder -- is that your testimony?

MR. ZALKIND: I pray your Honor's judgment. That has not been the testimony, your Honor.

Q Well, I ask you this. Is that a toy chalk of a .45 Would you call that an automatic?

A An automatic?

Q Yes.

A Yes, it looks like an automatic, yes.

Q And having in mind a .45, you didn't know from your testimony whether it was an automatic or a revolver

A No, I didn't.

Q So when they said .45, sir, it could well have been an automatic or a revolver?

A You are definitely right, yes, sir.

Q Now, it is so, isn't it, as of March 12, 1965, you did have some of your personal possession with you, Mr. Baron, guns and rifles?

A Yes, sir.

Q And without stating the reason -- strike that.

MR. ZALKIND: Excuse me, your Honor. May all these little items be marked for identification

MR. O'DONNELL: Gladly.

THE COURT: They may be marked for identification.

I have a .38 and a .45 and an M-1 and a Character Mustache and another mustache.

MR. BALLIRO: May we take the afternoon recess?

THE COURT: Is this a good place for it?

MR. O'DONNELL: Yes, your Honor.

THE COURT: All right. Those may be marked for identification and then we will take a five-minute recess.

[Toy .38 pistol marked Exhibit D for Identification. Toy .45 automatic marked Exhibit E for Identification. Toy M-1 Grande rifle marked Exhibit F for Identification. Character mustache marked Exhibit G for Identification. Charlie Chaplin mustache marked Exhibit H for Identification

[Recess taken.]

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4455

CONFERENCE AT THE BENCH:

THE COURT. I wish you wouldn't argue in your questions. And I am going to admonish the witness that he should merely answer questions. I am going to have what he said stricken from the record. Of course, the jury heard it and they will never forget it. But isn't that the best way to handle it?

MR. O'DONNELL. I don't want to be denied the opportunity to argue it to the jury.

THE COURT. Oh, you can argue it.

MR. O'DONNELL. At the end of the case, I mean, your Honor.

THE COURT. Yes.

MR. O'DONNELL. Thank you.

(End of conference at the bench.)

THE COURT. Now, Mr. Witness, will you please refrain from making any statements that are not in answer to a question. And I am ordering that what you said that was not responsive to a question and the colloquy that followed all be stricken from the record.

Now, we will proceed from there, Mr. O'Donnell.

Q (By Mr. O'Donnell) Now, Mr. Baron, having in mind the amount of time that passed since March 12, 1965,

G9

4456

up to the time that you testified in front of the grand jury, it is so, isn't it, that something occurred to make you testify?

A Something occurred? Partly.

Q And insofar as your testifying is concerned, it has absolutely nothing to do with your ever getting your freedom, does it?

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I don't understand the question. If the witness understands it, he may answer.

THE WITNESS. I can't answer yes or no, your Honor.

THE COURT. Do you understand the question?

THE WITNESS. Partly, yes.

THE COURT. He cannot answer yes or no, he says.

Q All right. It has nothing to do with your getting your freedom. You say you cannot answer it yes or no. Tell us what part of it you can answer yes.

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. What is the objection?

MR. ZALKIND. That's the same thing as the question, your Honor.

THE COURT. If he can answer partly yes, he can do that; if he can answer that yes or no, he may answer.

A I am hoping for a break.

G10

Q When you say you are hoping for a break --

A Yes.

Q -- insofar as the hope for a break is concerned, are you providing some services to earn the break?

MR. ZALKIND. I pray your Honor's judgment.

Q Yes or no?

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I will have to exclude that.

THE WITNESS. I can answer --

THE COURT. No, no. I have excluded it.

MR. O'DONNELL. I will strike that.

Q When you say you are hoping for a break, it doesn't have anything to do with your testifying in court whether or not you are ever going to get a break?

A No, sir.

Q In fact, in testifying in court, this is something you decided to do without anybody's help whatsoever?

A I am going all the way.

Q That's right.

A Exhaust everything.

Q Yes. You, Joseph Barboza, entirely made up your mind and it's your judgment that controls your testifying in court?

A Controls my testifying?

Q It's solely your judgment that you are testifying here in court?

A Yes, sir; yes, sir.

Q And as a matter of fact, it has no relation whatsoeve as to whether or not you ever expect a break?

A I am hoping for a break.

Q It has nothing to do with your testimony, the hope for a break?

A Really, no.

Q And when you are in front of some judge some day on the misdemeanor charge of conspiracy for being in the red car, for two years, you are hoping to get a break on that misdemeanor, is that so, Mr. Barboza?

A I am hoping.

Q And with that in mind, sir, didanyone ever say to you that for arranging and managing and hiring and distributing the funds, according to your story, that you ought to be indicted for accessory before the fact, which carries death? Did anyone say that to you?

MR. ZALKIND: I pray your Honor's judgment.

THE COURT: He can ask that question if anyor said it to him.

Did anyone say it to you?

THE WITNESS: No, sir, and it makes no difference to me.

THE COURT: The answer is no.

Q Who did you thank, if anyone, after these indictments were returned on the Deegan murder when you read you were indicted for a misdemeanor for two years and you saw that the other people in the car, the red car according to your story, were indicted for a death sentence, accessory before the fact to murder?

A Thank?

Q Yes.

A Who am I going to thank?

THE COURT: Wait a minute. I exclude the question and I exclude the answer. That is argumentative. It is up to the grand jury whether to indict or not indict.

Q And isn't it so, Mr. Barboza, when you were in the grand jury, insofar as lawyers in there are concerned all you saw was district attorneys, assistant district attorneys?

A There was other people in there, yes.

Q You never saw any defense lawyers in there?

THE COURT: I have already told the jury about that.

A Do they go in there?

THE COURT: You may argue that later. You heard it explained to the jury that those hearings are secret.

Q Now, this little phrase, "I'm hoping for a break," will you explain what your hope involves when you characterize and use the word "break"?

A Yes. I am hoping that in regards to a break that what I give before this Court would be taken into consideration, what I give to this Court. And the only promise that has been made in regards to that is that the FBI will bring it to the attention of the Judge and it shall rise and fall, in regards to the cooperation that I gave, to the Court.

Q Now, Mr. Baron --

A If he says I should get life or if he says I should get death, if he says I get 15 years, 20 years, it makes no difference. But that doesn't propel me.

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Q That's a nice speech. But you can't get more than two years because you are only indicted for a misdemeanor.

THE COURT. Wait a minute. There are other indictments here.

MR. ZALKIND. He forgot about them.

Q On this Deegan matter --

MR. O'DONNELL. I am aware of it, your Honor.

Q You are indicted for a misdemeanor. You said you planned, arranged, paid, went to the scene, sent out the men. You are indicted for a misdemeanor for that conduct. Mr. Salvati is indicted for a death sentence for that conduct.

THE COURT. Now you are arguing.

MR. O'DONNELL. Fine, your Honor.

THE COURT. And you will have to refrain or I will have to interfere.

Q Mr. Barboza, it is so, isn't it, that way back in October of 1967, when the indictments were returned, you had received your gift, you had received your break?

A Are you making an accusation, sir?

Q You had received it?

A Are you making an accusation?

MR. ZALKIND. Your Honor, Mr. O'Donnell just continues.

THE COURT. Mr. O'Donnell, you are arguing. And I must tell you there is nothing to stop a grand jury from indicting this man on the testimony he has given in this court if the grand jury see fit.

MR. O'DONNELL. You don't really seriously expect that to happen.

MR. ZALKIND. If your Honor please --

MR. O'DONNELL. The argument has that weakness. It just isn't going to happen. That doesn't happen.

THE COURT. It's up to the grand jury.

MR. ZALKIND. If your Honor please --

THE COURT. It is up to the citizens of Suffolk County who are summoned to act as grand jurors.

Q As a matter of fact, Mr. Barboza, was Mr. Zalkind in the grand jury room at the time asking you questions?

A Yes, he was.

Q Sure. Do you expect him to indict you for murder for being his witness here in court?

MR. ZALKIND. I object, your Honor.

THE COURT. Wait a minute. If you are going to argue now, Mr. O'Donnell, I won't let you argue later.

MR. O'DONNELL. I am not arguing.

THE COURT. You have to argue at the proper time, Mr. O'Donnell.

Q Do you expect Jackie to indict you for the murder for getting on the stand for him?

MR. ZALKIND. If your Honor please --

Q Do you expect that?

MR. ZALKIND. Your Honor, is this a theater or a court room?

THE COURT. That may go out and I may have to call another recess if you don't calm down, Mr. O'Donnell.

MR. O'DONNELL. All right, your Honor.

Q Having in mind, Mr. Barboza, that comfortable little phrase that you used from the witness stand, that "I'm expecting a break," it is so, isn't it, sir, that you were given the gift of life when these indictments were returned in October, 1967?

THE COURT. And again, that may be excluded as argumentative.

MR. O'DONNELL. Exception, your Honor.

EXCEPTION NO. 474.

THE WITNESS. I said "hoping."

THE COURT. You need not answer the question. And he did not use the word expect; he said hope.

MR. O'DONNELL. All right, hoped for a break.

THE COURT. But I exclude the question, nevertheless.

Q Isn't it more appropriate, sir, to say, "I have been given a break. I got away with murder"? Isn't that what you should be saying here today, Mr. Barbosa?

THE COURT. All right. Now, you need not answer the question.

Q Isn't that so?

THE COURT. That's enough. Any more and I think you had better stop cross-examining.

MR. O'DONNELL. I have other matters I am going to put in here. I have things that will assist this jury. And at this time, if your Honor please, I think it would be helpful to put up -- and I have the tacks here -- some large calendars.

MR. ZALKIND. Your Honor, is there going to be a question to this witness?

MR. O'DONNELL. Yes, there is, with these calendars for the months of January, February and March of 1965. And I have tried out some tacks, your Honor, and I have measured that they will fit up here on the wall.

THE COURT. Well, when your turn comes in your

defense, you may do so. Now is not the time.

Now, have you any further questions? I will let you ask a few more questions if you want to.

MR. O'DONNELL. If your Honor chooses at this time to --

THE COURT. Is Mr. Balliro ready?

MR. O'DONNELL. If your Honor please, there is another matter that I have.

Q Do you recall testifying on July 2, 1968, in this court room in regard to meeting Grieco in Florida?

A Yes, sir.

Q And what do you say now about that meeting? When did it take place?

A What do you want me to say?

Q When did it take place?

A About February 2 or 3, about the 3rd of February, in front of the Peppermint Lounge, sir.

Q And at that time, you set the date at what time?

A What date?

Q At the Peppermint Lounge.

A About February 3, sir.

Q And February 3 was a day that you were in Florida?

A Yes, sir.

Q Now, how much time did you spend with Lewis Grieco at that time?

A I don't know; a half hour.

Q And when you say a half hour, did you fix that time in a certain way?

A No, Mr. O'Donnell, I didn't, sir.

Q And that was a coincidental meeting, a meeting by accident?

A If I could avoid him, I would have then, yes.

Q As a matter of fact, it is so, isn't it, that you hate Lewis Grieco?

A Not in any way, sir, then.

Q And it is so, isn't it, Mr. Barboza -- and I want to close with this and I say this. I ask you if you will talk to me without guards being present after 4 p.m. today.

MR. ZALKIND. I pray your Honor's judgment.

THE COURT. I exclude that question.

MR. O'DONNELL. All right.

MR. ZALKIND. May I make an additional request, your Honor?

THE COURT. Yes.

MR. ZALKIND. May I make a request of the Court that there have been motions filed for such requests and that the motions were acted upon?

THE COURT. The motions were allowed by the Court.

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Q And that is the thing that you want to change your testimony on?

A Yes, sir.

Q Now, you told us about some promises being made. Were promises made by Mr. Byrne of the District Attorney's Office of Suffolk County?

A Yes, sir.

Q And were those promises made in the office?

A Yes, sir.

Q On August 8, 1967?

A I don't remember the date but --

Q After you made an appearance before the grand jury?

A On this case?

Q No, no, no. You were in his office on only one occasion, weren't you?

A Yes, sir.

Q And that was the same day that you appeared before a grand jury in this building, isn't it?

A Yes, sir.

Q And the promise made was that your wife and child would be protected?

A Yes, sir.

Q And that your cooperation would be brought to the

attention of a judge disposing of suppending indictments against you?

A No, sir.

Q Mr. Byrne didn't tell you that?

A It was the FBI, yes, sir.

Q The FBI were present at that time when you were in Mr. Byrne's office?

A No, sir.

Q What?

A No, sir.

Q Well, the promise of the FBI was conveyed to you by a Mr. Fallon and a Detective Doyle, isn't that true?

A Detective Doyle? Detective Doyle never promised me anything.

Q But did they convey promises to you?

A Convey promises to me? In regards to protection to my wife? I don't recall that. I know I talked to Mr. Byrne and he told me that he would protect my wife and child, yes.

Q And would bring to the attention of the judge disposing of your case your testimony?

A No, no, sir.

Q He never said that?

A No, he never said that, not that I recall, sir, no, sir.

Q And the FBI made some promises to you?

A Promised me? Yes, sir.

Q And they made more promises than what you've told us about, didn't they?

A No, sir.

Q Well, didn't they promise you that your wife could visit you at the Barnstable County Jail as often as she wanted to?

A No. It's a normal procedure, sir.

Q Didn't they promise you that she'd be moved to a new home on the Cape where she'd have easy access to you at the jail?

A Did they promise her that?

Q Yes.

A No, sir, they didn't promise her anything, sir.

Q They promised --

MR. ZALKIND: I call your Honor's attention to this headline that Mr. Chisholm has in his hand that he's been showing to this jury, and I ask him to put down this paper where it belongs, Mr. Chisholm? That's not for the jury to see.

MR. CHISHOLM: I'm not showing anything to the jury.

MR. ZALKIND: Well, then, put down that headline

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465

where it belongs.

Q I ask you whether or not, Mr. Fanbose, the FBI promised you that your wife would be given a new home on the Cape - on Cape Cod?

A Never in any way did they promise her anything like that

Q No. They promised you that?

A They never promised me anything, sir.

Q Can you tell us about how many times you conferred with law enforcement officers before you told the comple story of the Deegan matter that you told this jury?

A Complete story when? Before I went to the grand jury or afterwards?

Q You didn't tell the complete story at the time you went to the grand jury, did you?

A I only was given --

Q No, no, no. You didn't tell the complete story at that time, did you?

A I don't think so, no.

Q You told this jury the complete story?

A Yes, sir.

Q My question is how many times did you confer with law enforcement officers before you told the complete story to the law enforcement officers?

A I told the complete story -- I told about nine-tenths --

Q No, no.

A About 95 --

Q No, no.

A You went --

MR. CHISHOLM: My question is simple, your Honor.

THE COURT: He's saying nine, ten.

MR. CHISHOLM: He's not saying nine or ten. He's saying nine-tenths, judge.

THE WITNESS: Before I told this jury --

Q How many times did you discuss this Deegan matter with law enforcement officers until you told the law enforcement officers the entire story, or the approximate number, if it will help you?

A That includes the FBI?

Q Including law enforcement officers?

A Maybe about eight, nine times.

Q The first time you talked to them you told a little bit about this case?

A Yes.

Q And the next time you told a little more, and each time you told a little more for eight or nine times

A The FBI. The FBI I told a little bit to, in passin a general statement that I made in regards to givir

them some statements, yes.

Q That was about the trip to Florida you told them about?

A What?

Q That's about the trip to Florida, you told them?

A A trip to Florida?

Q Your trip to Florida in the Spring of '65? That's what you told to the FBI?

A Spring of '65?

Q Yes, Mr. Barboza. March or winter, if you want to call it winter?

A Winter of '65, yes, sir.

Q You told the FBI you went to Florida in March of '65?

A I probably did -- did I say that? Maybe I did. If you say I said that, maybe I did.

Q You don't deny saying it, do you?

MR. ZALKIND: I pray your Honor's judgment. This may I be heard, your Honor?

THE COURT: What is your objection?

MR. ZALKIND: My objection is that this line of questioning has nothing to do with the redirect examination of the Commonwealth.

MR. CHISHOLM: It has something to do with re-cross examination by other counsel, your Honor.

MR. ZALKIND: I never heard of that being a rule, your Honor.

MR. CHISHOLM: The judge made the rule before we started, Mr. Zalkind, if you remember.

THE COURT: Proceed.

Q Well, on May 10th, 1967 -- strike that. On May 1st, 1967, at Barnstable, you told Agents Rico and Condon tha you came back from Florida sometime around March of 1965

A Probably.

Q And that's what you referred to, that the first statement you made to the FBI about the Deegan matter?

A Yes, probably.

Q Then later on you told other law -- either the FBI or the District Attorney's Office - you told law enforcement officers more about the Deegan matter?

A Later on? Probably, yes. The FBI, rather.

Q And then the District Attorney's Office - you told Mr. Doyle part of the Deegan matter, didn't you?

A About 95 per cent of it.

Q Well, you told them some of it?

A About 95 per cent of it.

Q Well, how many times did you discuss the Deegan matter with Mr. Doyle?

A One time, really, at that time -- what are you talking about?

Q How many times did you discuss the Deegan matter with Mr. Doyle? You don't mean to say one time, do you?

A I'm talking about the first time I spoke to Mr. Doyle. He was presently on another case. That's why it didn't go any further.

Q You understand my question, don't you?

A Oh, yes, I do, in a sense.

Q My question was how many times did you discuss the Deegan matter with Mr. Doyle?

A About -- maybe about --

Q That's pretty simple, isn't it?

A The words are simple, sir. What you mean is another thing. I have to say he was present and in the area about ten times.

Q And that's when you were talking to other law enforcement officers about the Deegan matter?

A Yes, sir.

Q And as I understand your testimony, what you told other counsel here, when these law enforcement officers would go back, you'd tell them more - you'd fill in more details each time?

FORTIETH DAY
Volume 42
Pages: 5670 - 5942

Condon - nothing re testimony or reports

Commonwealth of Massachusetts

FITZ
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1st space to Condon

Suffolk, ss. Superior Court
Criminal IX

Commonwealth v. Louis Grieco, alias, and
Wilfred Roy French, alias No. 31601

Henry Tameleo, alias 32365

Ronald Anthony Cassesso 32366

Peter Limone 32367

Joseph L. Salvati 32368

Louis Grieco, alias, et als 32369-70

Before: Forte, J., and Jury.
Began: May 27, 1968, at
Boston, Massachusetts.

Transcript of the Evidence

Proceedings of July 19, 1968

(Appearances as heretofore noted.)

Arthur E. Baker
and
Donald O. Anderson

Official Court Stenographers

[redacted]

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C21

my next witness to give counsel an opportunity to prepare whatever motions they want to prepare.

MR. BALLIRO. That's fine with us.

MR. CHISHOLM. You're doing it for the Commonwealth, not for us.

(End of conference at the bench.)

MR. ZALKIND. The Commonwealth calls Dennis Condon.

And would the Court inform the jury that the Commonwealth is no way is reneging on the call of its first witness but is calling another witness in the interest of saving time because the lunch hour approaches?

THE COURT. You are calling a short witness until 1 o'clock. All right.

MR. ZALKIND. I won't say he will be that short, your Honor.

DENNIS M. CONDON, Sworn

Direct Examination

Q (By Mr. Zalkind) What is your name, sir?

A Dennis M. Condon.

622

Q What is your occupation?

A Special agent, Federal Bureau of Investigation.

Q And how long have you been a special agent for the Federal Bureau of Investigation?

A Seventeen and one-half years.

Q And during these seventeen and one-half years, how much of this time have you spent in the Massachusetts or Greater Boston area?

A Approximately fifteen years.

Q Now, I direct your attention, if you will, to the years 1966 and 1967. As a special agent for the Federal Bureau of Investigation, did you have any particular assignment?

A Yes, I did.

Q And what were your assignments as a special agent during those years?

MR. O'DONNELL. I pray your Honor's judgment, if it bears on the guilt or innocence of the defendants. Assignment? What he did, your Honor.

THE COURT. It's a general question, of course.

MR. ZALKIND. If there is objection --

THE COURT. Not what instructions he received.

Q What were your duties as a special agent during those years?

C23

5797

A Investigating aspects of organized crime.

Q Now, sir, I ask you this. During those periods, did you have a partner or a co-worker that you worked with?

A Yes, sir.

Q And what was his name?

A Special Agent H. Paul Rico.

Q And is he still a member of the FBI?

A Yes, sir, he is.

Q And how long, if you know, has he been a member of the FBI?

A Seventeen and one-half years.

Q Do you know where he is right now?

A Yes, sir.

Q Where is he?

A He is off duty today.

Q Is he available to be called as a witness for either the Commonwealth or the defense?

MR. BALLIRO. I object.

MR. CHISHOLM. I object.

MR. McLAUGHLIN. I object.

Q Is he available as a witness?

MR. BALLIRO. I object.

A Yes, sir.

MR. McLAUGHLIN. We have objected.

c24

5798

THE COURT. The objection is overruled.

MR. BALLIRO. Exception.

MR. CHISHOLM. Exception.

MR. McLAUGHLIN. Exception.

MR. STANZIANI. Exception.

EXCEPTION NO. 671

Q Now, sir, I direct your attention to the year 1967. Did you have an occasion during that year to speak to one Joseph Barboza, otherwise known as Joseph Baron?

A Yes, sir, I did.

Q And when and where did you first speak to him?

A I spoke to him on March 8, 1967, at the Massachusetts Correctional Institution at Walpole, Massachusetts.

Q All right. Did you have other occasions to speak to him at this institution?

A Yes, sir, I did.

Q And how many occasions did you have to speak to him at this institution?

A Two.

Q And were you with anyone when you spoke to him?

A Yes, sir.

Q Who was there?

A Special Agent H. Paul Rico.

Q Now, after this, did you have an occasion to speak to

625

Joseph Barbosa or Joseph Baron at other institutions?

A Yes.

Q Where and when was the next institution that you spoke to Joseph Baron or Joseph Barbosa?

A The Barnstable County House of Correction at Barnstable, Massachusetts.

Q And when was this, approximately?

A In May of 1967.

Q And did you speak to him more than once in the month of May?

A Yes, sir.

Q How many times did you speak to him during the month of May?

A I would say approximately five or six times.

Q And did you speak to him during the rest of that summer?

A Yes, sir, I did.

Q And when you spoke to him, did you speak to him on these occasions with other people present?

A Yes, sir.

Q And who were the other people that were present?

A On other occasions when I spoke with him?

Q Yes.

A Special Agent H. Paul Rico was present and Detective

John Doyle of the Suffolk County District Attorney's office and Sergeant-Detective Frank Walsh of the Suffolk County District Attorney's office.

Q And were you ever present when Joseph Baron had an occasion to speak to one Anthony Stathopoulos?

A Yes, sir, I was.

Q And who was present during this conversation and where did it take place?

A It took place at the Barnstable County House of Correction. Present were Special Agent Rico and myself, Sergeant-Detective Walsh and Detective John Doyle of the Suffolk County District Attorney's office.

Q During any of these conversations or during any of these meetings, if you recall them, did you ever have an opportunity to listen to Joseph Baron-Barboza tell you anything about the Deegan murder?

MR. BALLIRO: I object.

MR. O'DONNELL: I object.

THE COURT: Yes or no.

A Yes.

MR. CHISHOLM: Just a minute. I object to the question.

MR. BALLIRO: Exception.

EXCEPTION NO. 672

THE COURT: I will hear you at the bench.

CONFERENCE AT THE BENCH:

MR. CHISHOLM: It's hearsay, Judge.

THE COURT: Of course, it's hearsay.

MR. CHISHOLM: Then I object.

THE COURT: That's why I want to know what it is.

MR. ZALKIND: I am asking the witness if he ever spoke to him about the Deegan killing, not what was said but only if there was a conversation.

THE COURT: That is bringing in through the back door what you can't get in through the front door.

MR. ZALKIND: All right. I just felt I could get that. I can give you a perfectly good reason, your Honor. No. 1 --

MR. STANZIANI: This is a waste of time.

MR. ZALKIND: It isn't a waste of time. I know a little law.

MR. STANZIANI: A litte.

MR. ZALKIND: I can ask the question on the simple factor that there has been so much cross-

examination of Joseph Baron that your Honor can easily say that there has been a claim that there is a recent contrivance, and based on that doctrine --

THE COURT: There is an exception. After a charge of recent contrivance, if a person makes a statement consistent with his present testimony which was made prior to the claim of recent contrivance is admissible.

MR. ZALKIND: That is an exception, of course.

THE COURT: Of course.

MR. ZALKIND: Do they claim there wasn't any recent contrivance and that these --

MR. BALLIRO: What is recent? That is a relative thing. In relation to what?

MR. ZALKIND: I am claiming --

MR. BALLIRO: His Honor makes that distinction.

MR. ZALKIND: I claim under the doctrine of --

THE COURT: We all agree to the rules. And, of course, I heard the word perjury. That was made in an opening. It was stated that Barboza committed perjury. If you are going to prove Barboza committed perjury --

MR. STANZIANI: I didn't hear that.

MR. CHISHOLM: I heard forgery in Barboza's

Condon
By
Zalkind

testimony, too, Judge. It's a legal term.

THE COURT: Well, we have gone by the hour for recess.

MR. CHISHOLM: May we have a voir dire when we come back?

THE COURT: No, no; one was enough. We spent two days on that. That's enough.

MR. STAMZIANI: Exception.

MR. CHISHOLM: I will take an exception to that, Judge.

THE COURT: Take an exception. You are not entitled to a voir dire just because you ask for it, you know that, don't you? All you are doing is asking for a voir dire. On what? For nothing?

EXCEPTION NO. 673

MR. CHISHOLM: I disagree with the statement of the Court and want to make an offer of proof.

THE COURT: No, no.

[End of conference at the bench.]

MR. ZALKIND: I have just one question, Judge.

Q Agent Condon, during any of these meetings that you had with Joseph Baron or Joseph Barboza, did you show him any reports or papers concerning the death of

Deegan?

A No, sir, I did not.

Q Did you ever tell him from your mouth any of the facts or circumstances surrounding the death of Deegan?

A No, sir, I did not.

Q In your presence, Special Agent Condon, did any other law-enforcement agents ever tell Joseph Baron about any facts or circumstances surrounding the death of Edward Ted Deegan?

A No, sir.

Q In your present, did any other law-enforcement officials ever show him any documents or police reports concerning the death of Edward Ted Deegan?

A No, sir.

MR. ZALKIND: I have no further questions of this witness.

THE COURT: All right. We will stop until 2:00 o'clock for cross-examination.

[Recess.]

AFTERNOON SESSION

[The Court came in and counsel and the defendants were present.]

THE COURT: Proceed.

THE CLERK: Wilfred Roy French, on this Indictment No. 31601, the Court orders you committed to the Common Jail on the mittimus without bail.

THE COURT: Mr. Balliro and Mr. Chisholm, I have in my possession the motions you have filed and I shall read them and act on them later.

MR. BALLIRO: Thank you.

[Jurors enter the jury box and are polled.]

DENNIS M. CONDON, Resumed

MR. ZALKIND: I am finished with this witness, your Honor.

THE COURT: Any cross-examination?

MR. CHISHOLM: Yes, your Honor.

Cross-Examination

Q (By Mr. Chisholm) Mr. Condon, you are not suggesting that you were the only law-enforcement officer to talk to Mr. Baron-Barboza since March of last year, are you?

A No, sir.

Q And you are not suggesting that no other law-enforcement officer talked to him during your absence, are you?

A No, sir.

Q In answer to some questions by Mr. Zalkind, you referred to times when you were present in the company of Mr. Baron-Barboza?

A Yes, sir.

Q And there were other law-enforcement officers that you saw him with on other occasions when you weren't there?

THE COURT: If he knows.

Q If you know.

A Yes, sir.

Q All right. Now, you had a talk with Mr. Glavin, did you not?

A Yes, sir.

Q And did Mr. Glavin tell you that he had some talk with a Mr. Cassesso?

A Yes, sir.

Q Did Mr. Glavin tell you that Cassesso told him it would be better to be transferred to Walpole rather than stay in Norfolk, transferred to Walpole where Glavin would be schooled in these details of the Deegan

matter?

A Yes, sir.

MR. CHISHOLM: That's all.

MR. STANZIANI: No questions.

MR. McLAUGHLIN: I have no questions.

MR. PARIS: I have no questions, your Honor.

Cross-Examination

Q (By Mr. Balliro) Mr. Condon, as I understand your testimony, you first saw Mr. Barboza on March 8, 1967?

A Yes, sir.

Q While he was at the Massachusetts Correctional Institution in Walpole?

A Yes, sir.

Q And when you first saw him, you were in the company of your brother agent, Mr. Rico?

A Yes, sir.

Q Do you know, Mr. Condon, whether or not Mr. Barboza had requested both of you to come and talk to him?

A No, sir, he had not.

Q Well, you knew he had not, isn't that correct?

A Yes, sir.

Q And is it fair for me to say that you were there to

speak to Mr. Barboza in connection with whatever information he might be willing to give you concerning his shylocking activities?

A No; I would say it is not fair to say that.

Q It is not fair to say that. Is it fair for me to say you had been instructed to talk to Mr. Barboza concerning his activities, his engagement in the shylocking business?

A That and other matters, yes.

Q Those were your instructions, that and other matters?

A Yes, sir.

Q Any other matters that he might be willing to discuss with you?

A Yes, sir.

Q And when had you been given those instructions?

A In late February of 1967.

Q Would it refresh your memory as to when it was if I suggest to you that it was in either late December of 1966or early January, 1967?

A That is incorrect.

Q That is not correct?

A No, sir.

Q I see. Do you now know the exact date you were given those instructions?

Condon of BAIRD 5809

A I know it was after February 16, 1967.

Q At any rate, you didn't get to see him until March?

A March 8, yes, sir.

Q You didn't proceed directly to the Massachusetts Correctional Institution to see Mr. Barboza?

A No, sir.

Q You had other business in between?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q This was another assignment that had been given to you?

A Yes, sir.

Q All right. Now, you testified in response to a question that was asked of you by Mr. Zalkind that you never showed any statements or reports concerning the Deegan matter to Mr. Barboza-Baron?

A Yes, sir, I did.

Q You did show him?

A I did testify to that, yes, sir.

Q All right. And is it fair to say that your practice is not to show reports or statements to individuals under these types of circumstances?

A Yes, sir, it is fair to say. 000899

Q And is it fair for me to say that that is to preserve the purity, so to speak, of the man's testimony?

A Yes, sir.

Q In other words, you would not want the impression created later on during the course of a trial, Mr. Condon, that you had anything to do or an agent of the FBI had anything to do with the story that the man was telling? That's part of it, isn't it?

A Yes, sir.

Q Now, that is a matter of concern then, is it not?

A Yes, sir.

Q Now, during the period of time that Mr. Barboza was transferred to Barnstable County, or from that period of time until the present day, to your knowledge, do you know that he has been in Federal custody, so to speak?

A Yes, sir, he has.

Q So that the Federal authorities have been responsible for his protection and his custody, his confinement?

A Yes, sir.

Q Is that right?

A Yes, sir.

000900

Q And is it fair to say that you and Agent Rico have

been major figures, so to speak, with regard to the investigations surrounding the information furnished by Mr. Baron?

A No, sir.

Q It is not?

A No, sir.

Q Well, you have been participating in it, is that correct?

A As it pertains to Federal matters, yes.

Q But not as it pertains to State matters?

A We have not been the principal figures, no, sir.

Q I see. But you have been part of it, is that correct?

A Yes, sir.

Q And concerned with it, is that right, as an agent?

A Would you explain what you mean by concerned, please?

Q Well, interested in seeing, for example, that the purity of the story that Mr. Baron had to tell was preserved?

MR. ZALKIND: I must object to that, your Honor, because, frankly, I don't understand it.

MR. BALLIRO: Maybe he does.

THE COURT: If the witness does not understand it, he need not answer it.

Q Do you understand that or not?

A I would like you to go into that a little better, Mr. Balliro, please.

Q All right. Since Mr. Baron has been testifying on State matters rather than Federal matters, do you say that you have no longer been concerned about the purity of testimony that he might give in a State court, a Federal court or any kind of a court?

A I am always concerned about the purity of testimony on the part of any witness involving any matter that I am concerned with.

Q Naturally. And particularly with regard to a witness, may I say, Mr. Condon, who is within the custody and control of Federal authorities, isn't that right?

A Yes, sir.

Q You wouldn't want any inference to be drawn with regard to a prisoner that is under your control that his testimony became tainted by some outside influence even though that testimony was going to be concerned in a State prosecution, would you?

A I agree with you, yes, sir, Mr. Balliro.

Q Now, would you tell his Honor and the members of the jury what steps you took to preserve the purity of the testimony of Mr. Baron as it concerns the killing of Mr. Deegan?

MR. ZALKIND: I must object to that, your Honor.

THE COURT: I will allow the question.

MR. ZALKIND: May I be heard? I am afraid that, number one, we will be here for six weeks if this witness is allowed to answer --

MR. BALLIRO: I object to that.

THE COURT: You may have the question.

MR. BALLIRO: Thank you.

THE COURT: Do you understand it?

THE WITNESS: I believe I understand the question.

Q Will you answer it, please?

A In connection with the Deegan matter --

Q What steps -- excuse me. Go ahead.

A I was very careful not to impart any information that I might have concerning the circumstances surrounding the case to Mr. Barboza or anyone else that I had occasion to talk with. My job is to collect information, not to impart information.

Q And did you feel, sir, in the answer that you have given us now, that you took whatever steps you could to prevent his testimony from becoming tainted?

A Yes, sir.

Q Did you leave instructions, for example, Agent Condon, with regard to the people who might come into contact with Mr. Barboza during the course of his custodial protection by the Federal authorities?

A Would you repeat that question, please?

MR. BALLIRO: May the stenographer read it back?

THE COURT: Yes.

[Last question read.]

A Any instructions in what regard, please?

Q In the regard that he not be contacted by somone who might feed him information concerning the Deegan killing, who might bring him reports concerning the Deegan killing, who might do anything along those lines that would interfere with the purity of his testimony.

A No, sir, I left no such instructions.

Q Do you know of any such instructions that were left?

A No, sir.

Q Now, Agent Condon, did Mr. Barboza have mailing privileges during the period of time, or has he had mailing privileges during the period of time since he has been in Federal custody?

A I don't know that, sir.

Deegan Trial

AM GLOBE JUL 30 '68

Lawyers Call Baron 'Liar'

By DAVID TAYLOR
Staff Reporter

Lawyers for the defense in the Deegan murder trial spoke out strongly Thursday on the character of principal state witness Joseph (Barbosa) Baron and questioned the credibility of his testimony, as they began final arguments at Suffolk Superior Court.

Five defense lawyers some speaking in low-keyed, patient tones, others with emotion and volume, called the self-confessed gangland member everything from "liar" to court room "executioner."

Again and again, the charge was put before the 10-member jury and Judge Felix Forte that the prosecution had offered no witnesses to corroborate Baron's testimony.

On trial for the murder of Edward "Teddy" Deegan in Chelsea on May 12, 1965, are Wilfred Roy French, 32, of Everett, and Louis Grieco, 51, of Peabody.

Charged with accessories before the fact of murder, a crime which carries the death sentence, are Peter J. Limone, 34, of Medford, Ronald Cassesa, 33, of Somerville, Joseph Salvati, 33, of the North End, and Henry Tameleo, 61, of Cranston, R.I.

'EXECUTIONER'

Lawrence P. O'Donnell, defense lawyer for Grieco, termed Baron a "shylock" [illegible]

in an hour and a half pitched speech which brought the day's arguments to a close.

He called on the jury to use common sense in weighing the value of Baron's testimony.

"Show me just one man aside from Barbosa who said Louis Grieco is a murderer," he said.

Earlier in the afternoon, Anthony McLaughlin, defense lawyer for the accused man accused of first degree murder, Roy French, accused Barbosa of "attempting to use this court room as his executioner."

'MASTERPIECE'

Defense Counsel Chester Paris, in making the final argument in behalf of Joseph Salvati, also maintained "the only evidence against his client has come from the lips of Joseph Barbosa, uncorroborated in every respect."

In the morning session, Atty. Robert Stanziani, representing Peter Limone, described Barbosa's testimony as "a masterpiece of a gangland slaying."

Stanziani pointed out to the 10 jurors the only testimony against Limone came from Baron's lips.

The lawyer maintained Baron's purpose in testifying, other than revenge, was to secure his freedom and receive money so he could take up again with old girlfriend.

Ronald Chisholm, Cassesa's lawyer, opened the day's arguments.

Summations could be [illegible] to the jury late [illegible]

D.A. Raps Baron But Asks Jury To Accept Testimony

PM GLOBE JUL 30 '68

By RONALD A. WYSOCKI
Globe Staff

Admitting that the world would be a better place without the Joseph Barbosa-Baron, Asst. Dist. Atty. Jack I. Zalkind told a Suffolk Superior Court jury "if you want to find out what it's like to live in hell, ask the devil."

Zalkind's statement was made in his closing argument to the jury, asking them to accept as truth Baron's testimony against six men in the 1965 gangland murder of Edward Teddy Deegan in a Chelsea alleyway.

A battery of six defense lawyers had attacked the credibility of Baron's tale.

Zalkind contended that the only way to get the core of gangland activity and its violence was from within, from the "Joe Barbosa-Barons."

Presiding Judge Felix Forte is expected to deliver the case to the jury late this afternoon.

The case came to a close on the 46th day since the start of the jury selection.

Wrapping up defense arguments was Atty. Joseph L. Ballèro, who argued that the Commonwealth's case was based primarily on Baron's testimony — most of it uncorroborated.

Zalkind maintained that the Joe Barons could exist only through public fear and the backing of men like those seated within the docket.

He urged the jury to reach its "decision without fear and with full realization of its responsibility to the community."

Charged with first degree murder in the death of Edward Teddy Deegan are Wilfred Roy French, 32, of Everett and Louis Grieco, 51, of Peabody.

Accused as accessories before the fact a crucial crime are Peter J. Limone, [illegible] Medford, Ronald Cas[illegible] 33, of Somerville, Jo[illegible] Salvati, 33 of the North [illegible] and Henry Tameleo, 6[illegible] Cranston, R.I.

Each defense attorney attacked the testimon[illegible] principal state's witnes[illegible] seph Barbosa Baron, [illegible] time gun-for-hire [illegible] turned on his alleged [illegible] associates.

Baron claimed that he hired by Limone to kill [illegible] gan for $7500 and tha[illegible] proval was given by [illegible] tleo.

Baron described the [illegible] der as Cosa Nostra orc[illegible] Limone and Tameleo [illegible] initiated before a S[illegible] sub-committee in 196[illegible] members of the New [illegible] land organization.

It was Baron's testi[illegible] that he recruited the [illegible]

EXHIBIT
248

BSF-01410

BSF-01411

'King' Baron Lashed at Deegan Trial

MURDER

BY DONALD WYSOCKI

Principal state witness Joseph (Barbara) Baron was characterized today as "a criminal bent on revenge" with his testimony of a gangland murder against six defendants in Suffolk Superior Court.

Atty. Robert Stanziani labelled Baron's testimony "a masterpiece of a gangland slaying," an ability gained through a half-a-lifetime spent in prison, he said. "He knows the ways of the streets and gutters," shouted the lawyer in his closing argument. "That's the way he lived — by the gun."

PILGLOBE JUL 29 '68

Stanziani represents Peter J. Limone, 34, of Medford, charged as an accessory before the fact of murder, a crime which carries the death sentence.

Similarly excused in connection with the 1963 slaying of Edward (Teddy) Deegan in a Chelsea alley are Ronald Cassesso, 33, of Somerville, Joseph Salvati, 35, of the North End, and Henry Tameleo, 66, of Cranston, R.I.

On trial for murder in the first degree are Wilfred Roy French, 38, of Everett, and Louis Gricco, 61, of Peabody.

Stanziani pointed out to the 16 jurors that it's only testimony in the lengthy trial against Limone came from Barbara's lips.

Barbara claimed that Limone ordered Deegan's death and offered him $7500 to carry out the murder contract.

Stanziani, the second lawyer to argue before Judge Felix Forte, said it was Baron's word against Limone's word. Limone took the stand in his own defense.

He asked the jury that they restrict their considerations of the evidence to the individual defendants and not to try them as a single group.

BARON A KING?

Harking to letter's written by Baron to a girlfriend, Stanziani quoted, "I don't care whether they're innocent or not. They go."

"These are the words of Barbara-Baron, the King of East Boston, the King of the Corner, the King who was destroyed when he was pinched, imprisoned and finally isolated."

Baron is serving a 4 to 5-year sentence on a gun-carrying charge. Since turning on his former associates, he has been removed from the prison to a secret place under the protection of U.S. marshals.

Stanziani maintained that Baron's purpose in testifying, other than revenge, was to secure his freedom and receive money so he could take up again with his girlfriend.

"He's so clever. He wants six lives," Stanziani said.

Cassesso's lawyer, Ronald Chisholm, opened the arguments. He spent an hour.

The trial is in its 47th day.

The case could be delivered to the jury late tomorrow or by Wednesday.

Baron testified that Tameleo concurred with Limone's order and that he (Baron) in turn recruited the other defendants as his murder team.

Baron characterized the slayings as a Cosa Nostra murder. Limone and Tameleo were named as members before a Senate investigating sub-committee in 1963.

which they had not been indicted. In summation, the prosecutor, referring to Barboza, stated:

> . . . *if there was a deal—and we do not suggest for one minute there was ever any deal with him—if there was a deal*, what does he have to do-keep on making up these stories for the rest of his life? The FBI told him that in return for his testimony, they will protect his wife and family and that they would call it to the attention of any judge[34] that tries his other cases. . . Now, why did he testify in this case? He gave you the reasons why. He says to you that Bratsos and DePriso were killed. And there you have the evidence that they were killed. He says that Chico Amico was killed, and we have the evidence that he was killed. He says to you that his wife and kid were threatened. That's his evidence."[35]

This argument was a serious breach of professional ethics[36] and was designed to inflame the jury against the defendants by bringing other irrelevant murders into the case and attributing them to the defendants. The prosecutor also implied that the defendants were behind threats to Barboza's family, also without proof.

The SJC addressed this very issue in *Commonwealth v. Ciampa*[37] in which it chided both trial and appellate counsel and once again restated its duty under MASS. GEN. LAWS ANN. ch. 278, § 33E, that "[w]e must disregard omissions of counsel if justice requires us to order a new trial."[38] The court, which cited cases regarding threats to witnesses and references to protective custody for witness's family, called such language "unfairly prejudicial."[39]

In the *Deegan* case, the prosecutor continued this barrage by telling the jury that the allegations against the *Cosa Nostra* have to be true because the government would not cooperate in fabricating these allegations or be involved in a criminal conspiracy:

> "Can you believe Joseph Baron? I suggest to you, ladies and gentlemen, Joseph Baron—and this would apply to anyone who took the stand—that in

34. During the trial, Judge Forte instructed the jury that Barboza was serving a sentence of "four to five years to be served" at M.C.I. Walpole for unlawful possession of a firearm, stiletto, and conspiracy. *See* Direct Examination, *supra* note 29, at 3802. His record included twenty-one convictions for burglaries, three assaults and batteries by means of dangerous weapons, two armed robberies, and one kidnapping. He was facing sixteen habitual criminal indictments. On November 1, 1968, the judge sentenced Barboza to a one year sentence on the conspiracy to murder indictments to be served concurrently. On March 28, 1969, less than nine months after the trial, the judge, upon the prosecutor's recommendation, revoked and suspended the sentence. Barboza was relocated to California where he murdered Clayton Wilson. He pled guilty, served a short period of time, and was ultimately gunned down in San Francisco on February 11, 1976.

35. Prosecutor's Summation, Commonwealth v. Lewis Grieco, et al., No. 31601, at 7440 (Mass. July 31, 1968)(emphasis added); *see also* Commonwealth v. French, 357 Mass. 356 (1970).

36. MODEL CODE OF PROFESSIONAL RESPONSIBILITY DR-706(C)(1-4)(1981).

37. *See* Ciampa, *supra* note 16, at 322.

38. *See id.*

39. *See id.* at 318.



> order for that person to tell a story such as Joseph Baron told in this case, he would have to have the cooperation of the FBI, the Chelsea Police Department, the District Attorney's Office, the Federal Bureau of Investigation, the United States Attorney's Office; that in order for a man to make up a story, as counsel for the defendants suggest, the man would have to be literal genius. I suggest to you, ladies and gentlemen, that when you heard Joseph Baron tell this story, you heard the true story. And I ask you now only to make a decision that is in the best interests of your consciences. Thank you."[40]

The SJC found this type of argument improper because it was witness vouching, meaning the prosecutor could not state the witness was telling the truth or make other statements which implied that the government would not fabricate a case or suggest that "the government has special knowledge by which it can verify the witness's testimony. . . ."[41] It is also a serious breach of ethics.[42]

Suffolk Superior Court Judge Felix Forte, age 73, charged the jury:

> [T]he burden of proof is to convince you beyond a reasonable doubt. Now, that doesn't mean beyond any doubt. It means beyond a doubt with a reason behind that doubt. It does not mean beyond a doubt in the mind of someone who is looking for a doubt, and it does not mean to a mathematical certainty. . . .
>
> *Suppose you have an important question of your own, a real serious problem, one that means a great deal to your future-whether you should buy a business or not; shall you sell your house or not and buy another; shall you move your family to another state or not. Questions of serious import, and if you make a mistake, it will be a serious mistake. On the other hand, if you decide correctly, it will be an improvement in your future and that of your family.*
>
> Now, you received some information from a certain person. If he has related the truth, you should make the change. But if he is not telling you the truth, you will make a terrible mistake. Now, shall you believe him or not. You don't know whether he's telling you the truth or not. You were not present when this occurrence, this incident took place about which he talked. You don't know whether he's telling the truth or not. You just have to make up your own mind, and you meditate and you think of him, think of all you know about him, his past, his education, his intelligence, his reputation, anything you know about him you think about. And after serious thought and meditation you say to yourself, 'Well, I don't have enough confidence in him. He doesn't sound correct to me. I'm not convinced.' You have not been convinced beyond a reasonable doubt.
>
> On the other hand, suppose you say, "Well, I don't know whether he is telling the truth or not but I have confidence in him. He is in a position to know. I don't know why he shouldn't be telling me the truth. He made a sufficiently

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40. *See* Summation, *supra* note 35, at 7456.
41. *See* Ciampa, *supra* note 16, at 320.
42. *See* MODEL CODE, *supra* note 36.

Deegan Trial: 4 Get Chair, 2 Life; Judge Hails Jury

Four of the six men charged with the Cosa Nostra-ordered murder of Malden tough Edward (Teddy) Deegan in 1965 were condemned Wednesday to die in the electric chair. The other two were sentenced to life in prison.

Suffolk County Superior Court Judge Felix Forte left the Deaconess Hospital, where he was resting after the grueling, 49-day trial, to pronounce sentence.

He told the jury of 11 men and one woman who deliberated more than seven hours before returning guilty verdicts at 11:47 a.m.:

"You gave notice that the community will not stand for gangland murders. You had the courage of your convictions — and it did take courage. Thank you."

Sentenced to die in the electric chair at Walpole State Prison were: Henry J. Tameleo, 66, of Cranston, R.I., alleged high-ranking member of the New England Cosa Nostra; Peter J. Limone, 34, of Medford; Louis Greco, 51, of Peabody; and Ronald A. Cassesso, 35, of Somerville.

DEEGAN Page 22

BSF-01367

EXHIBIT
247

7-31-68

[illegible] Deegan [illegible] for the [illegible] [illegible] Gilbert [illegible]

The other defendants were brought in by Baron as members of the murder team, the self-admitted [illegible] and hired killer stated.

Baron said Deegan's friend Anthony Stathopoulos of Malden was supposed to be shot to death at the same time for an additional $2500.

The witness said Stathopoulos escaped because the approach of a Chelsea police [illegible] off the [illegible] Cassesso and Salvati.

Baron said French, a stealing colleague of Deegan's, was used to "set up" the victim and that Grieco and the late Romeo Martin lay in wait for Deegan in the dark [illegible] Chelsea alleyway.

According to Baron, Deegan, Stathopoulos and French were engaged in a "soft score" burglary of a finance company office through the alley door which had been left open according to testimony by Baron and Stathopoulos, by the route policeman who had the key.

All six defendants were also sentenced to three years for guilty findings on two counts each of conspiracy to murder.

[illegible] Grieco of the [illegible] men in the dock came to [illegible] from the court prior to the imposition of sentences on the major crimes.

Referring to testimony in the case, Grieco said, "I'm guilty of just two things — going to Lechmere Sales and lying about my refrigerator and domestic troubles with my wife.

"I'm also guilty of being born of Italian parentage.

"I'm not guilty of this murder. I took a lie detector test and it showed that I didn't do it."

THE WORDS

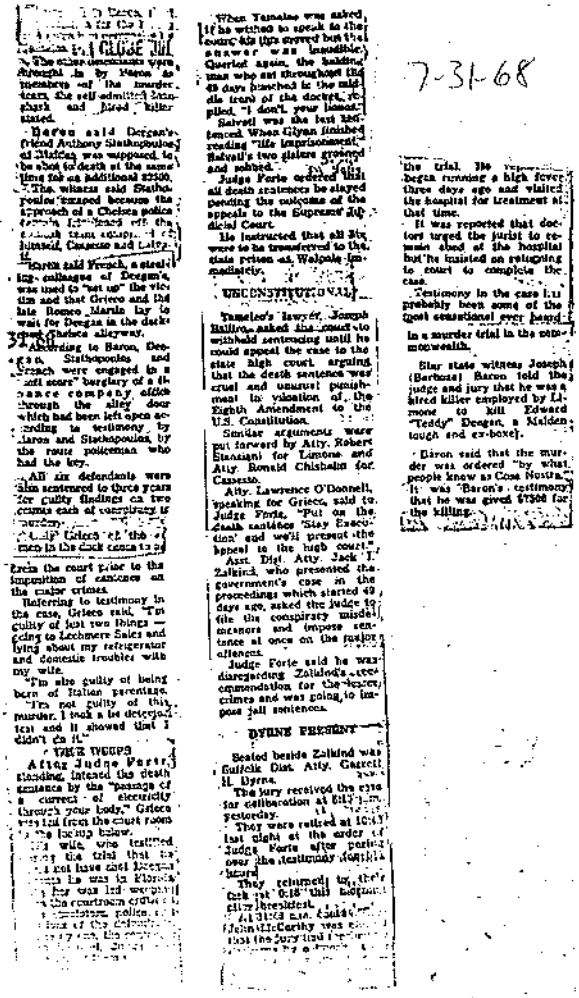
After Judge Forte, standing, intoned the death sentence by the "passage of a current of electricity through your body," Grieco was led from the court room to the lockup below.

[illegible] wife, who testified [illegible] the trial that he [illegible] not have shot Deegan [illegible] he was in Florida [illegible] her was led weeping [illegible] the courtroom [illegible] [illegible] police [illegible] [illegible] of the defendants [illegible]

When Tamalao was asked if he wished to speak to the court, his lips moved but the answer was inaudible. Queried again, the holding man who sat throughout the 49 days branched to the middle front of the docket, replied, "I don't, your honor."

Salvati was the last sentenced. When Glynn finished reading "life imprisonment," Salvati's two sisters groaned and sobbed.

Judge Forte ordered that all death sentences be stayed pending the outcome of the appeals to the Supreme Judicial Court.



He instructed that all six were to be transferred to the state prison at Walpole immediately.

UNCONSTITUTIONAL

Tamalao's lawyer, Joseph Balliro, asked the court to withhold sentencing until he could appeal the case to the state high court, arguing that the death sentence was cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution.

Similar arguments were put forward by Atty. Robert Stanziani for Limone and Atty. Ronald Chisholm for Cassesso.

Atty. Lawrence O'Donnell, speaking for Grieco, said to Judge Forte, "Put on the death sentence 'Stay Execution' and we'll present the appeal to the high court."

Asst. Dist. Atty. Jack I. Zalkind, who presented the government's case in the proceedings which started 49 days ago, asked the judge to file the conspiracy misdemeanors and impose sentence at once on the major offences.

Judge Forte said he was disregarding Zalkind's recommendation for the lesser crimes and was going to impose jail sentences.

DYRNE PRESENT

Seated beside Zalkind was Suffolk Dist. Atty. Garrett H. Dyrne.

The jury received the case for deliberation at 6:17 p.m. yesterday.

They were retired at 10:[illegible] last night at the order of Judge Forte after poring over the testimony for [illegible] hours.

They returned to their task at 9:18 this morning after breakfast.

At 11:[illegible] a.m. [illegible] John McCarthy was [illegible] that the jury had [illegible]

the trial. He [illegible] began running a high fever three days ago and visited the hospital for treatment at that time.

It was reported that doctors urged the jurist to remain abed at the hospital but he insisted on returning to court to complete the case.

Testimony in the case has probably been some of the most sensational ever heard in a murder trial in the commonwealth.

Star state witness Joseph (Barbosa) Baron told the judge and jury that he was a hired killer employed by Limone to kill Edward "Teddy" Deegan, a Malden tough and ex-boxer.

Baron said that the murder was ordered "by what people know as Cosa Nostra." It was Baron's testimony that he was given $7500 for the killing.

FD-36 (Rev. 5-22-64)

FBI

Date: July 31, 1968

Transmit the following in _____ (Type in plaintext or code)

Via TELETYPE IMMEDIATE (Priority)

EXHIBIT 248

TO: DIRECTOR [redacted]

FROM: BOSTON [redacted]

CRIMINAL INTELLIGENCE PROGRAM, BOSTON DIVISION.

ALL SUBJECTS IN DEEGAN GANGLAND MURDER FOUND GUILTY THIS DATE, SUFFOLK COUNTY SUPERIOR COURT, BOSTON, MASS.

ROY FRENCH FOUND GUILTY OF MURDER, FIRST DEGREE AND SENTENCED TO LIFE. JOSEPH SALVATI FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND SENTENCED TO LIFE. BOTH THESE SENTENCES WERE BASED ON JURY RECOMMENDATION FOR LENIENCY.

LOUIS GRIECO FOUND GUILTY MURDER, FIRST DEGREE AND SENTENCED TO DEATH PENALTY. HENRY TAMELEO, RONALD CASSESSO AND PETER JOSEPH LIMONE, ALL LCN MEMBERS, FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND ALL SENTENCED TO DEATH PENALTY.

ALL SIX SUBJECTS FOUND GUILTY OF CONSPIRACY TO MURDER EDWARD DEEGAN AND SENTENCED TO TWO YEARS IN HOUSE OF CORRECTION. ALL FOUND GUILTY OF CONSPIRACY TO MURDER ANTHONY J. STATHOPOULOS AND SENTENCED ONE YEAR IN HOUSE OF CORRECTION.

TAMELEO, LIMONE AND CASSESSO ALL PROMINENT MEMBERS OF LCN IN PATRIARCA FAMILY. TAMELEO WAS CAPOREGIME OF PATRIARCA IN

Approved: _____ Special Agent in Charge

Sent 4:03 P M Per [redacted]

[redacted] 3267

000943

FBI-36 (Rev. 5-22-64)

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Priority)

[redacted]

3.

NEW COURTHOUSE BUILDING, FIVE FIVE FEMBERTON SQUARE, BOSTON, MASS., ZERO TWO ONE ZERO EIGHT, AND STAFF FOR THEIR SUCCESSFUL PROSECUTION OF THIS CASE.

ALSO RECOMMENDED THAT LETTERS OF COMMENDATION BE FORWARDED SAS RICO, CONDON AND BOLAND. SAS RICO AND CONDON WERE RESPONSIBLE FOR THE DEVELOPMENT OF GOVERNMENT WITNESSES BARBOZA AND GLAVIN. SA CONDON ALSO TESTIFIED IN AN EXCELLENT MANNER IN THIS CASE. SA BOLAND ALSO TESTIFIED IN AN EXCELLENT MANNER. BOLAND'S TESTIMONY REFUTED THE ALIBI OF GRECO AS FURNISHED BY HIS WIFE. SA BOLAND HAD INTERVIEWED GRECO'S WIFE AND SHE TESTIFIED IN X THE CASE, CONTRARY TO THE FACTS AS FURNISHED BY HER TO BOLAND. HIS TESTIMONY WAS DEVASTATING TO THE DEFENSE OF GRECO. BOTH AGENTS TESTIFIED REFLECTING GREAT CREDIT ON FBI.

JFK:CAK
(1)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

000945

John W. McCormack
Majority Leader

The Speaker's Rooms
U. S. House of Representatives
Washington, D.C.

August 1, 1968

PERSONAL
Honorable John Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C. 20535

Dear John:

May I call your personal attention to my deep interest in John J. Connolly, Jr., who has applied to your fine Bureau for an appointment.

I received a letter from this young man's father in which he told me that there might have been some possibility of his son not qualifying physically for the appointment he is seeking.

In this connection, I attach for your attention a self-explanatory letter sent to me by the young man's father from Dr. Michael J. Donovan, whose office incidentally is located in my congressional district at 527 East Broadway, South Boston, Massachusetts. I have known young Connolly since his birth. His father is a close and valued friend of mine and the young man in question is a splendid type of young American manhood. I am pleased to send this recommendation to you regarding young Connolly and I sincerely hope that conditions may be such that he will receive favorable consideration when an opportunity presents itself.

With kindest regards, I am

Sincerely yours,

John (W. McCormack)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

SUBJECT TO PROTECTIVE ORDER

EXP. PROC.
AUG 2 1968

EXHIBIT
249

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted] F

DATE: 8/2/68

FROM : SA [redacted]

SUBJECT: [redacted]

☒ CI ☐ SI ☐ R (Prob)
☐ PCI ☐ PSI ☐ R
☐

Dates of Contact
7/31 and 8/2/68

Titles and File #s on which contacted
GENERAL CRIMINAL INTELLIGENCE, BOSTON DIVISION — 94-536
[redacted] — 92-1299

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE
☐ STATISTIC

Informant telephonically advised that he had some information to furnish regarding a statement made by [redacted] concerning the [redacted] and [redacted]. Arrangements were made to contact informant personally the morning of 8/2/68.

On 8/2/68, informant stated that he was with FRANKIE SALEME, [redacted] located on [redacted] South End, Boston on the afternoon of 7/31/68 just after the jurors of the DEEGAN trial had made their verdict. Informant stated at this time FRANKIE SALEME was very angry with the verdict in the case [redacted]

X. Informant certifies that he has furnished all information obtained by him since last contact.	Rating	Coverage
	EXCELLENT	GENERAL CRIMINAL

[redacted]

EXHIBIT 250

000948

F [redacted] 3299

[redacted]

[redacted] SALEME indicated that the District Attorney's Office had lied, the witnesses in the trial had lied and also the Feds had lied and according to the informant, the only ones that did not lie were the defendants. Informant stated that he told SALEME that he was crazy to even think he could get away with anything regarding GARY BYRNE, his son, FITZGERALD.

[redacted]

Informant stated that he did not know whether or not SALEME was serious in his talk about taking care of the above mentioned individuals but felt that RICO and CONDON should be alerted to the talk.

Informant stated that he considered FRANKIE SALEME one of the worst and most treacherous individuals in the Boston area. He stated that he is constantly with LARRY BAIONE and has made a statement that he did not care about the results of the verdict in the DEEGAN murder case except for the verdict against PETER LIMONE and HENRY TAMELEO.

[redacted]

[redacted]

On August 2, 1968, District Attorney GARRETT H. BYRNE was informed of the above information by SA H. PAUL RICO.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted] b2 b7D DATE: 8/2/68

FROM : SA [redacted] b7C

SUBJECT: [redacted] b2 b7D [redacted] b2 b7D

Dates of Contact
7/31 and 8/2/68

Titles and File #s on which contacted
GENERAL CRIMINAL INTELLIGENCE, BOSTON DIVISION
94-536
92-1299

b7C [redacted]

Purpose and results of contact

[ ] NEGATIVE
[X] POSITIVE
[ ] STATISTIC

Informant telephonically advised that he had some information to furnish regarding a statement made by [redacted] concerning the [redacted] and [redacted] Arrangements were made to contact informant personally the morning of 8/2/68.

On 8/2/68, [redacted] on the afternoon of 7/31/68 just after the jurors of the DEEGAN trial had made their verdict. Informant stated at this time [redacted] was very angry with the verdict in the case and stated that [redacted] was trying to make an empire for himself [redacted] and that something should be done [redacted]

b7C b7D b7C b7C b7C b7C b7C

[X] Informant certified that he has furnished all information obtained by him since last contact.

Rating: EXCELLENT

Coverage: GENERAL CRIMINAL

[redacted] 85

b2 b7D tele tele

1 - [redacted] b2 b7D
1 - 94-536
1 - 92-1299
HFB:pd
(4)

000429

DOCUMENT #3

BS [redacted] b2 b7D

regarding [redacted] b7C He further indicated that it was too bad that they did not finish the guy that they wheeled into court.

At this time [redacted] was crazy to talk that way. [redacted] indicated that the District Attorney's Office had lied, the witnesses in the trial had lied and also the Feds had lied and [redacted] the only ones that did not lie were the defendants. Informant stated that he told [redacted] that he was crazy to even think he could get away with anything regarding [redacted] stated they took care of both [redacted] even though the guys were caught but he would never get caught.

b7C b7D

[redacted] did not know whether or not [redacted] was serious in his talk about taking care of the above mentioned individuals but felt that [redacted] should be alerted to the talk.

b7D

Informant stated that he considered [redacted] one of the worst and most treacherous individuals in the Boston area. He stated that he is constantly with [redacted] and has made a statement that he did not care about the results of the verdict in the DEEGAN murder case except for the verdict against PETER LIMONE and HENRY TAMELEO. [redacted] resides in [redacted] and furnished his telephone number which was personally given to SA [redacted]

b7C b7D

O/S [redacted]

O/S [redacted]

August 5, 1968

PERSONAL

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

The manner in which you performed in the investigation of a local murder case involving Roy French and others was splendid and I want to commend you.

The successful prosecution of these subjects was a direct result of your noteworthy development of pertinent witnesses. I want you to know that I am most appreciative of your fine services.

MAILED 27
AUG 5 - 1968
COMM - FBI

Sincerely yours,

J. Edgar Hoover

1 - SAC, Boston (Personal Attention)

1 - Miss Usilton (Sent Direct) REC-136
JMP
(5)
67-458491
Based on Boston teletype 7/31/68 and addendum Special Investigative Division 8/1/68 re Criminal Intelligence Program, Boston Division.

67- [illegible] -144
Searched Numbered
AUG 8 1968

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

AUG 9 1968

MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
251

August 5, 1968

PERSONAL

Mr. Dennis M. Condon
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Condon:

In recognition of the excellent fashion in which you performed in the investigation of a local murder case involving Roy French and others, I am pleased to commend you.

You were highly instrumental in the development of principal witnesses and, through your effective testimony at the trial, all the subjects were successfully prosecuted. I do not want the occasion to pass without conveying my appreciation to you.

Sincerely yours,

J. Edgar Hoover

MAILED 27
AUG 5 - 1968
COMM-FBI

67-433766-166
Searched Numbered 60
AUG 6 1968

REC-149

1 - SAC, Boston (Personal Attention)

1 - Miss Usilton (Sent Direct)
JMP:bla
(5)
67-433766
Based on Boston teletype 7/31/68 and addendum Special Investigative Division 8/1/68 re Criminal Intelligence Program, Boston Division.

AUG 2 15 06 PM '68
E B I
RECEIVED SECTION

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

1 AUG 9 1968
MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: November 15, 1968

FROM : J. H. Gale

SUBJECT: DEPARTMENT OF JUSTICE TASK FORCE CONCEPT ON ORGANIZED CRIME

CRIMINAL INTELLIGENCE PROGRAM - GENERAL

SYNOPSIS: This memorandum is written to set forth the FBI's views with reference to the Department of Justice "Task Force" (also called "Strike F concept on organized crime. This involves formation of groups consisting Department attorneys and investigators from different Federal agencies co centrating combined prosecutive and investigative functions in selected are.

The basic objectionable aspects of the Task Force concept cons the following: (1) Combining of investigative and prosecutive functions to t detraction of desirable impartiality; (2) loss of economy and efficiency by s imposing a new group in areas where regular prosecutive and investigative agencies exist; (3) absence of specific responsibility because of diverse org zations and assignments of personnel; (4) added peril to personnel in dange situations encountered; (5) difficulty in maintaining security of confidential informants. Another principal objection is that the FBI's accomplishments would be submerged in the claiming of credit by the Task Force beyond its actual contribution, and they will wind up grabbing the lion's share of favor publicity.

Proponents of Task Force operation stress ability to concentra an objective without diversion caused by multiplicity of investigative matte Regularly constituted investigative agencies, however, can concentrate and specialize its personnel, and United States Attorneys' offices can be streng by changes and additions of competent attorneys where needed. Current ac plishments of existing Department of Justice Task Forces are dwarfed by accomplishments of the FBI in areas where prosecutions are handled by a regular staff of United States Attorneys and initiated by the FBI.

ACTION: For information, as an outline of the FBI views regarding the Ta Force, or Strike Force, concept.

REC-47 62-9-1153

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Green

CLG:rdr/jny

DETAILS - PAGE 2

[redacted]

51 JAN 6 1969

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

DETAILS

Department of Justice Task Force

The Task Force idea began with a visit to Bureau officials on October 27, 1966, by representatives of the Department's Criminal Division. They announced that they were suggesting a group be formed in the Department of Justice consisting of attorneys and representatives from the Treasury Department, Labor Department, Bureau of Narcotics, the Internal Revenue Service, and the FBI who could sit down and review in the Department of Justice all available information gathered by the various agencies concerning the activities and criminal personalities involved in organized crime in the Buffalo, New York, area. Investigations would then be conducted by the various personnel in the Buffalo area. They pointed out that the FBI reduces its investigations to reports, which is not the case with some of the other agencies, but that these other agencies have a great wealth of information which has never been made available because it had not been reported.

The Director said that he would never agree to this and that the Department should take steps to correct the procedures of the other agencies and not muddy the procedures of the FBI. The recommendation that we not participate in the "Task Force" was approved by the Director, and the Department was notified of the Bureau's decision on November 7, 1
It was stated and reiterated to the Department that the FBI would continue t
vigorously conduct investigations in organized crime cases and continue to submit to the Department our detailed reports of the results of these investigations. They were also told that the FBI desired to have reported to it any alleged violations of law within its jurisdiction which might be discovered by the "Task Force," and such alleged violations would be promptly, completely, and vigorously investigated. On later contacts with the Special Agent in Charge in Buffalo, members of the "Task Force" were similarly advised of the Bureau's desires in this regard. Liaison has been maintained with the "Task Force" and the United States Attorney's office continuously by the Buffalo FBI Office.

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

On their contact with Bureau officials, Department representat said that the Buffalo, New York, area had been selected for the pilot operations of the Task Force idea. They indicated that Buffalo had a very active La Cosa Nostra family which had been determined by the Department based on examination of regularly submitted FBI intelligence reports on organized crime by its investigations over a period of several years. It wa formed and began operations in the Buffalo area in the beginning of 1967. Additional Task Forces have been formed and are presently in existence. They are at Detroit, Philadelphia, and the Eastern District of New York (Brooklyn). The Buffalo Task Force was disbanding its personnel and operation during October, 1968. Assigned to the Department of Justice "Task Force" in the Buffalo area were the following:

Five Department attorneys, headquartered at Washington, D. C

An Alcohol and Tobacco Tax Division investigator headquartere at Washington, D. C.,

Two Internal Revenue Service agents, one headquartered at Los Angeles, California, and the other at Pittsburgh, Pennsylv

One Immigration and Naturalization Service investigator headquartered at Washington, D. C.

One U. S. Customs Service investigator headquartered at Washington, D. C.

One Federal Bureau of Narcotics investigator headquartered at Baltimore, Maryland.

Claimed Accomplishments of "Task Force" in Buffalo area.

In a speech by the Attorney General and in a press article inspired by the Department, it was claimed that the "Task Force" produced indictments of 31 persons in the Buffalo area including suspected members of La Cosa Nostra.

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

We do not have specific knowledge of the indictments mentioned. However, undoubtedly the statements include indictments charging Anti-Racketeering - Conspiracy under the provisions of the Hobbs Act and another one charging conspiracy to rob a bank in Buffalo. None of the criminal acts forming the basis for these indictments were ever actually perpetrated. The indictments in the Hobbs Act - Conspiracy concerned two local robberies which were allegedly planned for Los Angeles, California. Included in the indictment was a count charging conspiracy to violate the Interstate Transportation of Stolen Property statute. This Task Force case involved Fred G. Randaccio, Pasquale A. Natarelli, and three other associates.

Randaccio and Natarelli were important figures in the organized crime picture in Buffalo--both being members of the Steve Magaddino family of La Cosa Nostra in that area and Randaccio holding the high-ranking position of underboss to Magaddino. In United States District Court in Buffalo, all defendants were convicted on November 21, 1967. Randaccio, Natarelli, and defendant Stephen A. Cino were each sentenced to 20 years in prison. The other two defendants, Charles Caci and Louis Sorgi, each received sentences of 10 years. These convictions have been affirmed by the United States Court of Appeals, Second Circuit, and petition for certiorari has been filed with the United States Supreme Court.

In the indictment charging conspiracy to rob a bank in Buffalo, four individuals were charged, but only one, Salvatore Pieri, could be considered as an organized crime figure in the area. Pieri is an important La Cosa Nostra member in Buffalo. At the conclusion of a trial of the four in United States District Court in Buffalo, Pieri was acquitted, and the jury disagreed on the other three who were convicted in a subsequent trial.

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

As a basis for comparison, examples of prosecutive achievement against organized crime are those involved in FBI investigations in Boston and Southern District of New York in New York City. In Boston in a case investigated by our Boston office and prosecuted by the U. S. Attorney, Raymond L. Patriarca, "boss" of the New England family of La Cosa Nostra and one of the most important organized crime figures in the United States, together with two of his high-ranking associates, Henry Tameleo and Ronald Cassesso, they were convicted in U. S. District Court on June 20, 1967, on charges of Interstate Transportation in Aid of Racketeering - Gambling, and each was sentenced to five years imprisonment and fined $10,000.

Also, as a result of FBI investigation, in State court in Boston, Massachusetts, six more were convicted in the 1965 slaying of Edward Deegan La Cosa Nostra members Henry Tameleo, Ronald Cassesso, Peter Limone, and Louis Grieco were all sentenced to death while two confederates were given life sentences.

Also based on FBI investigation, Raymond Patriarca has been indicted by the State of Rhode Island for the 1965 conspiracy to murder Willie Marfeo. This charge is based on substance to the same set of facts involved in the ITAR - Gambling prosecution of Patriarca, Tameleo, and Cassessa.

The key factor in the foregoing prosecutive achievements in the New England area was the development as a cooperative witness of Joseph Baron, commonly known as Barboza, who was an important crime figure in his own right and performed as a hired killer for La Cosa Nostra leaders. Conceivably, a "Task Force" could have had the initial contact with Baron and developed some of the same prosecutive achievements. However, in such an event, it would have been the additional unnecessary expenditure of personnel and money in having this operation handled by a group superimposed on the regular prosecutive and investigative establishments in the area.

Similarly, in the Southern District of New York, the FBI developed an important witness against organized crime figures in the person of Herbert Itkin. This was a significant factor in the ensuing prosecution handled by the U. S. Attorney, Southern District of New York, which resulted in the conviction of important La Cosa Nostra figures Antonio Corallo, James L. Marcus, former Commissioner of Water, Gas, and Electricity for the City of New York, and three other defendants. These convictions which occurred on June 19, 1968, involved violations of the Interstate Transportation in Aid of Racketeering - Bribery statute. Additional prosecutions are expected as a result of information furnished by Itkin. Conceivably also, a "Task Force" could have handled this or a similar case, but it would have been a superimposed superflous group considering that the regular investigative and prosecutive establishments were in existence ready, willing, and able to perform their functions.

BASIC OBJECTIONAL ASPECTS OF "TASK FORCE" CONCEPT

Combining of Investigative and Prosecutive Functions

Over the years, the FBI has adhered to the policy of a separation of the investigative and prosecutive functions pertaining to alleged violations of the laws of the United States, which are the responsibility of the FBI to investigate. This policy and practice of separating the two functions provides an investigative, fact-finding agency of trained career personnel. Because of the career status of the investigative personnel, the person charged with developing the true facts is entirely disinterested since he has nothing to gain personally through a conviction of a defendant. On the other hand, prosecutors in some instances are political appointees who have further political ambitions and who are often subject to community pressures.

As an added protection, even though the investigator has reason to be disinterested, he is not in a position to decide whether or not a defendant is to be prosecuted; and there exists the additional safeguard of placing the decision to prosecute in another person who will make his decision based on a completed investigation.

Loss of Economy and Efficiency

By having investigative functions solely in the province of a regularly established investigative agency with a permanent office in the area, we have the utmost economy of effort and resulting economy of money expenditures. The office in the area has personnel with geographical familiarity, necessary equipment, established sources of information, channels of communication, confidential informants, and all other facilities available for economical operation.

In addition, each field office is part of a nationwide organization with field offices covering all areas. The investigative personnel have a common training, reporting system, and jurisdiction which enables it to request investigation in other parts of the country which can be handled immediately and most economically. By this coordination of a nationwide organization of field offices, there are no unnecessary travel costs and incidental costs, such as per diem, to the investigator.

An example of the Department of Justice "Task Force" at Buffalo, New York, and the personnel assigned to it shows expense to the Government which could be avoided by having the investigation conducted by investigative agencies regularly assigned in that area, and prosecution handled by the personnel of the United States Attorney's office there. The initial personnel assigned to the Buffalo "Task Force" included five Department of Justice attorneys from Washington, D. C., four investigators from various Federal investigative agencies from Washington, one Federal investigator from Baltimore, Maryland, one Federal investigator from Pittsburgh, Pennsylvania, and one Federal investigator from

Los Angeles, California. The travel and per diem expense incurred by these 12 members of the "Task Force" could have been avoided by having the regularly established investigative personnel in the area conduct those investigations of alleged violations coming within their respective jurisdictions, and the necessary legal problem and prosecutive efforts could have been handled by the office of the United States Attorney. In the event any supervisory advice was needed by the United States Attorney or by any of the investigative agencies involved at the headquarters level, this could have been obtained by written correspondence or by telephone, where necessary.

Absence of Specific Responsibility

The FBI has always held the position that jurisdiction should be jealously guarded. This attitude occasionally brings forth critical comments from the uniformed. However, it is believed this attitude is necessary in order that those agencies charged by law with specific areas of responsibility should not seek to avoid them and should always be held strictly accountable for those shortcomings in discharging its responsibilities. On the other hand, the public and the Congress should be in the position to determine whether an agency is efficiently discharging its responsibilities. There is also an added protection to the citizen in having jurisdiction specifically fixed so that there will be no "crusading fishing expeditions."

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

Added Peril to Personnel
in Dangerous Situations

In "Task Force" type operations, with investigators from different agencies who have been given different types of training and subjected to different administrative disciplines, there always exists the problem of cohesive, unified efforts involving dangerous situations, such as raids and arrests. There is obviously less danger to participating personnel when they all belong to the same organization. Although nothing untoward happened in the arrests in June, 1967, of five defendants in a case investigated by the Buffalo "Task Force," it is noted that participating were representatives from the Treasury Department investigative agencies, local and state police, and members of the United States Marshal's forces. Some of the five defendants arrested had extensive criminal backgrounds. We were invited to participate in those arrests and declined, one of the reasons being the number of different law enforcement agencies participating.

Possible Exposure of Informants

One of the most necessary tools of a law enforcement agency is the use of confidential informants. The identity of a good confidential informant must always be protected because of danger to his safety, even his life, if members of the underworld learned of his cooperation with law enforcement. In addition to being a valuable adjunct to law enforcement, the confidential informant's cooperation is usually developed only by long, careful, and persistent contact. The traveling "Task Force" is not usually equipped to develop such informants. Investigators would obviously endanger their informants by making contact and reporting in a group made up of men from several different agencies. It would be difficult to conceal the informant's identity in the absence of established protective administrative practices in reporting and physical facilities designed for adequate security.

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

SUMMARY

In conclusion, and as a result of our analysis of the Department's Task Force concept, it is firmly recommended that we continue our present policy that we not place our personnel at the disposal of any of the Department's Task Forces. We will, however, continue to provide them with copies of our investigative reports pertaining to organized crime matter and continue to maintain daily liaison with the Task Forces in order that we will be able to protect the interest of the FBI. Our reasons for recommendir against participation in the Task Force concept are briefly restated as follow

1. The Task Force concept combines the investigative and prosecutive functions eliminating the added protection of impartiality by having an investigative function separated from the prosecutive function.

2. The Task Force concept being a "superstructure" imposed on the regularly established investigative and prosecutive (U. S. Attorneys) agencies causes a loss of economy and efficiency in law enforcement operations.

3. The Task Force concept creating a group comprised of personnel from several different agencies establishes a situation in which specific responsibility cannot be assigned properly as to jurisdiction of violations of laws.

4. Detaching FBI personnel from their regular assignments to place them with a Task Force would lessen the FBI's ability to discharge its responsibilities in the broad areas of jurisdiction.

5. In the investigation of violations of law, there will exist many dangerous situations involving raids, arrests and other contacts with persons of criminal background. Having such situations handled by attorneys and officers of varying disciplines and training obviously adds to the dangers when compared with handling of the same situations by investigators of one organization.

Memorandum to Mr. DeLoach
Re: Department of Justice
Task Force Concept on
Organized Crime

6. The FBI has clearly indicated to the Department of Justice that we will handle any investigation which the Department of Justice desires us to conduct which falls within our investigative jurisdiction. Our only reservation is that the supervision of these investigations will remain exclusively with the FBI and that we will direct the activities and the assignment of our personnel so that maximum utilization of available personnel can be achieved at all times. This is necessitated by our continuing and mounting investigative responsibilities which demand the most careful deployment of our personnel so that maximum, efficient utilization of our people can be had at all times.

7. One of the principal objections to a Task Force superimposed on the existing prosecutive machinery in the form of United States Attorneys' offices and the existing offices of the various Federal investigative agencies is the fact that the FBI's accomplishments would be submerged in the claiming of credit by the Task Force beyond its actual contribution.

The FBI's program embodies the separation of the investigative and prosecutive aspects of the drive against organized crime. Historically, we have found it to be true that greater efficiency results and responsibilities are clearly established when investigators investigate and prosecutors prosecute. Under this system, supervisory direction and assignment of personnel are left where they properly belong--in the hands of professionals charged with the responsibility of conducting extremely sensitive investigatio in a most complex field of activity.

DIRECTOR, FBI 4/14/69

[redacted]

JOSEPH BARON, aka,
Joseph Barboza;
[redacted]

B.F

Investigation is being initiated in connection with the TECIP to develop Subject as a top echelon criminal informant; therefore, Subject is being designated a target under this program.

The Boston Office by letter dated April 1, 1969, furnished pertinent background concerning Subject, which is set forth below. The Boston Office advised that there will be occasions when that office will desire that Subject be contacted on various matters of extreme importance to the Boston Division. Further, as PC becomes acquainted in the San Francisco area, he will undoubtedly be in a position to furnish worthwhile information concerning criminal activities.

M, B

[redacted]

P

F

2 - Bureau (RM)
(2) - Boston ([redacted])
2 - [redacted]

CNH:jab
(5)

[redacted]

VERIFIED FILED
APR 18 1969
FBI — BOSTON

000964

[redacted]

F. M. B

000965

[redacted]

CNH:jab

[redacted]

convictions were obtained on March 8, 1968, on RAYMOND L. S. PATRIARCA, recognized leader of the LCN in the New England area; HENRY TAMELEO, LCN member and lieutenant for RAYMOND L. S. PATRIARCA; and RONALD CASSESSO, LCN member, for violating the AR Statutes [redacted]

[redacted] the gangland death of EDWARD "TEDDY" DEEGAN [redacted] this information was disseminated to Suffolk County [redacted] in a murder trial which resulted in the conviction of LCN members HENRY TAMELEO, RONALD CASSESSO, PETER LIMONE and LOUIS GRIECO, all of whom received "the death sentence." Also convicted at this trial were ROY FRENCH and JOSEPH SALVATI, also known as "Joe, the Horse."

IDENTIFICATION RECORD

[redacted]

L E A D

BOSTON

At Boston, Massachusetts. [redacted]

000966

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 8/15/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal and a check was made on his physical well being.

BARON advised that his wife had given birth to a baby boy a few days before and that the child was in good health.

On 8/12/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO DMC:pa'h 6 Date dictated 8/14/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 252

60-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 8/15/68

1

JOSEPH BARON was contacted at the location where he is in the protective custody of the United States Marshal and a check was made on his physical well being.

BARON advised that he understood that he was going to be moved from his location within the next few days in protective custody but hoped that he would be able to remain in contact with the Agents, even though he was moved from this area.

On 8/14/68 at Gloucester, Massachusetts File # Boston 92-1132

by SA's DENNIS M. CONDON and H. PAUL RICO:po'b 7P Date dictated 8/15/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT 253

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

PERMANENT BRIEF

Entered on Duty		1-29-51
Reported to Field		3-28-51
Present Grade and Salary		GS-13, $29,782
Last Salary Change		10-12-75, Basic Increase
Age		51, Born 11-23-1923
Place of Birth		Charlestown, Massachusetts
Marital Status		Married - 6 Children
Education		Bachelor of Arts Degree
Language Ability		None
Office of Preference since 2/74		Boston
1975 Annual Performance Rating		EXCELLENT
Firearms Ability		Qualified
Immediate Relatives in Bureau		None
Offices of Assignment:		
3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

LS:lrb
(1)

EXHIBIT
254

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI-HCGR-000003328

resourcefulness and ingenuity, was most accurate and paid attention to pertinent detail. He testified in U. S. District Court 3 times, before a U. S. Grand Jury 3 times, in state court 3 times and was considered an experienced and outstanding witness. He was completely available and continued to be listed as being not interested in administrative advancement.

His daily average overtime for March, 1968 was 2'14"; April, 2'53".

EFFECTIVE 5-5-68, he receives a QUALITY WITHIN-GRADE SALARY INCREASE in GS-13 to $16,207 per annum. By letter dated 4-10-68, he was advised he was receiving this award in recognition of his having discharged his duties in splended fashion for the period 4-1-67, to 3-31-68.

He attended Top Eschelon Informant In-Service Training from 4-29-68 to 5-10-68.

On 4-29-68 while attendind In-Service Training the Director saw him and commented that he seemed interested in his work and would rate him above average.

His daily average overtime for May, 1968, 2'27"; June, 3'13"; July, 2'02".

On 7-14-68 he received a Basic Increase to $17,289 in GS-13.

By letter dated 8-15-68 he was COMMENDED for the excellent fashion in which he performed in the investigation of a local murder case involving Roy French and others.

His daily average overtime for August, 1968, 2'51"; September, 2'15"; October, 2'56"; November, 2'20"; December, 2'54"; January, 1969, 2'12"; February, 2'56".

On 3-31-69 he was rated EXCELLENT and comments reflected that he was considered outstanding in dependability, loyalty and enthusiasm and was capable of handling the most complicated investigative matters with a minimum degree of supervision. He was not interested in administrative advancement.

His daily average overtime for March, 1969, 2'13"; April, 2'38"; May, 2'41"; June, 2'25".

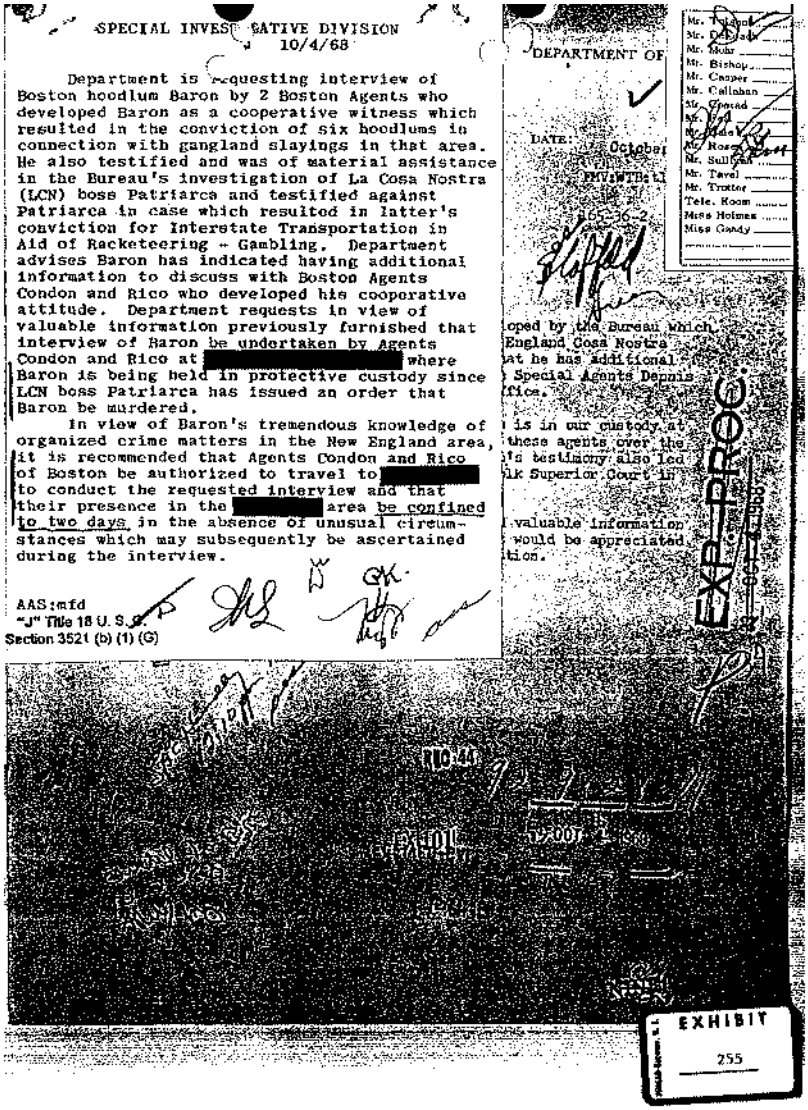
On 7-13-69 he received a Basic Increase to $18,974 in GS-13.

His daily average overtime for July, 1969, 2'57"; August, 2'24"; September, 2'47"; October, 2'26"; November, 2'44".

12-28-69 he received a Basic Increase to $20,114 in GS-13.

CONFIDENTIAL PRODUCED SUBJECT TO PROTECTIVE ORDER

FBI-HCGR-000003349



SPECIAL INVES[illegible]GATIVE DIVISION
10/4/68

Department is requesting interview of Boston hoodlum Baron by 2 Boston Agents who developed Baron as a cooperative witness which resulted in the conviction of six hoodlums in connection with gangland slayings in that area. He also testified and was of material assistance in the Bureau's investigation of La Cosa Nostra (LCN) boss Patriarca and testified against Patriarca in case which resulted in latter's conviction for Interstate Transportation in Aid of Racketeering - Gambling. Department advises Baron has indicated having additional information to discuss with Boston Agents Condon and Rico who developed his cooperative attitude. Department requests in view of valuable information previously furnished that interview of Baron be undertaken by Agents Condon and Rico at [redacted] where Baron is being held in protective custody since LCN boss Patriarca has issued an order that Baron be murdered.

In view of Baron's tremendous knowledge of organized crime matters in the New England area, it is recommended that Agents Condon and Rico of Boston be authorized to travel to [redacted] to conduct the requested interview and that their presence in the [redacted] area be confined to two days in the absence of unusual circumstances which may subsequently be ascertained during the interview.

AAS:mfd
"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

DEPARTMENT OF

DATE: October

oped by the Bureau which
England Cosa Nostra
at he has additional
Special Agents Dennis
fice.

is in our custody at
these agents over the
's testimony also led
k Superior Court in

valuable information
would be appreciated
tion.

EXHIBIT
255

October 7, 1968

Airtel

To: SAC, Boston (92-1132)
REC 44
From: Director, FBI (92-9828)
EX-101

JOSEPH BARON, aka
AR

"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

By letter dated October 3, 1968, copy of which is attached for your information, the Department has requested that SAs Dennis Condon and H. Paul Rico of your office proceed to [redacted] to interview Baron and obtain additional information in his possession.

Confirming Bureau telephone call of October 7, 1968, Agents Condon and Rico are authorized to travel to [redacted] to conduct the requested interview for the above-stated purpose. The presence of these Agents in the [redacted] area should be confined to two days in the absence of any unusual circumstances which may be ascertained during the interview of Baron.

Appropriate arrangements pertaining to the time and date of interview should be coordinated with the [redacted] Division. Keep the Bureau fully advised of all developments.

Enc.

1 - [redacted] (Enc.)

NOTE: The Director has approved the above travel by SAs Condon

MAILED 23
OCT 7 - 1968
COMM-FBI

1 - Administrative Division (Movement)

ARW:jny
(6)

MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
256

John W. McCormack
Sth Dist, Massachusetts

The Speaker's Rooms
U. S. House of Representatives
Washington, D. C.

October 7, 1968

PERSONAL
Honorable J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C. 20535

Dear Edgar:

May I again remind you of my deep personal interest in John J. Connolly, Jr. of [redacted] South Boston, Massachusetts, who is seeking an appointment in your splendid Bureau.

I understand he was given a physical examination on September 9. In the event he is found qualified, it is with much pleasure that I recommend him for your favorable consideration.

Thanking you in advance, and with kind regards, I am

Sincerely yours,

27

John (W. McCormack)

SUBJECT TO PROTECTIVE ORDER

EXP. PROC.
OCT 10 1968

EXHIBIT
257

October 8, 1968

Honorable John W. McCormack
The Speaker of the
House of Representatives
Washington, D. C. 20515

Dear John:

I am indeed pleased to inform you that Mr. John J. Connolly, Jr., in whom you have expressed an interest, has been tendered an appointment as a Special Agent in the Federal Bureau of Investigation.

With kindest regards,

Sincerely,

Edgar

glr (4)

67-652419

25

SUBJECT TO PROTECTIVE ORDER

MAILED 21

NAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
258

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(Attn: Supv. S. RAY BURNS)
Room 4511

DATE: 10/10/68

FROM : SAC, BOSTON (67-15925)

SUBJECT: JOHN JOSEPH CONNOLLY, Jr.
BUAP - SA

Re report of SA THOMAS A. MAKI dated 10/1/68 at Boston.

SA DENNIS M. CONDON of the Boston Office stated that he has known the applicant for approximately one year and he regards the applicant very highly as an excellent prospect for Bureau employment; he recommends him favorably for the position of Special Agent.

DORIS LE BLANC, Clerk, Registrar's Office, Boston College, Chestnut Hill, Newton, Mass., stated that CONNOLLY had graduated from Boston College in 6/65 with a B. S. degree in marketing; during his four-year attendance, the applicant had maintained a scholastic average of at least C or above.

WILLIAM J. GLENNON, Personnel, Boston Park and Recreation Departments, advised that his records reflected that CONNOLLY had been employed from 6/12/66 to 9/66 with the Park Department.

Foregoing for information.

2 - Bureau
1 - Boston
EPM:maf
(3)

-26

Copies Detached

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
259

SUBJECT TO PROTECTIVE ORDER

11/1/68

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted]

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

JOSEPH BARBOZA, aka JOE BARON, appeared in Suffolk County Superior Court, Boston, Mass., where "habitual criminal" indictments against him were filed, and he was given "not less than one year nor more than a year and a day" on other counts. This sentence was in connection with the "conspiracy" indictment involving the murder of EDWARD "TEDDY" DEEGAN in 1965.

Attorney JOHN E. FITZGERALD, who lost his leg when a bomb shattered his automobile last January, appeared in court standing on an artificial limb with the aid of a cane and represented BARON at the proceedings.

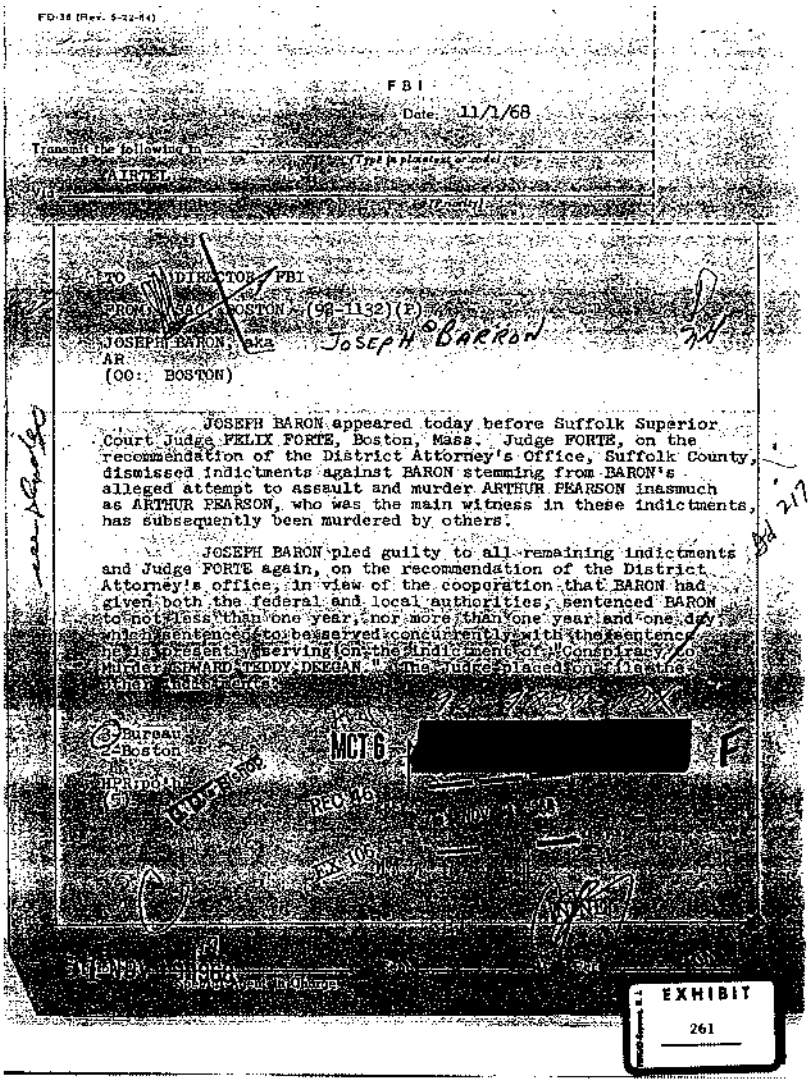
[redacted] D

2-Bureau
1-Boston
DMC:po'b
(4)

[redacted] - 3427

000962

EXHIBIT
260



FD-36 (Rev. 5-22-64)

FBI

Date: 11/1/68

Transmit the following in _____ (Type in plaintext or code)

AIRTEL

Via _____ (Priority)

TO: DIRECTOR, FBI

FROM: SAC, BOSTON (92-1132)(P)

JOSEPH BARON, aka JOSEPH BARRON

AR

(OO: BOSTON)

JOSEPH BARON appeared today before Suffolk Superior Court Judge FELIX FORTE, Boston, Mass. Judge FORTE, on the recommendation of the District Attorney's Office, Suffolk County, dismissed indictments against BARON stemming from BARON's alleged attempt to assault and murder ARTHUR PEARSON inasmuch as ARTHUR PEARSON, who was the main witness in these indictments, has subsequently been murdered by others.

JOSEPH BARON pled guilty to all remaining indictments and Judge FORTE again, on the recommendation of the District Attorney's office, in view of the cooperation that BARON had given both the federal and local authorities, sentenced BARON to not less than one year, nor more than one year and one day, which sentenced to be served concurrently with the sentence he is presently serving on the indictment of "Conspiracy to Murder EDWARD TEDDY DEEGAN." The Judge placed on file the other indictments.

3-Bureau
2-Boston
AR
HPR:pc'h
(5)

MCT 6 [redacted] F

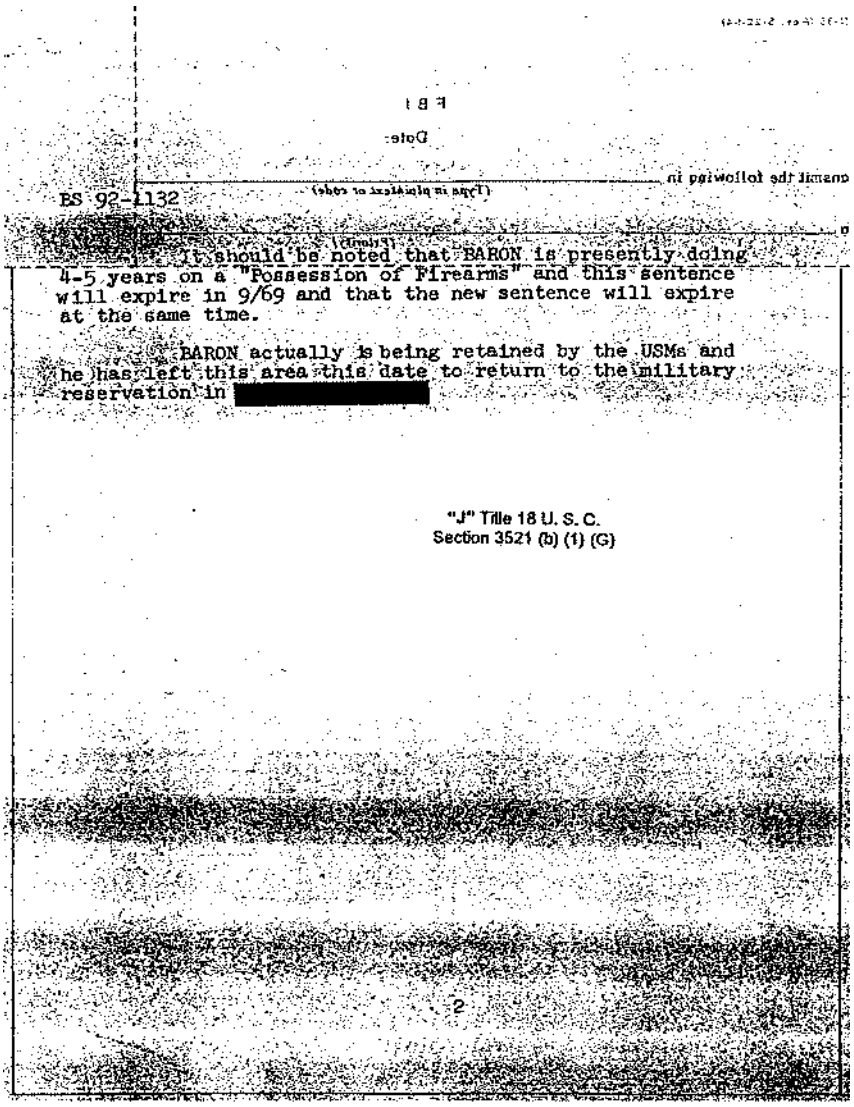
REC 46

EX 106

Special Agent in Charge

EXHIBIT

261



ES 92-1132

It should be noted that BARON is presently doing 4-5 years on a "Possession of Firearms" and this sentence will expire in 9/69 and that the new sentence will expire at the same time.

BARON actually is being retained by the USMs and he has left this area this date to return to the military reservation in [redacted]

"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

2

January 24, 1969

Director
Federal Bureau of Investigation

NEK:WTB:hrl
165-36-2

Nathaniel E. Kossack
Acting Assistant Attorney General
Criminal Division

United States v. Raymond Patriarca

As you know, in 1967 Joseph Baron was serving a state sentence in Massachusetts. Shortly after he started cooperating with the Bureau he was, pursuant to court order, taken into custody by the Federal Government. He thereafter was the key witness in the successful prosecution of New England Cosa Nostra leader Raymond Patriarca.

Baron is still in Federal custody. However, we have recently been advised by District Attorney Garrett Byrne, Suffolk County, Massachusetts, that there is a possibility that Baron may be paroled within the next three months. If such proves to be the case, we feel we have the responsibility to relocate this witness and his family. Accordingly, we have made some preliminary inquiries and determined that it may be possible to send Baron to Australia.

In light of the foregoing, it would be appreciated if you would advise us whether the Bureau has any objection to such an arrangement.

ORIGINAL FILED IN 92-3219-1911

92-7128-
NOT RECORDED
141 JAN 30 1969

EXHIBIT
264

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

Joseph O. BARON

UPI-173
(FITZGERALD)
WESTWOOD, MASS.--ATTY. JOHN E. FITZGERALD, ONE TIME COUNSEL TO NEW ENGLAND UNDERWORLD FIGURES BUT NOW MARKED FOR ASSASSINATION, LEFT THE UNITED STATES TODAY TO TAKE ON A NEW JOB, A NEW NAME, AND A NEW COUNTRY.

FITZGERALD, WHO LOST A LEG LAST YEAR WHEN A BOMB EXPLODED IN HIS CAR, WAS ACCOMPANIED BY A POSSE OF STATE AND LOCAL POLICE, FBI AGENTS, AND LOCAL POLICE WHEN HE PICKED UP HIS BELONGINGS AT HIS CAPE COD STYLE HOME HERE.

HIS DESTINATION WAS NOT DISCLOSED.

HIS WIFE AND FIVE CHILDREN WILL JOIN HIM AT THE END OF THE SCHOOL YEAR.

FITZGERALD REPORTEDLY WILL WORK FOR AN AMERICAN FIRM DOING BUSINESS ABROAD.

HIS POLICE PROTECTION IS TO BE CONTINUED FOR THE REST OF HIS LIFE UNDER AN AGREEMENT MADE WITH AUTHORITIES AFTER HIS CAR WAS DESTROYED BY A BOMB WIRED TO THE IGNITION JAN. 10, 1968.

AT THAT TIME, FITZGERALD WAS THE ATTORNEY FOR JOSEPH BARBOZA BARON, AN ENFORCER TURNED GOVERNMENT WITNESS. AFTER A LONG HOSPITAL STAY, FITZGERALD ALSO AGREED TO TESTIFY BEFORE VARIOUS STATE AND FEDERAL GRAND JURIES IN RETURN FOR A NEW LEASE ON LIFE.

1/16--TS636PES

92-9828-A-

JAN 24 1969

WASHINGTON CAPITAL NEWS SERVICE

EXHIBIT 265

The Attorney General

January 28, 1969

Director, FBI (166-3219)

1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Green

RAYMOND L. S. PATRIARCA,
INTERSTATE TRANSPORTATION IN
AID OF RACKETEERING - GAMBLING

Reference is made to letter of January 24, 1969, captioned "United States v. Raymond Patriarca," from Acting Assistant Attorney General Nathaniel E. Kossack, Criminal Division.

Mr. Kossack's letter advised that Joseph Baron, who was the key government witness in the successful prosecution of Patriarca, leader of the La Cosa Nostra in New England, may be paroled within the next three months by Massachusetts state authorities. It is proposed that Baron be relocated, possibly in Australia, by the Department. The letter further asks if the FBI has any objections to such an arrangement.

Baron has been in Federal custody as a witness against Patriarca and two associates in a case prosecuted in U. S. District Court at Boston, Massachusetts, on charges of violating the Interstate Transportation in Aid of Racketeering - Gambling Statute. The case involved a conspiracy in 1965 to murder Providence, Rhode Island, hoodlum, William Marfeo, because he refused to abide by Patriarca's wishes in the operation of a dice game.

In view of the fact that the U. S. Supreme Court has denied certiorari in this case, the FBI investigations stemming from information furnished by Baron have been completed. Therefore, we have no objection to the relocation of Baron as proposed.

1 - The Deputy Attorney General

1 - Mr. Nathaniel E. Kossack
Acting Assistant Attorney General

1 - 166-3219
(1) - 92-9828

NOTE: See memorandum J. H. Gale to DeLoach captioned, "Raymond L. S. Patriarca, Interstate Transportation in Aid of Racketeering - Gambling," 1-27-69, CLG:jdp.

CLG:jdp
(10)

79 FEB 3 1969

ORIGINAL FILED IN 166-3219 197

EXHIBIT
266

188

The Commonwealth of Massachuse
Executive Office of Public Safety
Department of Correction
Leverett Saltonstall Building, Government Cen
100 Cambridge Street, Boston, Mass. 0220
(617) 727-3300

William F. Weld
Governor

Larry E. DuBois
Commissioner

Michael T. Maloney
Deputy Commissioner

727 3300 x 153 7232

September 30, 1993

TO WHOM IT MAY CONCERN:

I, Jaymie S. Derderian, do declare that I am employed as Records Supervisor of Central Records for the Massachusetts Department of Correction, Leverett Saltonstall Building, Bost Massachusett and that the records attached are true and corre copies reflecting the incarceration history of inmate Vincent Flemmi file number W-36397. Inmate Vincent M. Flemmi's was incarcerated with the Massachusett Department of Correction o March 9, 1966 for 4-6 years Armed Assault with intent to Murd On October 7, 1968 inmate Flemmi was transferred to MCI Norfo and on October 16, 1968 was transferred to MCI Walpole. Inma Flemmi was returned/transferred to MCI Norfolk on December 5, 1968 and was transferred to MCI Walpole on December 12, 1968. Inmate Flemmi received a Good Conduct Discharge from MCI Walp on March 28, 1969.

If you have any questions concerning these dates, pleas feel free to contact me.

Jaymie S. Derderian
Central Records Supervisor

001068

EXHIBIT
267

Gloucester
AM GLOBE MAY 5 '69
Man Cited
For Hiding
Joe Baron

Karen
AM GLOBE FEB 2 '69
State Pu
Off Limits

EXHIBIT
268

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 10-22-75

FROM : S. R. Burns

SUBJECT: SA DENNIS M. CONDON
Boston Office
Veteran

PERMANENT BRIEF

Entered on Duty	1-29-51
Reported to Field	3-28-51
Present Grade and Salary	GS-13, $29,782
Last Salary Change	10-12-75, Basic Increase
Age	51, Born 11-23-1923
Place of Birth	Charlestown, Massachusetts
Marital Status	Married - 6 Children
Education	Bachelor of Arts Degree
Language Ability	None
Office of Preference since 2/74	Boston
1975 Annual Performance Rating	EXCELLENT
Firearms Ability	Qualified
Immediate Relatives in Bureau	None

Offices of Assignment:

3-28-51	assigned	Philadelphia
1-8-52	reported	New York
4-11-52	reported	Boston

CONFIDENTIAL - PRODUCED SUBJECT TO PROTECTIVE ORDER

LS:lrb
(1)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
269

FBI-BCCR-00000328

CONFIDENTIAL PRODUCED SUBJECT TO PROTECTIVE ORDER

resourcefulness and ingenuity, was most accurate and paid attention to pertinent detail. He testified in U. S. District Court 3 times, before a U. S. Grand Jury 3 times, in state court 3 times and was considered an experienced and outstanding witness. He was completely available and continued to be listed as being not interested in administrative advancement.

His daily average overtime for March, 1968 was 2'14"; April, 2'53".

EFFECTIVE 5-5-68, he receives a QUALITY WITHIN-GRADE SALARY INCREASE in GS-13 to $16,207 per annum. By letter dated 4-10-68, he was advised he was receiving this award in recognition of his having discharged his duties in splended fashion for the period 4-1-67, to 3-31-68.

He attended Top Eschelon Informant In-Service Training from 4-29-68 to 5-10-68.

On 4-29-68 while attendind In-Service Training the Director saw him and commented that he seemed interested in his work and would rate him above average.

His daily average overtime for May, 1968, 2'27"; June, 3'13"; July, 2'02".

On 7-14-68 he received a Basic Increase to $17,289 in GS-13.

By letter dated 8-15-68 he was COMMENDED for the excellent fashion in which he performed in the investigation of a local murder case involving Roy French and others.

His daily average overtime for August, 1968, 2'51"; September, 2'15"; October, 2'56"; November, 2'20"; December, 2'54"; January, 1969, 2'12"; February, 2'56".

On 3-31-69 he was rated EXCELLENT and comments reflected that he was considered outstanding in dependability, loyalty and enthusiasm and was capable of handling the most complicated investigative matters with a minimum degree of supervision. He was not interested in administrative advancement.

His daily average overtime for March, 1969, 2'13"; April, 2'38"; May, 2'41"; June, 2'25".

On 7-13-69 he received a Basic Increase to $18,974 in GS-13.

His daily average overtime for July, 1969, 2'57"; August, 2'24"; September, 2'47"; October, 2'26"; November, 2'44".

On 12-28-69 he received a Basic Increase to $20,114 in GS-13.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: Dec. 8, 1971 Hon. JOSEPH P. MURPHY, JR., Judge; GERALD THOMPSON, Bailiff; LOUISE V. EVANS, Deputy Clerk; MARTHA BLASHFIELD, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff — Counsel appearing for Plaintiff: KIERNAN R. HYLAND, District Attorney and RONALD W. FAHEY, Chief Deputy District Attorney

vs.

JOSEPH BENTLEY &D, Defendant — Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

NATURE OF PROCEEDINGS: Violation Sec. 187 PC - 27th day Jury ACTION No. 6407-C

This cause came on regularly this day for further trial by jury. At 10:05 A.M. Court convened. All present. Defendant present.

Joseph Baron resumed the stand for further cross-examination.

One 25 automatic pistol marked People's Ex. 55 for identification.

Affidavit by Joseph Baron marked People's Ex. 56, for identification.

Letter dated Oct. 17, 1970, marked People's Ex. 57, for identification.

Letter dated Oct. 19, 1970, marked People's Ex. 58, for identification.

At 11:50 A.M. Court admonished the jury and excused them for the noon recess. Court remained in session for legal discussion. At 11:55 A.M. Court adjourned. At 2:20 P.M. Court reconvened. All present.

Joseph Baron resumed the stand for further cross-examination.

Stipulated by counsel that Joseph Baron was sentenced on Jan. 25, 1967, by the Suffolk County Court for a term of not more than five years or less than four years for each of two felony convictions. Said sentences to be served concurrently with credit for time served, deemed to be 113 days of said sentence. He was placed in custody after being sentenced in Barnstable County Jail, Jan. 25, 1967 until approximately Sept. 19, 1967, he was taken to Thatcher Island, Glouchester, after which he was removed to a private estate in Glouchester, from there he was taken to Fort Knox, Kentucky until April 1969, when he was placed in Santa Rosa in mid April 1969.

Edward F. Herrington sworn and testified in behalf of the defendant.

Dennis M. Condon sworn and testified in behalf of the defendant.

H. Paul Rice sworn and testified in behalf of the defendant.

Edward Herrington recalled for further direct testimony in behalf of defendant.

Greg P. Evans sworn and testified in behalf of the defendant.

At 3:25 P.M. Court admonished the jury and excused them for the day, Court remained in session. Legal discussion re: Interrogatories of Defendant.

At 4:00 P.M. Court adjourned to Dec. 9, 1971, at 10:00 A.M.

EXHIBIT 270

FD-36 (Rev. 5-22-64)

FBI

Date: 4/2/69

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)
ATTN: CRIMINAL INTELLIGENCE DIVISION

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

Sheriff DONALD P. TULLOCH, Barnstable County, Massachusetts, on 4/2/69, advised SA WILLIAM H. CARPENTER that the following letter was found in a box which is provided for the prisoners to send letters, uncensored, to such persons as the governor, sheriff, the FBI, et al. It was not signed and was printed and no suspects as to who wrote it are known at this time:

"There has been a security leak in the transfer of Barboza-Baron from the Barnstable Jail. Certain people now know the method in which he was taken.

"Steps are now being taken to recheck the route. Parties in Providence have been told to find him."

The above is furnished to the Bureau for information purposes.

REC 22 92-9828-13

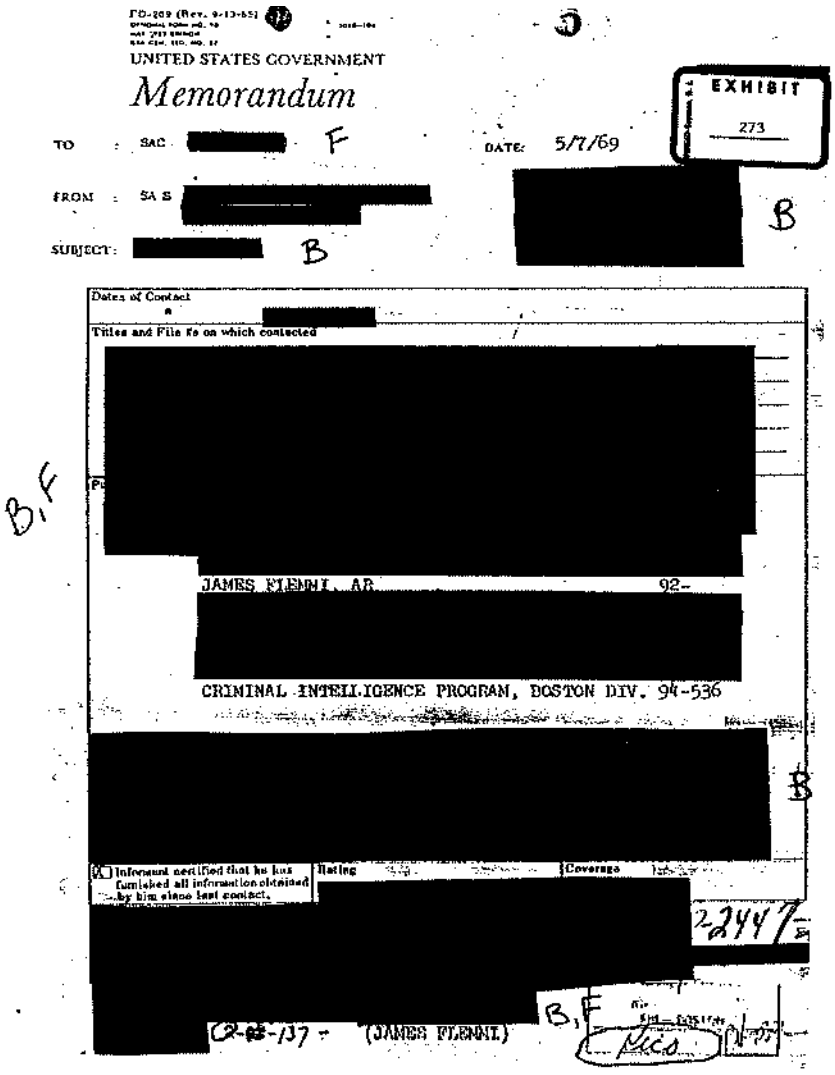
17 APR 4 1969

(3) - Bureau
2 - Boston (92-1132)
(1 - [redacted] F
(5)
WHC/ras

59 APR 11 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT 271



FD-209 (Rev. 9-13-65)

UNITED STATES GOVERNMENT

Memorandum

EXHIBIT 273

TO : SAC [redacted] F

DATE: 5/7/69

FROM : SA S [redacted]

[redacted] B

SUBJECT: [redacted] B

Dates of Contact

[redacted]

Titles and File #s on which contacted

[redacted]

B,F

JAMES FLEMMI, AR 92-

[redacted]

CRIMINAL INTELLIGENCE PROGRAM, BOSTON DIV. 94-536

[redacted] B

[X] Informant certified that he has furnished all information obtained by him since last contact.

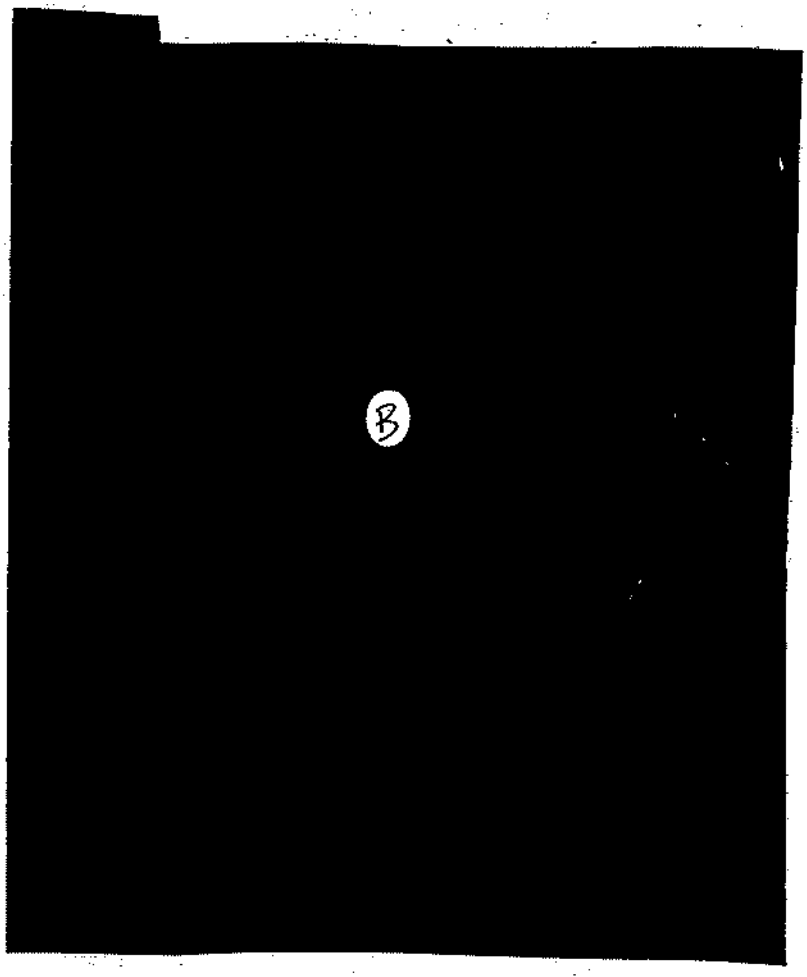
Rating

Coverage

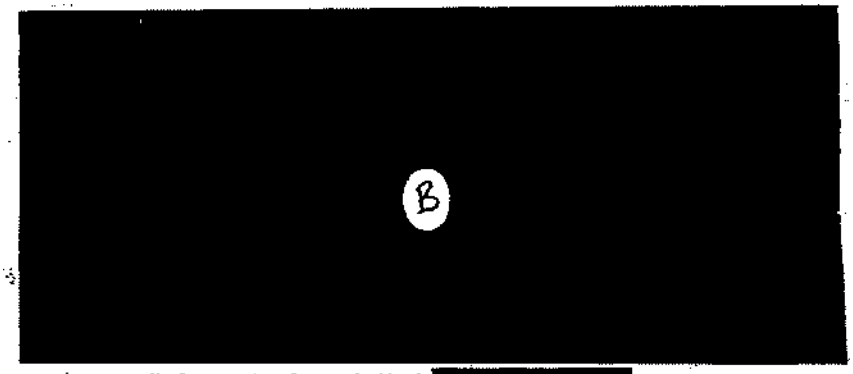
[redacted] 2-2447

[redacted] (JAMES FLEMMI) B,F

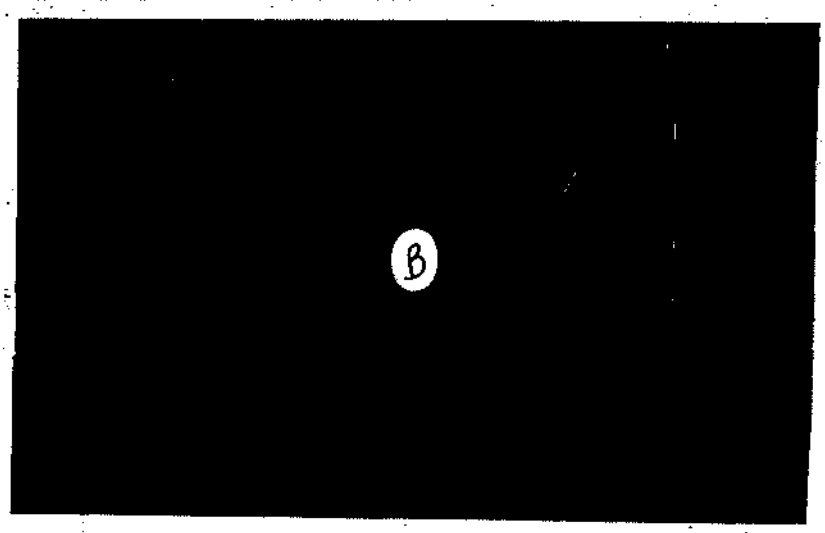
Nico

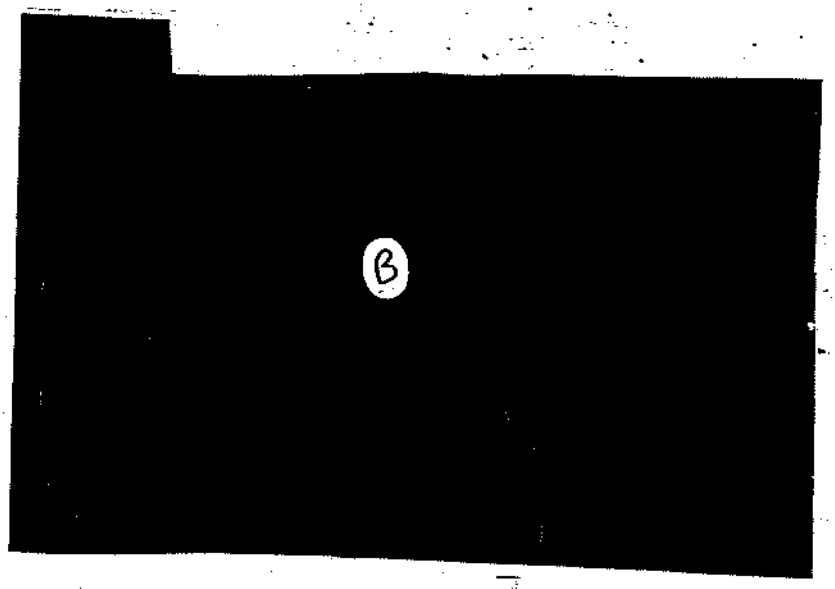


2



Informant advised that [redacted] and JIMMY FLEMMI are in very strong with LARRY BAIONE and JERRY ANGIULO. Informant said that should they want anyone "whacked out," these would be the two that would do it.




B

PEOPLE'S EXHIBIT # 4
DATE 12/6/82
SUPERIOR COURT
ASST. CLERK THELMA FOSTER

MR. ISRAEL. Objection.

THE COURT. Sustained. You want to stri it?

MR. ISRAEL. No, I think not.

Q Your answer was yes, is that correct?

A That's correct.

MR. SHEEHAN. That's all I have, Your Honor please.

THE COURT. Anything further, Gentlemen? Nothing? Any redirect examination, Mr Israel?

MR. ISRAEL. One question. I really don' know how to handle this. May we have a side-bar conferenc

THE COURT. Come up.

(Conference at the bench)

MR. ISRAEL. I have no further questions, Your Honor.

THE COURT. All right, Mr. Farina, thank you. You're excused.

MR. ISRAEL. Paul Rico.

H. PAUL RICO

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation?

EXHIBIT 274

A Special Agent, Federal Bureau of Investigation.

Q How long have you been a Special Agent with the Federal Bureau of Investigation?

A Nineteen years.

Q Were you a special agent in 1969?

A I was.

Q In June, July and August of that year?

A Yes, I was.

Q And to what office were you assigned to that period of time

A To the Boston office of the FBI.

Q Did you have occasion during those months to meet with John J. Kelley?

A I did.

Q And in that period of time, referring to those months of 1969, when was the first time that you met him?

A June 5, 1969.

Q And where was that meeting?

A At Charles Street Jail.

Q. And did you have occasion to meet with him on dates after June 5, 1969?

A I did.

Q Do you remember where any of those meetings took place?

A Yes. I do.

Q Did any of those meetings take place other than the Charles Street Jail?

A They did.

Q Were any of them at the Barnstable County House of Correction?

A Yes.

Q And in some other places?

A Yes.

Q Did you meet with him on June 25, 1969?

A I did.

Q On June 30, 1969?

A No.

Q On July 8, 9 or 10th?

A Yes, I did.

Q On how many of those three dates in July?

A On the three dates.

Q And after July 8, 9 and 10th of '69, did you meet with him?

A Yes, I did.

Q Now, were you ever present when Mr. Kelley was shown photographs?

A Yes, I was.

Q On how many occasions were you present when he was shown photographs?

A I was on two occasions.

Q And on those two occasions, was there anyone else present besides yourself?

A Yes.

Q When he was shown photographs?

A Yes.

Q Who were those other people?

A Agent Robert Sheehan.

Q Was Mr. Kelley there?

A Yes.

Q And were you present on an occasion when Mr. Kelley drew some diagram or diagrams?

A I was.

Q How many diagrams did he draw?

A He drew three diagrams.

Q Was anyone else present at the time Mr. Kelley drew the three diagrams?

A Myself and Agent Sheehan and Mr. Kelley.

Q Now did you observe Mr. Kelley as he drew the diagram?

A Yes, I did.

Q And did you assist him to draw the diagrams?

A No, I did not.

Q Did you speak to him while he was drawing the diagrams?

A No, I did not.

Q Did you speak to him before he drew the diagrams within a space of a few minutes?

A Not pertaining to the drawings.

UNITED STATES GOVERNMENT

Memorandum

TO: MR. GALE

DATE: July 10, 1969

FROM: T. J. MC ANDREWS

SUBJECT: RAYMOND L. S. PATRIARCA
ANTI-RACKETEERING

On the attached teletype from the Boston Division dated July 9, 1969, captioned "Louis J. Taglianetti, Anti-Racketeering," the Director approved our recommendation that the Department be contacted to determine whether possession of the logs of our prior microphone coverage on Patriarca by unauthorized parties would be a violation of any protective order issued in the Taglianetti and Patriarca cases. The Director also approved that we determine from the Department any course of action available to the Department to preclude the public release of this sensitive data by any unauthorized person.

Henry E. Petersen, Deputy Assistant Attorney General, Criminal Division, was contacted by the writer today and advised that he had informed the Attorney General of the information that Patriarca logs were in the possession of an unidentified individual according to John Buckley of the Massachusetts Council on Crime and Correction. The Attorney General instructed Petersen to take all appropriate action to secure return of these documents.

Petersen stated that he had instructed Walter Barnes, Department Attorney in Boston, to recontact Buckley and demand from him the identity of the individual reportedly in possession of these documents. Barnes is also to instruct Buckley that there must be no publication by anyone of this material. If Barnes is unsuccessful in arranging for a return of these documents, Petersen indicated that Assistant Attorney General Wilson will talk to Buckley in an effort to secure return of this material. Should these approaches fail to produce the desired results, the Department will consider bringing Buckley before a Federal Grand Jury in Boston.

In the event Buckley cooperates and furnishes the identity of the individual in possession of this material, the Department contemplates

Enc.
1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Rosen
1 - Mr. Staffeld
McA:mfd (7

REC-115 92-2961-1111

XEROX JUL 17 1969

1 - Mr. Green

5 JUL 16 1969

66 JUL 24 1969

CONTINUED - OVER

UNRECORDED COPY FILED IN

EXHIBIT 275

Memorandum to Mr. Gale
Re: RAYMOND L. S. PATRIARCA

obtaining an injunction to preclude publication of this material by this person.

Petersen also advised that if all the foregoing efforts fail, he contemplates requesting the Bureau, by letter, to conduct an inquiry of those individuals who had possession of these documents in connection with the Patriarca and Taglianetti cases. This would encompass Federal Judges in Providence, Rhode Island; and Boston, Massachusetts; the office of the United States Attorney in Boston; defense attorneys who had access to this material; as well as the Circuit Court of Appeals in Boston which had possession of this material in connection with the Taglianetti appeal.

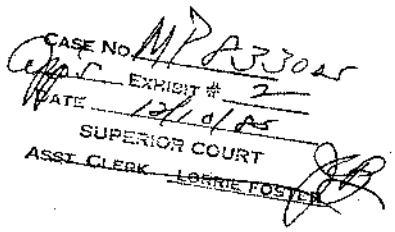
Petersen also indicated that there were protective orders in effect covering these papers, but that a legal question exists as to the effectiveness of these orders inasmuch as both cases have been adjudicated through the Supreme Court of the United States and convictions of these subjects upheld. He, therefore, feels that there is a question as to whether these protective orders are binding at this time.

ACTION:

This matter is being followed closely with the Department. Our Boston office has been informed of the foregoing. You will be advised in the event we receive a request from the Department to conduct an inquiry.

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS

PROVIDENCE, Sc.



SPECIAL GRAND JURY INVESTIGATION

IN PROVIDENCE

August 14, 1969

CONDUCTED BY ASSISTANT ATTORNEY GENERAL:

RICHARD J. ISRAEL



EXHIBIT
277

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

In Re:

Application of Attorney General
under Chapter 54, of the
Public Laws of 1969

ORDER

Upon request in writing by the Attorney General for an order directing one John J. Kelley to answer certain questions before a pending session of the grand jury for the Counties of Providence and Bristol, and said John J. Kelley having appeared before the Court and having waived notice and counsel, it is

ORDERED:

1. That pursuant to the provisions of Section 12-17-14 of the General Laws as added by Section 1 of Chapter 54 of the Public Laws of 1969, approved on May 2, 1969 said John J. Kelley is hereby ordered to answer the following question truthfully before said grand jury:- State everything you know about the planning and carrying out of the murders of Rudolph Marfeo and Anthony Meisi in Providence, Rhode Island, on April 20, 1968, including your own part therein?

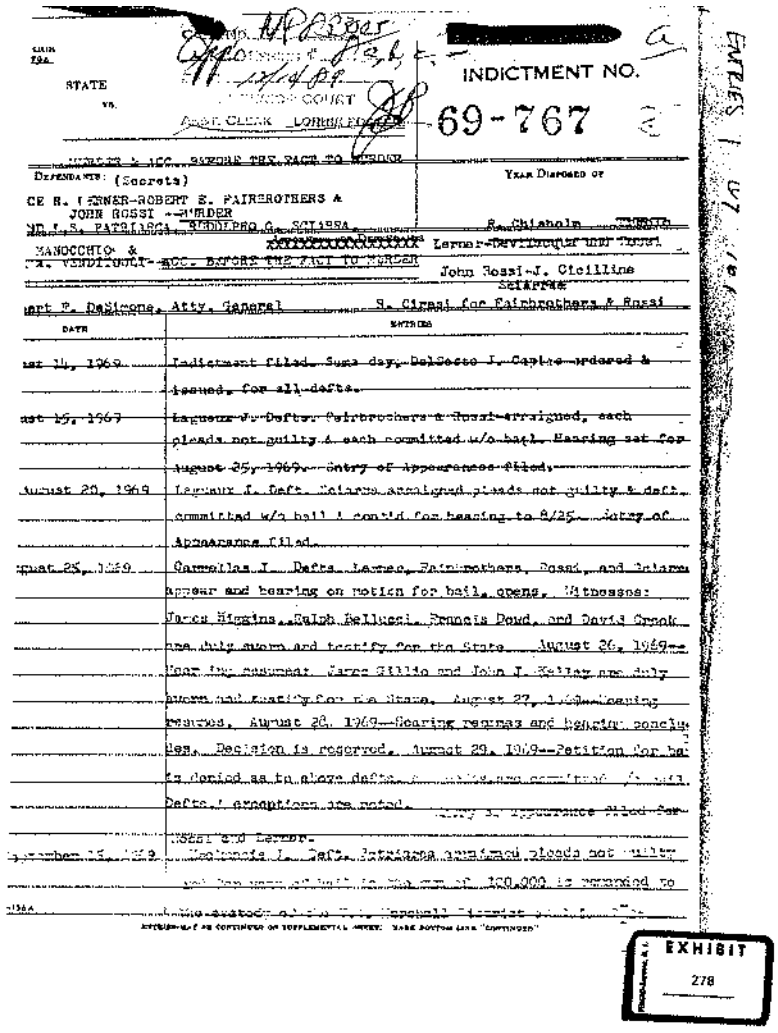
2. That if said John J. Kelley shall comply with the foregoing order, he shall not be prosecuted nor be subjected to penalty nor forfeiture for or on account of any transaction, matter or thing concerning which he shall give answer or produce evidence.

Entered as an order of Court this 14th day of August, 1969.

Clerk

ENTER:

8/14/69



[redacted]

STATE

VS.

INDICTMENT NO.

69-767

MURDER & ACC. BEFORE THE FACT TO MURDER

DEFENDANTS: (Secrets)

CE R. LERNER-ROBERT E. FAIRBROTHERS & JOHN ROSSI --MURDER

ND J. S. PATRIARCA, RUDOLPHO G. SCIARRA

MANOCCHIO & ACC. BEFORE THE FACT TO MURDER

YEAR DISPOSED OF

R. Chisholm

Lerner-Devilacqua and Rossi

John Rossi-J. Cicilline

Sciarra

ert F. DeSimone, Atty. General

S. Cirasi for Fairbrothers & Rossi

DATE	ENTRIES
ust 14, 1969	Indictment filed. Same day, DelSesto J. Capias ordered & issued, for all defts.
ust 15, 1969	Laguaux J. Defts. Fairbrothers & Rossi arraigned, each pleads not guilty & each committed w/o bail. Hearing set for August 25, 1969. Entry of Appearances filed.
August 20, 1969	Laguaux J. Deft. Sciarra arraigned pleads not guilty & deft. committed w/o bail & cont'd for hearing to 8/25. Entry of Appearance filed.
gust 25, 1969	Carmellas J. Defts. Lerner, Fairbrothers, Rossi, and Sciarra appear and hearing on motion for bail, opens. Witnesses: James Higgins, Ralph Bellucci, Francis Dowd, and David Crook are duly sworn and testify for the State. August 26, 1969--Hearing resumes. James Gillio and John J. Kelley are duly sworn and testify for the State. August 27, 1969--Hearing resumes. August 28, 1969--Hearing resumes and hearing concludes. Decision is reserved. August 29, 1969--Petition for bail is denied as to above defts. [illegible] are committed w/o bail. Defts.' exceptions are noted. Entry of Appearance filed for Rossi and Lerner.
ptember 15, 1969	Mackenzie J. Deft. Patriarca arraigned pleads not guilty [illegible] of bail in the sum of 100,000 is remanded to the custody of the [illegible] Marshall District [illegible]

ENTRIES ... 67 ...

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MAKE BOTTOM LINE "CONTINUED"

EXHIBIT 278

SUPERIOR CT. 296

STATE

vs.

INDICTMENT NO.

69-767

MURDER & ACC. BEFORE THE FACT TO MURDER

DEFENDANTS: (Secrets)

YEAR DISPOSED OF

AURICE R. LERNER-ROBERT E. FAIRBROTHERS & JOHN ROSSI --MURDER

RAYMOND L.S. PATRIARCA, RUDOLPHO C. SCIARRA, R. Chisholm

UIGI MANOCCHIO & ~~MARK A. VENDITUOLI--ACC. BEFORE THE FACT TO MURDER~~ Lerner-Bevilacqua and Rossi

John Rossi-J. Cicilline

Sciarra&

Herbert F. DeSimone, Atty. General R. Ciresi for Fairbrothers & Rossi

DATE	ENTRIES
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September 15, 1969	Mackenzie J. Deft. Petriarca arraigned pleads not guil and for want of bail in the sum of $100,000 is remanded the custody of the U.S. Marshall District of R.I. Deft.

8-1544

"J"
18 U. S. C. § 3521 (b) (1) (G)

[redacted] August 19, 1969

Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
United States Department of Justice
Pennsylvania Avenue at 9th St., N.W.
Washington, D. C. 20535

Dear Mr. Hoover:

Recently my house insurance was cancelled for the reason that I was considered "a bad risk". The risk grew out of the bombing of my automobile on January 30, 1968 per orders of Raymond Patriarca.

"J"
18 U.S.C. § 3521 (b) (1) (G)

This cancellation caused my wife and myself great concern. Happily, through the assistance of the Boston Office of the Federal Bureau of Investigation; more particularly, Special Agent in Charge Handley, Special Agents Rico and Condon and [redacted] has agreed to insure my home.

This aid and assistance which your Agency has rendered to me in this incident and on numerous past occasions is greatly appreciated.

It is interesting to read the new developments that are taking place on the Boston Front in the war against organized crime. In reflection, I am of the opinion that the cooperation your Boston Office has received from many people is largely due to the high professional and personal integrity of your agents. I have no question in my mind that the principal reason that Joseph (Barboza) Baron cooperated with the Federal Bureau of Investigation was the personal qualities manifested by Agents Rico and Condon.

In the near future a book will be published telling a part of that story. This book will make a public record of my feelings toward your Agency.

I, myself, have never for one moment regretted cooperation with your Agency for I have found in all my dealings with your Bureau that your personnel have reflected the highest tradition of law enforcement.

Very truly yours,

John E. Fitzgerald, Jr.

nml

AUG 21 1969

SUBJECT TO PROTECTIVE ORDER

CORRESPON

EXHIBIT
279

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/10/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LEWA RICE, Manager of the Parkton Hotel, located at 5962 Pacific Boulevard, Huntington Park, California, Phone [redacted], regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. RICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #136, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUMPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 5/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (5/11/69) POULOS received several phone calls for him to get in touch with "STEVE" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LENA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, apartment #106, located at 150 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. AMBROSI". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Barstow, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P. SALEMME, are both wanted for murder by the Boston, Massachusetts Police Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective P. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. Detective W. J. DUNN, CCSO I.D. Bureau.

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. MELENDREZ, Los Angeles Police Department, Hampark's Division Homicide Unit.

10. Detective JOE RUBMER, Los Angeles Police Department, Hampark's Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective RUBMER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted] Huntington Park, California, phone #[redacted]

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. MUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearance of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 533761F.

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

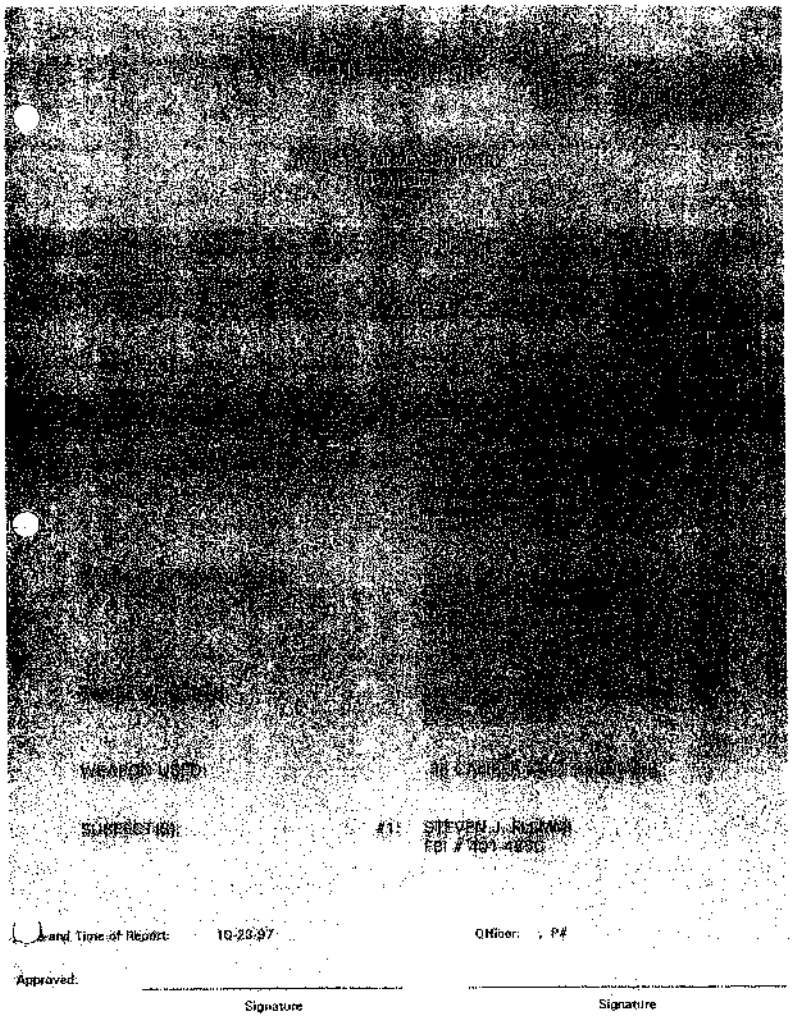
Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under NRS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

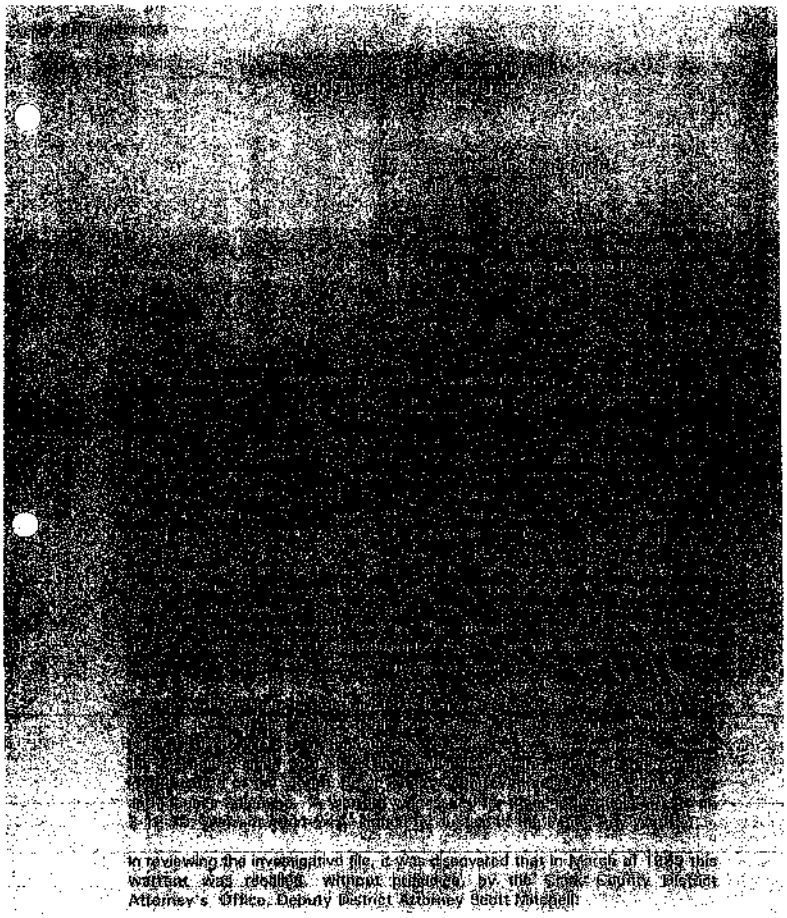
Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm


WEAPON USED:
#1: STEVEN J. RUDMA
Approved:
Signature
Signature

[illegible]



In reviewing the investigative file, it was discovered that in March of 1989 this warrant was recalled, without prejudice, by the Cook County District Attorney's Office, Deputy District Attorney Scott Mitchell.

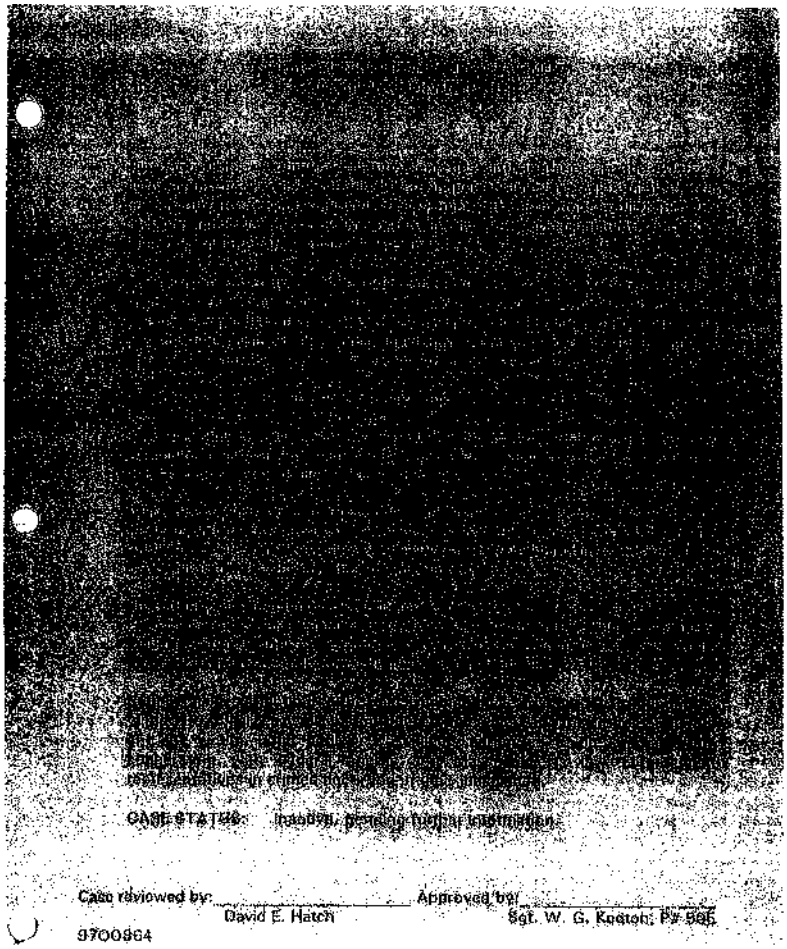
[redacted]

CASE STATUS: Inactive, pending further information.

Case reviewed by: _____ Approved by: _____

David E. Hatch Sgt. W. G. Keeton, PV 595

9700964



RALPH LAMB
Sheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
385-4711

March 1_, 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER J. POULOS
Clark County Sheriff's Office DR# 184-459

SUSPECTS: STEPHEN J. PLESCH and FRANCIS P. SALERNO

Case Summary

On October 10, 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #55 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED W. LUJAN, both of [redacted], Mountain Springs, Nevada, Telephone [redacted]. Persons discovering are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

EXHIBIT
280

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/18/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LENA RICE, Manager of the Parkton Hotel, located at 5962 Pacific Boulevard, Huntington Park, California, Phone # 582-0021, regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. RICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #106, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUNPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 3/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (3/11/69) POULOS received several phone calls for him to get in touch with "STEVE" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LEMA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, apartment #106, located at 158 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. AMBROSE". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Baker, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P. SALEMME, are both wanted for murder by the Boston, Massachusetts Police Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective R. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. Detective W. J. DUNN, CCSO I.D. Bureau.

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. MELENDRES, Los Angeles Police Department, Ramparts Division Homicide Unit.

10. Detective JOE PURMER, Los Angeles Police Department, Ramparts Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective PURMER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted], Huntington Park, California, phone #[redacted].

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. MUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearance of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 533761F.

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under NRS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm

263-HQ-1220323
PAP:bah

36	3/13/67	Memo	Itemizing $200.00 payment to Source.
37	4/28/67	Airtel	From Miami itemizing reward money available for information on the murder.
38	5/31/67	Airtel	To FBIHQ itemizing information received from Source.
39	6/22/67	Memo	Evaluation form on Source.
40	9/11/67	Airtel	To Director itemizing information supplied by Source.
41	9/19/67	Airtel	Granting authority to pay additional $200.00 to Source for information.
42	9/30/67	Airtel	Itemizing information received by Source.
43	1/31/68	Airtel	Itemizing activities of Source.
44	5/31/68	Airtel	Itemizing information by Source.
45	9/30/68	Airtel	Supplying information provided by Source.
46	11/21/68	Memo	Inspector's rating of Source.
47	12/17/68	Memo	Itemizing payment of $50.00 to Source.
48	1/31/69	Airtel	Itemizing information supplied by Source. Reporting information on Lawrence Zannino, Raymond L. Patriarca and Frank Salemme.
49	4/28/69	Memo	Itemizing $50.00 payment to Source.
50	5/29/69	Airtel	Providing information supplied by Source.
51	6/21/69	Memo	By Inspector rating Sources activities.
52	9/15/69	Airtel	From Boston to FBIHQ indicating that the informant has been indicted for murder on 9/11/69 and is being closed.
53	9/22/69		Criminal history of Steven Joseph Flemmi.
54	9/12/80		Indices search slip on Steven Joseph Flemmi.
55	9/12/80	TT	Advises FBIHQ that Boston is reopening Source because his legal problems have been resolved.
56	9/18/80		NCIC check negative.
57	9/18/80	TT	To Director advising code name of Source.
58	9/19/80	Rt Slip	From FBIHQ to Boston requesting code name for Source.

Las Vegas Review Journal
10/21/98

EXHIBIT
281

4/7/02 Las Vegas Rev.-J. 1B
2002 WL 6873317

The Las Vegas Review-Journal
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Sunday, April 7, 2002

CITY

Years after his death, bit player in mob has chance to make it big

John L. Smith

Even by Hanover Street standards, **Pete Poulos** hadn't amounted to much.

A short-pockets loan shark, he was a bit player in the Boston mafia. Poulos was a proverbial little fish swimming with Great Whites. His claim to infamy stemmed from his willingness to lure fellow hoodlum William "Wimpy" Bennett into an ambush in December 1966. In the mob's morbid world, that assistance made him a more valued assistant to Steve Flemmi and Frank Salemme, hit men who did much of the heavy lifting in those days for the Boston mafia.

But that relationship also made Poulos a potentially devastating witness against Salemme and Flemmi.

By 1969, the heat was on Flemmi and Salemme. Poulos became expendable. After running to Los Angeles, a variety of reliable sources say Poulos was found by Salemme and Flemmi and lured into taking a trip to Las Vegas. Three .38 slugs later, Poulos became a mob footnote.

The small-timer's body was dumped on the outskirts of Las Vegas, where it was eventually identified by his distinctive gold dental work.

Although police homicide detectives Chuck Lee and the late Jimmy Dugin built a credible case against Salemme and Flemmi, they were shut down by then-Clark County District Attorney George Franklin, who got cold feet after getting a call from the FBI. The snub bothers Lee to this day, for he says it's the only homicide he ever worked that was derailed through federal string-pulling.

Years later, Flemmi's informant relationship with the scandalized Boston FBI office would be well known. The office's abominable handling of Flemmi and mob boss/informant James "Whitey" Bulger has led to unprecedented scrutiny of the bureau by the House Committee on Government Reform.

Some 33 years after Poulos was murdered, his story has caught the

attention of the committee, whose chief counsel, James Wilson, flew to Las Vegas Thursday with assistant Chad Bungard and conducted a 2 1/2-hour interview of Lee, Metro homicide bureau cold case reviewer Dave Hatch, and Lt. Tom Monahan.

The lawyers received a copy of Metro's Poulos file and made a request for the district attorney's case file, which Lee believes was buried by Franklin.

After identifying Poulos as the murder victim in 1969, Lee learned from Boston detective Frank Walsh that Salemme and Flemmi were the suspected killers, and that the dead man had been cooperating with the government.

"It was the only homicide case I ever worked where we were stopped dead in our tracks after we got the murder warrants," Lee recalls. "We were never given permission to go back East. It was terminated."

Hatch encountered a similar problem when he reopened the case in 1998. When he attempted to interview an incarcerated Flemmi and Salemme in Boston, he was denied access by the Boston FBI.

"This case was flat stonewalled from beginning to end," Hatch says. "It was stonewalled for Chuck Lee, and when I tried to contact them I was told that now they're under indictment, there was nobody I could talk to."

Under the leadership of new Director Robert Mueller, the FBI appears to be updating its investigative procedures and revamping its hierarchy after a long tradition of secrecy generated by J. Edgar Hoover. Agents remain particularly sensitive to the allegations leveled in the Boston investigation, saying it was not indicative of the bureau overall.

No fan of the FBI, Hatch says the reform committee should focus on the bureau's handling of its informants as well as its investigative techniques. At least then, he says, the Poulos case won't have been a total fix.

"The witnesses are dead," he says. "It's no longer even a workable case. But something good should come from it."

Should they be called, Lee and Hatch say they will travel to Washington and tell their stories to the reform committee, which has called the Boston debacle, four decades in the making, "one of the greatest failures of federal law enforcement in the history of the United States."

But it's funny how things work out some times.

After 33 years, little **Pete Poulos** might turn out to be an important man, after all.

John L. Smith's column appears Tuesday, Wednesday, Friday and Sunday. E-mail him at Smith@lvrj.com or call him at 383-0295.

---- INDEX REFERENCES ----

NAMED PERSON: **POULOS, PETE**; FLEMMI, STEVE; SALEMME, FRANK; LEE, CHUCK; HATCH, DAVE

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content (ENGL)

REGION: United States - Nevada; United States; North American Countries; Nevada; North America; United States; Western U.S. (USNV USA NAMZ NV NME US USW)

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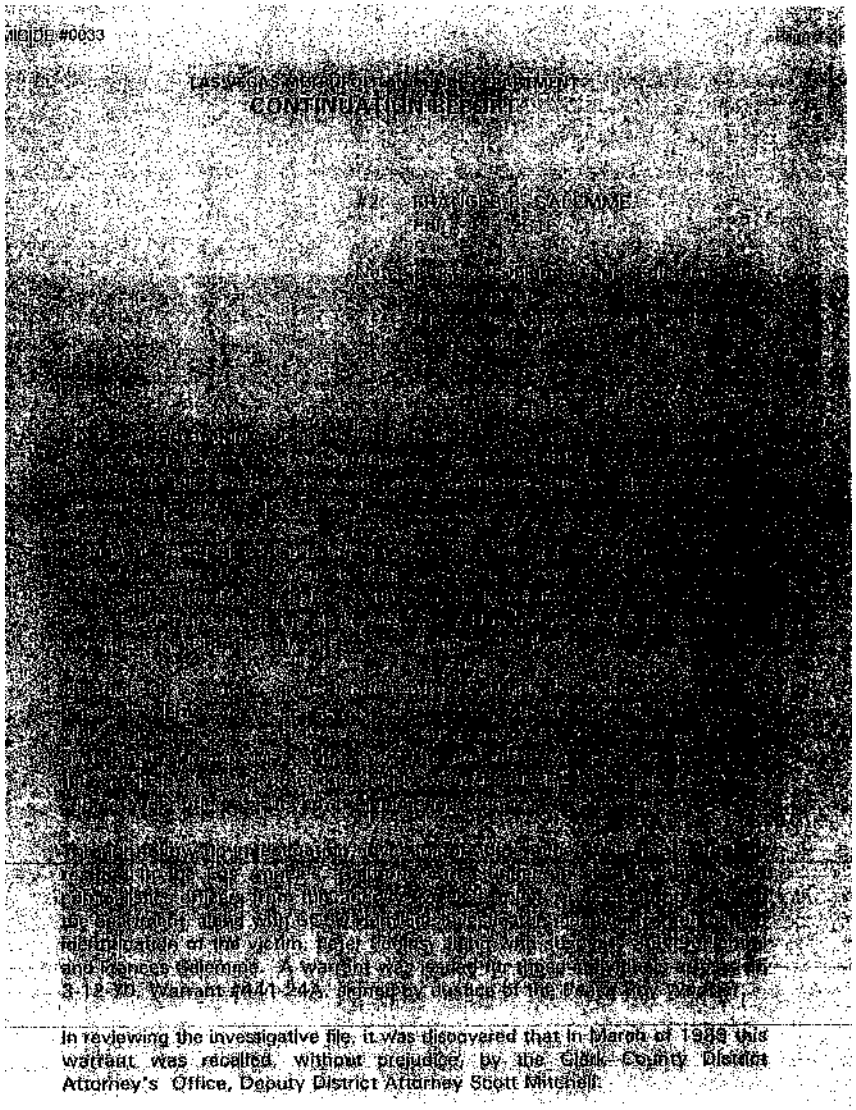
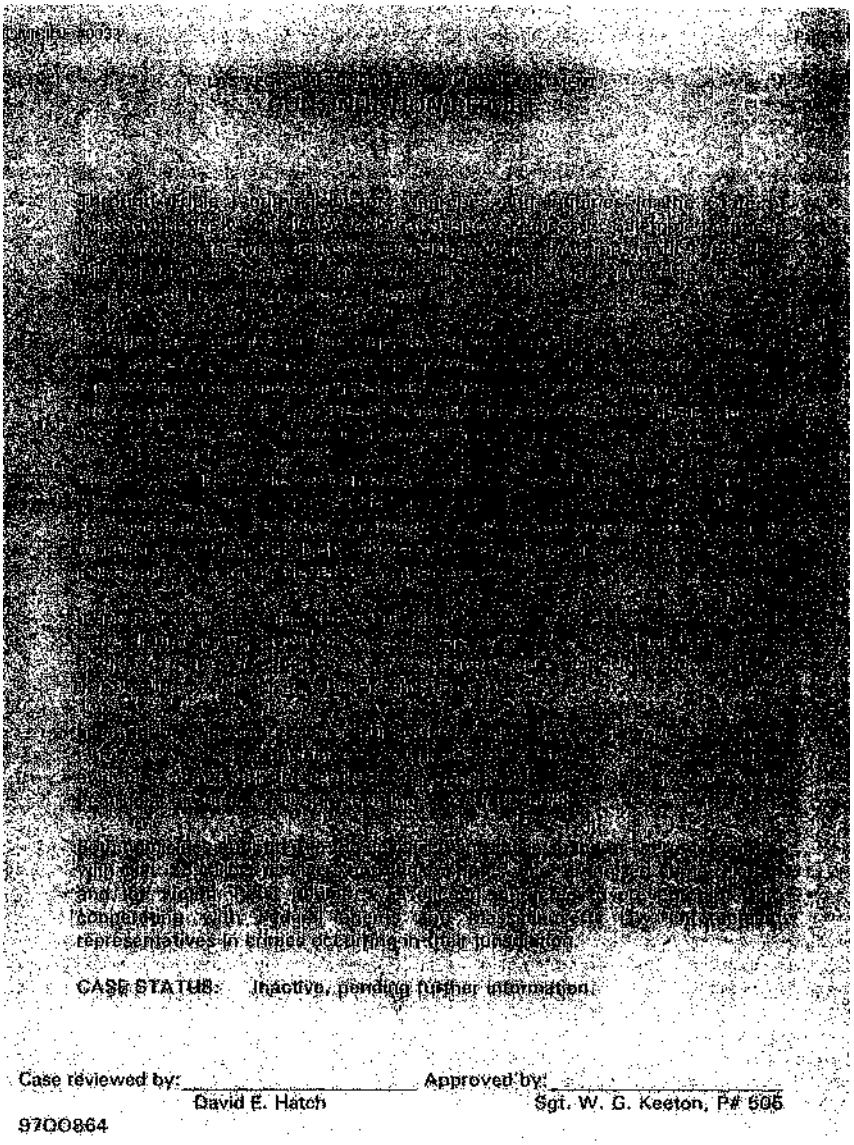


In reviewing the investigative file, it was discovered that in March of 1989 this warrant was recalled, without prejudice, by the Clark County District Attorney's Office, Deputy District Attorney Scott Mitchell.



CASE STATUS: Inactive, pending further information.

Case reviewed by: _____ Approved by: _____
David E. Hatch Sgt. W. G. Keeton, P# 505

97OO864

RALPH LAMB
Sheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
[illegible]

March 1., 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER C. POULOS
Clark County Sheriff's Office D3# 184-469

SUSPECTS: STEPHEN J. FLEMI and FRANCIS P. SALERNO

Case Summary

On October 1[illegible], 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #36 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED M. LUJAN, both of Star Route #3, Box 33, Mountain Springs, Nevada, Telephone [redacted]. Persons discovering are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

EXHIBIT
283

THE COMMONWEALTH OF MASSACHUSETTS
DISTRICT ATTORNEY FOR MIDDLESEX COUNTY
COURT HOUSE, CAMBRIDGE

JOHN J. DRONEY
District Attorney

October 15, 1969

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

I am writing this letter to express my appreciation for the cooperation that my office received from the Boston office of the Federal Bureau of Investigation in connection with the investigation into the bombing of the automobile of a John F. Fitzgerald, Jr., a Boston attorney.

Through the cooperation of the Boston office, and in particular through the efforts of Special Agents James D. McKenzie and Floyd I. Clarke, we were able to obtain indictments against one Frank Salemme and one Stephen Flemmi, both of whom are major organized crime figures in this area.

This bombing took place on January 30, 1968, and from that day until the present, Special Agents H. Paul Rico and Dennis M. Condon have maintained contact with our office concerning this incident.

Once again I express my gratitude to you and to Mr. James Handley, Director of the Boston office for your help and cooperation.

Very truly yours,

John J. Droney

John J. Droney
District Attorney

SUBJECT TO PROTECTIVE ORDER

EXHIBIT
284

Form 61 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER R. BARNES, Departmental Attorney, Boston

Report of: JAMES P. LINK
Date: 1/19/70

Office: Boston, Massachusetts

Field Office File #: 92-1416

Bureau File #:

Title: VINCENT J. FLEMMI

Character: ANTI RACKETEERING

Synopsis: Subject observed in Boston and Jamaica Plain area of Mass. Subject in company of local hoodlums. Contact with informants, sources of information, and Boston PD detectives set forth. Also contact with ATTU agents at Boston set forth. Results of criminal check set forth. ARMED AND DANGEROUS.

- P -

DETAILS:

On November 4, 1969, Detectives ED WALSH and TOM CONOLLY advised that they have seen subject on numerous occasions and that he is continually seen with JOHN MARTORANO, BILLY BALLIRO, JESSIE TONTORICCI, NICHOLAS FEMIA, SONNY COLONTINO, and JACK AZULAY. Detective WALSH advised that it is FLEMMI's daily routine to stay at his apartment during the day and at approximately 11:30 PM he goes to the Pond Cafe in Jamaica Plain. After having a few drinks at the Pond Cafe he leaves that location and comes into Boston where he then can be found at either The Attic Lounge or The Living Room, or the Downtown Lounge.

EXHIBIT
285

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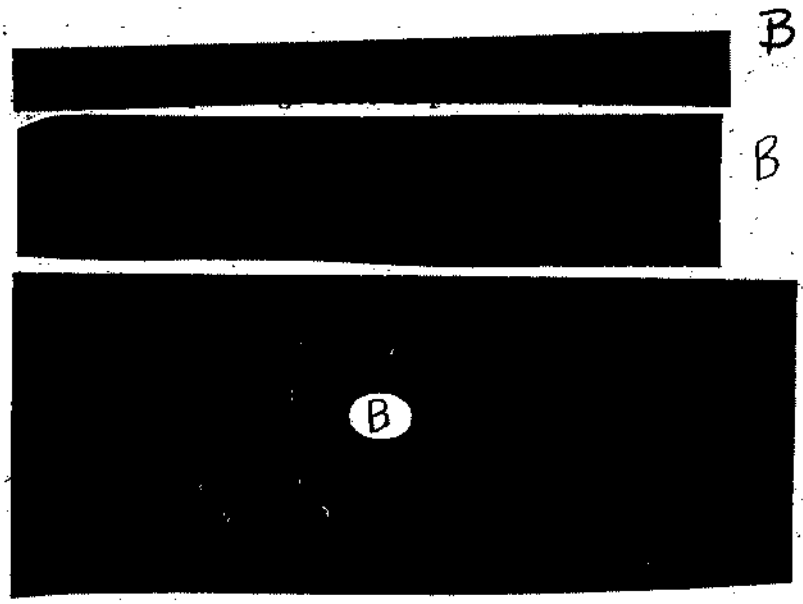
GPO 954 241

BS 92-1416



On December 16, 1969, Detective ED WALSH, Boston Police Department, advised that on December 13, 1969, two men, LAWRENCE F. PACINO, 49 years of age, 68 Richmere Road, Mattapan, and his brother, LEONARD PACINO, 53 years of age, 98 Farrar Avenue, Roslindale, were stabbed by JIMMY FLEMMI. The incident occurred in Pacino's Club after an argument broke out between the PACINO's and an individual named DAGGET (FNU). FLEMMI is a friend of DAGGET and took sides with him in the argument. A fight ensued and resulted in the stabbing of the PACINOS. Detective WALSH stated he believed FLEMMI was "shaking" the PACINOS down and this was the reson for his presence at the club.

FD-204 (Rev. 3-3-58)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER H. BARNES, Departmental Attorney, Boston

Report of: JAMES F. LINK
Date: 1/12/70

Office: Boston, Massachusetts

Field Office File #: 92-1416

Bureau File #: 92-11381

Title: VINCENT J. FLEMMI

Character: ANTI RACKETEERING

Synopsis: Subject observed in Jamaica Plain area of Boston and in Boston with JOHN MARTORANO and JESSIE TORTORICCI and other members of the criminal element in Boston. Contact with informants and Boston Police Department set forth. Details of the subjects arrest and subsequent trial also included. Subjects whereabouts unknown at this time. ARMED AND DANGEROUS.

- P -

DETAILS:

On January 12, 1970, records at the Boston Police Department indicated that VINCENT J.(JIMMY) FLEMMI, 35 years of age of Hyde Park, Massachusetts was held on $25,000 bail on January 8, 1970, on indictments stemming from a shooting incident in which the subject ended up as victim, shot in the shoulder.

FLEMMI was charged in Suffolk Superior Court Boston, with assault with intent to murder JAMES ABBOUT, 33 years of age, of Brighton, Massachusetts, on December 19, 1969 in a car on Huntington Avenue, Jamaica Plain. This incident occurred when FLEMMI accused ABBOUT of being an informant for the Task Force in Boston, regarding counterfeit money.

FLEMMI was arrested on the above charge on January 8, 1970.

EXHIBIT
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BS 92-1416

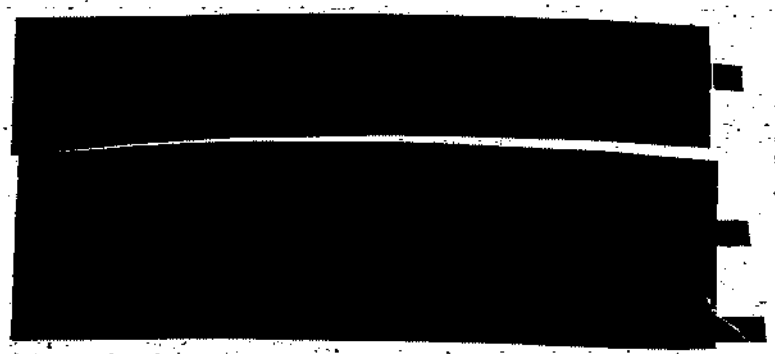
On January 19, 1970, Boston Police Department Detectives, ED WALSH and JOHN CARTER advised that the subject had been observed on several occasions in the company of JOHN MARTORANO, SONNY COLONTINO, JESSIE MORTORICCI, and JACK AZULAY, at the Attic Lounge on Tremont Street, at the Living Room Lounge, and the Downtown Lounge, all in Boston. Detective WALSH stated that FLEMMI has not changed his routine, in that he arrives at the Pond Cafe, Jamaica Plain, by taxi and usually meets MARTORANO, or anyone of the above individuals, after which he accompanies them into Boston.

On February 6, 1970, Detectives Gerald Bulman and Robert Chenette, were contacted and advised that as a result of their surveillance of the subject they had observed him on February 2, 1970, at the Pond Cafe, Jamaica Plain. FLEMMI met PHIL COSTA, JACKIE SALEMME, and the bartender, EARL MURPHY, at the Pond, and later at approximately 12:10 A.M. they all left the location and drove to the Attic Lounge on Tremont Street, Boston. They remained at the Attic until 2:35 A.M., went to a pizza parlor around the corner at Beach and Washington Streets and from here the subject went home. He was driven to his residence, 130 Georgetown Drive by PHIL COSTA.

On February 16, 1970, ATTU Agent Allan Cole advised he had seen the subject first at the Pond Cafe, and later at the Living Room Lounge, Boston, on Saturday, February 14, 1970. Cole stated that TALLY and GARY KABELLA, were with FLEMMI at the time. He could not determine the purpose or reason for the association between the KABELLA'S and FLEMMI.

Detective EDWARD WALSH advised on February 24, 1970, that FLEMMI makes a weekly visit to either "Jeromes", or the "Downtown Lounge", both places are owned by LOUIS VENUS. The subject meets with VENUS, and according to WALSH, VENUS gives him money. WALSH has not determined the reason for the "pay off", however, he believes FIEMMI is collecting money for his brother STEVE FLEMMI who along with FRANK SALEMME, is the subject of an unlawful flight investigation at Boston, Boston File number 88-5039.

BS 92-1416



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On March 16, 1970, the subjects trial began in Suffolk Superior Court where FLEMMI was charged with assault with intent to murder.

FLEMMI was represented by Attorney JOSEPH BALLIRO. The subject appeared in court on March 16, 1970, through March 19, 1970. FLEMMI left the court house on Thursday, March 19, 1970, and has not been seen since. His whereabouts at this time, is not known. The jury returned a verdict of guilty on Friday, March 20, 1970, despite protests from Attorney JOSEPH BALLERO who stated the court should not accept a verdict in the absence of FLEMMI. Judge EUGENE A. HUDSON accepted the verdict as reasonable and proper. FLEMMI was not sentenced.

Detective EDWARD WALSH advised that FLEMMI'S Wife stated the subject left home Friday morning March 20, after telling her he was going to the court house. She has not heard from her husband since that time, she has no idea as to where her husband might have gone.

The charges against FLEMMI include assault by means of a dangerous weapon, and illegally carrying a gun. Complaintant JAMES A. ABBOUT.

On Friday, March 20, 1970, the Boston Police Department issued a wanted Flyer on FLEMMI. Subject wanted on Superior Court Default Warrant #46743, issued March 20, 1970, charging him with being in default on original charges of Assault with intent to murder. Last known address was 130 Georgetown Drive, Hyde Park, Massachusetts.

BS 92-1416

B

[redacted] was contacted on [redacted] regarding the subject and advised at that time, that he had no information of a positive nature. He stated that he had heard that FLEMMI had left the Boston area however, he has no idea as to where the subject might have gone.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-Departmental Attorney EDWARD F. HARRINGTON
Boston, Massachusetts

Report of: JAMES F. LINK Office: Boston, Massachusetts
Date: 2/18/71

Field Office File #: 92-1416 Bureau File #: 92-11381

Title: VINCENT J. FLEMMI

Character: ANTI-RACKETEERING

Synopsis: FLEMMI arrested on 10/28/70, Chicopee Falls, Massachusetts, by Bureau Agents and Massachusetts State Police. Subject convicted of attempted murder and sentenced to fourteen to eighteen years at Massachusetts Correctional Institution, Walpole, Massachusetts.

- C -

DETAILS

JAMES VINCENT FLEMMI was apprehended at 1760 Westover Road, Chicopee Falls, Massachusetts, by Agents of the Federal Bureau of Investigation and Massachusetts State Police on October 28, 1970. Since the time of his arrest, the subject has been incarcerated at the Massachusetts Correctional Institution (MCI), Walpole, Massachusetts.

FLEMMI was convicted December 1, 1970, in Suffolk Superior Court, Boston, Massachusetts, for attempted murder. He was subsequently sentenced to fourteen to eighteen years at the Walpole State Prison.

- 1* -

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FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

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Report of: JAMES F. LINK
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- P -

DETAILS:

On November 4, 1969, Detectives ED WALSH and TOM CONOLLY advised that they have seen subject on numerous occasions and that he is continually seen with JOHN MARTORANO, BILLY BALLIRO, JESSIE TORTORICCI, NICHOLAS FEMIA, SONNY COLONTINO, and JACK AZULAY. Detective WALSH advised that it is FLEMMI's daily routine to stay at his apartment during the day and at approximately 11:30 PM he goes to the Pond Cafe in Jamaica Plain. After having a few drinks at the Pond Cafe he leaves that location and comes into Boston where he then can be found at either The Attic Lounge or The Living Room, or the Downtown Lounge.

EXHIBIT
287

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

GPO 862 716

Detective CONNOLLY stated that FLEMMI usually meets JOHNNIE MARTORANO at the Pond Cafe since he has no license and then he and MARTORANO come into Boston where they meet either one or all of the above individuals at different locations. Detective CONNOLLY stated that for the past four months, Detectives BULMAN and CHENETTE have been keeping a surveillance on FLEMMI during the night time hours and that they would possibly have more information concerning the subject and his activities.

On November 14, 1969, Detectives GERALD BULMAN and ROBERT CHENETTE were contacted and advised that they have been surveilling VINCENT FLEMMI for the past four months and that he is definitely associated with the individuals as set forth above. Detective BULMAN stated that although FLEMMI continues to associate with these individuals and other members of the Criminal element they have not been able to determine exactly what criminal activities FLEMMI is engaged in. They stated he is definitely associated with MARTORANO and the CAMPBELL brothers, who are operating in the Roxbury area of Massachusetts.

The Campbell Brothers have been shaking down local bookmakers, engaging in peddling narcotics, and are also engaging in prostitution in the Boston and Roxbury areas.

Both detectives stated they have observed FLEMMI with a lot of money after his visits to the Pond Cafe, The Downtown Lounge, Jeromes and The Attic Lounge. They also suspect that FLEMMI is picking up some shylock money for his brother STEVIE who along with FRANKE SALEMEand PETER POULOS are currently the subjects of an unlawful flight investigation at Boston, Boston file number 88-5039.

Detective BULMAN advised that one of the places FLEMMI usually stops at, the "Downtown Lounge", is owned and operated by LOUIS VENUS. VENUS is well known to the Boston Office for his gambling activities and is suspected of either running or backing football pools. The Downtown Lounge, located at 642 Washington Street, Boston, is owned by VENUS, however, the owners as set out on the application for a 1968 liquor license are as follows:

BERTHA LOLAS, who owns 50 shares of stock is presently Director and Manager.

ESTELLE DECOULAS, who owns 25 shares of stock is Director and Treasurer.

ELIAS A. VINCOS, who owns 25 shares of stock is Clerk and Director.

Another location owned and operated by LOUIS VENUS is Jerome's Grill, Incorporated, at 666 Washington Street. The manager of Jerome's is HENRY P. WITKOWSKI, who resides at 40 Medford Street, Charlestown, Massachusetts. WITKOWSKI has, according to the records, 50 shares of stock in Jerome's Grill and is the president and treasurer. ELAINE LOLAS has 25 shares of stock and is a clerk and BERTHA LOLAS has 25 shares of stock and is a clerk.

Detectives CHENETTE and BULMAN advised that they observed the subject on the following dates and times with the following people:

On November 1, 1969 at 11:40 PM subject FLEMMI was at the Pond Cafe in Jamaica Plain with JACKIE SALEMME, PETER DE STEFANO, DENNIS MC LAUGHLIN, PHIL COSTA, SONNY COLONTINO, FRANK SCRAPPO, JACK AZULAY and KATHLEEN KELLY. KATHLEEN KELLY is often seen in the company of FLEMMI.

ES 92-1416

Detective BULMAN advised that JACK AZULAY was driving a white Cadillac Sedan, Massachusetts registration W62181 and that a Buick Convertible 1968 Model bearing Massachusetts registration W43 1622 was driven by DENNIS MC LAUGHLIN. All of the above individuals left Pond Cafe at about 12:10 AM, went to the Living Room in Boston, and from there to the Attic, which is on Tremont Street in Boston.

On Tuesday, November 4, 1969, FLEMMI, with JOHN MARTORANO and NICK FEMIA, left the Pond Cafe at 12:20 AM and went to the Living Room in Boston. At 12:45 AM, FEMIA, MARTORANO, and the subject, FLEMMI, went to the Pizza House at Beach and Washington Streets, Boston, where they met and talked with LOUIS VENUS and JOSEPH ITRATO, aka "Melenke", who works for LOUIS VENUS as manager and bartender at the Downtown Lounge. After leaving the Pizza House, they went to the "Library Lounge" where they met TUBBY FLANNERY and JACK AZULAY. From the Library Lounge they went to the 4 Corners, which is another bar.

On November 7, 1969, FLEMMI and STEVE BUSIAS were at the Pond Cafe, Jamaica Plain.

On November 24, 26, December 1, 4, 10, and 19, 1969, FLEMMI was observed following the same routine and meeting the above individuals at the different location, usually beginning with the Pond Cafe in Jamaica Plain. FLEMMI usually arrives at the Pond Cafe in an Eagle Taxi since he is not licensed to operate in Massachusetts at this time.

On December 22, 1969, subject, with AZULAY, and MARTORANO, left the Pond Cafe in MARTORANO's car which carries Massachusetts registration X44-228. They went to the "Living Room" and from there to the "Attic".

BS 92-1416

On November 28, 1969, the subject was observed at the Pond Cafe, Jamaica Plain by Special Agents JAMES F. LINK and GERALD S. COHEN. At this time he was driving a 1969 Rambler automobile bearing Massachusetts registration 195-23F. This car is registered to his wife. Subject remained in the Pond Cafe for approximately 2 hours after which he left and returned to his residence at River Street Terrace, Hyde Park.

On December 8, 1969, Detective FRANK WALSH advised that the subject had moved from his location on River Street Terrace as of November 29, 1969 and that he was currently residing at 130 Georgetown Drive, Hyde Park, Massachusetts.

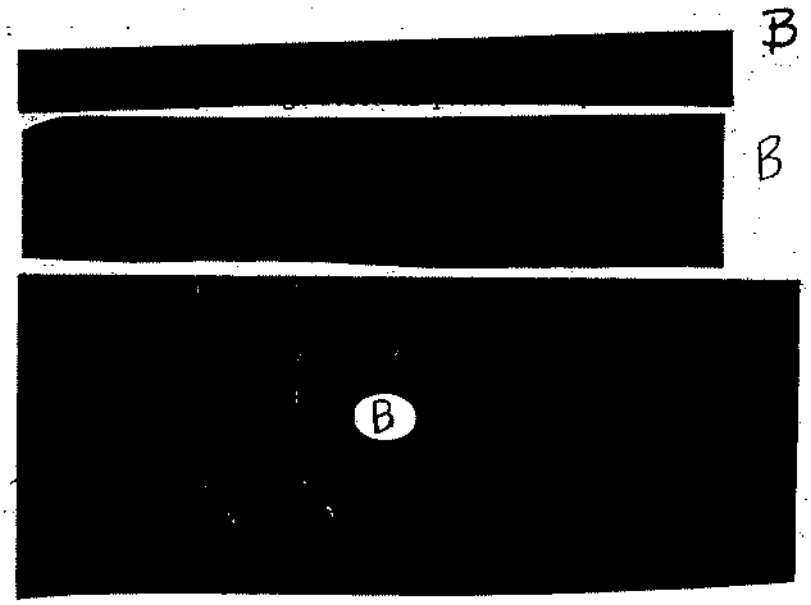
On December 11, 1969, the subject was observed at 130 Georgetown Drive, Hyde Park and was getting into the above rambler which is registered to his wife.

On December 16, 1969, Detective WALSH stated that Secret Service Agents ALAN COLE and DAN HERLEY, who are working with Detectives BULMAN and CHENETTE during their surveillances might have some information concerning the activities of FLEMMI.

On December 19, 1969, Agent DAN HERLEY, Secret Service, Boston, was contacted and advised that his main interest in locating and surveilling FLEMMI was to attempt to develop a fire arms violation on the part of FLEMMI. Agent HERLEY stated, however, that they had received information to the effect FLEMMI was pushing phony money and that he and Agent COLE were working on this information at this time. B

[redacted] B

BS 92-1415



On December 16, 1969, Detective ED WALSH, Boston Police Department, advised that on December 13, 1969, two men, LAWRENCE F. PACINO, 49 years of age, 68 Richmere Road, Mattapan, and his brother, LEONARD PACINO, 53 years of age, 98 Farrar Avenue, Roslindale, were stabbed by JIMMY FLEMMI. The incident occurred in Pacino's Club after an argument broke out between the PACINO's and an individual named DAGGET (FNU). FLEMMI is a friend of DAGGET and took sides with him in the argument. A fight ensued and resulted in the stabbing of the PACINOS. Detective WALSH stated he believed FLEMMI was "shaking" the PACINOS down and this was the reson for his presence at the club.

BS 92-1416

Detective TOM CONNOLLY, Organized Crime Section, Boston Police Department advised on December 19, 1969, that he believes the subject is involved in shylocking activities and is picking up money for his brother STEVIE. CONNOLLY stated the money the subject is allegedly picking up from LOUIS VENUS is either Shylock Money or money from Football Pools, which VENUS is either running or backing.

On December 30, 1969, Agent ALLAN COLE, Alcohol Tobacco and Tax Unit, Boston, Massachusetts, advised they have been surveilling the subject during the late evening and night hours for the past six weeks. COLE stated they were attempting to develop a gun carrying violation against the subject, and now believe him to be one of several individuals involved in passing counterfeit money. Agent COLE stated he would immediately notify the writer in the event he develops any pertinent information regarding the subject's activities.

On December 27, 1969, Detective Sergeant FRANK WALSH, Boston Police Department, Organized Crime Section, provided the following information:

Detective JOSEPH McCAIN of the Metropolitan District Commission, who is assigned to the District Attorney's Office received a telephone call from an unnamed informant who stated [redacted]

[redacted]

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BS 92-1416



Detective CRISP and CARTER of the Organized Crime Section, went to 130 Georgetown Drive, West Roxbury, the home of VICENT FLEMMI where they spoke with MAUREEN FLEMMI wife of VINCENT. MAUREEN FLEMMI stated that her husband had been home, arriving about 3:00 AM and then leaving about 8:30 AM and was not wounded. She stated that she had received a telephone call telling her of the shooting. Mrs. FLEMMI then asked the officers what all the questioning was about. The officers did explain and offered her protection for her family and herself which was declined. She then stated to the officers that her automobile, a 1969 Ambassador, Massachusetts registration 195-23F had been taken by her husband on December 26 in the evening because he could not get a taxi. She said that the call she received about her husband also informed her that her car was opposite the Pond Cafe and that she was to remove it.

BS 92-1416

Detectives CRISP and CARTER then went to the Pond Cafe and examined FLEMMI's car that was parked opposite it. They found the car locked. The officers then entered the Pond Cafe and made observations of the customers without seeing anything of FLEMMI or his associates.

Detective CRISP and CARTER during their investigation received reliable information that FLEMMI was shot in the left shoulder by a small caliber bullet, that he did get medical aid and the bullet had been removed. Further, FLEMMI would not go to a hospital unless an infection develops.

On December 11, 1969, Detective ED WALSH, Boston Police Department, advised that JOSEPH ITRATO, aka MELENKE, 56 Hale Street, Boston, Massachusetts, is the Manager and part-time bartender at the Downtown Lounge, 642 Washington Street, Boston. This lounge is owned by LOUIS VENUS, although it is not in his name at this time.

On December 12, 1969, a review of records at Boston Police Headquarters revealed the following information:

RALPH LAMB
Sheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
385-4711

March 1, 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER J. BOULOS
Clark County Sheriff's Office CR# 184-453

SUSPECTS: STEPHEN J. FLEMMI and FRANCIS P. SALEMME

Case Summary

On October 10, 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #35 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED W. LUJAN, both of Star Route #3, Box 33, Mountain Springs, Nevada, Telephone [redacted]. Persons discovering, are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

EXHIBIT
288

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/18/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LENA RICE, Manager of the Parkton Hotel, located at 5962 Pacific Boulevard, Huntington Park, California, Phone # [redacted] regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. HICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #106, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUMPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 5/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (5/11/69) POULOS received several phone calls for him to get in touch with "STEVE" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LEMA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, Apartment #106, located at 154 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. AMBRINI". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Baker, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P. SALEMME, are both wanted for murder by the Boston, Massachusetts Police Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective P. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. Detective W. J. DUNN, CCSO I.D. Bureau.

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. WELEBRES, Los Angeles Police Department, Ramparts Division Homicide Unit.

10. Detective JOE PURMER, Los Angeles Police Department, Ramparts Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective PURMER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted], Huntington Park, California, phone #[redacted].

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. HUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearance of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 433761F.

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under NRS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm

CLARK COUNTY SHERIFF'S DEPARTMENT

EVIDENCE EXAMINED REPORT

SPECIAL SERVICES DIVISION
IDENTIFICATION BUREAU
Criminal Investigation Section

Incident MURDER DR# 184-458

Submitting Agency CCSO Officer(s) LT. MC CULLOUGH Div. DET

Examination(s) Requested FINGERPRINT COMPARISON

Description of Item(s) Submitted SEE BELOW

Results of Examination: VICTIM: POULOS, PETER J., BOSTON INFORMATION ORDER
ID# 123-286

SUSPECTS: SALEMME, FRANCIS PATRICK, FBI INFORMATION ORDER
#4345 FBI #433-781 F
FLEMMI, STEPHEN JOSEPH, FBI INFORMATION ORDER
#4344 FBI #401-425 C

ON 2-2-70 A FINGERPRINT COMPARISON REQUEST WAS SUBMITTED BY DETECTIVE J. DUGGAN TO COMPARE THE FINGERPRINTS OF AN UNKNOWN JOHN DOE FOUND IN THE DESERT AREA OFF HWY #85, 25.5 MILES WEST OF THE BLUE DIAMOND CUT-OFF, AGAINST THE FINGERPRINTS OF PETER J. POULOS THAT APPEAR ON A BOSTON INFORMATION ORDER. THE RESULT WAS A POSITIVE MATCH WITH OVER 25 POINTS OF COMPARISON FOUND.

THE FINGERPRINTS OF THE VICTIM AND THE ABOVE SUSPECTS WERE THEN COMPARED AGAINST THE LATENT PRINTS SUBMITTED BY THE LOS ANGELES POLICE DEPARTMENT LIFTED FROM THE INSIDE OF AN APARTMENT LOCATED AT 154 N. NEW HAMPSHIRE, APT. #106. THE RESULTS ARE AS FOLLOWS: ONE (1) FINGERPRINT FROM AN ALUMINUM SAUCE PAN WAS IDENTIFIED AS THE RIGHT INDEX FINGER OF THE VICTIM WITH 8 POINTS OF COMPARISON FOUND; ONE (1) FINGERPRINT FROM A DRINKING GLASS IN THE BATHROOM WAS IDENTIFIED AS THE LEFT THUMB OF THE VICTIM WITH 12 POINTS OF COMPARISON FOUND; TWO (2) FINGERPRINTS FROM A WIZARD AIR FRESHENER CAN WAS IDENTIFIED AS THE RIGHT MIDDLE AND RIGHT RING FINGER OF THE VICTIM WITH 10 POINTS OF COMPARISON FOUND ON THE RIGHT MIDDLE FINGER AND 12 POINTS OF COMPARISON FOUND ON THE RIGHT RING FINGER.

NO MATCH WAS MADE ON THE ABOVE SUSPECTS.

THE FINGERPRINT CARDS OF THE VICTIM, THE ABOVE TWO SUSPECTS AND

Date of Examination 10-13-69
10-15-69
2-2-70

Examining Officer _____ Comm# _____

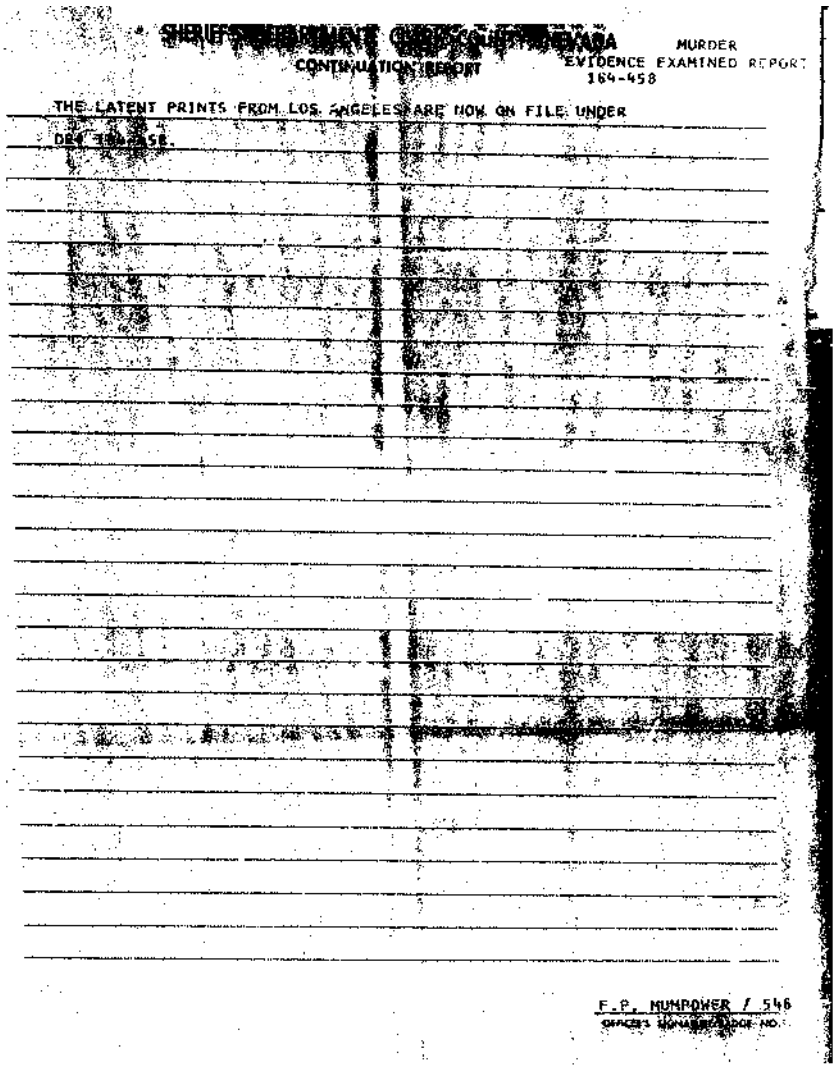
Examining Officer F.P. HUMPOWER Comm# 545

Chemist _____

Supervising Officer's Acknowledgement of Above _____ Rank _____

S-[illegible] 2-4-70 10:45 AM STOKAN

EXHIBIT
289



[redacted] COUNTY, NEVADA

CONTINUATION REPORT

MURDER
EVIDENCE EXAMINED REPORT
164-458

THE LATENT PRINTS FROM LOS ANGELES ARE NOW ON FILE UNDER
DR# 164-458.

F.P. MUMPOWER / 546
OFFICER'S NAME/BADGE NO.

RALPH LAMB
Sheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
385-4711

March 1., 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER J. POULOS
Clark County Sheriff's Office DR# 184-453

SUSPECTS: STEPHEN J. PLESCH and FRANCIS P. SALERNO

Case Summary

On October 13, 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #36 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED W. LUJAN, both of [redacted] Mountain Springs, Nevada, Telephone [redacted] Persons discovering are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/18/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LENA RICE, Manager of the Parkton Hotel, located at [redacted], Huntington Park, California, Phone # [redacted] regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. RICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #106, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUMPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern-Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 9/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (9/11/69) POULOS received several phone calls for him to get in touch with "Smitty" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LENA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, Apartment #106, located at 154 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. AHERN". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Baker, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P. SALEMME, are both wanted for murder by the Boston, Massachusetts Police Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective P. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. [illegible] CCSO I.D. Bureau

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. MELENDREZ, Los Angeles Police Department, Ramparts Division Homicide Unit.

10. Detective JOE FURMER, Los Angeles Police Department, Ramparts Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective FURMER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted], Huntington Park, California, phone # [redacted]

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. MUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearance of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 833761F.

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under MGS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm

CLARK COUNTY SHERIFF'S DEPARTMENT
200 EAST CARSON STREET
LAS VEGAS, NEVADA

FOLLOW-UP / CASE CLEARED REPORT

MULTIPLE REPORT

ta 184-4[illegible]

TYPE CRIME	ADDITIONAL MAJOR CRIMES COMMITTED — THIS INCIDENT	
MURDER	UNKNOWN	
DATE AND TIME OCCURRED	DATE AND TIME OF THIS REPORT	LOCATION OF OCCURRENCE
9/27/69 to 10/10/69	2/9/70 10:15 AM	Pahrump Valley
VICTIM (NAME, ADDRESS, PHONE)	LIC. NO. INVOLVED VEHICLE	COMMENCING REPORTS
PETER J. POULOS	unknown	numerous

Property Recovery: TOTAL / PARTIAL / NONE — Additional Property — LOSS / RECOVERY — THIS REPORT $

Property Description: BOOKED / RELEASED BY DEPT

Case: CLEARED / INVEST. CONT. — RECLASSIFY TO: — MAINTAIN WANTS IN PROPERTY FILE — YES / NO

[illegible]	FBI#401-425C	7MW	35	5'8	160	drkbrn	brn	murder
[illegible]	FBI#433-761F	MW	36	6'	190	brn	brn	murder

On 1/30/70 Lt. MC CULLOUGH was contacted by FBI Agent BOB MC KINNLEY, who related the following: Agent MC KINNLEY was notified by the Boston FBI Office that the Police Department of Boston had a tentative identification of the unknown murder victim discovered on 10/10/69 in the desert area southwest of Las Vegas, Nevada. The victim's name was PETER J. POULOS. On 2/2/70 Agent MC KINNLEY furnished the CCSO crime lab with a Boston Police Department wanted flyer on PETER J. POULOS bearing his photo and fingerprints. Crime Lab Technician FRED MUNPOWER #546 compared these prints with the victim's, at which time he made a positive ID.

Victim PETER J. POULOS, male white, aged 39, date of birth 7/31/30, 5'7", 160, brown eyes, brown hair, address 193 Boylston Street, Boston, Massachusetts. Subject wanted for murder by Boston Police Department.

On 2/2/70 Officers Reporting spoke to Sgt. FRANK MALSH, Boston Police Department Intelligence Unit. [illegible] related the following: [illegible] Victim PETER J. POULOS, [illegible] MILLIAM BENNETT that occurred in the Boston area on [illegible]. Also wanted for the murder are STEPHEN J. FLEMMI and [illegible] SALEMME, associates of the victim and alleged members of the Cape Nostra. Also, subjects POULOS, FLEMMI and SALEMME dropped out of sight in the Boston area on 9/11/69 according to the victim's mother. It was also learned that PETER J. POULOS left home on 9/11/69 stating he was going to take a short vacation in the Cape Cod area. Statements from the victim's family and a copy of the victim's dental chart were given to the Boston FBI Office at which time they were forwarded to the Las Vegas Office of the FBI.

EXHIBIT 290

If additional space is required, use Continuation Sheet

TOTAL VALUE $

DATE AND TIME TYPED	DIVISION	CLERK	INTERVIEWING OFFICER(S)	SER NO	DIVISION	PERSON REPORTING (SIGNATURE)
2/9/70 11:00AM	M.	JENSEN	CHARLES LEE	619	Det.	X
			JIMMY DUGGAN	220		

R.C. TIME / DATE / F.I. NO. / DATE

Sgt. WALSH further related that the weapon used in the WILLIAM BENNETT homicide was a .38 caliber revolver left twist. In view of this information, arrangements are now being made with the Boston Police Department to match the pellet removed from the body of PETER POULOS with the pellets removed from the body of WILLIAM BENNETT. In view of the victim's association with members of the Cosa Nostra, CCSO Intelligence Unit is assisting the officers reporting in this investigation.

Case status investigation continuing.

M. Jensen
2/9/70

CHARLES LEE 619
JIMMY DUGGAN 220

EDMUND L. McNAMARA
POLICE COMMISSIONER

City of Boston
Police Department

BUREAU OF FIELD OPERATIONS

February 3, 1970

Detective Charles Lee
Office of the Sheriff
County of Clark
Las Vegas, Nevada

Dear Sir:

On September 11, 1969, Peter J. Poulos was indicted by a Suffolk Superior Grand Jury as an Accessory before the fact to the Murder of William Bennett which occured on December 23, 1967. Also indicted as principals in the same Murder were Stephen J. Flemmi and Francis P. Salemme.

Officers of the Organized Crime Section, Boston Police Department, went to the home of Peter Poulos 43 Bradeen Street, Roslindale, Mass., where they talked with the subjects mother Katherine [illegible] stated as follows:

One night previous to the return of the true bill, date unknown, Peter received a telephone call from a person who stated to Mrs. Poulos that it was very important for Peter to get in touch with Steve. This message was given to Peter when he came home on Monday, September 8, 1969 and he stated to her that he was going to Cape Cod for a couple of weeks vacation. He took some clothes in a paper bag and left operating a 1968 Ford sedan, Mass. 348-054. Katherine Poulos related to the officers that she was very worried about her sons life.

On September 15, 1969, Katherine Poulos notified the office of the Organized Crime Section that Peter's car was now parked outside of her home. Immediately officers of this unit went to the house at 43 Bradeen Street, Roslindale and talked with Mrs. Poulos. She stated that the vehicle was put there sometime during the night by person(s) unknown. Fearing that person's body may be in the trunk she requested the officers to open the trunk lid. Forcing the trunk lid the officers examined the space and found only the usual items stored there. Further examination of the right front fender of the vehicle disclosed what appeared to be blood. The services of the department chemist was requested. The Chemist responded and conducted his investigation of the vehicle and after conducted test on the item found on the fender it was determined that it was human blood.

EXHIBIT
291

Relative to the report submitted to the Mass. State Police on January 9, 1970, the Boston Police received a copy of the prints and our Identification Section made positive identification as to the prints belonging to one Peter Poulos.

Regarding the information submitted by your office relative to clothing and jewelry we respectfully report the following:

Kenneth Poulos, brother of the deceased, stated that at the time Peter left he did own a Jules Jergason watch, he did wear black framed glasses. The waist size and brank name of the underwear, boxer shorts, found on the body were identical with similar items owned and worn by Peter J. Poulos.

Doctor Nicholas Demetrius, D.M.D., of 670 Centre Street, Jamaica Plain, Mass., was interviewed by officers of the Organized Crime Unit and he stated that in his professional opinion, after a comparison of the dental charts of Peter Poulos and the information furnished by your office, that the subject Poulos and the Homicide victim are the same.

The following is a description of one of our known criminals who was known to be in your area recently. There is a strong possibility that this man may be involved in this matter:

WILLIAM PAPIANO, white male, 38 years, 5'11, 190, dark complexion, black hair, brown eyes, wears glasses. Owner of a 1968 Cadillac convertable, bronze in color, Mass. 076-644. Please find photo etc. enclosed.

Prints enclosed are of poor quality, we will endeavor to procure better copies and forward them as soon as possible.

Yours truly,

Frank L. Walsh

FRANK L. WALSH, Sergeant Detective
ORGANIZED CRIME SECTION
Boston Police Department

Henry E. Petersen
Deputy Assistant Attorney General
Criminal Division

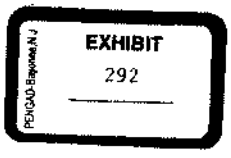
February 12, 1970

Walter T. Barnes and Edward F. Harrington
Attorneys, Boston Strike Force
Organized Crime and Racketeering Section

Joseph Baron

This memo relates to a request made by former Government witness Joseph Baron. Joseph Baron testified in Federal court in Boston in the successful prosecution of Raymond L. S. Patriarca, Henry Tameleo and Ronald Cassesso. He also testified for the State of Massachusetts in the successful murder prosecution of Tameleo, Cassesso, Louis Greico, Joseph Salvati, Peter Limone, and Roy French. He was also the chief witness for the State of Massachusetts in the unsuccessful murder prosecution of Gennaro Angiulo and three other underworld figures. Patriarca is the head of the LCN in New England. Tameleo is his "underboss". Angiulo is the leading LCN figure in Boston, Massachusetts and Limone is his "underboss."

The fact that Baron, his wife and two children, were provided with Government protection and relocated to another part of the country has been the reason why in the ensuing two years John J. Kelley, William Daddieco, Charles Lombardi and Vincent Teresa have decided to cooperate with the Government and to testify against their former associates in the New England underworld. Baron's testimony and his example as an individual who the Government was able to protect against the violent Boston underworld, has been the single most important factor in the successful fight on organized crime in New England in the last 50 years. The Patriarca prosecution itself has been described by many as the single most important prosecution over this same period.



BSF-00914

I think it fair to state that it was agreed by all in the Department of Justice that at the time Baron was released from Government protection every effort would be made to provide him with a job and an unspecified sum of money. However, in the event it was impossible to obtain a job for him because of Baron's extensive record (36 years old - 17 in prison) and inability to do anything, it was agreed that he would be provided additional money. This position was made known to Baron. A year has passed and we have been unable to provide Baron with a job. At the time he was released from protective custody he was given only $1,000 in Government funds, the reason being he was difficult to handle and the protective custody was most expensive. However, we feel as does all law enforcement in New England that this expenditure was well worth it. Baron has been working at odd jobs whenever he could land one. However, he is now almost penniless and feels that he has not been given a fair chance to begin a new life. He is being evicted from the house he is renting through no fault of his. The owner simply wants to sell instead of rent.

In addition, it should be noted that F.B.I. Intelligence indicates that Baron has been recognized at his present location by an individual who knows some of the Massachusetts hoodlum element. In fact, the individual is from Baron's home town of New Bedford, Massachusetts. This information will be confirmed by F.B.I. in writing. He feels he must move again or obtain plastic surgery, preferably the latter. He does not have the money to do either and of course he is easily recognizable. He needs approximately $9,000 for the operation and to make ends meet during the recovery period. I verified the cost of the operation itself as $5,000.

Baron is now desperate. He states he is without any money and feels that the Government has reneged on its promise to provide him with sufficient money. He has indicated that he will publicly retract his testimony given in the aforesaid cases and will make known to the press that the Government did not give him a fair chance to go "straight."

In the opinion of the writers if either of the above should occur, the Federal Government will receive a severe setback as the Patriarca and Tameleo cases might be overturned and plunge the Government into protracted and acrimonious litigation. In addition, informants willing to testify will be almost impossible to secure.

We recommend that by some manner or means Baron's request be honored to the degree possible. Of course it would be made perfectly clear to him that such money would be all that he would ever receive.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

John F. Kennedy Federal Office Building
900 Government Center
Boston, Massachusetts 02203

February 13, 1978

Mr. Walter T. Barnes
Departmental Attorney
U. S. Courthouse and Post Office Building
Room 1604
Boston, Massachusetts 02109

Dear Mr. Barnes: Re: Joseph Baron

In connection with your recent request, I wish to advise you as follows:

Joseph Baron, since his re-location, was observed and identified at a union hall for the Marine Cooks and Stewards Union. He was observed by an individual named Manuel Gonzales, a Portuguese from New Bedford, Massachusetts. Gonzales, who is approximately 50 years of age, formerly resided in the 600 block of Purchase Street in New Bedford and is acquainted with the entire Barboza family. Gonzales' current whereabouts is unknown but is believed to be in Brooklyn, New York. Gonzales is acquainted with members of the criminal element who work at and frequent the dock area and gambling establishments in New Bedford, Massachusetts.

I also wish to call to your attention that in January, 1970, after Gonzales had observed and confronted Barboza with two well known "hit" men from the Boston area, Harry Johnson and Allen Leavitt Fidler, also known as "Suitcase," travelled to the San Francisco area and, according to informants of this office, were supposed to be making the trip to harm someone in that area.

It is pointed out that as a result of investigation by the San Francisco Office, it was determined that these individuals travelled extensively in the northern California area. The San Francisco Office confidentially advised the Police Department of the possibilities of this situation. The police stopped them and ascertained that they had assumed false

EXHIBIT 293

BSF-01687

identities; they ordered them to leave San Francisco and they returned to this area. This occurred in close proximity to the whereabouts of Joseph Baron.

An illegal search by the police department prior to their detention disclosed that they had two hand weapons that were stolen and a supply of ammunition.

It is noted that there were very few individuals who knew that Johnson and Fidler were travelling to the West Coast to harm someone but amongst these individuals was Thomas Ballou. Ballou was murdered in gangland style in Charlestown, Massachusetts, on the morning of February 11, 1970, and Johnson and Fidler are being considered as suspects in this murder.

Sincerely yours,

James L. Handley

JAMES L. HANDLEY
Special Agent in Charge

SUPERIOR
CT. #6A

STATE
VS.

INDICTMENT NO.
69-767

MURDER & ACC. BEFORE THE FACT TO MURDER

DEFENDANTS: (Secrets)
AURICE R. LERNER-ROBERT E. FAIRBROTHERS &
JOHN ROSSI --MURDER
AYMOND L.S. PATRIARCA, RUDOLPHO G. SCIARRA,
UIGI MANOCCHIO- &
ANK A. VENDITUOLI- ACC. BEFORE THE FACT TO MURDER

YEAR DISPOSED OF
R. Chisholm
Lerner-Devitucqua and Rossi
John Rossi-J. Cicillino
Sciarra&
R. Ciresi for Fairbrothers & Rossi

Herbert F. DeSimone, Atty. General

DATE	ENTRIES
August 14, 1969	Indictment filed. Same day, DelSesto J. Capies ordered & issued, for all defts.
August 15, 1969	Lagueux J. Defts. Fairbrothers & Rossi-arraigned, each pleads not guilty & each committed w/o bail. Hearing set f August 25, 1969.- Entry of Appearances filed.
August 20, 1969	Lagueux J. Deft. Sciarra arraigned pleads not guilty & def committed w/o bail & cont'd for hearing to 8/25. Entry of Appearance filed.
August 25, 1969	Carrallas J. Defts. Lerner, Fairbrothers, Rossi, and Scia appear and hearing on motion for bail, opens. Witnesses: James Higgins, Ralph Bellucci, Francis Dowd, and David Cro are duly sworn and testify for the State. August 26, 1969 Hearing resumes: James Gillio and John J. Kelley are duly sworn and testify for the State. August 27, 1969--Hearing resumes. August 28, 1969--Hearing resumes and hearing con des. Decision is reserved. August 29, 1969--Petition for is denied as to above defts. and defts. are committed w/o b Defts.' exceptions are noted. Entry of appearance filed i Rossi and Lerner.
September 15, 1969	Mackenzie J. Deft. Patriarca arraigned pleads not guil and for want of bail in the sum of $100,000 is remanded the custody of the U.S. Marshall District of R.I. Deft.

EXHIBIT
294

S-156A

CONTENTS MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

PERIOD
OF 90A

STATE
vs.
Secrets

Murder and Acc. before the fact to Murder

INDICTMENT NO.
69-757

DEFENDANTS:
Maurice R. Lerner, Robert E. Fairbrothers & John Rossi--MURDER
Raymond L.S. Patriarca, Rudolpho G. Sciarra, Luigi Manocchio &
Frank A. Vendituoli-Acc. before the fact to Murder

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

rbert F. DeSimone, Atty. General

J. Sheehan &
Rossi-Cicilline

DATE	ENTRIES
	Witness is denied, exceptions noted, Motion for Names Pro-
	secution Witnesses denied, Motion for Promises or rewards
	afforded by the State is denied, Motion for Inspection of
	Grand Jury Minutes is denied, Exceptions Noted. Deft. Ler
	and Fairbrothers are committed w/o bail and continued to
	November 18, 1969.
November 13, 1969	Entry of appearance filed...Rossi
November 17, 1969	Deft. Lerner files Motion for Copy of John J. Kelley's
	Statements.
November 18, 1969	Mackenzie J. Order entered for deft. Fairbrothers-see In
	69-768. Defts. Lerner and Fairbrothers appear and heard
	on defts. Motions to Inspect Grand Jury Minutes and same
	denied, exceptions noted. Heard on deft. Lerner's Motion
	for Copy of Kelley's Statements and same is denied, excep
	tion noted. Entry of appearance filed for deft. Rossi.
November 25, 1969	State files Bill of Particulars for Defts. Lerner and Fa
	brothers.
December 2, 1969	Mackenzie J. Heard on deft. Patriarca's Pet. for Writ of
	Habeas Corpus and same granted. Writ issued forthwith ar
	order entered.
December 4, 1969	Defts. Sciarra and Rossi file Motions to Inspect Statement
	of John J. Kelley, for Pre-Trial Examination of John J. Ke

S-156A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SUPERIOR CT. 1964

STATE

vs.

Secrets

Murder and Acc. before the Fact to Murder

INDICTMENT NO.

69 767

DEFENDANTS:

Maurice R. Lerner, Robert E. Fairbrothers, & John Rossi-Murder

Raymond L.S. Patriarca, Rudolpho G. Sciarra, ~~Luigi Manocchio &~~

Frank A. Vondituoli-Acc. before the Fact to Murder

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	7: Motion for Evidence Obt. Illegally denied as to each de 8: Motion to Inspect Statements of CO-Defts. 9: Motion t Produce Tangible Evidence granted as to each deft. in part. 10: Motion for Severance of Ind. deferred. 11: Motion fo Names and Addresses of Witnesses who Testified before the Grand Jury denied as to each deft. 12: Motion to be Furnished with Evidence Favorable to the deft. denied as to each deft. 13: Motion for Names and Addresses of Witnesses Exp ted to be Called by the Prosecution and denied. 14: Moti for Severance as to Co-Defts. deferred. 15: Motion to be Furnished with Statements of Promises, Rewards, or Inducement denied as to each deft. 16: Motion to Inspect Statements of Prosecution Witnesses denied as to each deft. 17 Request for Particulars Ind. #69-767/8 granted in part. 18 Request for Particulars Ind. #69-767/8 granted in part. 19 Motions to Inspect Statements of John J. Kelley denied as each deft.
December 15, 1969	Bulman J. Order entered. Lerner
January 3, 1970	Deft. Rossi files Motion to Examine Statements of Persons Taken by the Providence Police, State Police, The F.B.I., & any & all Law Enforcement Agencies that would tend to Exculpate him, Motion to Inspect and Copy all Exculpatory Statements pertaining to the deft. John E. Rossi, Motion to Examine said Statement Taken by Detective David Crooke of Prov. Police Dept. from John E. Rossi.
Jan. 5, 1970	Bulman J. Heard on Defts. Motions for Seperate Trials as individuals and as to seperate trials as to the 3 Indictm and each is denied. Same day, Heard on deft.'s Rossi's Motions to examine statements and to inspect and copy exc patory statements and orders are to be entered.
Jan. 6, 1970	Bulman J. Further heard on oral Motions
Jan. 7, 1970	Bulman J. Further Heard on oral Motions
Jan. 8, 1970	Bulman J. Further Heard on oral Motions
Jan. 9, 1970	Bulman J. Further Heard on Oral Motions
	OVER

B-154A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SUPERIOR
CT. 904

STATE

vs.

Murder and Acc. before the Fact to Murder

INDICTMENT NO.
69 767 (3)

DEFENDANTS
Maurice R. Lerner, Robert [illegible] Fairbrothers, &
John Rossi-Murder
Raymond L.S. Patriarca, Rudolpho G. Sciarra,
Inigi Mancechio &
Frank A. [illegible] Acc. Before

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
February 27,28,	Trial Proceeds
Mar. 2,3,4 1970	" "
March 5, 1970	Hearing in camera
Mar. 6,7,9,10,11,12	
13, 14, 1970	Trial Proceeds
March 16, 17,18,19	Bulman J. Trial proceeds.
20, 1970	
rch 21, 23, 24, 1970	Bulman J. Trial proceeds.
rch 25, 1970	Bulman J. Trial proceeds and trial concludes and the jur retires as to its verdicts.
rch 26, 1970	Bulman J. The jury further deliberates as to its verdict
rch 27, 1970	Bulman J. The jury further deliberates and concludes deliberation and returns verdicts as follows... The jury returns a verdict of guilty of murder in the first degree asto deft. Lerner. The jury disagrees as to defts Fairbrothers, Rossi, Patriarca, and Sciarra and deft. Ler committed w/o bail. Exhibits in the 4th floor vault.
April 2, 1970	M.N.T. filed for Lerner
April 13, 1970	Bulman J. Deft. Lerner appears and the Court continues M.N.T.
May 18, 1970	Order entered as to deft. Patriarca.
May 25, 1970	Bulman J. Heard on deft. Lerner M.N.T. and same is held.
July 9, 1970	Bulman J. Decision filed. Deft. Lerner's Motion for New Trial is denied. Exception noted.
July 14, 1970	Deft. Lerner files Notice of Intention to Prosecute Bill Exceptions & has to Sept. 11, 1970 to file Bill & Transcri
July 23, 1970	Giannini J. Deft. Lerner appears and continued to August 1970 for sentence and committed w/o bail.
September 9, 1970	Transcript extended to October 13, 1970 as to deft. Lerner

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED".

JPERIOR
F. 91A

STATE

vs.

Secrets

Murder & Acc. before the Fact to Murder

~~CRIMINAL APPEAL~~ NO.

69-[illegible] (9)

DEFENDANTS: Maurice Lerner
bert E. Fairbrothers
John Rossi-Murder
ymond L.S. Patriarca
dolphe C. Sciarra

☐ JURY TRIAL CLAIMED

Luigi Manocchio
Frank Venditucli-Acc. before Fact

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

Fairbrothers--A. DelGuidice

DATE	ENTRIES
March 18, 1971	Deft. Patriarca files Certificates, Pet. for Inter-State Summons.
March 22, 1971	Lagueux J. Heard on State's Motion to Quash Subpoehas Duces Tecum and same is granted.
March 19, 1971	Motion to Quash Witness Subpoena and Subpena Duces Tecum Patriarca
March 20, 1971	Motion to Quash, Modify, or Deny Subpoena Duces Tecum filed as to Patriarca.
March 22, 1971	Motion to Quashfiled--Patriarca.
March 22, 1971	Lagueux J. Heard on Motion of CBS to Quash Subpoena and same is granted. Deft. Patriarca's exception noted.
March 22, 1971	Lagueux J. Deft. Fairbrothers appears and referred to P.D. for investigation and same is continued 1 week.
March 22, 1971	Lagueux J. Heard on deft. Patriarca's Motion to Dismiss because of Pre-Trial Publicity
23, 3/24, 3/29, 4/5	Lagueux J. Dismiss is denied.
March 22, 1971	Lagueux J. Heard on Outlet Company's Motion to Quash Subpoena and same is denied. The Outlet Co. has 1 week to comply with Subpoena.
March 23, 1971	Lagueux J. Heard on deft. Patriarca's Motion for Severance and same is denied w/o prejudice, exception noted.
March 23, 1971	Lagueux J Heard on deft.'s Patriarca's Motion to Disqualify John J. Kelley as a witness and same is denied, exception noted.
March 29, 1971	Entry of appearance filed...Fairbrothers
March 29, 1971	Lagueux J Heard on deft. Sciarra's & Rossi's Motion to Sever and same iscontinued to 4/5. Deft. Fairbrothers also joins in Motion to Sever and for 3 defts. is denied, exception noted.
March 30, 1971	Lagueux J. Deft. Fairbrothers appears and Atty. A. Del Guidice enters appearance for deft. and continued to April
April 5, 1971	Defts' Sciarra and Rossi file Motion to Dismiss and Speedy Trial. Deft. Fairbrothers files Plea of Once in Jeopardy.
April 5, 1971	Lagueux J. Deft. Fairbrothers' Plea of Once in Jeopardy is denied and the cases are assigned for trial to April 26 1971. Deft. Rossi's Motion for Speedy is granted.
April 21, 1971	Atty. Deft. files Continuance or in the Alternative deft.'s Motion for Severance...Fairbrothers.
April 26, 1971	Lagueux J. Heard on deft. Fairbrothers' Motion for Continuance and Severance and same denied, deft's excepti noted. Same day deft. Patriarca's Motion for Continuance is granted to June 1, 1971. Same day deft. Sciarra's Mot for Speedy Trial and Severance is granted, state's excep

157A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED".

SUPERIOR CT. PCA

STATE

vs.

Secrets

Murder & Acc. before Fact to Murder

INDICTMENT NO.

69-707 ©

DEFENDANTS: Maurice Lerner
bert E. Fairbrothers
hn Rossi-Murder-
ymond L.S. Patriarca,
dolpho G. Sciarra

YEAR DISPOSED OF

Luigi Manocchio
Frank Vendituoli-Acc. Before Fact

ATTORNEYS FOR DEFENDANTS

Vendituoli-J. Cardono

DATE	ENTRIES
une 9, 1971	Motion to Allow Transportation of deft. by Air filed as to deft. Patriarca.
une 30, 1971	Transcript extended to July 30, 1971...Lerner
ly 29, 1971	Deft. Lerner's Bill of Exceptions filed.
gust 13, 1971	Lagueux J. Deft. Vendituoli arraigned pleads not guilty and has 3 weeks to file special pleas. and deft. committed w/o bail and continued to 8/30/71.
August 19, 1971	Deft's. Sciarra & Rossi files motion to sever.
August 23, 1971	Defts. Sciarra, Rossi, and Patriarca file Motion to Dismis
August 30, 1971	Giannini J. Deft. Vendituoli appears and the hearing on bail continued to 9/3 as deft. can outwin atty.
September 2, 1971	Giannini J. Deft. Vendituoli appears & violation hearing continued to 9/13/71 & committed w/o bail.
September 11, 1971	Deft. Patriarca files Motion to Quash, Modify and Deny Subpoena Duces Tecum.
September 13, 1971 & Vendituoli and	Mackenzie J. Defts. Patriarca, Rossi, Sciarra, Fairbroth Vendituoli continued to 9/16 to determine atty, and commit ad w/o bail. Defts. Patriarca, Rossi, Fairbrothe & Sciarra's Motion to Dismiss Witnesses Sworn: Joseph O. Hake, Morton Blender, Monroe E. Towa, Jr. Susan Tanner Petley and continued to 9/16 and Motion to Quash Subpoena Duces Tecum on Channel 10 T.V. ladanlad. Exhibits see Mr. Luongo.
eptember 16, 1971	Mackenzie J. Defts. Patriarca, Rossi, Sciarra, Fairbrot appear and each Motion to Dismiss & Sever are denied, exception noted. Deft. Patriarca's Motion to Dismiss for Adverse Publicity is denied. Deft. Venditupli has 3 weeks to file special pleas and each committed w/o bail and continued to 10/8 for trial. Entry of appearance filed...Venditoli. Deft. Patriarca's Oral Motion to Dismiss for Lack of Speedy Trial is denied, exception noted.
September 17, 1971	Deft. Vendituoli files petition for writ of habeas cor returnable September 23, 1971.
September 29, 1971	Bill of Exceptions allowed as to deft. Lerner. Same day Bill of Exceptions transmitted to the Clerk of Supreme Co

B-13AA

SUPERIOR CT. 90A-

(Marjer)

STATE vs. Secreta

INDICTMENT NO. 69-767

Murder & accessory before the fact to Murder

Maurice Lerner

DEFENDANTS

Robert E. Fairbrothers
John Rossi--Murder
Raymond L. S. Patriarca
Rudolpho G. Sciarra

Luigi Manocchio
Frank Vendituoli--Acc. Before fact

YEAR DISPOSED OF

(continued)

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
October 13, 1971	Mackenzie J. Order entered.
October 14, 1971	Mackenzie J. The Court hears the deft's. motions to dismi ind. & same denied, motion that in the alternative the cas be severed from that of Patriarca granted and the Court rules that Vendituoli, Rossi, Fairbrothers, & Sciarra will be tried together and case to be re-assigned for trial to 1/3/72. Same day, Mackenzie J. Deft. Patriarca appears case reassigned for trial.
ctober 20, 1971	Defts. Patriarca, Sciarra, Rossi, Fairbrothers, Vendituoli file pet for Writ of Habeas Corpus and same day Mackenzie J Pet. denied, order entered and same defts. file Motion to Dismiss Ind. and same day Mackenzie J. same is denied exception noted and order entered.
tober 28, 1971	Deft. Vendituoli files Motions for Severance & Speedy Trial
anuary 3, 1972	Motion to Be Supplied with Information Pertaining to Juror Qualifications...Sciarra.
anuary 3, 1972	Mackenzie J. Defts. Fairbrothers, Sciarra, Rossi Venditu appears and heard on their Motions for Individual Voir Dir impanelling of Jury, Be Supplied with Information Pertaini to Jurors Qualifications, Information Sequest Witnesses, same are granted, and State's Motion to Sequest Jury is granted.

5-136A

over →

SUPERIOR
CT. 796.

STATE
vs. Secrets

INDICTMENT NO.
69-767

Murder & Acc. before the Fact to Murder

DEFENDANTS: Maurice Lerner
Robert E. Fairbrothers
John Rossi-Murder
Raymond L.S. Patriarca
Rudolpho C. Scierra

YEAR DISPOSED OF

Luigi Manocchio
Frank Vendituoli--Acc. before the Fact

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
April 12, 1972	Mackenzie J. Heard on deft. Patriarca's Motion to Dismiss Ind. and denied exception noted and assigned for trial to 4/24 for exhibits see Mr. Luongo, Jr.
April 24, 1972	Gallant J. Deft. Patriarca appears and heard on Motion to Dismiss and same is denied.
April 25, 1972	Gallant J. Deft. Patriarca appears again arraigned persist in his plea of not guilty and trial proceeds.
ril 26,27,28, May 1 2,3,4, 1972	Gallant J. Voir dire proceeds and concludes and case opens to the jury.
5,8,9,10,11,12,15, ,17,18,19,22, 1972	Gallant J. Trial proceeds.
May 23, 1972	Gallant J. Trial proceeds and witness Lucille Hasney adjudged in contempt of court and sentenced to women's refo atory for 3 months and sentence stayed pending appeal to the Supreme Court and gives personal recog. $5,000.
May 24, 1972	Gallant J. Trial proceeds and deft.'s Motion to Dismiss denied.
y 25,26,30,31,1972	Gallant J. Trial proceeds.
1,2,3,4, 1972	Gallant J. Trial proceeds and concludes and the jury returns a veridct of Not Guilty....Patriarca.
JMay 23, 1972	Witness Lucille Hasney files notice of intentions to prosecute bill of exceptions and has to 7/18/72 to file bill and transcript.

S-154A

SUPERIOR
CT. 904.

STATE

vs.

Secrets

Murder and accessory before the fact to Murder

INDICTMENT NO.

67-767

DEFENDANTS:

Robert E. Fairbrothers et al

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
February 13, 1973	By leave of Supreme Court transcript is extended as to witness Hasney to 3/15/73.
March 14, 1973	By leave of Supreme Court transcript is extended as to witne Hasney to 4/15/73.
pril 17, 1973	By leave of Supreme Court transcript is extended as to wit Hasney to May 17, 1973.
ay 17, 1973	By leave of Supreme Court transcript is extended as to witness Hasney to 6/17/73.
uary 7, 1974	By Order of the Supreme Court, time for filing transcript enlarged to and including February 7, 1974 as to defendant, LUCILE HASNEY
bruary 8, 1974	By order of the Supreme Court, time for filing transcript enlarged boMarch 10, 1974. LUCILLE HASNEY
rch 13, 1974	By leave of the Supreme Court time for filing transcript extended to April 12, 1974.
pril 23, 1974	By leave of the Supreme Court time for filing transcript extended to May 16, 1974. LUCILLE HASNEY.
June 11, 1974	By leave of the Supreme Court time for filing transcript extended to July 15, 1974. (Lucille Hasney)
Sept. 17, 1974	Witness LUCILLE HASNEY files transcript, papers and transcript transmitted to the Clerk of Supreme Court.

-156A

SECR

STATE

vs.

INDICTME

Murder and accessory before the fact to Murder

69-767

DEFENDANTS:

Robert E. Fairbrothers et al

YEAR DISPOS.

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	SUPREME COURT
kp 9/20/74	Papers and transcript filed.
kp 5/23/75	Heard on defendant's reasons of appeal. Briefs s
kp 7/28/75	Opinion filed. The reasons stated, the defendant
	appeal is denied and dismissed.
kp 8/8/75	Papers and transcript remanded to the Clerk of t
	Superior Court, Providence County.
kp 9/8/75	Case, papers, transcript received from Clerk S
	Court witness LUCILLE HASNEY,appeal is denied a
	dismissed.
kp Aug. 9, 1975	Defendant (LUCILLE HASNEY) files motion for redu
	of sentence.
kp Sept. 18, 1975	MACKENZIE, J. Letter filed case assigned to Nove
	As to defendant (LUCILLE HASNEY).
mp Nov. 2, 1975	MACKENZIE, J. Case assigned to Monday, December
	at 10:00. (LUCILLE HASNEY)

SUPERIOR
CT. ERA

STATE

vs.

INDICTMENT NO.

69-767

Murder and Accessory before the Fact to Murder

DEFENDANTS:

ROBERT E. FAIRBROTHERS, ET AL

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
ı. 5, 1976	GALLANT, J. Defendant HASNEY appears and heard on motion to reduce sentence under Rule 35 and same is granted. Sentence is reduced from 3 months to 30 days. Execution of sentence is stayed until March 8, 1976. Order to enter.
ep Jan. 7, 1976	GALLANT, J. Order entered, as to Witness (HASNEY).
arch 15, 1976	GALLANT, J. Defendant HANSNEY appears and continued to 5/17/76.
ne 17, 1976	GALLANT, J. Defendant HASNEY continued to 6/17/76.
	GALLANT, J. Defendant HASNEY continued to 6/29/76 at 9:30
ep Aug. 31, 1976	Defendant (LUCILLE HASNEY) files motion for stay of execution.
ptember 15, 1976	GALLANT, J. Defendant HASNEY appears and heard on motion for stay of execution, witnesses sworn, Jean Shepard, Doctor Robert Massouda and Lucille Hasney. After hearin the Court suspends previous 30 day sentence and defendan is placed on probation for 6 months. Defendant gives personal recognizance sum $1,000. Documents enclosed.

B-15a A

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MAKE BOTTOM LINE "CONTINUED"

STATE vs. Murder and Accessory before the fact to Murder	INDICTMENT NO. 69-767
DEFENDANTS: Robert E. Fairbrothers, ET AL	YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

MANOCCHIO-John Tramonti, Jr.

DATE	ENTRIES
July 6,1979	RODGERS, J. Defendant (MANOCCHIO) appears on warrent and is arraigned. Defendant pleas not guilty. Bail is set a $20,000 or 10% cash with surety. For want of bail is committed. Continued 8/20/79 to determine attorney. Same day defendant gives bail sum of $20,000. Recognizan filed. Warrant recalled and cancelled.
bAugust 15, 1979	Entry of appearance filed by John Tramonti, Jr. for defendant MANOCCHIO.
bSeptember 7, 1979	MACKENZIE, J. As to Defendant (PATRIARCA) Order entered.
bSeptember 21, 1979	MURRAY, P.J. Stipulation for Enlargement of Time, as to defendant MANOCCHIO.
bOctober 9, 1979	A list of guns and all other state exhibits given to Sgt. William B. Giblin, receipt filed.
October 24, 1979	SHEA, J. Order entered; that all transcripts now on fil of a disposed case, in defendant R. Petriarca was defend which may be returned to the defendant, and also exhibits to be withdrawn.
*October 15, 1979	(MANOCCHIO)Entry of appearance filed, motion for pre-tria examindation of John Kelley,motion for separate trials, motion to suppress,bill of particulars, motion to inspec minutes of grand jury proceedings, motion for exculpato
[illegible]	CONTINUED

STATE vs. Murder and Accessory before the Fact to Murder	INDICTMENT NO. [illegible]
DEFENDANTS: Robert E. Fairbrothers, ET AL	YEAR DOCKETED 19

ATTORNEYS FOR DEFENDANTS

MANOCCHIO-John Tramonti, Jr.

DATE	ENTRIES
October 15, 1979	CONTINUED...Motion for exculpatory material and information motion to be furnished with all records of electronic surveillance and eavesdropping, motion to dismiss(2), moti for enlargement of time filed.
November 21, 1979	Letter filed as to defendant Luigi Manocchio.
January 16, 1980	RODGERS, J. Continued for Trial Calendar. fc (MANOCCHIO
January 23, 1980	RODGERS, J. Order entered, for MANOCCHIO
February 12, 1980	Defendant MANOCCHIO files motion to be furnished with sts ments of promises, or rewards, or inducements. Memorandur in support of defendant's motion to dismiss filed.
March 5, 1980	RODGERS, J. Defendant MANOCCHIO does not appear for Moti Witnesses Sworn; John L. Eddy and Vincent Vespia, Jr. Heard on defendant's Motion to Dismiss and same is denie Exhibits withdrawn. fc
March 20, 1980	RODGERS, J. Defendant Manocchio does not appear, heard on State's motion to vacate Court decision same is denie In accordance with 9-24-27 of the General Laws of R. I. Court certifies the above entitled case to the Supreme Court for certification.

SUPERIOR CT. PCA

STATE

vs.

INDICTMENT NO.

ESSEX 69-767

DEFENDANTS:

Luigi Manocchio

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
	SUPREME COURT
3/21/80	Certified question filed.
2/6/81	Motion to remand for recertification of issues granted by Kelleher, J.
2/6/81	Papers remanded to the Clerk of the Superior Court, Providence County

CRIMINAL CASE FACE SHEET

SUPPLEMENTAL SHEET

PAGE NO.

DEFENDANT NAME (LAST, FIRST, MIDDLE)
LUIGI MANOCCHIO

SUPERIOR COURT NO.
Ind 69-767

DATE	ACTION	JUDGE	PROS	INI
ec 17, 1982	RODGERS, J. Attorney John Tranomti, Sr. motion to withdraw is granted. Continueance granted. Case to go on trial 45 days after action of U.S. Supreme Court. Order to enter.			
y 23, 1980***	Entry of appearance filed.			
***Sept. 11, 1981	RODGERS, J. Motion for clarification of records, order to enter.			
Mar 11, 1983	RODGERS, J. Defendant does not appear, ~~continued to 5/2/83~~ for trail.			
Mar 28, 1983	Order for transcript filed.			

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

SECRETS

STATE

VS.

CONSPIRACY TO MURDER

INDICTMENT NO.

69-769

DEFENDANTS: MAURICE LERNER, ROBERT FAIRBROTHERS, JOHN ROSSI, RAYMOND L.S. PATRIARCA, RUDOLPH SCIARRA, LUIGI MANOCCHIO, FRANK A. VENDITUOLI

YEAR DISPOSED OF

ATTORNEYS FOR DEFENDANTS

Luigi Manocchio-DILUGLIO

DATE	ENTRIES
March 5, 1980	RODGERS, J. Defendant does not appear for Motion.(MANOCCH
	Witnesses Sworn; John L. Eddy and Vincent Vespia, Jr.
	Heard on defendant's Motion to Dismiss and same is denied.
	Exhibits withdrawn. fc
March 20, 1980	RODGERS, J. Defendant Manocchio does not appear, heard c
	State's motion to vacate Court decision and same is denie
	In accordance with 9-24-27 of the General Laws of R. I.,
	the Court certifies the above entitled case for certific-
	ation to the Supreme Court.
September 27, 1982	Case, papers received from the clerk of Supreme Court.
	Court on certified question opinion filed. Questions
	1 and 3 are answered in the negitive. Question 2 is not
	reached.
October 5, 1982	CTESTO, J. Defendant appears and is advised of Supreme
	court decision, assign to trial calendar 1/83/ Manocchio

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Mr. William S. Lynch
Chief, Organized Crime
and Racketeering Section

DATE: March 3, 1970

FROM : Henry E. Petersen
Deputy Assistant Attorney General
Criminal Division

SUBJECT: Joseph Baron

The memoranda submitted by Walter Barnes do not in my judgment support the expenditure of Nine Thousand Bucks.

Assuming the reliability of the informant information that Baron is currently in jeopardy, I assume we have some obligation under the Swanner case. For that reason I would be willing to support a $2,500 expenditure from the Confidential Fund in return for a release signed by Baron releasing the Government from all liability arising as a result of his cooperation with the Government.

If this is unsatisfactory to you then a much better record has to be made. With respect to about which I know little, I would think at a minimum we would need estimates from three reputable as to the cost involved and as to the efficacy of

In addition, with respect to the idea I think that you ought to have someone explore having such an if it is considered necessary, done by in the Defense establishment. It seems to me that as a result of their war service, they have developed quite an expertise in this area and we might get the done for nothing and in any event at a considerable saving to the Government.

The additional $4,000 requested to make the total of Nine, obviously has no support. I am bothered by the thought on this score that Baron, if my recollection is correct, expected a $10,000 payment at the time his testimony was concluded.

Please explore these suggestions and let me know.

004628

BSF-01701

EXHIBIT
295

K-1

THE COURT. All right. Your exception is already noted.

(Witness enters courtroom)

THE COURT. There is a seat in the corner. You may use it when you're not actually testifying.

MR. CHISHOLM. Your Honor please, may the marshals be seated so their hardware wouldn't be visible

THE COURT. Is there anything there, Gentlemen? They denied that it's visible, Mr. Chisholm. I didn't see any. Any hardware that's visible?

MARSHALS. No, sir.

THE COURT. I won't require the marshals to be seated, although we'll keep standees at the back of the courtroom to a minimum. I'm not suggesting now, but anybody later will be asked to leave. We'll keep the standees now.

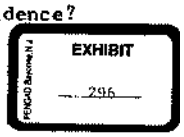
(Jury enters)

JOHN J. KELLEY

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q Now, Mr. Kelley, I want you to speak right up so that all of the jurors and the defendants and their counsel can hear you. Mr. Kelley, what is your residence?



A-13-9 Kelley's testimony relevant to bias/credib. I/Y.

have occasion to speak with me?

A Yes.

Q On many occasions?

A Yes.

Q And in the presence of officers of the State of Rhode Isla

MR. RAO. Objection, Your Honor.

THE COURT. Overruled.

MR. RAO. Exception.

A Yes.

Q Now did any of us make any promises to you at the time we were talking to you, that is law officers of the State of Rhode Island?

A No.

Q Now has any law officer or any prosecutor of any jurisdiction made any promises to you before you came here to testify?

A No.

Q Now, it is a fact, is it not, that before you testified before the grand jury of this State, you were granted immunity from prosecution by the presiding justice of this Superior Court, were you not?

A Yes.

Q And that before you were granted that immunity the

presiding justice of this Court, you had claimed the privilege against self-incrimination in the grand jury, is that true?

MR. CIRESI. Objection, Your Honor.

THE COURT. I think that -

MR. ISRAEL. I will withdraw it.

MR. SHEEHAN. Now, Your Honor please, I ask the jury be instructed as to what our immunity statute reading is.

THE COURT. Yes. Under the constitution of both the United States and the State of Rhode Island, not witness can be compelled to give testimony which would tend to incriminate him. You have heard referred to takin the 5th Amendment, that's the Federal one; declining to answer questions because the answers might tend to incriminate the person. Our General Assembly last year passed a statute which gives the presiding justice of this court, Judge Mullen, the right to grant immunity from prosecution, and thus compel a witness to testify. With immunity granted he can't be convicted for what he says and he can be compelled to testify.

MR. RAO. Exception, Your Honor, to your charge.

THE COURT. All right.

MR. CHISHOLM. I also take exception.

Q And at the time that the presiding justice of this court granted you immunity, did he instruct you that you could nevertheless be punished for contempt if you thereafter refused to answer the questions put to you?

MR. CHISHOLM. Objection.

MR. BUCCI. Objection.

THE COURT. Overruled.

MR. CHISHOLM. Exception. Leading the witness.

THE COURT. I told the jury he was compell to testify.

A Yes.

MR. BUCCI. Exception to the Court's rulin

MR. CHISHOLM. Exception.

THE COURT. All right.

Q Now, Mr. Kelley, you are facing charges in another jurisdic are you not?

A Yes.

Q Will you tell the Court and jury why you have come before this court and this jury and testified as you have?

MR. CHISHOLM: Objection.

MR. BUCCI: Objection, your Honor.

A Hopefully --

MR. CHISHOLM: Has your Honor ruled?

THE COURT: Yes. I overruled the objection.

MR.CHISHOLM: Exception.

THE WITNESS: Hopefully that my testimony will be in cooperation with and brought to the attention of the other jurisdiction in the final outcome of that case.

Q Has anybody made you any promises it will be brought to their attention?

A No.

MR. BUCCI: Will the witness be instructed to keep his voice up.

THE COURT: Speak right up.

THE WITNESS: No.

Q Has anyone promised you that in fact you will get any consideration for this evidence?

A No.

MR. ISRAEL: You may inquire.

MR. SHEEHAN: May we approach the bench, your Honor please?

with him or discussions?

A A few. Five or six, seven. I don't know the exact number.

Q And can you tell us over what period of time these conversations or discussions took place?

A Possibly starting sometime in the Fall and then not having another one until much later in the year, and then up to this period here. They didn't run continually.

Q I see. And did you discuss this case with others besides Mr. Israel?

A Well, just the people involved in it.

Q Well, when you say people involved, you mean law enforcement officers?

A Yes.

Q Well, how many law enforcement officers did you discuss this case with?

A I would say agents of the FBI and Mr. Israel.

Q And those are the only persons you discussed this case with

A And the grand jury.

Q And no one else.

A I can't think of anyone else.

Q Did you discuss it with a Mr. Harrington?

A I don't think it was discussed with Mr. Harrington.

Q You know Mr. Harrington, don't you?

A A few, I don't know how many days.

Q Well, when you say "a few" can you tell us about how many you mean by "a few"?

A Possibly four or five.

Q And were they making notes of their discussions with you on these occasions?

A Well, we were sitting in a car and one agent was in the back and the agent in the front wasn't making any notes. I couldn't see what the agent in the back might have been doing.

Q And these few occasions that we talked about, were they all in the car that you had these discussions?

A No.

Q Now, while you're at the Charles Street Jail, do you know what cell number, or cell unit you occupied?

A No, I don't.

Q The 23 N, was it 23 N?

A I wouldn't know.

Q Now, were you told to tell stories to get a lighter sentence?

A No.

Q Did you ever say that you were told to tell stories to get a lighter sentence?

A No.

Q Now, were any promises made to you to get you to --

MR. CHISHOLM: Strike it.

Q Any promises made to you testifying?

A Only that any testimony that I might give would be brought to the attention of the proper authorities.

Q And who made that statement to you?

A The F.B.I.

Q Well, you say the F.B.I., was any specific member of the F.B.I. that made that statement?

A Mr. Rice and Mr. Sheehan.

Q They both make the same statement?

A I believe so.

Q And did you ask them who was going to bring it to the attention of the authorities?

A They said they couldn't promise but they'd bring any testimony that I would give to the attention of the proper authorities, that's all they said,

Q Well, they promised you protection; didn't

A Yes.

Q So, promises were made to you?

A The Government promised me the protection, Government promised me protection.

Q You were promised protection?

A From the Government, yes.

MR. CHISHOLM: From the Government.

Q And any other promises made to you?

A Just for me and my family.

Q When you say for your family, can you tell us what members of your family were included in this promise of protection?

A All and any members.

Q And are you living with any members of your family now?

A Not right now, no.

Q Are you living with your wife?

A I have been, yes.

Q And up until what date?

A Roughly a month ago.

Q And had you been living with her right along, up until that date?

A Yes.

Q And do you know where she is now?

A No, I don't.

Q Did you know that you have pending charges now outstanding against you?

A I do.

Q And can you tell us where that is?

A Suffolk County, Massachusetts.

Q And what's that charge?

A I believe it's robbery while armed.

Q And do you know the maximum penalty for that charge?

A I don't know maximum, no.

Q You don't know the maximum?

A I don't know the maximum.

Q What?

A No, I don't.

Q You've told us that you've planned and participated in 12 to 15 robberies that have occurred and another 10 to 12 that did not occur?

A Correct.

Q And you don't know the maximum penalty for the charge of armed robbery which is now pending in the Suffolk County Court?

A No, I don't know the maximum penalty, no.

Q Well, you know that the maximum penalty's life?

A If you'd say so, I'll believe you.

Q Does that help you?

A No, that doesn't help my memory.

Q Well, if you did not, as you say, cooperate with the authorities, do you know what sentence would be imposed on you

MR. ISRAEL: I object.

THE COURT: Sustained.

Q Was this robbery that's outstanding the so-called Brink's

Armored Car robbery; is that the charge that's outstanding against you?

A That is correct.

Q The armored car that was robbed on December 28, 1968, in the North Station area of Boston?

A That's right.

Q That was a million dollar robbery?

A That's correct.

Q And that's the charge which is pending against you now?

A Correct.

Q And that's been referred to as the so-called Brink Truck Robbery?

A I don't know how it's referred. I don't know what reference it's used as.

Q Would you refer to it as the Brink's Truck Robbery?

A It was a Brink's truck.

Q Is that a fair description of that robbery, the Brink's Truck Robbery?

A Well, a Brink's truck was robbed, yes.

Q And you [illegible] at the person convicted of a Brink [illegible] of years ago got life in Massach[illegible]

[illegible]RAEL: Objection.

[illegible]OURT: Sustained.

Q Well, were any other promises made to you besides your protection of you and your family?

A Just that any cooperation that I give to law enforcement officers will be brought to the proper authorities.

Q And any others?

A None whatsoever, no.

Q None whatsoever?

A No.

Q By any one that's in the law enforcement?

A No.

Q How about a new identity?

A I don't know what you mean.

Q Well, were you promised a new identity?

A From who?

MR. CHISHOLM: From agents of the United States Government.

THE WITNESS: They didn't promise me anything.

Q What?

A They didn't promise me anything.

Q Tell you you would be provided with a different identity?

A They didn't tell me anything.

Q Did anyone tell you that?

A No.

14

Q No one told you you'd be provided with a c

A No.

Q Were you promised that you'd be relocated b
States Government in another part of the world?

A No.

Q That promise was not made to you?

A No, no promises.

Q By representatives of the United States Government?

A No promises at all.

Q By anyone?

A No.

Q So, you were not told by agents of the United State:
that subsequent to the termination of the outstandir
charges in the Massachusetts Superior Court, you'd b
relocated by the United States to another part of th
world and be provided with a different identity?

MR. ISRAEL: If Your Honor plea:
now object.

THE COURT: I think the witness
answered that question and those questions in the ne
at least twice; hasn't he?

MR. CHISHOLM: I broke it down.
put them together in one question, Judge, because I

THE COURT: Sustained.

MR. CHISHOLM: May I have that one answered, Judge?

THE COURT: All right. Answer the question. Have you got the question?

THE WITNESS: I don't remember it.

THE COURT: You read it back. The only reason I sustained the objection is it's repetition.

(Previous question read by stenographer)

A No.

Q Now when you came into the grand jury in this county, in this court, I think you told us you were granted some immunity prior to testifying before the grand jury?

A Yes, I was granted immunity.

Q And did somebody tell you that you had a right to immunity before testifying?

A I refused to testify unless I was given immunity.

Q In other words, you would not have testified then before the grand jury unless you had immunity?

A That is correct.

Q And you say immunity, you mean immunity from prosecution in this county?

A From anything concerning any of these charges, concerning the State of Rhode Island.

Q So you would not have testified in the grand jury on this pending case unless you were granted immunity by this cou

A That's correct.

Q And you know that the facts to which you testified to constitutes at least an accessory on your part, you know that, don't you?

A I do.

Q And that you know by being granted immunity that you cannot be prosecuted by this county court?

A For this charge, yes.

Q In this county?

A Yes.

Q And you know that this immunity - or do you know that this immunity only applies to the State of Rhode Island?

A Yes.

MR. ISRAEL. Now, Your Honor please, I am going to ask for a proper instruction at the proper time, if Your Honor please.

THE COURT. Well, I discussed in preliminary fashion yesterday if you wanted instructions later on as part of the charge.

Q And were you told that your testimony in this case would not be used in any other jurisdictions to bring charges against you?

A As I remember it, the immunization covered anything happening in this or any other courtroom in the State of Rhode Island.

Q But you weren't really worried about being prosecuted, were you?

A I don't know what you mean.

Q You weren't worried; you really didn't need this immunity, did you?

MR. ISRAEL. I object.

THE COURT. Sustained.

Q Well, you would have testified in this matter without the immunity, wouldn't you?

MR. ISRAEL. Objection.

THE COURT. Sustained. The witness said he refused to testify unless.

Q Now you've told us about an episode in a - several episodes in a motel in Seekonk, Massachusetts, have you not?

A Yes.

Q And you told us about bringing weapons and other items to this motel in Seekonk, Massachusetts?

A Yes.

Q And those weapons you say were used in this matter?

A Yes.

Q This State. And you know that your acts that occurred in Seekonk, Massachusetts constitutes an accessory before the fact to murder in Massachusetts, you know that?

A I don't know that.

Q But you're not worried about that, are you?

MR. ISRAEL. Object. I'm afraid now that I may have to ask for instructions earlier than the charge, if counsel persists in this line of questioning.

THE COURT. I thought I made it clear yesterday to the members of the jury that our presiding justice, Judge Mullen, in granting immunity has no extra-territorial jurisdiction, that is, the only immunity he can grant is concerned with Rhode Island prosecutions. None of us State judges can take any action which is concerned with a different jurisdiction such as another State or the Federal Government. We can immunize, to use the word, only concerning Rhode Island prosecutions, and I don't mean we can, only the presiding justice can under the terms of the statute.

Q You weren't granted immunity from prosecution for an accessory before the fact of murder by Bristol County in Massachusetts?

MR. ISRAEL. If that's a question, I object.

Q Were you?

THE COURT. He may answer it yes or no.

A I have never been there.

Q You were in Seekonk, weren't you?

A Yes.

Q Seekonk, Massachusetts?

A Yes.

Q You know that's in Bristol County?

A If you say so.

Q Well, were you granted immunity from prosecution for the accessory before the fact of murder by any jurisdiction of Massachusetts, any State jurisdictions?

A No.

Q So you're not concerned about prosecution in the State of Massachusetts?

MR. ISRAEL. If that's a question -

Q For the testimony you've given here in this case, are you?

MR. ISRAEL. Object.

THE COURT. Sustained.

Q You know your testimony here yesterday and today can be used in the State courts of Massachusetts?

MR. ISRAEL. Object.

THE COURT. Overruled.

A If you say so.

Q Well, do you know that?

A I don't know it, no.

Q You're not worried about it, are you?

MR. ISRAEL. I object.

THE COURT. Sustained. Next question, Mr. Chisholm.

Q And you know you won't be prosecuted as a defendant in the

Federal courts for the subject matter of your testimony he yesterday and today, don't you?

MR. ISRAEL. I object.

THE COURT. If he knows he can answer it; he doesn't, he can answer it. Overruled.

A No, I don't know.

Q You don't know that?

A No, I don't.

Q Well, you're not concerned about it, are you?

MR. ISRAEL. I object.

THE COURT. Sustained.

Q Well, you know that the immunity that the State of Rhode Island gave you for the State courts does not cover the Federal courts, don't you?

MR. ISRAEL. If Your Honor please, that's a highly dubious proposition of law. I object.

THE COURT. Well, I think you explored this with some particularity, Mr. Chisholm.

MR. CHISHOLM. The last one on this point.

THE COURT. Sustained.

MR. CHISHOLM. Your Honor please, may I have the Court's indulgence?

THE COURT. Well, it's time for our

HS til 4

A No.

Q You wouldn't be seeing him?

A No.

Q Were these periods of time over a period of months that you did not see him?

A Yes, that's true.

Q So when you told us you saw him again about once a week, there were periods of months that you didn't see him at all?

A This is possible.

Q What?

A Yes, it's possible.

Q There is more than one period going over many months that you didn't see him, more than one occasion from the time of the fall of '66 until thespring of '69?

A That's possible.

Q So isn't it fair to say after this fall-out the relationship never was the same?

A No, that is not fair.

Q What?

A That is not fair to say, no.

Q Well,it wasn't frequent, was it?

A For certain periods of time. For a certain period of time.

Q Now, after you were, you told us, indicted in this million-dollar truck-robbery, you went before the grand jury on

that matter; did you not?

MR. ISRAEL: Object.

S T11 5

THE COURT: It seems to me you brought this out in cross-examination, Mr. Chisholm, and now you are going beyond the scope of what you brought out. Aren't you?

MR. CHISHOLM: On the issue of promises, your Honor please.

THE COURT: All right, I will let you pursue it if that is what you are getting at.

THE WITNESS: I don't remember the question.

THE COURT: Read it.

(The pending question was read.)

A A grand jury, yes.

Q In Suffolk County?

A Absolutely.

Q And you gave testimony?

A Yes, I did.

Q And were you granted immunity before you went before that --

MR. ISRAEL: I object.

Q -- grand jury?

MR. ISRAEL: There is no evidence there is such --

S T11 6

THE COURT: What is th

MR. CHISHOLM: On the

THE COURT: What ma

happening in Boston -- well, I'll le

question, but even that is getting pretty far a

Go ahead, ask him a direct question. I don't know

he got immunity in Boston or not, and you can't tes

as a Massachusetts lawyer in this proceeding whethe

do or not. Go ahead, ask him the direct question.

Q You weren't granted immunity before you went before that grand jury; were you?

THE COURT: Well, promises. Have t

record show I made my remark as the attorney genera

stood up to object. Ask him a direct question as t

whether he had any promises.

MR. CHISHOLM: All right.

Q You answer the question for the court, Mr. Kelley.

THE COURT: I didn't ask him.

Q I will ask, were there any promises made to you bef you went before the grand jury in Suffolk County, B

A No.

Q Did you expect your testimony would be taken in con ation on your pending charges?

sume?

MR. ISRAEL: I object. What testim

THE COURT: Yes.

(Side-bench conference

CROSS EXAMINATION BY MR. CIR

Q Mr. Kelley, you testified that sometim
locked up at the Charles Street jail; is that cor

A That is correct.

Q And you were placed in a cell there, I assume; is
correct?

A That is correct.

Q And are you presently at the Charles Street jail?

A No, I am not.

Q Well, where are you living at the present time?

A I'm in the custody of the United States Governmen

Q Well, you are not employed anywhere; are you?

A No, I'm not.

Q Do you have any source of income at this time?

A I do not.

Q Are you being supplied with income from the Unite
States Government?

A I'm not.

Q Well, they are supplying you with room and board,

A Absolutely.

Q Is this a jail cell?

A It is not.

Q What type of facilities do you have?

A I have moved around from time to time to var

Q Are these hotels or what are they?

A They have been hotels.

Q Hotels,and what type food are you fed? Do you have choice of any food that you like?

A Yes, I have.

Q And you can order anything you want?

A I beg pardon?

Q You can order anything that you like?

A Yes, I could.

Q And is this part of the protection thatthey said t they would give you, food and free room and board?

A None of this was brought up, but that is the way i out.

Q Was that your understanding of what protection wou

A I would say so, yes.

Q You would say this is part of your understanding?

A Yes.

Q They advised you as to how long this type of prote would be kept up for you?

A As long as necessary.

Q March?

A No time involved in it.

Q Do they supply you with clothing also?

A They haven't,no.

Q You still have your own clothing?

A Yes, I do.

Q But they provide cleaning for you, laundry service?

A Yes.

Q They pretty well take care of your every need;don't they?

A Same as if I was paying my own bills.

Q And can you come and go as you please?

A I could if I wanted to.

Q If you wanted to. Now, you lived in Watertown, Mr. Kelley?

A Yes, sir.

Q That day you went to New York, what time did you leave?

A Early in the morning.

Q Well, what is early in the morning?

A Which day are you talking about?

Q Well, the day you went up to New York to pick up the masks or purchase the masks.

A I'd say roughly 4:00 o'clock in the morning.

Q Let me see now. What time did you leave the motel that evening?

A I don't --

Q The evening before the 4:00 o'clock trip to New York.

A I don't remember the exact time.

Q Well, let's see. You had been back to Providence; had you not?

(Jury enters)

THE COURT. Good Morning, Ladies and Gentlemen.

JURY. Good morning, Your Honor.

THE COURT. Counsel waive the polling of the jury?

(All counsel said yes)

CROSS-EXAMINATION CONTINUED BY MR. CIRESI OF MR. JOHN J. KELLEY

Q Mr. Kelley, you testified that you were arrested May 15, 1969, of this year, is that correct?

A I believe so.

Q You were held at the Charles Street Jail?

A Yes.

Q And were you brought before a court to have bail set in that particular matter?

A Yes, I was.

Q And was bail set?

A Yes, it was.

Q And how much was the bail?

A $250,000.

Q And did you furnish bail at that time?

A No.

Q You were held in the Charles Street Jail for lack of bail?

A I was.

Q And sometime thereafter did the FBI or me
FBI come to talk to you?

A Yes, at some time later.

Q And did you subsequent to that conversation - by
whom did you speak to on that occasion, do you re

A Agent Rico, I believe it was.

Q Now subsequent to this time, did you again appear
the court in Boston?

A I did, yes.

Q And was bail set at that time?

A Yes, it was.

Q And what was the bail then?

A $200,000.

Q $200,000. Was that with surety or without suret

A I don't understand.

Q Well, did you put up any property or cash?

A No.

Q No cash or property was put up?

A No.

Q Did you retain a professional bondsman?

A No.

Q So you were let out on personal recognizance?

A That is correct.

Q And personal recognizance means that you're let out on your word, is that correct?

A I don't understand the legal terminology of it.

Q Now, you say you then surrendered yourself to the United States Government?

A That's correct.

Q What department of the United States Government?

A To any department of it that could take me into custody and protect my life.

Q Well, now had you already talked to the FBI prior to surrendering yourself to the United States Government or any department?

A Yes, I had.

Q And arrangements had been made prior to you being released on personal recognizance, for you to go with the members of the FBI or some department of the U.S. Government, isn't that true?

A That, I don't know.

Q Well, at the courthouse when you were let out on personal recognizance, or on your personal word, were there members of the U.S. Government present there?

A That, I don't remember.

Q You don't remember. Well, where did you go from the courthouse?

A Well, I - the Judge - this was all - the Judge made certain motions of or conditions of the releasing of bail, and I don't know the technicalities of how anything was handled, to be frank with you.

Q I see. In other words, you had nothing to do with these arrangements?

A Yes, I did.

Q You did. Through the FBI or through Agent Rico?

A Through the Court, I would say.

Q Well, did you speak to the judge personally?

A Yes, I did.

Q Prior to the arrangements being made?

A No, no.

Q And, now you say that sometime in August you came to Rhode Island to testify before the Grand Jury?

A I don't know the exact date, but sometime in the Fall, I would say.

Q In the Fall? And did you come to Rhode Island voluntarily?

A Yes, I did.

Q And, in whose company were you when you came to Rhode Islar

A I believe I was in the company of United States Marshals,

I believe.

Q Was Mr. Rico with you on that occasion?

A I don't believe he was.

Q And your purpose for coming to Rhode Island was to testify before the grand jury?

A Yes.

Q And you were aware, were you not, at that time that you were coming to Rhode Island to testify before a grand jury?

A Yes.

Q And you had not received any immunity at that time?

A No, I didn't.

Q And you were willing to come and testify before the grand jury were you not?

A I didn't know at that time that I was coming to talk to a grand jury. I was coming down to talk to some police official about a crime that I had some knowledge of, at that time.

Q And were you advised that if you did testify you would receive immunity?

A No, not at that time, no.

Q Not at that time. Now, let's get this clear, after you were released on personal recognizance you weren't locked up any more, were you?

A No, I wasn't.

Q And who got out of the car?

A Doe, Lerner, Sciarra and myself.

Q Now, did Roe ever get out of the car during the course of that meeting?

A No.

Q So that, who was present during the meeting with Mr. Patriarca?

A Mr. Patriarca, myself, Lerner, Doe, Sciarra and Lerner.

Q Now, did you observe the automobile that Mr. Patriarca came from?

A Yes.

Q Did you see Mr. Patriarca emerge from it?

A Yes.

Q And whether or not there was - Mr. Patriarca was alone or there was anyone else in the car that he got out of?

A There seemed to be someone else in the car.

Q Now you indicated during - strike that. During your cross-examination by one of the cross-examiners, you testified that you expected and received from the Government of the United States protection for yourself and certain members of your family, you remember that?

A Yes.

Q Why did you seek protection for yourself and members of

your family?

MR. SHEEHAN. Objection.

THE COURT. Overruled.

MR. SHEEHAN. Exception.

A Because of possible testimony of where our lives might be endangered.

Q From whom?

A From -

MR. SHEEHAN. Objection.

MR. CHISHOLM. Objection.

THE COURT. Overruled.

MR. SHEEHAN. Exception.

MR. CHISHOLM. Exception.

A From this group of people.

MR. SHEEHAN. Motion to strike, Your Honor please.

THE COURT. Denied.

MR. SHEEHAN. Exception.

Q And you indicated during your cross-examination that you had made other trips to Providence besides those of April of 1968 and now aside from the visit with Defendant Patriarca in 1964 or '65, you remember what sections of the city you visited?

MR. CIRESI. Objection, Your Honor.

THE COURT. Overruled.

MR. CIRESI. Exception, please.

A Yes.

Q And what were those sections?

A Federal Hill, Olneyville and downtown Providence.

refresh the witness's recollection, you may do it that way, but let me point this out to all counsel, there will come a time, gentlemen, when I'll have to charge this Jury, and, you know, the law in Rhode Island, at least, is that impeaching questions and answers aren't evidence and the Jury can't consider them, so I've got to have some he from you as to the theory on which you are asking these questions, either for impeachment, or to refresh recollection to get testimony from the witness on the stand, and I don't want to be left in the dark here. Now, proceed, Mr. Chisholm.

Q Well, Mr. Kelley, referring to the protection that you just told Mr. Israel about that you sought, actually, when you were released from jail in June of 1969, it was under a Court Order that you were in custody of law enforcement officers; isn't that true?

MR. ISRAEL: I object.

THE COURT: Overruled.

A I don't know what the Court Order was.

Q Well, you were present, were you not?

MR. ISRAEL: I object. This is cross on recross, Your Honor.

THE COURT: Overruled.

Q And you don't know what the Order of the Court was at that time?

MR. ISRAEL: Object, Your Honor.

THE COURT: Overruled.

A I do not remember all of the conversations that took place at that time.

Q And when you went into Court on that occasion, you went in in the custody of law enforcement officers; did you not?

MR. ISRAEL: Object.

THE COURT: I think it's clear that up to that time he was involuntarily confined; isn't it?

MR. CHISHOLM: Well, I hope so, Your Honor.

THE COURT: Didn'e he say he was under $250,000 bail that he hadn't been able to make?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right. Sustained. You can go into that in cross.

Q When you left the Court, you left with law enforcement officials: did you not?

A Yes, I did.

Q You didn't just walk out of there on your own and, then, go seek police protection?

CASE No. 241 [illegible] 2608
EXHIBIT # 4
DATE 12/10/85
SUPERIOR COURT
ASST. CLERK [illegible] FOSTER

MR. ISRAEL. Objection.

THE COURT. Sustained. You want to stri it?

MR. ISRAEL. No, I think not.

Q Your answer was yes, is that correct?

A That's correct.

MR. SHEEHAN. That's all I have, Your Honor please.

THE COURT. Anything further, Gentlemen? Nothing? Any redirect examination, Mr Israel?

MR. ISRAEL. One question. I really don' know how to handle this. May we have a side-bar conferenc

THE COURT. Come up.

(Conference at the bench)

MR. ISRAEL. I have no further questions, Your Honor.

THE COURT. All right, Mr. Farina, thank you. You're excused.

MR. ISRAEL. Paul Rico.

H. PAUL RICO

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation?

A Special Agent, Federal Bureau of Investigation.

Q How long have you been a Special Agent with the Federal Bureau of Investigation?

A Nineteen years.

Q Were you a special agent in 1969?

A I was.

Q In June, July and August of that year?

A Yes, I was.

Q And to what office were you assigned to that period of time

A To the Boston office of the FBI.

Q Did you have occasion during those months to meet with John J. Kelley?

A I did.

Q And in that period of time, referring to those months of 1969, when was the first time that you met him?

A June 5, 1969.

Q And where was that meeting?

A At Charles Street Jail.

Q. And did you have occasion to meet with him on dates after June 5, 1969?

A I did.

Q Do you remember where any of those meetings took place?

A Yes, I do.

Q Did any of those meetings take place other than the Charles Street Jail?

A They did.

Q Were any of them at the Barnstable County House of Correction?

A Yes.

Q And in some other places?

A Yes.

Q Did you meet with him on June 25, 1969?

A I did.

Q On June 30, 1969?

A No.

Q On July 8, 9 or 10th?

A Yes, I did.

Q On how many of those three dates in July?

A On the three dates.

Q And after July 8, 9 and 10th of '69, did you meet with him?

A Yes, I did.

Q Now, were you ever present when Mr. Kelley was shown photographs?

A Yes, I was.

Q On how many occasions were you present when he was shown photographs?

A I was on two occasions.

Q And on those two occasions, was there anyone else present besides yourself?

A Yes.

Q When he was shown photographs?

A Yes.

Q Who were those other people?

A Agent Robert Sheehan.

Q Was Mr. Kelley there?

A Yes.

Q And were you present on an occasion when Mr. Kelley drew some diagram or diagrams?

A I was.

Q How many diagrams did he draw?

A He drew three diagrams.

Q Was anyone else present at the time Mr. Kelley drew the three diagrams?

A Myself and Agent Sheehan and Mr. Kelley.

Q Now did you observe Mr. Kelley as he drew the diagram?

A Yes, I did.

Q And did you assist him to draw the diagrams?

A No, I did not.

Q Did you speak to him while he was drawing the diagrams?

A No, I did not.

Q Did you speak to him before he drew the diagrams within a space of a few minutes?

A Not pertaining to the drawings.

Q Now, in the course of any of your conversations with Mr. Kelley, did you make any promises to him regarding his making statements in your presence, any promises regarding the statements he might have made in your presence?

A I made no promises to him.

Q Now, regarding any testimony which he might give, did you make any promises to him regarding any testimony he might give?

A I made a statement to him.

Q And by that, I take it you deny that you yourself --

MR. ISRAEL: All right, I'll reframe the question.

Q You make certain statements to him?

A Yes, I did.

Q Regarding what?

A I told him that any cooperation that he gave to the United States Government will be brought to the attention of the proper authorities.

Q Now, did you make any statements to him regarding testimony that he might give in Rhode Island?

A No, I did not.

Q Did you make any statements to him regarding any conversation he might have with you regarding events in Rhode Island?

MR. SHEEHAN: I'll object to that, Your Honor please.

THE COURT: Grounds?

MR. SHEEHAN: Well, I think it's immaterial He's already had immunity from Rhode Island.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

THE COURT: Read the question to the witness, please.

MR. SHEEHAN: May the record indicate "he" means Kelley, Your Honor please.

THE COURT: May the record indicate what?

MR. SHEEHAN: That when I use the word "he" he means Kelley.

(Pending question read)

Q Do you understand the question?

A No.

MR. ISRAEL: I'll reframe it.

Q Did you make any promise or any statements to him as to what might happen if he were to make statements to authoritie from Rhode Island?

MR. SHEEHAN: Object, Your Honor please.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

A I made no such statements.

Q Now, were any statements made by you to Mr. Kelly regarding his personal security?

A Yes.

Q And what were those statements?

A I told him that the United States Government had agreed to give him personal security.

Q Now, by "United States Government," do you mean the Federal Bureau of Investigation?

A No. I mean the Department of Justice has informed me that the United States Marshals would protect him.

Q I take it, then, that you relayed a message to him in your statements to him; is that correct?

A That's true.

Q Now, of your own knowledge, at that time did the Federal Bureau of Investigation independently have authority to offer any protection or security to Mr. Kelley?

A No, they did not.

Q Did you describe to Mr. Kelley the kind of personal security and protection that he might expect from the United States Government?

A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment, Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q Mr. Rico, did you file an affidavit in the Federal District Court in Boston --

MR. ISRAEL: Objection.

THE COURT: Well, now --

MR. ISRAEL: I think Your Honor should examine him.

THE COURT: Let him finish the question.

MR. ISRAEL: Oh, I'm sorry.

Q (Continued) -- in August of 1969?

MR. ISRAEL: No, I object.

THE COURT: You may answer the question "yes" or "no," Mr. Rico.

A Yes.

Q And that affidavit was -- you did sign that under oath?

MR. ISRAEL: Objection.

Well, I withdraw it, I'm sorry.

THE COURT: That's what an affidavit is; isn't it?

MR. CHISHOLM: I want to make sure the witness understands.

Q (Continued) You signed under oath; didn't you?

A I did.

Q It was your oath?

A It was.

Q Now, I'll ask you again, whether or not --

MR. ISRAEL: I object.

Q -- Mr. Kelley told --

MR. ISRAEL: I object and I'm interrupting counsel deliberately.

THE COURT: The objection is sustained, this being far removed from direct-examination, as I view it, Mr. Chisholm.

Q Well, Mr. Rico, you're not going to leave the jurisdiction, are you, in the near future, next week or so?

A I hope to leave the State of Rhode Island. I'm going to leave the State of Rhode Island.

THE COURT: What counsel means, Mr. Rico, if he wants to call you as a witness for the defendant, you will be available a little later on.

THE WITNESS: Gladly.

Q Without a subpoena being issued to you?

MR. ISRAEL: I object. I think he said "gladly."

THE COURT: Oh, well, let's not fool around, gentlemen. You said you'll be available, Mr. Rico?

THE WITNESS: Yes.

THE COURT: All right.

Q May I have the answer, Mr. Rico?

A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry. I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

A Yes.

Q And what are those names?

A Theodore F. Harrington, Special Agent David Divan and Special Agent Al Kohler.

THE REPORTER: Would you spell that, pleas

THE WITNESS: I think it's K-O-H-L-E-R.

Q Any others?

A Not that I can recall.

Q Now, what was the next date that you met with Mr. Kelley after June 5 of 1969?

A June 6th.

Q And the next date after that?

A Pertaining to this matter?

MR. CHISHOLM: Pertaining to any matter.

MR. ISRAEL: Object.

MR. CHISHOLM: All right, pertaining to this matter.

THE WITNESS: June 25.

Q And the next date after that?

A July 8th.

Q Next date after that?

A July 9th.

Q And the next date after that?

A July 10th.

Q Next date after that?

A July 17th.

Q Were there any dates after that?

A I cannot recall any specific dates after that.

Q Well, were there dates after that?

A There are dates after that that I've met Mr. Kelley.

Q Are you saying this subject of this case?

A I'd say yes.

Q Well, when you say you'd say "yes," are you guessing or --

A No, I'm not guessing. I'm just trying to answer the question

Q And did you make some notes of your interviews?

A No.

Q You didn't make any notes?

A No.

Q And did you use any notes, or documents, or papers, or writings to refresh your memory --

MR. ISRAEL: I object.

Q -- before testifying?

MR. ISRAEL: I still object. Purpose, Your Honor?

THE COURT: I beg your pardon?

MR. ISRAEL: To refresh his memory as to what, Your Honor. I object.

THE COURT: Before testifying here meaning in this trial?

MR. ISRAEL: All right. I'll withdraw the objection.

MR. CHISHOLM: Yes.

A Yes.

Q And may I see those?

(Witness complying)

Q And is this paper that you've shown me the only notes, paper, or documents, or memoranda that you've used to refresh your memory before testifying here?

A Yes.

Q And did you obtain that from --

MR. CHISHOLM: Strike it.

A Yes.

MR. CHISHOLM: I was going to say Agent Sheehan, but I said "strike it," Your Honor.

THE COURT: You anticipated the question, did you?

THE WITNESS: Yes, I did, Your Honor.

THE COURT: All right, Mr. Rico.

Q By the way, Mr. Rico, do you have a copy of that affidavit that you filed in the Federal District Court in August of 1969?

MR. ISRAEL: I object.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q And, well, Mr. Rico, will you obtain a copy of that affidavit or look it over before next -- the next few days?

MR. ISRAEL: Object.

THE COURT: Sustained.

MR. CHISHOLM: I have no further questions.

CROSS-EXAMINATION BY MR. CIRESI

Q Mr. Rico, you testified that the first occasion you talked to John Kelley, or met with John Kelley was at the Charles Street Jail; is that correct?

MR. ISRAEL: I object.

Q (Continued) Isn't that your testimony?

MR. ISRAEL: No, I object, Your Honor.

A No (nodding).

THE COURT: Did he say that was the first time? I know he said that he met him June 5th at

the Charles Street Jail.

Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?

A I did.

Q And is that when he was being held for lack of $250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?

A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.

Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?

A Yes, that is true.

Q And he hadn't furnished bail at that time?

A I had no knowledge at that time of what his condition was.

MR. CIRESI: I see.

Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?

A I am aware of that.

Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?

A I did not.

Q And was Mr. Harrington there at the Courthouse?

MR. ISRAEL: Well, now --

MR. CIRESI: Well, if he knows, Your Honor.

THE COURT: All right.

A I have no way of knowing.

Q You have no way of knowing?

A No (Nodding).

Q And, then, your subsequent conversations with Mr. Kelley was after he was released; is that from the jurisdiction of Massachusetts; is that correct?

A No, that's not correct.

Q Well, he wasn't being held by the Massachusetts Authorities any longer when these subsequent conversations with you were taking place? He was free from the Massachusetts Authorities; wasn't he?

A That is not correct.

Q That isn't correct?

A No.

Q Well, is he being held in any jail by Massachusett Authorities? By that I mean, the State of Massachusetts at this time?

MR. ISRAEL: I object.

THE COURT: If the witness knows, he can tell us, Mr. Israel.

MR. ISRAEL: All right.

A No, he is not.

MR.CIRESI: He is not. I have no further questions.

MR. CHISHOLM: May I re-open?

THE COURT: Go ahead.

CROSS-EXAMINATION BY MR. CHISHOLM CONTINUED

Q Mr. Rico, when you referred in your direct testimony to "proper authorities," who do you say the proper authorities are?

A At the time I said it, I had no way of knowing who the proper authorities were going to be.

Q Well, who do you consider proper authorities?

MR. ISRAEL: Object, now or then?

THE COURT: This is of the time --

MR. CHISHOLM: Well, both questions, Mr. Israel.

THE COURT: This is directed to the time when he said he would bring it to the attention of the proper authorities?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right, as of then.

A I have no way of knowing who the proper authorities were going to be.

Q Did Mr. Kelley ask you who the proper authorities were?

A I had no knowledge of what he was going to talk about.

rx 3 1

Q Did Mr. Kelley ask you who the proper authorities were?

A No, he did not.

Q Did you tell him who the proper authorities were?

A I did not.

Q Since that time have you determined who the proper authorities are?

A Not in all instances.

Q Well, did you determine what you considered some of the proper authorities were?

A Yes.

Q Who do you consider the proper authorities?

MR. ISRAEL: Object.

THE COURT: I think it's all right.

MR. ISRAEL: I will withdraw the objecti

Q Whatperson?

A I consider the proper authorities to be the district attorney of the areas or the prosecuting authorities in the areas who cover the violations of the law.

Q By person can you identify any person?

A You are asking my opinion?

Q I am not asking your opinion. Who do you now consider to be the proper authorities?

A In this instance here?

Q Mr. Rico, did you tell Mr. Kelley you would bring any

cooperation he gave to the attention of the proper authorities?

A I did.

Q All right then. Now, you say he gave you some, what you consider, cooperation?

A Yes.

Q Now, what proper authorities by person, by identify, do you say you would bring his cooperation to the attention

A To the Department of Justice.

Q By person. Can you identify the person?

A Walter Barnes, held of the Strike Force in New England; Garret Byrne, district attorney, Suffolk County.

Q Is that it? Is that the end of the answer?

A Yes.

Q Did you know Mr. Kelley prior to your meeting at Charles Street Jail on June 5, 1969?

A Yes.

Q As a matter of fact, you met him there June 4, 1969?

A As a matter of fact, no.

Q Did you meet him June 6, 1969 at Charles Street Jail?

A No.

Q Did you not see him two successive days at Charles Street Jail, June 4, 5 or 6?

A I did not see him on two successive days at Charles Stree

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Q In June of 1969?

A I did not see him on two successive days at Charles Street Jail in June of 1969.

Q Were you at Charles Street Jail on two successive days in June of 1969?

A Yes.

Q June 4th and 5th?

MR. ISRAEL: Object, your Honor.

THE COURT: Overruled.

A I have no memory of being there on those dates.

Q At any rate, you knew Mr. Kelley prior to June of 1969?

A Yes, I did.

CROSS EXAMINATION BY MR. SHEEHAN

Q Mr. Rico, you testified that you were going to pass on this cooperation to the proper authorities when you first talked to Mr. Kelley if he cooperated; is that correct?

A I made that statement to him.

Q Yes; in answer to Mr. Chisholm you said you didn't know who the proper authorities were at that time; is that correct?

MR. ISRAEL: I object.

THE COURT: Let him answer it again.

A I didn't know who the proper authorities were at that time.

Q You were going to pass it on; you told Kelley you would

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pass it on, yet you didn't have any idea who to pass it on to?

A I didn't know what he was going to say.

Q When did you first find out what he was going to say?

A I found out what he was going -- part of what he was going to say later that evening.

Q That would be June 5th?

A June 5th, right.

Q That is the first day you saw him, June 5th?

A That's right.

Q He told you a story; is that right?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called some facts to you; is that right?

MR.ISRAEL: Object.

THE COURT: Thisis, of course, no part of direct-examination, Mr. Sheehan, as to what was said.

MR. SHEEHAN: May I be heard, your Honor?

THE COURT: Just tell me briefly if you think it's proper to put it before the jury. Go ahead.

MR. SHEEHAN: I believe he said he talked to him on the 5th and on the 6th, and I think I can go into his conversation, what he talked to him about.

MR. ISRAEL: Is that is what the examiner

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is getting at I will withdrae the objection.

A Is that what you want for an answer?

Q What did you say?

A Is that what you want in the answer, what he talked to me about?

Q No.

A Sorry.

Q I said that he gave you a story; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called certain facts of a transaction; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Well, that's close enough, Mr. Israel.

Q Do you want the question read?

A Yes.

THE COURT: Read it.

(The pending question was read.)

A Yes.

MR. CHISHOLM: Before the answer, I have a motion I'd like to present to the Court at the side bar.

THE COURT: Come up, gentlemen.

(The following proceedings were recorded

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during the side-bar conference:

MR. CHISHOLM: I object to this question being answered, being asked by Mr. Sheehan, and I move for a severance. I should get a ruling first.

THE COURT: You think it opens the door?

MR. CHISHOLM: Yes. I don't want it opened against my client.

MR. CIRESI: I object.

MR. BUCCI: For the record I object.

THE COURT: Do you want to withdraw the question, Mr. Sheehan?

MR. SHEEHAN: May I have the question read?

THE COURT: It opens the door as I view this, getting into an area where this witness is permitted to tell you everything Kelley told him at that interview. Do you want to withdraw the question or do you want an answer?

MR. SHEEHAN: The first interview?

THE COURT: Yes. It shouldn't take you too long to make up your mind.

MR. SHEEHAN: It is for a purpose which is not.

THE COURT: Make up your mind because

I have a ruling to make.

MR. SHEEHAN: I will withdraw it.)

THE COURT: For the record, following the converence at side bench Mr. Sheehan withdraw the last question.

Q Mr. Rico, you testified that the proper authorities were the district attorneys and the local jurisdiction where some effect it would have; is that correct? Partof it?

A The information disseminated to the Justice Department.

Q I believe you also said the district attorneys. You mean like the district attorney for Suffolk County in Boston?

A Yes.

Q And the attorney general for the State of Rhode Island?

A Yes.

Q When did you first notify the attorney general of the State of Rhode Island.

A My first contact with the attorney general of the State of Rhode Island?

Q In regard to this instant case.

A It would be August 7th.

Q You made an affidavit on the 8th, 9th -- an affidavit, excuse me, in Boston concerning this instant case?

MR. ISRAEL: I object.

THE COURT: Read it.

MR. ISRAEL: Maybe it was asked and objected to before by Mr. Chisholm. I will withdraw it.

THE COURT: All right.

MR. SHEEHAN: That is all I have.

THE COURT: Anything else, gentlemen?

MR. RAO: Nothing further, Your Honor.

THE COURT: Any redirect-examination, Mr. Israel?

MR. ISRAEL: None, your Honor.

THE COURT: The witness may be excused.

JAMES WALTER MULLEN, S w o r n

THE CLERK: Tell the Court your name.

THE WITNESS: James Walter Mullen.

MR. SHEEHAN: May we approach the bench before the witness testifies?

(Side-bench conference)

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation.

A I'm a captain in the Rhode Island State Police. I am in charge of the State Police detectives.

Q And how long have you been a captain of detectives?

A Going on three years.

Q And how long have you been a detective in the Rhode Island

RALPH LAMB
Sheriff

OFFICE OF THE SHERIFF
COUNTY OF CLARK
Las Vegas, Nevada 89101
385-4711

March 1., 1970

FROM: Ralph Lamb, Sheriff
Clark County
Las Vegas, Nevada

TO: George Franklin, Esquire
District Attorney
Clark County
Las Vegas, Nevada

SUBJECT: Murder of PETER J. BOULOS
Clark County Sheriff's Office CR# 184-459

SUSPECTS: STEPHEN J. FLEDGE and FRANCIS P. SALERNO

Case Summary

On October 12, 1969, at approximately 1:30PM the body of a white male adult was found eight-tenths of one mile East of Mile Post #36 on Nevada State Route #16, in the County of Clark, State of Nevada.

The body was found in a small wash approximately (40) feet South of the highway by MR. JOHN W. ORR and FRED W. LUJAN, both of [redacted] Mountain Springs, Nevada, Telephone [redacted] Persons discovering are both employed by the Highway Department of the State of Nevada and found the body while working along the highway picking up trash and rubbish.

After the crime scene was searched and all items of any possible evidential value were photographed and impounded by CCSO Identification Bureau, the body was examined. What appeared to be one gunshot wound was noted in the back of the victim's head. After examination at the scene, the body was removed to Bunker Brothers Mortuary in Las Vegas where an autopsy was performed by Dr. JAMES Y. CLARKE. The autopsy revealed that the cause of death was due to multiple gunshot wounds, two in the lower back and one in the back of the head. Two expended bullets were recovered from the victim's body, one of which is sufficient for firearms comparison. Bullets were determined to be .38 caliber with left hand rifling, indicating they may have been fired from a Colt Revolver or some other weapon with similar specifications.

EXHIBIT
299

Dr. CLARKE estimated death to have occurred ten to fourteen days prior to discovery of the body. A complete set of classifiable and identifiable fingerprints were obtained from the body. Description of the victim was as follows: WMA, 45-50, 5'7", approximately 158 lbs., dark brown hair.

The victim was dressed as follows: Royal blue nylon windbreaker type jacket, light blue, square tailed, short sleeve shirt, white t-shirt, grey wool slacks, black belt, white boxer type shorts, with narrow pin stripes, black low quarter shoes, black socks.

The above clothing was impounded and searched for items of identification, however none was found. The only item of any value for identification was a small loose leaf note book in the victim's jacket pocket which had evidently been overlooked by the suspect(s).

Examination of this note book revealed the name: PAUL J. ANDREWS, and the address: 154 N. New Hampshire Street, written on one of the pages. Contact was made with the Los Angeles Police Department at which time it was ascertained that such an address existed in their Ramparts Division. Sgt. MELENDRES and Detective JOE PURMER of the Ramparts Division Homicide Unit were contacted and a request was made for them to check the address at 154 N. New Hampshire Street to ascertain if a PAUL J. ANDREWS resided there. Sgt. MELENDRES and Detective PURMER, after checking this address, reported that Apartment #106, 154 N. New Hampshire had in fact been rented to one PAUL J. ANDREWS on 9/18/69 and that this subject had not been seen in the apartment area for quite some time. They also reported that they examined Apartment #106 and it appeared that the occupant had not been there for quite some time as evidenced by spoiled food in the refrigerator, etc.

A request was made to have Los Angeles Police Identification Officers process latent fingerprints. This request was complied with and several latent fingerprint lifts were forwarded to this Department by Los Angeles Police Department. A subsequent comparison of these prints against the victim's prints made by Detective P. MUMPOWER of the CCSO I.D. Bureau established positively that the victim had resided, or been present, in Apartment #106, 154 N. New Hampshire Street in Los Angeles, California.

On 10/7/69, Detective DUGGAN traveled to Los Angeles to conduct further investigation of this case. Detective DUGGAN contacted Mrs. LENA RICE, Manager of the Parkton Hotel, located at [redacted] Huntington Park, California, Phone #[redacted] regarding subject PAUL J. ANDREWS. Mrs. RICE had been the manager of the apartments located at 154 N. New Hampshire Street at the time the victim registered into Apartment #106.

Mrs. RICE recalled this subject and provided Detective DUGGAN with a physical description fitting closely that of the victim. It was further ascertained that the victim had been accompanied by another man at the time he obtained the apartment. Mrs. RICE

related that she had seen this second subject with ANDREWS on two or three occasions, however was unable to give a very good facial description due to this subject always averting his face.

She did, however, state that the second subject appeared to be a little taller and older than the subject she knew as PAUL J. ANDREWS. Mrs. HICE further related that she last saw both of these subjects on 9/27/69, a Saturday. She remembers the date because that was the date she moved from the apartments to her present address. She recalled that both subjects were entering the door to Apartment #106, both carrying sacks of what appeared to be groceries.

Note: This is in all probability the date the subjects left the apartment as two sacks of groceries were found just inside the doorway by Los Angeles Police Department Officers. This date also coincides with the estimated time of death given by Dr. CLARKE.

Copies of the victim's fingerprint cards were forwarded to CII and FBI, however both agencies failed to make an identification.

It became obvious from investigation conducted in the Los Angeles area that the subject had used false information when registering into the apartment and that the name PAUL J. ANDREWS was an alias.

Victim Identified

On 1/6/70 bulletins were sent to several police agencies on the east coast in an attempt to establish the victim's identity. On 1/30/70 S/A McKINNLEY of the Las Vegas FBI Office notified this Department that his agency had received information from their Boston office to the effect that Boston Police Department had established tentative identification of the victim as being one PETER J. POULOS, a subject wanted by that department for the murder of a local racketeer. It was further learned that PETER J. POULOS was also wanted by the FBI for UFAP in connection with this murder.

On 2/2/70 S/A McKINNLEY furnished this Department with a wanted poster on PETER J. POULOS which contained his fingerprints. A comparison was made between the homicide victim's fingerprints and the prints of PETER J. POULOS by Detective P. MUMPOWER of the CCSO Identification Bureau, at which time the victim was positively identified as PETER J. POULOS.

PETER J. POULOS is described as follows: WMA, dob 7/31/30, 5'7", 160, chestnut hair, brown eyes.

On 2/2/70 a phone call was placed to Sgt. FRANK WALSH of the Organized Crime Section of the Boston Police Department. Sgt. WALSH stated that POULOS was wanted by his department, along with a STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of one WILLIAM BENNETT

which occurred in the Boston area on 12/27/66. Sgt. WALSH related that POULOS was a loan shark and racketeer in the Boston area. He further stated that STEPHEN J. FLEMMI and FRANCIS P. SALEMME are members of an eastern Cosa Nostra family and were associates of POULOS, although POULOS was not a member of the Cosa Nostra. Sgt. WALSH stated that POULOS, FLEMMI and SALEMME were suspected of several more murders in the Boston area. On 9/11/69 all three subjects were indicted by a Grand Jury in Boston for the murder of the aforementioned WILLIAM BENNETT. On the same date, Sgt. WALSH stated that POULOS, FLEMMI and SALEMME disappeared from the Boston area. Investigation conducted by the Boston Police Department revealed that on this date (9/11/69) POULOS received several phone calls for him to get in touch with "STEVE" (believed to be STEPHEN FLEMMI). Upon his arrival at home POULOS told his mother that he was going to take a vacation and go to Cape Cod for a while. He immediately left, taking very few clothes.

Further information was received by the Boston Police Department to the effect that POULOS took approximately $50,000.00 with him and that it was expected that he would never be seen alive again. Sgt. WALSH stated that it was common knowledge among police circles that FLEMMI and SALEMME considered POULOS to be a "weak link" and would, sooner or later, kill him.

After establishing the identity of the victim and receiving the aforementioned information from Boston, this Department obtained photos of victim PETER J. POULOS, STEPHEN J. FLEMMI and FRANCIS P. SALEMME.

These photos were forwarded to Sgt. MELENDRES and Detective PURMER of the Los Angeles Police Department who took them to Mrs. LENA RICE in an attempt to establish identification of the second subject seen by her with the victim.

Sgt. MELENDRES and Detective PURMER reported that after viewing the photos, Mrs. RICE was unable to positively identify any of the subjects as being the person she knew as "PAUL J. ANDREWS", however she did state that FRANCIS SALEMME very closely resembled the person she knew as ANDREWS, and that the second subject with ANDREWS resembled PETER POULOS.

It should be noted that further information received from Sgt. WALSH of the Boston Police Department regarding the murder of WILLIAM BENNETT, the crime for which these suspects were under indictment, indicated that victim POULOS was used by FLEMMI and SALEMME as a "decoy" to get BENNETT into a position where he could be killed. Further that Boston Police Department recovered bullets from the body of BENNETT, said bullets being .38 caliber with left hand rifling, the same type and weight which was recovered from victim POULOS' body.

Conclusion:

From the above investigation it becomes apparent that victim PETER J. POULOS and suspects STEPHEN J. FLEMMI and FRANCIS P. SALEMME left Boston, Massachusetts on or about 9/11/69, traveling to Los Angeles, California. On 9/18/69, Apartment #106, located at 154 N. New Hampshire Street in Los Angeles, California was rented by one of the subjects, using the name "PAUL J. ANDRESCI". On or about 9/27/69 victim POULOS and suspects FLEMMI and SALEMME left the apartment in Los Angeles enroute to Las Vegas. Victim and suspects, in all probability, left Interstate #15 at Baker, California traveling to Shoshone, California and into Nevada on Nevada State Route #16 at Pahrump, Nevada.

Suspects FLEMMI and SALEMME shot and killed victim PETER J. POULOS leaving his body alongside the highway where it was subsequently discovered. This Department has been unable to find any evidence to indicate that victim POULOS ever arrived at Las Vegas.

It should be noted that both suspects, STEPHEN J. FLEMMI and FRANCIS P SALEMME, are both wanted for murder by the Boston, Massachusetts Polic Department and UFAP Warrants have been issued for them through the FBI. To date no trace of either suspect has been found.

Witnesses:

1. JOHN W. ORR, [redacted] Mountain Springs, Nevada, Phone #[redacted]

2. FRED W. LUJAN (same address and phone as above).

   Above subjects can testify as to their finding the victim's body.

3. SGT. D. CAPUTO, CCSO.

4. Detective D. WEIDEMANN, CCSO.

5. Detective P. MUMPOWER, CCSO.

   Can testify to all photos taken of the scene, crime scene search, evidence found at scene, crime scene sketch, and evidence booked from the crime scene.

6. Dr. JAMES CLARKE, Clark County Pathologist.

   Can testify as to the autopsy and his findings.

7. Sgt. D. CAPUTO, CCSO I.D. Bureau.

8. Detective W. J. DUNN, CCSO I.D. Bureau.

Witnessed the autopsy, can testify as to the clothing and items removed from the body, items found in the pockets of the clothing, the removal of one bullet from the body and all autopsy photos.

9. Sgt. MELENDRES, Los Angeles Police Department, Ramparts Division Homicide Unit.

10. Detective JOE HUBNER, Los Angeles Police Department, Ramparts Division Homicide Unit.

Can testify as to locating the apartment in Los Angeles and their examination of the apartment. Detective HUBNER can also testify as to his showing Mrs. LENA RICE photos of the victim and suspects.

11. Mrs. LENA RICE, [redacted] Huntington Park, California, phone # [redacted]

Can testify as to the subjects renting the apartment in Los Angeles and information given by subject known to her as "PAUL J. ANDREWS".

12. S/A McKINNLEY, Las Vegas FBI Office.

Can testify as to receiving information from S/A LINK in Boston regarding the tentative identification of the victim.

13. Detective P. MUMPOWER, CCSO I.D. Bureau.

Can testify as to his positive identification of the victim through fingerprint comparison.

14. Sgt. FRANK WALSH, Organized Crime Section, Boston Police Department, Boston, Massachusetts.

Can testify as to suspects and victims background and to the circumstances surrounding the disappearence of the victim from the Boston area. Can also testify to the fact that victim and suspects were, and are now under indictment for murder, and that POULOS was a potential witness against them.

Criminal Record:

1. STEPHEN J. FLEMMI - FBI # 401425C.

2. FRANCIS P. SALEMME - FBI # 433761F.

[redacted]

Above suspects have no arrest record with any local police agencies, however both have extensive arrest records on the east coast, particularly the Boston area for crimes wherein firearms were used. Both suspects are presently wanted by the Boston Police Department for murder and the FBI for UFAP for this murder. Photos are available.

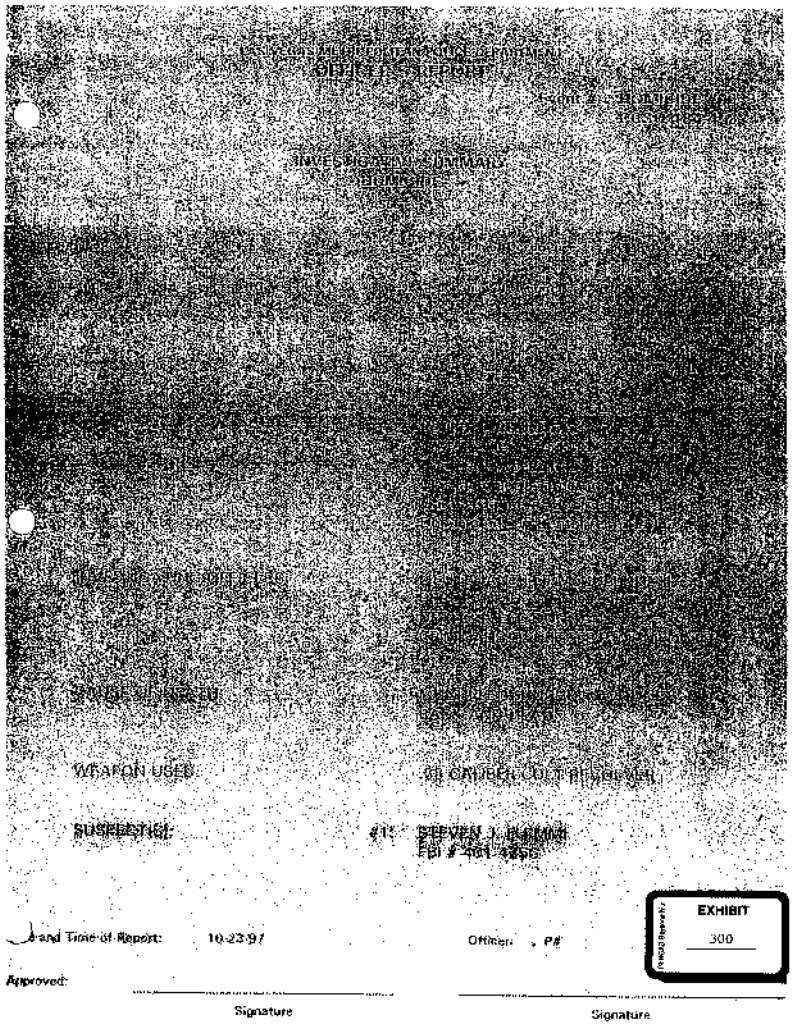
Special Note:

It is respectfully requested that warrants and complaints charging the crime of Murder as outlined under NRS 200.010 be issued for STEPHEN J. FLEMMI and FRANCIS P. SALEMME for the murder of PETER J. POULOS.

Respectfully submitted,

Detective Jim Duggan
Detective Charles Lee

JD:CL:lm



[illegible] MEDIC [illegible] DEPARTMENT
OFFICER'S REPORT

Event #: [illegible]

INVESTIGATION SUMMARY
[illegible]

[illegible]

WEAPON USED: [illegible] CALIBER COLT REVOLVER

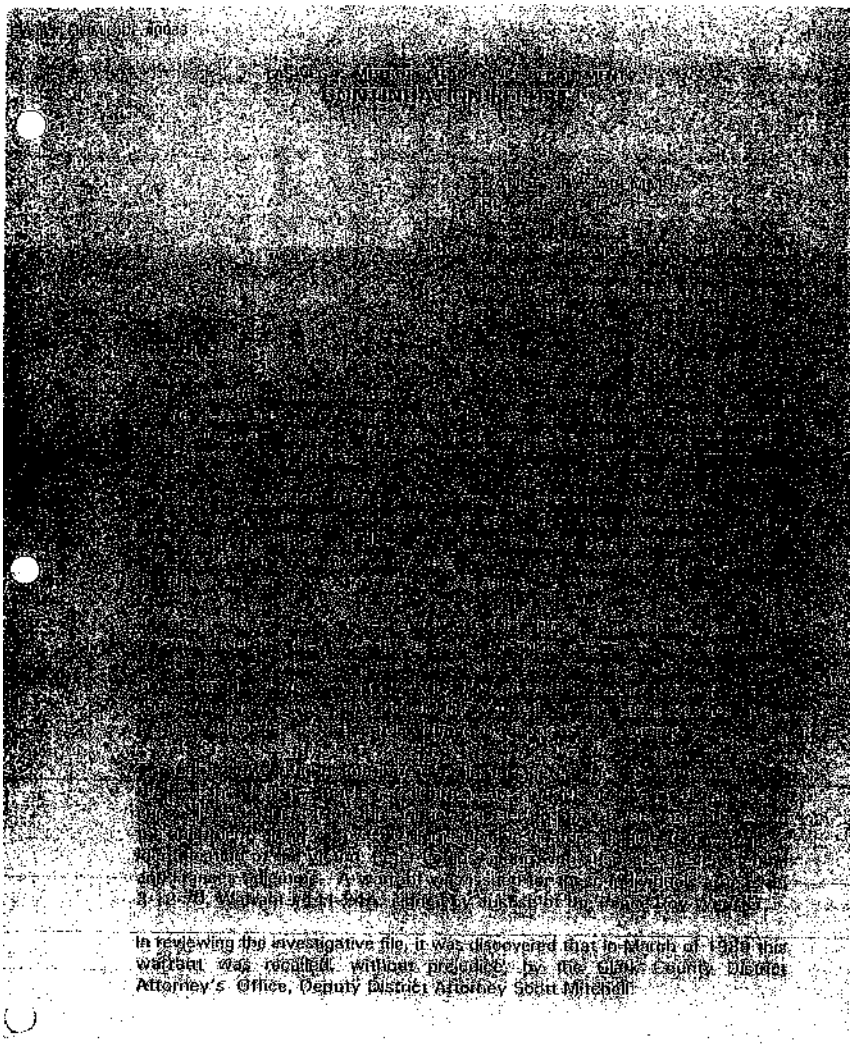
SUSPECTED: #1: STEVEN J. [illegible]
FBI # [illegible]

Date and Time of Report: 10-23-97 Officer: , P#

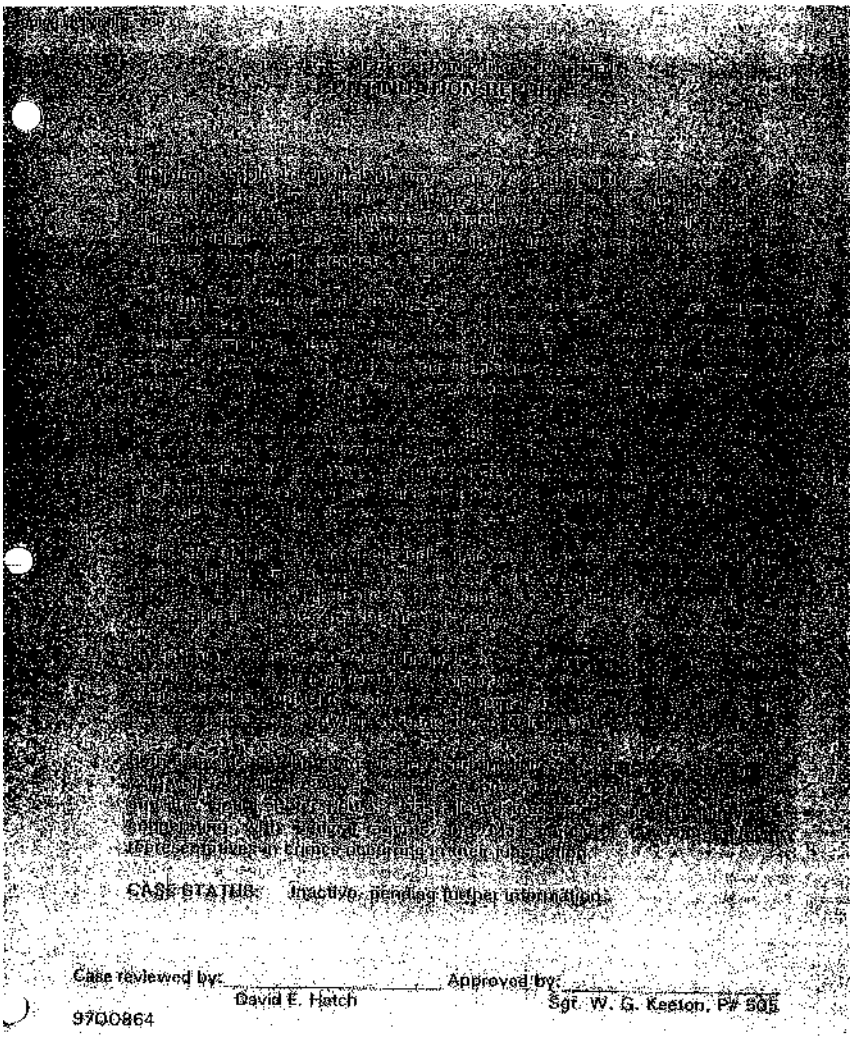
EXHIBIT
300

Approved:

Signature Signature



In reviewing the investigative file, it was discovered that in March of 1989 this warrant was recalled, without prejudice, by the Clark County District Attorney's Office, Deputy District Attorney Scott Mitchell.



CASE STATUS: Inactive, pending further information.

Case reviewed by: _____ Approved by: _____
David E. Hatch Sgt. W. G. Keeton, P# 505

97OO864

CLARK COUNTY SHERIFF'S DEPARTMENT
200 EAST CARSON STREET
LAS VEGAS, NEVADA

INVESTIGATION/CASE CLEARED REPORT ☐ MULTIPLE REPORT DR 194-4[illegible]

TYPE CRIME			
MURDER	Unknown		
DATE AND TIME OCCURRED	DATE AND TIME REPORTED	LOCATION OF OCCURRENCE	BTHO. DIST
Bet. 9/27/68 & 10/10/69	3/19/70 2:40pm	St. 16 Pahrump Valley	
VICTIM'S NAME (Last, First, Middle)	SEX, RACE, OCCUPATION, EMPLOYER		
PETER J. POULOS	Unknown	Nuisance	

Property Recovered | TOTAL | RECOVERED | PARTIAL | NONE | RELEASED BY DEPT. | Additional Property | LOSS THIS REPORT $ | RECOVERY $

Cases | Report Unfounded | Cleared | Cleared Exceptionally | RECLASSIFY TO: | MARYLAND WANTS RE PROPERTY FILED | YES | NO

SUSPECT(S) | NAME | DESC. | AGE | HGT. | WGT. | RACE | EYES | CHARGE

STEPHEN JOSEPH FLEMMI/FBI #401425C/WMA/DOB - 6-[illegible]/5'8"/140/drkbrn/brn/MURDER
[illegible]/FBI #453157/WMA/DOB - 8-16-43/6'/195/brn/brn/MURDER

(1) ALL KNOWN INVESTIGATION PROCEEDED AS OF THIS REPORT? (2) DESCRIBE ANY CHANGE IN ALL (3) WERE WEAPONS AND/OR WEAPONS USED IN CRIME REPORT HAVE NOT BEEN INTERVIEWED, GIVE REASONS? (4) ADDITIONAL PROPERTY LOSS DISCOVERED? DESCRIBE, GIVE VALUE, INCLUDE ALL ITEMS RECOVERED. LIST PROPERTY RECOVERED AND/OR RETURNED, INCLUDING DESCRIPTION, SERIAL AND/OR OWNER APPLIED NUMBERS, ETC. AND VALUE. (5) IF ARRESTS OR WARRANTS, EXPLAIN AND CHANGES TO BE MADE. PROVIDE DESCRIPTIONS. REPORT ALL "SUSPECTS" AND INSCRIPTIONS DEVELOPED DURING INVESTIGATION.

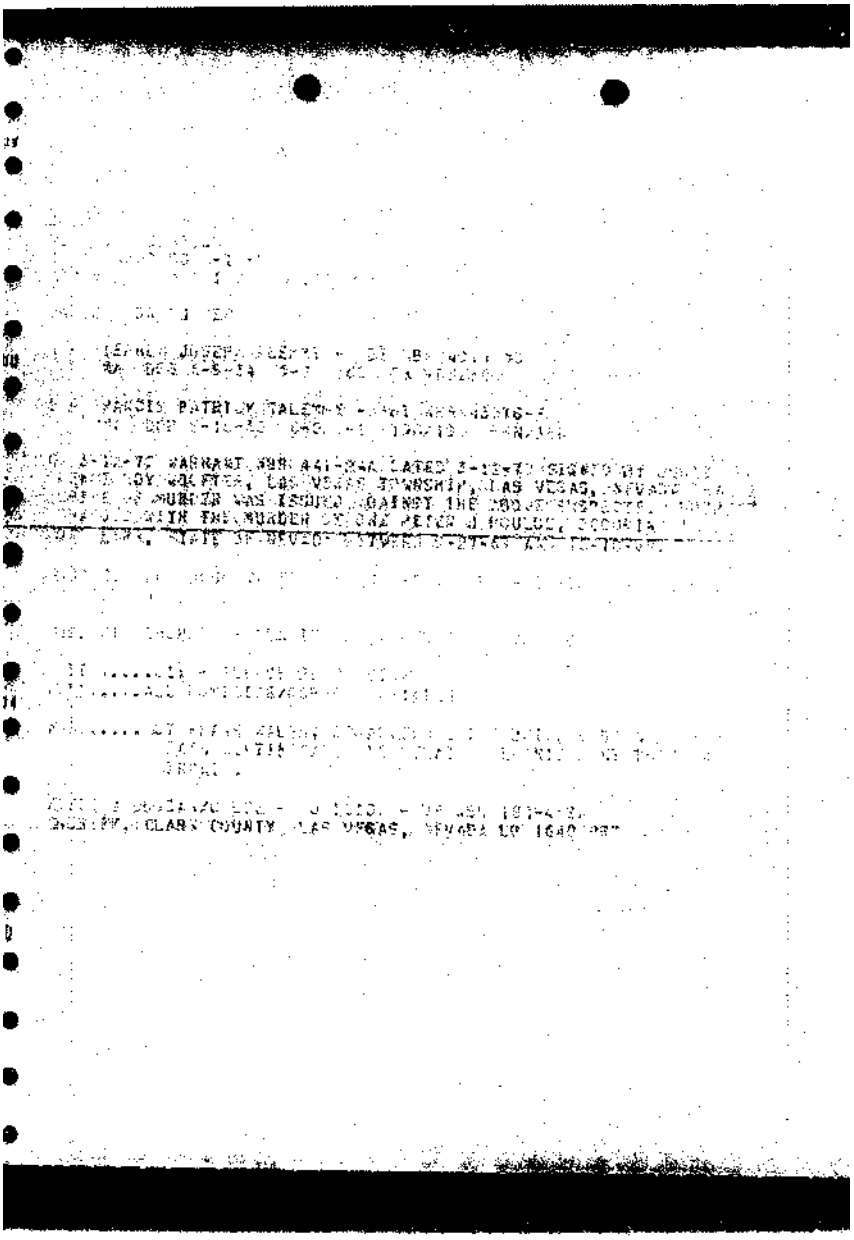
ITEM NO.	PERSON REPORTING OR ADDITIONAL PERSONS INTERVIEWED	RESIDENCE ADDRESS	CITY	RESIDENCE PHONE	BUSINESS PHONE

DETAILS:
On 3/12/70 Warrant #441-24A signed by Judge ROY WOOFTER charging the crime of MURDER was issued for the arrest of the above suspects for the MURDER of the above victim. It should be noted that suspects are also wanted for MURDER by the Boston Police Department in Boston, Massachusetts and UFAP has been issued through the FBI. The above victim, PETER J. POULOS, was also wanted by Boston for the same MURDER. ARB teletype was sent on 3/12/70. In view of the above this case may be closed.

CASE STATUS/Exceptionally cleared. Suspects identified and warrants issued.

If additional space is required, use Continuation Sheet. TOTAL VALUE $

DATE AND TIME TYPED	DIVISION	CLERK	INTERVIEWING OFFICER	SER. NO.	DIVISION	PERSON REPORTING (SIGNATURE)
3/20/70 12am-P. MASON						



A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment, Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

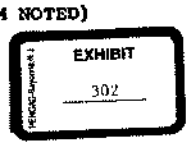
Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)



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A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry. I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

the Charles Street Jail.

Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?

A I did.

Q And is that when he was being held for lack of $250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?

A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.

Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?

A Yes, that is true.

Q And he hadn't furnished bail at that time?

A I had no knowledge at that time of what his condition was.

MR. CIRESI: I see.

Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?

A I am aware of that.

Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?

A I did not.

Q And was Mr. Harrington there at the Courthouse?

MR. ISRAEL: Well, now --

MR. ISRAEL. Objection.

THE COURT. Sustained. You want to stri
it?

MR. ISRAEL. No, I think not.

Q Your answer was yes, is that correct?

A That's correct.

MR. SHEEHAN. That's all I have,
Your Honor please.

THE COURT. Anything further, Gentlemen?
Nothing? Any redirect examination, Mr Israel?

MR. ISRAEL. One question. I really don'
know how to handle this. May we have a side-bar conferenc

THE COURT. Come up.

(Conference at the bench)

MR. ISRAEL. I have no further questions,
Your Honor.

THE COURT. All right, Mr. Farina, thank
you. You're excused.

MR. ISRAEL. Paul Rico.

H. PAUL RICO

SWORN

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation?

A Special Agent, Federal Bureau of Investigation.

Q How long have you been a Special Agent with the Federal Bureau of Investigation?

A Nineteen years.

Q Were you a special agent in 1969?

A I was.

Q In June, July and August of that year?

A Yes, I was.

Q And to what office were you assigned to that period of time

A To the Boston office of the FBI.

Q Did you have occasion during those months to meet with John J. Kelley?

A I did.

Q And in that period of time, referring to those months of 1969, when was the first time that you met him?

A June 5, 1969.

Q And where was that meeting?

A At Charles Street Jail.

Q. And did you have occasion to meet with him on dates after June 5, 1969?

A I did.

Q Do you remember where any of those meetings took place?

A Yes, I do.

Q Did any of those meetings take place other than the Charle Street Jail?

A They did.

Q Were any of them at the Barnstable County House of Correction?

A Yes.

Q And in some other places?

A Yes.

Q Did you meet with him on June 25, 1969?

A I did.

Q On June 30, 1969?

A No.

Q On July 8, 9 or 10th?

A Yes, I did.

Q On how many of those three dates in July?

A On the three dates.

Q And after July 8, 9 and 10th of '69, did you meet with him?

A Yes, I did.

Q Now, were you ever present when Mr. Kelley was shown photographs?

A Yes, I was.

Q On how many occasions were you present when he was shown photographs?

A I was on two occasions.

Q And on those two occasions, was there anyone else present besides yourself?

A Yes.

Q When he was shown photographs?

A Yes.

Q Who were those other people?

A Agent Robert Sheehan.

Q Was Mr. Kelley there?

A Yes.

Q And were you present on an occasion when Mr. Kelley drew some diagram or diagrams?

A I was.

Q How many diagrams did he draw?

A He drew three diagrams.

Q Was anyone else present at the time Mr. Kelley drew the three diagrams?

A Myself and Agent Sheehan and Mr. Kelley.

Q Now did you observe Mr. Kelley as he drew the diagram?

A Yes, I did.

Q And did you assist him to draw the diagrams?

A No, I did not.

Q Did you speak to him while he was drawing the diagrams?

A No, I did not.

Q Did you speak to him before he drew the diagrams within a space of a few minutes?

A Not pertaining to the drawings.

Q Now, in the course of any of your conversations with Mr. Kelley, did you make any promises to him regarding his making statements in your presence, any promises regarding the statements he might have made in your presence?

A I made no promises to him.

Q Now, regarding any testimony which he might give, did you make any promises to him regarding any testimony he might give?

A I made a statement to him.

Q And by that, I take it you deny that you yourself --

MR. ISRAEL: All right, I'll reframe the question.

Q You make certain statements to him?

A Yes, I did.

Q Regarding what?

A I told him that any cooperation that he gave to the United States Government will be brought to the attention of the proper authorities.

Q Now, did you make any statements to him regarding testimony that he might give in Rhode Island?

A No, I did not.

Q Did you make any statements to him regarding any conversation he might have with you regarding events in Rhode Island?

MR. SHEEHAN: I'll object to that, Your Honor please.

THE COURT: Grounds?

MR. SHEEHAN: Well, I think it's immaterial. He's already had immunity from Rhode Island.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

THE COURT: Read the question to the witness, please.

MR. SHEEHAN: May the record indicate "he" means Kelley, Your Honor please.

THE COURT: May the record indicate what?

MR. SHEEHAN: That when I use the word "he" he means Kelley.

(Pending question read)

Q Do you understand the question?

A No.

MR. ISRAEL: I'll reframe it.

Q Did you make any promise or any statements to him as to what might happen if he were to make statements to authorities from Rhode Island?

MR. SHEEHAN: Object, Your Honor please.

THE COURT: Overruled.

MR. SHEEHAN: Exception.

(EXCEPTION OF MR. SHEEHAN NOTED)

A I made no such statements.

Q Now, were any statements made by you to Mr. Kelly regarding his personal security?

A Yes.

Q And what were those statements?

A I told him that the United States Government had agreed to give him personal security.

Q Now, by "United States Government," do you mean the Federal Bureau of Investigation?

A No. I mean the Department of Justice has informed me that the United States Marshals would protect him.

Q I take it, then, that you relayed a message to him in your statements to him; is that correct?

A That's true.

Q Now, of your own knowledge, at that time did the Federal Bureau of Investigation independently have authority to offer any protection or security to Mr. Kelley?

A No, they did not.

Q Did you describe to Mr. Kelley the kind of personal security and protection that he might expect from the United States Government?

A No, I did not.

Q Did you make any threats to Mr. Kelley?

A No, I did not.

Q Did you hear Mr. Sheehan make any threats?

A No, I did not.

Q And while Mr. Sheehan was present, with you during any of the conversations at which you, Mr. Sheehan and Kelley were present, did Mr. Sheehan make any threats?

A No, he did not.

Q Did you?

A No, I did not.

Q At anytime when you were present with Mr. Kelley, did you hear anyone make any threats?

A No, I did not.

MR. ISRAEL: May I just a moment, Your Honor please. You may inquire.

CROSS EXAMINATION BY MR. CHISHOLM

Q Mr. Rico, did Mr. Kelley tell you that on or about March 4, 1968, he met John Doe, Richard Roe, Maurice Lerner and Rudolph Sciarra at a motel room in Seekonk, Mass.?

MR. ISRAEL: Objection.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q Mr. Rico, did you file an affidavit in the Federal District Court in Boston --

MR. ISRAEL: Objection.

THE COURT: Well, now --

MR. ISRAEL: I think Your Honor should examine him.

THE COURT: Let him finish the question.

MR. ISRAEL: Oh, I'm sorry.

Q (Continued) -- in August of 1969?

MR. ISRAEL: No, I object.

THE COURT: You may answer the question "yes" or "no," Mr. Rico.

A Yes.

Q And that affidavit was -- you did sign that under oath?

MR. ISRAEL: Objection.

Well, I withdraw it, I'm sorry.

THE COURT: That's what an affidavit is; isn't it?

MR. CHISHOLM: I want to make sure the witness understands.

Q (Continued) You signed under oath; didn't you?

A I did.

Q It was your oath?

A It was.

Q Now, I'll ask you again, whether or not --

MR. ISRAEL: I object.

Q -- Mr. Kelley told --

MR. ISRAEL: I object and I'm interrupting counsel deliberately.

THE COURT: The objection is sustained, this being far removed from direct-examination, as I view it, Mr. Chisholm.

Q Well, Mr. Rico, you're not going to leave the jurisdiction, are you, in the near future, next week or so?

A I hope to leave the State of Rhode Island. I'm going to leave the State of Rhode Island.

THE COURT: What counsel means, Mr. Rico, if he wants to call you as a witness for the defendant you will be available a little later on.

THE WITNESS: Gladly.

Q Without a subpoena being issued to you?

MR. ISRAEL: I object. I think he said "gladly."

THE COURT: Oh, well, let's not fool around, gentlemen. You said you'll be available, Mr. Rico?

THE WITNESS: Yes.

THE COURT: All right.

Q May I have the answer, Mr. Rico?

A Yes.

Q Now, did you tell Mr. Kelley he'd be provided with a new identity?

A No, I did not.

Q Did anyone in your presence tell him that?

A No.

Q Did you tell Mr. Kelley he'd be relocated in another part of the world after the completion of the outstanding charges against him in the Massachusetts Superior Court?

A I don't even talk like that. I'm sorry, I didn't say that.

MR. CHISHOLM: Your Honor, may the witness's comments be stricken.

THE COURT: No, let it stand.

Q Mr. Rico, did you tell Mr. Kelley that he would be relocated in another part of the world after the completion of the outstanding charges pending against him in the Massachusetts Superior Court?

MR. ISRAEL: Object. I think it's been answered.

THE COURT: Let him answer that.

MR. CHISHOLM: I don't consider that an answer.

A No.

Q Now, when you told us the United States Government agreed to give him personal security, what members of the United States Government were going to give him this personal security?

A The U. S. Marshals.

Q Well, who did you speak to?

A I spoke to the representative of the Department of Justice, Mr. --

Q What's his name?

MR. ISRAEL: He was just about -- oh, I'm sorry.

THE WITNESS: Theodore F. Harrington.

Q And is he a representative of the United States Marshals' Office?

A No, he is not.

Q Well, what United States Marshals did you speak to?

A I did not speak to United States Marshals.

MR. ISRAEL: Object -- I'm sorry. I think there's an answer, Your Honor.

Q Well, did other representatives of the United States Government talk to Mr. Kelley in your presence, other than Mr. Sheehan you've already referred to in your testimony?

A Yes.

Q And can you tell us the names of those persons?

A Yes.

Q And what are those names?

A Theodore F. Harrington, Special Agent David Divan and Special Agent Al Kohler.

THE REPORTER: Would you spell that, please

THE WITNESS: I think it's K-O-H-L-E-R.

Q Any others?

A Not that I can recall.

Q Now, what was the next date that you met with Mr. Kelley after June 5 of 1969?

A June 6th.

Q And the next date after that?

A Pertaining to this matter?

MR. CHISHOLM: Pertaining to any matter.

MR. ISRAEL: Object.

MR. CHISHOLM: All right, pertaining to this matter.

THE WITNESS: June 25.

Q And the next date after that?

A July 8th.

Q Next date after that?

A July 9th.

Q And the next date after that?

A July 10th.

Q Next date after that?

A July 17th.

Q Were there any dates after that?

A I cannot recall any specific dates after that.

Q Well, were there dates after that?

A There are dates after that that I've met Mr. Kelley.

Q Are you saying this subject of this case?

A I'd say yes.

Q Well, when you say you'd say "yes," are you guessing or --

A No, I'm not guessing. I'm just trying to answer the question.

Q And did you make some notes of your interviews?

A No.

Q You didn't make any notes?

A No.

Q And did you use any notes, or documents, or papers, or writings to refresh your memory --

MR. ISRAEL: I object.

Q -- before testifying?

MR. ISRAEL: I still object. Purpose, Your Honor?

THE COURT: I beg your pardon?

MR. ISRAEL: To refresh his memory as to what, Your Honor. I object.

THE COURT: Before testifying here meaning in this trial?

MR. ISRAEL: All right. I'll withdraw the objection.

MR. CHISHOLM: Yes.

A Yes.

Q And may I see those?

(Witness complying)

Q And is this paper that you've shown me the only notes, paper, or documents, or memoranda that you've used to refresh your memory before testifying here?

A Yes.

Q And did you obtain that from --

MR. CHISHOLM: Strike it.

A Yes.

MR. CHISHOLM: I was going to say Agent Sheehan, but I said "strike it," Your Honor.

THE COURT: You anticipated the question, did you?

THE WITNESS: Yes, I did, Your Honor.

THE COURT: All right, Mr. Rico.

Q By the way, Mr. Rico, do you have a copy of that affidavit that you filed in the Federal District Court in August of 1969?

MR. ISRAEL: I object.

THE COURT: Sustained.

MR. CHISHOLM: Exception.

(EXCEPTION OF MR. CHISHOLM NOTED)

Q And, well, Mr. Rico, will you obtain a copy of that affidavit or look it over before next -- the next few days?

MR. ISRAEL: Object.

THE COURT: Sustained.

MR. CHISHOLM: I have no further questions.

CROSS-EXAMINATION BY MR. CIRESI

Q Mr. Rico, you testified that the first occasion you talked to John Kelley, or met with John Kelley was at the Charles Street Jail; is that correct?

MR. ISRAEL: I object.

Q (Continued) Isn't that your testimony?

MR. ISRAEL: No, I object, Your Honor.

A No (nodding).

THE COURT: Did he say that was the first time? I know he said that he met him June 5th at

the Charles Street Jail.

Q Well, did you meet Mr. Kelley June 5th at the Charles Street Jail?

A I did.

Q And is that when he was being held for lack of $250,000 bail, or concerning a charge -- criminal charge against him in Massachusetts?

A I don't know -- I'm not aware of the terms that he was being held. He was held at the Charles Street Jail.

Q He was being held at Charles Street Jail and on criminal charge in Massachusetts; is that correct?

A Yes, that is true.

Q And he hadn't furnished bail at that time?

A I had no knowledge at that time of what his condition was.

MR. CIRESI: I see.

Q And, then, subsequent to this meeting on June 5th, Mr. Kelley was then released on personal recognizance; are you aware of that?

A I am aware of that.

Q And did you appear at the Suffolk County Courthouse when the bail was reduced to personal recognizance?

A I did not.

Q And was Mr. Harrington there at the Courthouse?

MR. ISRAEL: Well, now --

MR. CIRESI: Well, if he knows, Your Honor.

THE COURT: All right.

A I have no way of knowing.

Q You have no way of knowing?

A No (Nodding).

Q And, then, your subsequent conversations with Mr. Kelley was after he was released; is that from the jurisdiction of Massachusetts; is that correct?

A No, that's not correct.

Q Well, he wasn't being held by the Massachusetts Authorities any longer when these subsequent conversations with you were taking place? He was free from the Massachusetts Authorities; wasn't he?

A That is not correct.

Q That isn't correct?

A No.

Q Well, is he being held in any jail by Massachusett Authorities? By that I mean, the State of Massachusetts at this time?

MR. ISRAEL: I object.

THE COURT: If the witness knows, he can tell us, Mr. Israel.

MR. ISRAEL: All right.

A No, he is not.

MR.CIRESI: He is not. I have no further questions.

MR. CHISHOLM: May I re-open?

THE COURT: Go ahead.

CROSS-EXAMINATION BY MR. CHISHOLM CONTINUED

Q Mr. Rico, when you referred in your direct testimony to "proper authorities," who do you say the proper authorities are?

A At the time I said it, I had no way of knowing who the proper authorities were going to be.

Q Well, who do you consider proper authorities?

MR. ISRAEL: Object, now or then?

THE COURT: This is of the time --

MR. CHISHOLM: Well, both questions, Mr. Israel.

THE COURT: This is directed to the time when he said he would bring it to the attention of the proper authorities?

MR. CHISHOLM: Yes, Your Honor.

THE COURT: All right, as of then.

A I have no way of knowing who the proper authorities were going to be.

Q Did Mr. Kelley ask you who the proper authorities were?

A I had no knowledge of what he was going to talk about.

Q Did Mr. Kelley ask you who the proper authorities were?

A No, he did not.

Q Did you tell him who the proper authorities were?

A I did not.

Q Since that time have you determined who the proper authorities are?

A Not in all instances.

Q Well, did you determine what you considered some of the proper authorities were?

A Yes.

Q Who do you consider the proper authorities?

MR. ISRAEL: Object.

THE COURT: I think it's all right.

MR. ISRAEL: I will withdraw the objection.

Q Whatperson?

A I consider the proper authorities to be the district attorney of the areas or the prosecuting authorities in the areas who cover the violations of the law.

Q By person can you identify any person?

A You are asking my opinion?

Q I am not asking your opinion. Who do you now consider to be the proper authorities?

A In this instance here?

Q Mr. Rico, did you tell Mr. Kelley you would bring any

cooperation he gave to the attention of the proper authorities?

A I did.

Q All right then. Now, you say he gave you some, what you consider, cooperation?

A Yes.

Q Now, what proper authorities by person, by identify, do you say you would bring his cooperation to the attention of?

A To the Department of Justice.

Q By person. Can you identify the person?

A Walter Barnes, held of the Strike Force in New England; Garret Byrne, district attorney, Suffolk County.

Q Is that it? Is that the end of the answer?

A Yes.

Q Did you know Mr. Kelley prior to your meeting at Charles Street Jail on June 5, 1969?

A Yes.

Q As a matter of fact, you met him there June 4, 1969?

A As a matter of fact, no.

Q Did you meet him June 6, 1969 at Charles Street Jail?

A No.

Q Did you not see him two successive days at Charles Street Jail, June 4, 5 or 6?

A I did not see him on two successive days at Charles Street Jail.

f3 3

Q In June of 1969?

A I did not see him on two successive days at Charles Street Jail in June of 1969.

Q Were you at Charles Street Jail on two successive days in June of 1969?

A Yes.

Q June 4th and 5th?

MR. ISRAEL: Object, your Honor.

THE COURT: Overruled.

A I have no memory of being there on those dates.

Q At any rate, you knew Mr. Kelley prior to June of 1969?

A Yes, I did.

CROSS EXAMINATION BY MR. SHEEHAN

Q Mr. Rico, you testified that you were going to pass on this cooperation to the proper authorities when you first talked to Mr. Kelley if he cooperated; is that correct?

A I made that statement to him.

Q Yes; in answer to Mr. Chisholm you said you didn't know who the proper authorities were at that time; is that correct?

MR. ISRAEL: I object.

THE COURT: Let him answer it again.

A I didn't know who the proper authorities were at that time.

Q You were going to pass it on; you told Kelley you would

pass it on, yet you didn't have any idea who to pass it on to?

A I didn't know what he was going to say.

Q When did you first find out what he was going to say?

A I found out what he was going -- part of what he was going to say later that evening.

Q That would be June 5th?

A June 5th, right.

Q That is the first day you saw him, June 5th?

A That's right.

Q He told you a story; is that right?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called some facts to you; is that right?

MR.ISRAEL: Object.

THE COURT: Thisis, of course, no part of direct-examination, Mr. Sheehan, as to what was said.

MR. SHEEHAN: May I be heard, your Honor?

THE COURT: Just tell me briefly if you think it's proper to put it before the jury. Go ahead.

MR. SHEEHAN: I believe he said he talked to him on the 5th and on the 6th, and I think I can go into his conversation, what he talked to him about.

MR. ISRAEL: Is that is what the examiner

is getting at I will withdrae the objection.

A Is that what you want for an answer?

Q What did you say?

A Is that what you want in the answer, what he talked to me about?

Q No.

A Sorry.

Q I said that he gave you a story; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Sustained.

Q He related what he called certain facts of a transaction; is that correct?

MR. ISRAEL: I object to that.

THE COURT: Well, that's close enough, Mr. Israel.

Q Do you want the question read?

A Yes.

THE COURT: Read it.

(The pending question was read.)

A Yes.

MR. CHISHOLM: Before the answer, I have a motion I'd like to present to the Court at the side bar.

THE COURT: Come up, gentlemen.

(The following proceedings were recorded

3 6

during the side-bar conference:

MR. CHISHOLM: I object to this question being answered, being asked by Mr. Sheehan, and I move for a severance. I should get a ruling first.

THE COURT: You think it opens the door?

MR. CHISHOLM: Yes. I don't want it opened against my client.

MR. CIRESI: I object.

MR. BUCCI: For the record I object.

THE COURT: Do you want to withdraw the question, Mr. Sheehan?

MR. SHEEHAN: May I have the question read?

THE COURT: It opens the door as I view this, getting into an area where this witness is permitted to tell you everything Kelley told him at that interview. Do you want to withdraw the question or do you want an answer?

MR. SHEEHAN: The first interview?

THE COURT: Yes. It shouldn't take you too long to make up your mind.

MR. SHEEHAN: It is for a purpose which is not.

THE COURT: Make up your mind because

I have a ruling to make.

MR. SHEEHAN; I will withdraw it.)

THE COURT: For the record, following the converence at side bench Mr. Sheehan withdraw the last question.

Q Mr. Rico, you testified that the proper authorities were the district attorneys and the local jurisdiction where some effect it would have; is that correct? Partof it?

A The information disseminated to the Justice Department.

Q I believe you also said the district attorneys. You mean like the district attorney for Suffolk County in Boston?

A Yes.

Q And the attorney general for the State of Rhode Island.

A Yes.

Q When did you first notify the attorney general of the State of Rhode Island.

A My first contact with the attorney general of the State of Rhode Island?

Q In regard to this instant case.

A It would be August 7th.

Q You made an affidavit on the 8th, 9th -- an affidavit, excuse me, in Boston concerning this instant case?

MR. ISRAEL: I object.

THE COURT: Read it.

MR. ISRAEL: Maybe it was asked and objected to before by Mr. Chisholm. I will withdraw it.

THE COURT: All right.

MR. SHEEHAN: That is all I have.

THE COURT: Anything else, gentlemen?

MR. RAO: Nothing further, Your Honor.

THE COURT: Any redirect-examination, Mr. Israel?

MR. ISRAEL: None, your Honor.

THE COURT: The witness may be excused.

JAMES WALTER MULLEN, S w o r n

THE CLERK: Tell the Court your name.

THE WITNESS: James Walter Mullen.

MR. SHEEHAN: May we approach the bench before the witness testifies?

(Side-bench conference)

DIRECT EXAMINATION BY MR. ISRAEL

Q State your occupation.

A I'm a captain in the Rhode Island State Police. I am in charge of the State Police detectives.

Q And how long have you been a captain of detectives?

A Going on three years.

Q And how long have you been a detective in the Rhode Island

FD-204 (Rev. 3-3-58)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER H. BARNES, Departmental Attorney, Boston

Report of: JAMES F. LINK
Date: 1/12/70

Office: Boston, Massachusetts

Field Office File #: 92-1416

Bureau File #: 92-11381

Title: VINCENT J. FLEMMI

Character: ANTI RACKETEERING

Synopsis: Subject observed in Jamaica Plain area of Boston and in Boston with JOHN MARTORANO and JESSIE TORTORICCI and other members of the criminal element in Boston. Contact with informants and Boston Police Department set forth. Details of the subjects arrest and subsequent trial also included. Subjects whereabouts unknown at this time. ARMED AND DANGEROUS.

- P -

DETAILS:

On January 12, 1970, records at the Boston Police Department indicated that VINCENT J.(JIMMY) FLEMMI, 35 years of age of Hyde Park, Massachusetts was held on $25.000 bail on January 8, 1970, on indictments stemming from a shooting incident in which the subject ended up as victim, shot in the shoulder.

FLEMMI was charged in Suffolk Superior Court Boston, with assault with intent to murder JAMES ABBOUT, 33 years of age, of Brighton, Massachusetts, on December 19, 1969 in a car on Huntington Avenue, Jamaica Plain. This incident occurred when FLEMMI accused ABBOUT of being an informant for the Task Force in Boston, regarding counterfeit money.

FLEMMI was arrested on the above charge on January 8, 1970.

EXHIBIT 303

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

BS 92-1416

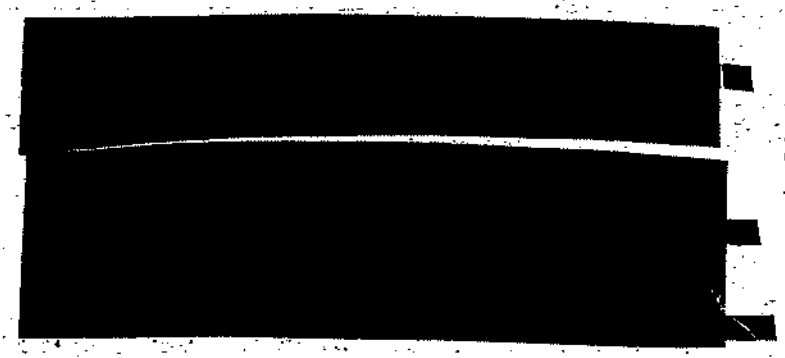
On January 19, 1970, Boston Police Department Detectives, ED WALSH and JOHN CARTER advised that the subject had been observed on several occasions in the company of JOHN MARTORANO, SONNY ACOLONTINO, JESSIE TORTORICCI, and JACK AZULAY, at the Attic Lounge on Tremont Street, at the Living Room Lounge, and the Downtown Lounge, all in Boston. Detective WALSH stated that FLEMMI has not changed his routine, in that he arrives at the Pond Cafe, Jamaica Plain, by taxi and usually meets MARTORANO, or anyone of the above individuals, after which he accompanies them into Boston.

On February 6, 1970, Detectives Gerald Bulman and Robert Chenette, were contacted and advised that as a result of their surveillance of the subject they had observed him on February 2, 1970, at the Pond Cafe, Jamaica Plain. FLEMMI met PHIL COSTA, JACKIE SALEMME, and the bartender, EARL MURPHY, at the Pond, and later at approximately 12:10 A.M. they all left the location and drove to the Attic Lounge on Tremont Street, Boston. They remained at the Attic until 2:35 A.M., went to a pizza parlor around the corner at Beach and Washington Streets and from here the subject went home. He was driven to his residence, 130 Georgetown Drive by PHIL COSTA.

On February 16, 1970, ATTU Agent Allan Cole advised he had seen the subject first at the Pond Cafe, and later at the Living Room Lounge, Boston, on Saturday, February 14, 1970. Cole stated that TALLY and GARY KABELIA, were with FLEMMI at the time. He could not determine the purpose or reason for the association between the KABELIA'S and FLEMMI.

Detective EDWARD WALSH advised on February 24, 1970, that FLEMMI makes a weekly visit to either "Jeromes", or the "Downtown Lounge", both places are owned by LOUIS VENUS. The subject meets with VENUS, and according to WALSH, VENUS gives him money. WALSH has not determined the reason for the "pay off", however, he believes FLEMMI is collecting money for his brother STEVE FLEMMI who along with FRANK SALEMME, is the subject of an unlawful flight investigation at Boston, Boston File number 88-5039.

BS 92-1416



B

On March 16, 1970, the subjects trial began in Suffolk Superior Court where FLEMMI was charged with assault with intent to murder.

FLEMMI was represented by Attorney JOSEPH BALLIRO. The subject appeared in court on March 16, 1970, through March 19, 1970. FLEMMI left the court house on Thursday, March 19, 1970, and has not been seen since. His whereabouts at this time, is not known. The jury returned a verdict of guilty on Friday, March 20, 1970, despite protests from Attorney JOSEPH BALLERO who stated the court should not accept a verdict in the absence of FLEMMI. Judge EUGENE A. HUDSON accepted the verdict as reasonable and proper. FLEMMI was not sentenced.

Detective EDWARD WALSH advised that FLEMMI'S Wife stated the subject left home Friday morning March 20, after telling her he was going to the court house. She has not heard from her husband since that time, she has no idea as to where her husband might have gone.

The charges against FLEMMI include assault by means of a dangerous weapon, and illegally carrying a gun. Complaintant JAMES A. ABBOUT.

On Friday, March 20, 1970, the Boston Police Department issued a wanted Flyer on FLEMMI. Subject wanted on Superior Court Default Warrant #46743, issued March 20, 1970, charging him with being in default on original charges of Assault with intent to murder. Last known address was [redacted] Hyde Park, Massachusetts.

BS 92-1416

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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-11381) DATE: 9/22/70

FROM : SAC, BOSTON (92-1416) (P*)

SUBJECT: VINCENT J. FLEMMI, aka
Jimmy
AR
(OO:Boston)

Re report of SA JAMES F. LINK, dated 6/17/70, at Boston.

As set out in referenced report, the subject was arrested on 1/8/70 in Jamaica Plain, Mass., and charged with "Assault with Intent to Murder." During his trial, on 3/3/70, FLEMMI left Suffolk Superior Court, Boston, and has not been seen since that time. He is currently in a fugitive status and is the subject of Boston File 88-5228.

Detectives EDWARD WALSH and TOM CONNOLY, Organized Crime Section, Boston Police Department, who have been contacted on a frequent basis since the inception of this investigation, were contacted on September 14, 1970, and could provide no information regarding the subject's activities or whereabouts.

As indicated above, an active fugitive investigation is being conducted to locate FLEMMI, any information of a pertinent nature will be included in and reported in Boston file 88-5228. Copies of communication and results of investigation will also be included in captioned file.

In view of the above, this case is being placed in a pending inactive status, UACB.

2-Bureau
1-Boston
JFLem
(3)

REC 11 92-11381-7

12 SEP 28 1970

EXHIBIT 304

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-WALTER H. BARNES, Departmental Attorney, Boston

Report of: JAMES F. LINK
Date: 1/12/70

Office: Boston, Massachusetts

Field Office File #: 92-1416

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BS 92-1416

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BS 92-1416



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BS 92-1416

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SUPERIOR
CT. 30A

STATE

vs.

Murder and Acc. before the Fact to Murder

INDICTMENT NO.
69-767

DEFENDANTS: Maurice D. Lerner, Robert L. Fairbrothers, & John Rossi-Murder
Raymond L.S. Patriarca, Rudolpho G. Sciarra, Luigi Mazzocchio &
Frank A. Vendtwell-Acc. Before

YEAR DISPOSED OF

EXHIBIT
306

ATTORNEYS FOR DEFENDANTS

DATE	ENTRIES
February 27,28,	Trial Proceeds
Mar. 2,3,4 1970	" "
March 5, 1970	Hearing in camera
Mar. 6,7,9,10,11,12	
13, 14, 1970	Trial Proceeds
March 16, 17,18,19	Bulman J. Trial proceeds.
20, 1970	
arch 21, 23, 24, 1970	Bulman J. Trial proceeds.
~~arch 25, 1970~~	~~Bulman J. Trial proceeds and trial concludes and the jury~~ retires as to its verdicts.
~~arch 26, 1970~~	~~Bulman J. The jury further deliberates as to its verdict.~~
arch 27, 1970	Bulman J. The jury further deliberates and concludes deliberation and returns verdicts as follows... The jury returns a verdict of guilty of murder in the first degree asto deft. Lerner. The jury disagrees as to defts. Fairbrothers, Rossi, Patriarca, and Sciarra and deft. Lern committed w/o bail. Exhibits in the 4th floor vault.
April 2, 1970	M.N.T. filed for Lerner
April 13, 1970	Bulman J. Deft. Lerner appears and the Court continues M.N.T.
May 18, 1970	Order entered as to deft. Patriarca.
May 25, 1970	Bulman J. Heard on deft. Lerner M.N.T. and same is held.
July 9, 1970	Bulman J. Decision filed. Deft. Lerner's Motion for New Trial is denied. Exception noted.
July 14, 1970	Deft. Lerner files Notice of Intention to Prosecute Bill of Exceptions & has to Sept. 11, 1970 to file Bill & Transcrip
July 23, 1970	Giannini J. Deft. Lerner appears and continued to August 3 ~~1970 for sentence and committed w/o bail.~~
September 9, 1970	Transcript extended to October 13, 1970 as to deft. Lerner.

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK BOTTOM LINE "CONTINUED"

FD-36 (Rev. 5-22-64)

FBI

Date: March 30, 1970

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (166-4355)

FROM: SAC, BOSTON (166-845)

LUIGI GIOVANNI MANOCCHIO, aka - Fugitive
IO NO. 4336;
FRANK ANTHONY VENDITUOLI, aka - FUGITIVE; ETAL
ITAR-GAMBLING; CONSPIRACY
(OO - Boston)

Re Boston teletype March 27, 1970.

In connection with the successful prosecution which resulted in the conviction for conspiracy to murder of PATRIARCA, LCN member; SCIARRA, LCN member; LERNER, hit man for LCN; and FAIRBROTHERS and ROSSI, close criminal associates of PATRIARCA, the following recommendations are made:

SAs H. PAUL RICO and ROBERT E. SHEEHAN for their outstanding accomplishments in the development of and handling of JOHN J. KELLEY, who was the star witness in the prosecution and will be a witness in several Federal cases. The handling of KELLEY posed numerous problems on a day-to-day basis as he has always been a professional thief and "standup guy" and the idea of being a witness against many of his associates was repulsive to KELLEY but all this was overcome by the patience, diligence and intellectual approach of SAs RICO and SHEEHAN. Both RICO and SHEEHAN were in close contact with the Attorney General's Office in Providence concerning the testimony of KELLEY, the preparation of the case and both appeared as witnesses in corroboration on the part of KELLEY'S TESTIMONY. [redacted]

It is recommended that SAs RICO and SHEEHAN be granted an Incentive Award for their participation and excellent results of their efforts.

SEE ADDENDUM PAGE 2.

2 - Bureau (RM)
1 - Boston (166-82)
Approved: JJH/ds Sent _____ M Per _____
Special Agent in Charge

Enc.

Enclosures

SEE ADDENDUM OF ADMINISTRATIVE DIVISION PAGE 2a.

EXHIBIT 307

BS 66-82

It is also recommended that Supervisor JOHN F. KEHOE, JR., under whose immediate supervision the many and involved details of this investigation and successful prosecution were handled, be granted an Incentive Award. As a result of this tremendous effort and the valuable results, informants have advised that the LCN in this area is in panic. There are other trials pending that have been brought about as a result of the supervision, the efforts, the devotion to duty of Supv. KEHOE, all of which will tend to practically obliterate the LCN power in the Providence-Boston area. It is being recommended that Supv. KEHOE be granted an Incentive Award for his outstanding contribution to this prosecution which is of great importance to the Bureau.

ADDENDUM OF SPECIAL INVESTIGATIVE DIVISION; WPB:bjs

It is recommended that an incentive award be given to SA Robert E. Sheehan in recognition of the manner in which he handled an extremely sensitive informant whose testimony was greatly responsible for the murder, conspiracy conviction of La Cosa Nostra boss Raymond Patriarca and four racket figures in Rhode Island. As a result of SA Sheehan's patience, intelligence, and intellect, he was able to turn this informant into the star witness in the prosecution. Sheehan, in addition, maintained extremely close contact with the Rhode Island Attorney General's office regarding the informant's testimony and handled himself in an outstanding manner as a corroborative witness to the informant's testimony.

It is felt that an incentive award should be given to SA Supervisor, John F. Kehoe, Jr., in recognition of the outstanding manner in which he supervised this extremely complex investigation which resulted in the conviction of the La Cosa Nostra "Commission" member Patriarca and four other hoodlums, an achievement of major significance.

As to the performance of SA H. Paul Rico, by memorandum, Gale to DeLoach, captioned "SA H. Paul Rico; EOD 2-26-51; Boston Office," dated 3-31-70, it was recommended and approved that SA Rico's performance in connection with this matter be recognized in the form of an incentive award and an office-of-preference transfer to the Miami office.

APR 24 1970

ADDENDUM OF ADMINISTRATIVE DIVISION RHC:skj 4-10-70

Administrative Division agrees, incentive awards merited for SAs Sheehan and Kehoe.

With respect to recommendation of SAC, Boston, that SA Rico be afforded incentive award, it is noted the captioned matter pertains to actually the investigation and prosecution of Raymond Patriarca and in this connection SA Rico was granted an incentive award of $300 4-1-70 as well as being transferred to the Miami Office.

Services of both SAs Sheehan and Kehoe past 3 years entirely satisfactory, rated Excellent 1969 Annual Performance Report. They are completely available and their overtime is satisfactory.

SA Sheehan EOD as SA 2-19-51 and is in GS-13, $19,501. Afforded Quality Within-Grade Salary Increase 5-67, 2 incentive awards and 3 commendations.
SA Kehoe EOD as SA 4-20-42 and is in GS-14, $21,621. Afforded Quality Within-Grade Salary Increase 5-67, 2 incentive awards and 4 commendations, 1 through SAC.

RECOMMENDATIONS:

1) That no recognition be afforded SA H. Paul Rico at this time in view of recent incentive award. (Held and awarded $300 & transferred to Miami in connection with this matter)

2) That incentive awards of $200 each be granted SAs Robert E. Sheehan and John F. Kehoe, Jr., of the Boston Office.

Appropriate (4-16-70) letters attached for SAs Robert E. Sheehan and John F. Kehoe, Jr.

PERMANENT BRIEFS OF SHEEHAN AND KEHOE ATTACHED RAS

APR 24 1970

- 2 -

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 3/31/70

FROM : J. H. Gale

SUBJECT: SA H. PAUL RICO
EOD: 2/26/51; Grade GS 13, $18,974
BOSTON OFFICE
Veteran

With the murder conspiracy conviction of New England Mafia boss Raymond Patriarca and four other racket figures in Rhode Island on 3/27/70, it is believed appropriate to bring to your attention the truly remarkable record established by SA Rico in organized crime investigations during recent years. The achievements in question primarily involve SA Rico's development of high-level organized crime informants and witnesses, a field in which he is most adept.

SA Rico's development of Boston mobster Joseph Barboza, a vicious killer and organized crime leader in his own right, set off a chain of events which have seen the surfacing of a number of additional racket figures in New England as cooperative witnesses during the past few years. Making use of compromising information he had received from other top echelon informants he had previously turned, Rico brought Barboza to the point where he testified against Patriarca and two of his La Cosa Nostra (LCN) subordinates in an Interstate Transportation in Aid of Racketeering - Gambling case resulting in conviction of all three in Boston Federal Court on 3/8/68. Patriarca and the others received five-year prison sentences in this matter which involved a conspiracy to murder Providence gambling figure William Marfeo.

SA Rico also induced Barboza to testify as the state's key witness in Massachusetts in the gang slaying of hoodlum Edward Deegan. In this case, Rico was additionally instrumental in developing a second witness, attorney John Fitzgerald, resulting in the 7/31/68 murder convictions of LCN members Henry Tameleo, Ronald Cassesso and Peter Lamone, who were sentenced to death; one additional death sentence for another hoodlum, and life sentences for two others also convicted in this case.

Following the above major achievements, Rico was instrumental in the development and handling of notorious Boston hoodlum John Kelley as an informant and witness. Kelley was the state's principal witness in the recently concluded trial of

Enc.
1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Staffeld
WJE:mfd (6)

EXHIBIT 303

CONTINUED - OVER

SUBJECT TO PROTECTIVE ORDER

Memorandum to Mr. DeLoach
Re: SA H. PAUL RICO

Patriarca and four others in Rhode Island for the murder of Rudolph Marfeo. Patriarca and four others were convicted of murder conspiracy while Maurice "Pro" Lerner, the gunman, was convicted of first-degree murder. This is considered an achievement of major dimension causing telling disruption at organized crime's top-level in New England. At the Director's approval, this has been called to the Attorney General's attention by memorandum of 3/31/70.

In addition, Kelley was the Government's key witness in the Interstate Transportation of Stolen Property case for which New York La Cosa Nostra Commission member Carlo Gambino was arrested 3/23/70. [redacted] testimony before a New York Federal Grand Jury in this matter also served as a material contribution in this case. Gambino, as the dominant figure on La Cosa Nostra's ruling Commission, is the single most powerful racketeer in this country. Kelley is also expected to testify in several other major cases in the New England area. D

Further, SA Rico's development of Boston gang leader [redacted] as an informant resulted in the obtaining of a wealth of information regarding high-level organized crime activities in New England including a number of murders. [redacted] B

SA Rico's overall performance has also contributed materially to the development [redacted] and were induced to cooperate following Kelley's defection. Both of these racket figures are expected to be important witnesses in other organized crime cases now being prepared in the Boston area. B

You may recall that the Boston office, during August, 1969, learned of a La Cosa Nostra inspired plot to kill SA Rico and the informant Kelley in retribution for the disruption Rico had caused in La Cosa Nostra circles through his development of informants and witnesses. Appropriate precautionary measures have been in effect since that time to preclude harm coming to SA Rico in connection with this plan. It is believed important to emphasize that Rico sought no special consideration in connection with this matter and courageously pressed forward with his development of Kelley to the point where he was produced

CONTINUED - OVER

SUBJECT TO PROTECTIVE ORDER

Memorandum to Mr. DeLoach
Re: SA H. PAUL RICO

as the key witness in the murder convictions of Patriarca and others during the past few days. Rico has still sought no special consideration in connection with these developments, but it has been learned from our Boston office that SA Rico's wife has become increasingly apprehensive over the safety of her family particularly her five young children.

RECOMMENDATIONS:

1. In recognition of SA Rico's superior performance which has resulted in the murder convictions of Patriarca and four of his racket associates, it is recommended that SA Rico be granted an incentive award in an amount to be decided by the Administrative Division.

$300. per Mr Wade - Yes.

2. SA Rico's efforts have virtually decimated the Mafia's top-level structure in New England and his proven ability to develop organized crime informants and witnesses would be of significant value to the Bureau in an area such as Miami, which is his first office of preference. It has been determined that SAC Handley of our Boston office concurs in any consideration that can be given to transferring SA Rico to Miami. (SA Rico stands a net 19 on the Miami office of preference list.)

Yes.

Recommend transfer to Miami

PERMANENT BRIEF OF SA RICO ATTACHED.

SUBJECT TO PROTECTIVE ORDER

FD-185 (Rev. 8-16-63)

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

REPORT OF PERFORMANCE RATING

Name of Employee: H. PAUL RICO

Where Assigned: Boston (Division) Criminal-Intelligence (Section, Unit)

Official Position Title and Grade: Special Agent, GS-13

Rating Period: from April 1, 1969 to March 31, 1970

ADJECTIVE RATING: EXCELLENT (Outstanding, Excellent, Satisfactory, Unsatisfactory) Employee's Initials

Rated by: [signature] (Signature) Supervisor (Title) 3/31/70 (Date)

Reviewed by: John F. Kehoe, Jr. (Signature) Special Agent in Charge (Title) 3/31/70 (Date)

Rating Approved by: James L. Handley (Signature) Assistant Director (Title) APR 20 1970 (Date)

TYPE OF REPORT

- [X] Official
  - [X] Annual
- [ ] Administrative
  - [ ] 60-Day
  - [ ] 90-Day
  - [ ] Transfer
  - [ ] Separation from Service
  - [ ] Special

146

SUBJECT TO PROTECTIVE ORDE

EXHIBIT 309

FD-185a (Rev. 1-14-70)

PERFORMANCE RATING GUIDE FOR INVESTIGATIVE PERSONNEL
(For use as attachment to Performance Rating Form FD-185)

Name of Employee ..... H. PAUL RICO .....

Note: *Only those items having pertinent bearing on employee's performance should be rated. All employees in same salary grade should be compared.*

RATE ITEMS AS FOLLOWS: *(See Manual of Rules and Regulations for detailed instructions.)*

+ Outstanding *(To warrant overall +, all rated elements must be +, and justified in writing.)*

E Excellent *(Overall E must be supported by E or + on majority of items, including important elements.)*

✓ Satisfactory

= Unsatisfactory *(If any item so rated, overall adjective rating can be no better than Satisfactory.) Any unsatisfactory item or overall Unsatisfactory rating must be supported in writing.*

O No opportunity to appraise

(Use INK for Checkmarks - DO NOT TYPE) CHECKLIST AND NARRATIVE COMMENTS

✓ 1. Personal appearance.

✓ 2. Personality and effectiveness of his personal contacts.

✓ 3. Attitude *(including dependability, cooperativeness, loyalty, enthusiasm, amenability, and willingness to equitably share work load).*

E 4. Physical fitness *(including health, energy, stamina). COMMENT on limitations on availability, physical limitations affecting performance, and sick leave information. Has employee used more sick leave (including annual leave or LWOP for illness) during the rating period than the amount of sick leave earned during such period? (If "yes" explain.)*

No restrictions.

+ 5. Resourcefulness, ingenuity, and initiative.

E 6. Forcefulness and aggressiveness as required.

+ 7. Judgment, including common sense, ability to arrive at proper conclusions, ability to define objectives.

+ 8. Planning of work.

+ 9. Accuracy and attention to pertinent detail.

+ 10. Productivity, including amount of acceptable work produced and rate of progress on or completion of assignments. Also consider adherence to deadlines, unless failure to meet is attributable to causes beyond employee's control.

+ 11. Knowledge of duties, instructions, rules and regulations, including readiness of comprehension and "know how" of application.

+ 12. Investigative results *(rate applicable cases)* O A. Internal Security; + B. Criminal or General Investigative;
+ C. Fugitive; + D. Applicant; O E. Accounting.
Complexity of investigative matters handled: ☐ None ☐ Moderate ☒ Most complicated.
Degree of supervision required: ☐ Above average ☐ Average ☒ Minimum ☐ None
COMMENT on type of work handled entire rating period and appraisal of overall work performance:

During the rating period, SA RICO has been assigned exclusively to the development of criminal informants and investigations of LCN members and their associates. He is considered outstanding in this category and is responsible for the development of several PCs and informants who have been converted into Government witnesses, the most outstanding one of whom is JOHN J. KELLEY, notorious armored car robber in this country, Through his resourcefulness, ingenuity, and aggressiveness, he developed KELLEY which at this time, has resulted in the conviction of RAYMOND L. S. PATRIARCA, LCN boss, New England area, and other members of the LCN and their close associates. CARLO GAMBINO, leader of the LCN in this country, has also been indicted, based primarily on information furnished by KELLEY. Also indicted through the efforts of SA RICO have been GENNARO J. ANGIULO, acting boss, LCN, Boston, and other prominent hoodlums in this area. His knowledge of duties and the know-how of application both in investigative matters and development of informants is outstanding. He has furnished the names of one SA and two clerical applicants, however, none was appointed.

A. Is employee available for general assignment yes; special assignment yes; wherever needs of service require?

B. Is employee qualified to operate a motor vehicle incidental to his official duties? ☒ Yes ☐ No
If answer is "yes," personnel file must reflect the following: (a) Has valid State or local operator's license for type vehicle he is to use. (b) Is physically fit to drive. (c) Past safe driving record OK or has passed Bureau road test.

C. Specify general nature of assignment during major portion of rating period *(such as security, criminal, applicant squad, Accountant, or as Resident Agent, supervisor, instructor, etc.)*: Criminal-Intelligence

ADJECTIVE RATING: EXCELLENT *(Outstanding, Excellent, Satisfactory, Unsatisfactory)* EMPLOYEE'S INITIALS .....

SUBJECT TO PROTECTIVE ORDER

(Checklist and Narrative Comments continued)

E 13. Firearms

+ 14. Development of informants and sources of information. COMMENT on participation in this program. B

During the rating period, SA RICO has handled [redacted] top echelon criminal informants all of whom are considered to be outstanding, and also [redacted] PCs. He is considered outstanding in this regard.

+ 15. Reporting: *(Consider convicness, clarity, organization, thoroughness, accuracy, adequacy and pertinency of leads, and administrative detail.)*

+ A. Investigative reports; 0 B. Summary reports; + C. Memos, letters, wires

+ 16. Performance as a witness. [X] During rating period; [ ] Based on past performance; [ ] No experience.

0 17. Executive evaluation *(approved Supervisors, Relief Supervisors, Alternate Senior and Senior Resident Agents.)*

0 A. Leadership
0 B. Ability to handle personnel
0 C. Making decisions
0 D. Assignment of work
0 E. Training subordinates
0 F. Devising procedures
0 G. Promoting high morale
0 H. Getting results
0 I. Furthering equal employment opportunity.

+ 18. Raids and dangerous assignments. + A. As leader; + B. As participant

✓ 19. Miscellaneous. Specify and rate:
E Dictation; ✓ Applicant recruitment; ____ Other ____

0 20. Police Instruction: [ ] Qualified [ ] Participated [ ] Audited

21. Foreign Language Ability: Proficient in NA language(s).
Can handle typical investigative problems as follows:

A. Conversation form ____ *(language)* [ ] Excellent [ ] Very Good [ ] Good [ ] Fair [ ] Unsatisfactory

B. Written form ____ *(language)* [ ] Excellent [ ] Very Good [ ] Good [ ] Fair [ ] Unsatisfactory

Frequency ____ language ability used during rating period ____

Anticipated use during ensuing year ____

22. Administrative Advancement: [ ] *(Check block if not interested.)*

A. [ ] Yes [X] No Agent is completely available for administrative advancement.

B. [ ] Yes [ ] No Agent is considered qualified for administrative advancement, including experience, ability, personality and appearance

C. If answer to B is "Yes," Agent's qualifications are considered [ ] Very Good [ ] Excellent [ ] Outstanding
EXPLAIN if interested but not now qualified.

23. Number of Incentive Awards 0 Commendations 1 received from Director. Suggestions submitted 0.

24. Disciplinary Action and Justification for any Unsatisfactory Items. [X] None *(List items taken into consideration on Checklist.)*

EMPLOYEE'S INITIALS [signature]

SUBJECT TO PROTECTIVE ORDER

3-34d (1-6-70)

April 1, 1970

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

Your headquarters are changed for official reasons from

Boston, Massachusetts, to Miami, Florida,

effective upon your arrival there on or after this date. Travel and transportation expenses and applicable allowances and benefits for you and your dependents incidental to this transfer as provided by the Administrative Expenses Act of 1946, as amended; Bureau of the Budget Circular Number A-56, dated October 12, 1966, and implementing regulations prescribed by this Bureau, shall be paid to you or on your behalf. However, before these expenses can be paid by the Government you must agree in writing (Bureau Form 3-34b) to remain with the FBI for one year following the first day you report for duty at the new station. If you are being transferred to a duty station outside the continental United States only the written agreement form, FD-382, need be executed.

MAILED 22
APR 1 1970
COMM-FBI

Very truly yours,

John Edgar Hoover
Director

67-
Bureau
APR 10 1970

Enclosure

1 - SAC, Miami

1 - SAC, Boston (Personal Attention) (Enclosures 2) Have above Agent execute the enclosed Forms 3-34b and return the original and copy to the Bureau.
☒ Expedite transfer and advise by FD-67 within 48 hours departure and arrival dates.
☐ Advise Bureau arrival date and address of ☐ SRA ☐ ASRA ☐ RA

1 - Payroll Distribution

Jae

(6) Based on memo from Gale to DeLoach, 3/31/70, TJE:mfd.

APR 1 1970

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

SUBJECT TO PROTECTIVE ORDER

April 1, 1970

PERSONAL

Mr. H. Paul Rico
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Rico:

It is with considerable pleasure that I commend you and advise that I have approved an incentive award of $300.00 for you in recognition of the excellence of your services in developing and handling sources of information of great importance to the Bureau in the criminal field. A check representing this award will be sent to you at a later date.

It is obvious that you have not only fulfilled your duties with a high degree of professional skill but have approached your assignments with a dedication that truly serves as an inspiration to your associates. I want you to know how much I appreciate your valuable contributions to our work which have enabled us to fulfill our vitally important obligations.

MAILED 22
APR 2 1970
COMM-FBI

Sincerely yours,

J. Edgar Hoover RHC-13

1 - SAC, Boston (Personal Attention) Enclosure
You should personally present this award and should this not be possible or should presentation be unreasonably delayed by your absence official acting for you should present it. Inform employee net amount of check represents this award less withholding tax.

1 - Payroll Distribution (Sent Direct)
1 - Mrs. Randolph (Sent Direct)
RHC:jhr (6) Award #1048-70
Based on memo Gale-DeLoach 3-31-70 re SA H. Paul Rico.

APR 6 1970

EXHIBIT
310

The Massachusetts Supreme Judicial Court today upheld the convictions, including four death sentences, of six men charged with taking part in the gangland-style slaying of Edward Deegan in a Chelsea alley on [illegible], 12, 1965.

The court's 33-page ruling accompanied by a 13-page appendix came as relatives and families of the six men were protesting and demonstrating in the offices of Suffolk County Dist. Atty. Garrett H. Byrne. The relatives, shouting and screaming, were demanding that the men were wrongly convicted and should be freed. About 30 Boston police officers were called to the courthouse to control the crowd.

The Supreme Court's ruling affirmed the convictions of Lewis Grieco, found guilty of first degree murder, and Henry Tameleo, Ronald Anthony Cassesso and Peter J. Limone, all found guilty of being accessories to Deegan's murder. All four were sentenced to death and now are at Walpole State Prison.

The high court also affirmed the convictions of Wilfred Roy French on a murder charge and Joseph L. Salvati on accessory charges. Both of these men were given life sentences.

One of the principal witnesses against the men at the trial that began May 27, 1968, was an alleged former gangland "enforcer," Joseph Barboza Baron. One of the principal questions raised by the defendants on their appeal to the high court was the testimony given by Baron.

FULL DISCUSSION

The high-courts decision, written by Justice R. Ammi Cutter, said that Baron and other witnesses including Atty. John Fitzgerald, all were before the jury "for long periods." "The jury saw and heard them. The jurors, when they retired to deliberate, were in a far better position to appraise the witnesses and what was said than we are now," the Supreme Court said.

The Supreme Court said that the jury "heard full discussion of all imaginable infirmities in the vital testimony of these witnesses." The jurors that heard the case, the Supreme Court said, "were warranted in believing the testimony."

Atty. Fitzgerald was the victim of a bomb blast that wrecked the automobile he was using in Everett.

The six men were also charged with conspiracy to murder Anthony J. Slathopoulos, who drove to the murder scene at Fourth st., Chelsea, with French and Deegan. According to testimony, Slathopoulos and Deegan were hired to the scene on a supposed plan to break into a nearby finance company.

Deegan allegedly was shot six times when he entered the alley. Slathopoulos, who remained in a car, ran away when he heard someone order, "Get him too."

HIGH SCENE

In a highly emotional scene, about 100 relatives and friends of the convicted men tried to storm Byrne's office but were held back by a cordon of police.

Later a small group was admitted for a five-minute conference with Byrne, along with their legal spokesman, Atty. Joseph Ballire.

When they came out Ballire said, "Mr. Byrne is conscious of the situation and has already begun an investigation of the charges by Mr. Stuart."

He was referring to Boston police detective William W. Stuart, who said last week after being cleared in another murder case that he believed Tameleo, Grieco and Limone were innocent.

Ballire quoted Byrne as saying he would "do everything he can to uncover new evidence from Mr. Stuart and from other sources."

The crowd dispersed after hearing this promise, but vowed to return if necessary.

SISTER THREATENS

Mrs. Mary Bramante, a sister of Limone, pointed a finger at Ballire and said, "So help me God, we'll be back if this is not the truth."

Limone's brother, Ernesto, said, "I can't trust the district attorney. He prosecuted my brother when he knew he was innocent.

"I'll be back with 20,000 people if I have to, to demand a full investigation."

Ballire said he would file motions for a new trial for Limone, Grieco and Tameleo in Suffolk Superior Court today or tomorrow.

He also said he would go before the U.S. Supreme Court to seek reversals of their convictions.

THE GLOBE [illegible]

Convictions of 6 upheld as kin beseige Byrne

The Massachusetts Supreme Judicial Court yesterday upheld the convictions, including four death sentences, of six men charged with taking part in a gangland-style slaying of Edward Deegan in a Chelsea alley on March 12, 1965.

The court's 33-page ruling accompanied by a 13-page appendix came as about 50 relatives and families of the six were demonstrating in the offices of Suffolk County Dist. Atty. Garrett H. Byrne. The relatives demanded that the men, wrongly convicted, should be freed.

The Court ruling affirmed the convictions of Lewis Grieco, of first degree murder, and Henry Tameleo, Ronald Anthony Cassesso and Peter J. Limone, all of [illegible] accessories. Sentenced to death, all are at [illegible] Prison.

EXHIBIT

311

BSF-01359

"J"
SAC, [redacted] 18 U. S. C. § 3521 (b) (1) (G) 6-24-70

Director, FBI

JOHN E. FITZGERALD, JR.
INFORMATION CONCERNING

Attached for each office receiving a copy of this letter is one copy of letter dated 6-17-70 from John E. Fitzgerald, Jr. The letter is not being acknowledged by the Bureau in the interest of Fitzgerald's security.

"J"
18 U. S. C. § 3521 (b) (1) (G)

[redacted] should have a representative familiar with Fitzgerald's background contact him. His letter should be orally acknowledged and he should be thanked for his kind comments regarding the work and personnel of the FBI.

Miami should bring the attached letter to the attention of SA H. Paul Rico.

Enc.

1 - Boston - Enc.
1 - Miami - Enc.

(1) Personal File SA H. Paul Rico - Enc.

CLG:bjs
(7)

8 JUL 28 1970

23

DUPLICATE YELLOW

EXHIBIT
312

SUBJECT TO PROTECTIVE ORDER

[redacted] "J"
18 U. S. C. § 3521 (b) (1)

June 17, 1970

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Mr. Hoover:

As one who is vitally concerned with law enforcement in general and specifically as one who owes a great personal debt to the Federal Bureau of Investigation I wish to make the following comments.

Recently in reading the Boston Record American I noticed that Harold Banks stated that "Paul Rico now stationed in Miami offered a hand (to Anguilo) and congratulated him." This is a typical example of "yellow sheet," irresponsible journalism. In short, the whole story is a lie, bogus, imbecile and devoid of substance. It suggests that the Federal Bureau of Investigations was engaged in a conspiracy against an innocent man. Yet knowing Angiulo and the Judge who presided over the trial the directed verdict was fore ordained.

I have had many personal dealings with Harold Banks and I know of my own personal knowledge that he has on many occasions printed articles based on hearsay, hearsay on hearsay, surmise and conjecture. Some of his articles have been deliberately contrived to cast aspersions on members of law enforcement. By the same token I know of the reputation of Paul Rico among the members of the Boston Criminal Community. He is regarded as their enemy; yet an enemy who is respected by all, a man of integrity; a highly trained professional. In all my dealings with him I have never found him making unethical promises or deals or undertaking committments which he could not fulfill. The latter statements would not apply to certain members of the Boston Strike Force.

Today in Boston the unfortunate fact is that the public and press do not make the distinction between a successful investigation as opposed to a successful prosecution. And perhaps some serious consideration should be given to the separation of matters investigated by the FBI, but yet prosecuted by inexperienced, inept attorneys who are attempting to capitalized for their own gain on the reputation of the FBI.

SUBJECT TO PROTECTIVE ORDER

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

In closing, although I lost a leg in the so called "war against organized crime", if I had to do it over again I would follow the same road, and my motivations would largely be the result of the integrity, professionalism, and the high traditions of your organization as exemplified in my eyes by Paul Rico.

Very truly yours,

John E. Fitzgerald, Jr.

SUBJECT TO PROTECTIVE ORDER

Ex# 1 11-1-78 LTV COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SONOMA

---oOo---

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

No. 6407-C

JOSEPH BENTLEY, aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON,

Defendant.

- - -

Santa Rosa, California
December 3, 1971
10:15 o'clock a.m.

BEFORE HONORABLE JOSEPH P. MURPHY, JR., JUDGE, AND A JURY.

Appearances:

For the Plaintiff: Kiernan Hyland, District Attorney and Ronald W. Fahey, Chief Deputy District Attorney

For the Defendant: Marteen Miller, Public Defender.

- - -

EXHIBIT 313

I N D E X

Witness	Direct	Cross	Redirect	Recross
Joseph Baron	2	130	296	
Edward F. Harrington	297 307	300 308		
Dennis M. Condon	301	303		
H. Paul Rico	304	306		

A Well, Mr. Baron was relocated here in March or April of 1969. I was not with the Federal Government so I have no personal knowledge whether anyone was advised. However, as a matter of process, in order to preserve the personal security of Mr. Baron, it is a practice of the government not to notify anybody.

Q Then if that procedure was followed, and you have no reason to disbelieve that it was followed?

A None.

Q Then the local authorities would not be informed if they had a person of Mr. Baron's previous experiences in their community, correct?

A If the practice was followed, and I have no reason to doubt that it was not followed, they would not know that Mr. Baron was in the area.

MR. HYLAND: Thank you. I have no further questions.

THE WITNESS: Thank you.

MR. MILLER: Thank you, Mr. Harrington. That's all.

(Witness excused.)

- - -

DENNIS M. CONDON,

called as a witness on behalf of the defendant, after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MILLER:

Q May I have your full name, please, Mr. Condon?

A Dennis, D-e-n-n-i-s, M. Condon, C-o-n-d-o-n.

Q And your business or occupation, sir?
A I'm a Special Agent of the Federal Bureau of Investigation
Q And you have been in that capacity for approximately what period of time, Mr. Condon?
A Past twenty-one years.
Q Now in the course of your employment did you have occasion to become acquainted with Mr. Joseph Baron?
A Yes, sir, I did.
Q And he is the individual seated to my right here at counsel table?
A Yes, sir.
Q Did you generally have discussions or knowledge concernin criminal cases in New England area where Joe Baron was involved as a witness?
A Yes, sir.
Q Did you ever have any conversation with Mr. Baron regarding his -- his life being in danger?
A Yes, sir, I did.
Q On what now did you base your knowledge of his being in danger upon, what facts came to your attention which would give rise to your thinking that Mr. Baron's life was in danger?
A Information was furnished to me from confidential sources of the Federal Bureau of Investigation that his life was in serious jeopardy.
Q Is there any non-confidential information regarding informants that you can be more specific about at this time?
A Well, I recall that in January of 1970 we received information that two individuals were coming to the San Francis

area to either kill or do bodily harm to an individual in this area. We did not know at that particular time the identity of the intended victim but as a precautionary measure, I did advise Mr. Baron about these people coming to the area.

MR. MILLER: Thank you. That's all I have, Mr. Condon.

- - -

CROSS-EXAMINATION

BY MR. FAHEY:

Q Mr. Condon, did you have any conversations with Mr. Baron later in the year 1970?

A Excuse me while I reflect. Yes, I did.

Q You recall approximately what date or dates?

A I believe I had a conversation with him in about July of 1970.

Q At that time, Mr.Condon, were you aware that Mr. Baron was negotiating with the Mafia to recant his testimony in the State case?

A I would have to respectfully decline to answer that question, sir, on the basis of instructions from the Attorney General of the United States.

MR. MILLER: I think, Your Honor, in this regard where this was a matter I'm sure that Mr. Fahey just wanted a "Yes" or "No" answer which would probably not be in the restricted area, of course, it could be, but --

You want to approach the bench on that?

MR. FAHEY: I have no further questions.

MR. HYLAND: We'll respect Mr. Condon's statement.

THE COURT: I'll just indicate generally, ladies and gentlemen, that employees of the Federal Government involved in the Department of Justice or allied departments are not permitted to testify concerning confidential information that comes to their -- into their possession except by specific order of the Attorney General of the United States, and it's for this reason that the witness indicates that he's prohibited from answering such question -- what's asked of him.

I simply want to make this announcement to indicate to you you are not to draw any adverse inference of any kind from the fact that Mr. Condon felt that he could not answer that question that was asked.

MR. MILLER: Thank you, Mr. Condon.

MR. PAHEY: Thank you, Mr. Condon. I have no further questions.

(Witness excused.)

MR. MILLER: Mr. Rico.

- - -

H. PAUL RICO,

called as a witness on behalf of the defendant, after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MILLER:

Q. Mr. Rico, may I have your full name, please?

A H. Paul Rico, R-i-c-o.

Q And your business or occupation?

A I'm Special Agent, Federal Bureau of Investigation.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: Dec. 9, 1971 Hon. JOSEPH P. MURPHY, JR., Judge
GERALD THOMPSON, Bailiff
LOUISE V. EVANS, Deputy Clerk
MARTHA BLASHFIELD, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff
Counsel appearing for Plaintiff: KIERNAN R. HYLAND, District Attorney and RONALD W. FAHEY, Chief Deputy District Attorney

vs.

JOSEPH BENTLEY &C, Defendant
Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

NATURE OF PROCEEDINGS: Violation Sec. 187 PC - 27th day Jury ACTION No. 6407-C

This cause came on regularly this day for further trial by jury. At 10:05 A.M. Court convened. All present. Defendant present.

Joseph Baron resumed the stand for further cross-examination.

One 25 automatic pistol marked People's Ex. 55 for identification.

Affidavit by Joseph Baron marked People's Ex. 56, for identification.

Letter dated Oct. 17, 1970, marked People's Ex. 57, for identification.

Letter dated Oct. 19, 1970, marked People's Ex. 58, for identification.

At 11:50 A.M. Court admonished the jury and excused them for the noon recess. Court remained in session for legal discussion. At 11:55 A.M. Court adjourned.

At 2:20 P.M. Court reconvened. All present.

Joseph Baron resumed the stand for further cross-examination.

Stipulated by counsel that Joseph Baron was sentenced on Jan. 25, 1967, by the Suffolk County Court for a term of not more than five years or less than four years for each of two felony convictions. Said santences to be served concurrently with credit for time served, deemed to be 113 days of said sentence. He was placed in custody after being sentenced in Barnstable County Jail, Jan. 25, 1967 until approximately Sept. 19, 1967, he was taken to Thatcher Island, Glouchester, after which he was removed to a private estate in Glouchester, From there he was taken to Fort Knox, Kentucky until April 1969, when he was placed in Santa Rosa in mid April 1969.

Edward F. Harrington sworn and testified in behalf of the defendant.

Dennis M. Condon sworn and testified in behalf of the defendant.

H. Paul Rico sworn and testified in behalf of the defendant.

Edward Harrington recalled for further direct testimony in behalf of defendant.

Greg P. Evans sworn and testified in behalf of the defendant.

At 3:25 P.M. Court admonished the jury and excused them for the day, Court remained in session. Legal discussion re: Interrogatories of Defendant.

At 4:00 P.M. Court adjourned to Dec. 9, 1971, at 10:00 A.M.

'A gun shot and a flash'

Widow of victim recounts Glen Ellen murder scene

Underworld character Joseph Baron, a Massachusetts felon, has been ordered to appear in Santa Rosa Superior Court Mar. 25 to face murder charges arising from the slaying last summer in Glen Ellen of Clayton R. Wilson, 27, of Santa Rosa.

Sonoma Municipal Court Judge A. J. McMahon issued the order on Baron after two days of testimony during a preliminary hearing held last Thursday and Friday in county jail in Santa Rosa.

Baron was extradited from a Massachusetts jail recently to answer the murder charge here. He is accused of shooting Wilson last July and then burying the body in a shallow grave not far from Jack London State Historic Park.

Wilson's body was discovered in October.

DURING THE preliminary hearing, testimony was heard from Dee Mancini Wilson, the widow of the murder victim. She was questioned by Public Defender Marlena Miller, who has been appointed to represent Baron.

Also present were Ron Fahey, assistant district attorney and Baron.

Mrs. Wilson said she and a friend, Pauline Ramos, went for a walk the evening of July 5 last year with Wilson and Baron and that Wilson was apparently shot by Baron at this time.

The quartet left from Mrs. Wilson's home at 4278 Lakeside dr., Glen Ellen, walked to end of the Wake Robin rd. and then turned onto a dirt road.

Mrs. Wilson said her late husband and Baron were walking in front. Suddenly, she said, she and her friend heard a gunshot and saw a large flash ahead of them. She could see the outline of a large man in the flash, she said.

Wilson was tall and slim. Baron is short, heavy-set.

MRS. WILSON said she and her friend became frightened and ran back to her home. She apparently never mentioned the shooting to anyone until law officers came to her last fall during their investigation.

The young Glen Ellen woman said she had married Wilson in April, 1976 and that they separated in June. Baron met Wilson in May, she said, and visited their home several times. He was known as Joseph Bentley then.

Both Baron and Wilson habitually carried guns. Baron also wore a bullet-proof vest, according to Mrs. Wilson.

The pretty, dark-haired widow said her late husband and Baron quarreled several times, sometimes about guns and sometimes about a package of around $100,000 in stocks and bonds. At one time Wilson had these buried outside the couple's home, she said.

Once her husband struck her and she suffered a concussion in a fall, afterward being under a doctor's care for several weeks. This was not long before Wilson was murdered and the fact she was under sedation when the slaying took place made her hazy about remembering the exact date, declared the widow.

Mrs. Wilson said Baron had threatened her with a gun once, placing it against her head and asking her if she was afraid of him.

SHE SAW BARON a few days after the shooting, the witness narrated, but never asked what had happened to Wilson. Wilson was apparently away from home from time to time and on these occasions she thought he was in jail for something.

Mrs. Wilson also never discussed the shooting with Wilson's parents, who inquired about him several times.

Before he was extradited, Baron was serving a sentence in a New Bedford, Mass., prison on narcotics and firearms charges. He is said to be a former "contract" killer for the Mafia.

It is also reported he turned against his bosses later and that his testimony sent some of them to prison.

The investigation which began here last fall centered on Baron, it was said, after he allegedly told a cellmate he had killed Wilson.

During the course of his questioning, Public Defender Miller said he thought she had earlier lied to lawmen and that she might be considered an accessory to the murder.

EXHIBIT

314

3/14

Tantalizing Testimony In Wilson Murder Case

(Continued from Page 1A)

friend, Patricia Ramos, 18, Santa Rosa, whom she said also witnessed the shooting.

Her with Mr. Baron, whom she said she met by prearrangement the next day at Howarth Park.

"Why did you tell Clay's parents you didn't know where Clay was?" Mr. Miller asked.

"I didn't know where he was," she replied.

"What did you tell them when they asked?"

"I told them I didn't know where he was," she said.

Mr. Miller never asked her directly her reasons for not reporting the incident to police.

Drugs

During Friday's session, Mr. Miller was able to cast some doubt into Mrs. Wilson's testimony, by getting her to admit she was "under the influence of drugs" the night of the slaying.

She emphasized the "drugs" were medication prescribed by her doctor.

And Mr. Miller caused her to doubt herself what exactly it was she witnessed that night.

Under direct examination by Mr. Fahey, she said she, Miss Ramos, her husband and Mr. Baron went for a walk from their Glen Ellen home.

While walking in the dark on a rocky road, she said, she heard a gunshot and a "light flash" ahead of her where Clay and Mr. Baron were walking.

She indicated to Mr. Fahey Mr. Baron had fired the shot, by describing the "outline" she saw inside the light flash as a "large man." Her husband was somewhat [illegible] Mr. Baron.

[illegible] Miller, she said [illegible] was trying to assist [illegible] when she heard the gunshot.

She said she was starting to [illegible] and [illegible] at the time of the flash.

Wilson said a few weeks before the slaying, Mr. Baron put a gun to her head at her home and "he asked me if I was afraid."

"What did you tell him when he asked?" Mr. Miller asked.

"No," she said.

Her Husband and Guns

In an effort to cast some light into Clay Wilson's "character" and what Mr. Miller called "propensity for violence," he asked Mrs. Wilson about Clay's weapons.

"He was proud of guns," she said. "He liked guns very much. He never used them for violence."

She contradicted herself three times, saying first her husband "always" carried a gun, then saying he "sometimes" carried a gun, then that he "rarely" carried one.

Finally, she stated, "He almost always carried a thirty-eight automatic." But, she said, she didn't see him carrying a gun the night of the shooting.

Asked about the relationship between her husband and Mr. Baron, Mrs. Wilson replied, "They weren't getting along. There was just bad feelings."

Mr. Miller asked if Mr. Wilson had ever threatened Mr. Baron.

"Direct threats?" Mrs. Wilson asked.

"Direct or indirect."

"Not direct, but in my opinion, indirect threats."

Mrs. Wilson appeared more relaxed Friday in her reaction to Mr. Baron, than she was the previous day. They occasionally exchanged smiles, seemingly out of context and as if they had some private communication between them.

At the conclusion of the hearing, Judge McMahon held Mr. Baron for trial in Superior Court and ordered him to appear before Judge Joseph P. Murphy Jr. at 9 a.m., March 28, for arraignment.

He ordered Mr. Baron held without bail.

From: [redacted]
Sent: Thursday, June 21, 2001 7:49 PM
To: [redacted]
Subject: Joe Baron

Mr. Schumann,

The following are excerpts of Joe Barboza Baron's testimony in Sonoma County Superior Court in his defense against a charge he murdered Clay Wilson of Santa Rosa, Calif. Again, some of it is verbatim and others my interpretation of the testimony. I tried to restrict the information to the subject matter the Committee is investigating. Baron testified on Dec. 3 and 7, 1971.

JOSEPH BARBOZA BARON:

On Direct, by Marteen Miller, public defender, the witness said his names were Joseph Bentley, Joseph Barboza and Joseph Baron. He first started using the name "Baron" in 1964. It was his "legal name. Bentley became his legal name in March 1969.

Q: Were you involved in a criminal case?
A: Yes.

He then mentioned the names of Limone, Greco, Tamaleo,Salvati, Cassesso and French. He said he was a "prosecution witness," testifying for the district attorney in a "state case." It was in Suffolk County and Jack Zalkind was the prosecutor. There was a conviction in the case. Four men were sentenced to death, two received life sentences.

Prior to that trial, "I was protected by 20 deputy US deputy marshals. I was relocated to Thatcher Island in Gloucester, then I was transferred to another estate in Gloucester, then relocated to Fort Knox."

"They told me I was to be called Joe Wilson."

He said he was involved in "organized crime." "It involved the Mafia."

After the trial efforts were made by the Justice Department to relocate him. The Justice Department gave him a new identity, Joseph Bentley in Louisville, Ky., in March 1969. He was relocated to Santa Rosa, Calif. He went by the name, Joe Baron.

Q: Why were you relocated?
A: Because of the Mafia.
Q: Did you feel your life was in danger?
A: Yes.

Arrived in Santa Rosa "the first part of April 1969." Schooling was "arranged." He went to the Cooks and Stewards School, operated by the Maritime Union. He did attend the school and graduated. In August 1969 he was "shipped out" to the Orient on a ship. "I hurt my back." Was hospitalized in China, then flown back to the states to a naval hospital in San Francisco.

He was compensated $18,000 for the injury. He was confined to a "body casket" at first, and later walked with a cane

Baron said he went "back East" to try to dispose of some stolen bonds, and had a clandestine meeting "in the woods" with a group of men, including



"Frank Davis, Ralph Keating,my brother, Donald Barboza, Leonard Hughes, Herbert Jesus, and James Southwood," a reporter for the Boston Herald-Traveler.

He said they talked about the murder case in Boston.

"I told them I would recant my testimony."
Q: Did you tell them why?
A. ...For money.

"Frank Davis mention money...a quarter of a million...from Jerry Angulo...he represents the Mafia while Patriarca is in jail."

"I said it wouldn't be enough. I wanted a half million. He said he'd have to talk to Jerry."

In other testimony, Baron said he had an address book which he had lost in May or June at the Miramar, a Santa Rosa bar. He said it contained the names of all kinds of "officials," including FBI men, Santa Rosa police, US marshals, Justice Department, special attorneys for the Justice Department, State Police, etc.

He said he went back East again on July 11, 1970, and was arrested with Herbie Jesus on July 19, 1970. While at his friend, Larry Hughes" house, he talked with attorney F. Lee Bailey. A retainer was paid to Bailey by Frank Davis "on behalf of Raymond Patriarca."

He said while he and Bailey were alone in the room, Bailey handed him a Manila envelope, saying, "Somebody left it in my office. I don't know who left it for you." It contained $800. He said they discussed his "Mafia testimony" and that Bailey would arrange to see him. He said he gave Bailey his address and phone number in Santa Rosa.

He said he knows William Garaway. When he was taken to Walpole Prison, Garway was there. "Talked to him 10 hours a day." He denied he mentioned the "Santa Rosa shooting" to Geraway. But he "may have" mention Clay Wilson, Dee Wilson and Paulette Ramos. "Talked mostly about the girls."

He said he talked to "Death Row Prisoners," including Chassis and Tameleo and discussed "the testimony." From the "Organization" he got $1,000 a month for a couple of months, then the money stopped.

Said he saw Bailey "three or four times" at Walpole in regards is "recantation." That's why he (Baron) was being paid. He said he signed an affidavit saying he would recant his testimony.

Q: Did you recant your testimony?
A: Never.

He said he told Bailey later that he would not recant. He and Bailey had no more conversations after that.

Back to the clandestine meeting in woods. Baron said he was told by the Justice Department "not to carry guns," that if he did, "they wouldn't help if I got caught."

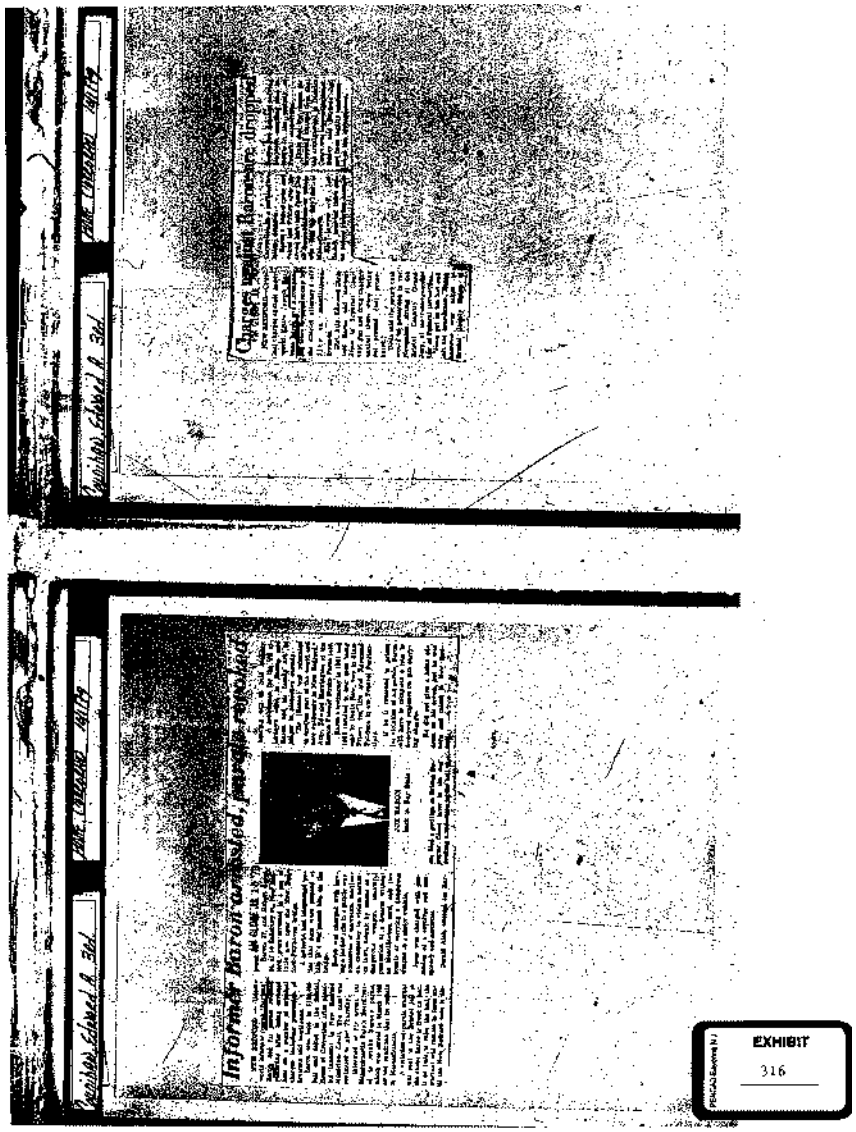
Baron said on Sept. 25, 1970, he got a call from Herbie Jesus at Barnstable House of Corrections, where he was sent after Walpole.

"Jesus asked why I didn't follow through with the recantation. I said I never intended to. Jesus said it would get me in trouble. I said I could take care of myself."

Mr. Schumann, this is the extent of Baron's testimony on direct regarding

the subject matter you are investigating. I have some other testimony on cross-examination, which I'll E-mail later. I'm running out of time today. I have to go through some other documents to determine which are appropriate to send you. I probably can't get to this chore until Monday at the earliest. If you have any questions, contact me.

Bony Saludes


Informer Baron arrested, parole revoked
Charges against Baronsure dropped
EXHIBIT
316

Baron Seized, Held on Arms, Pot Charges

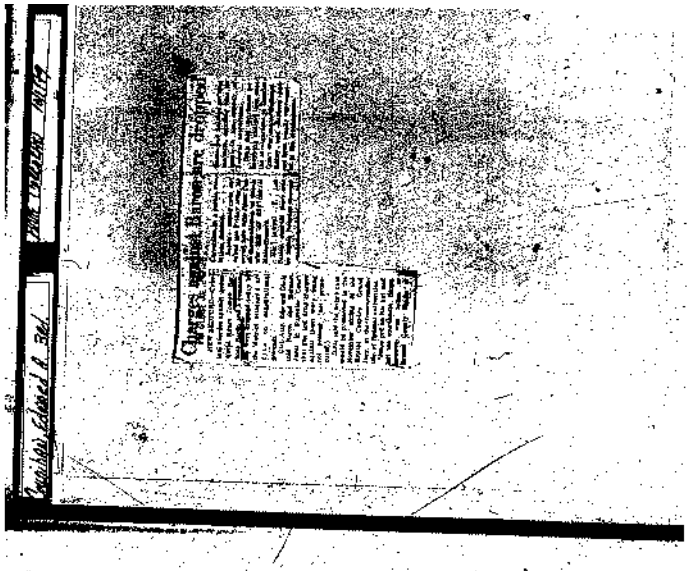
PM GLOBE AL 17 70

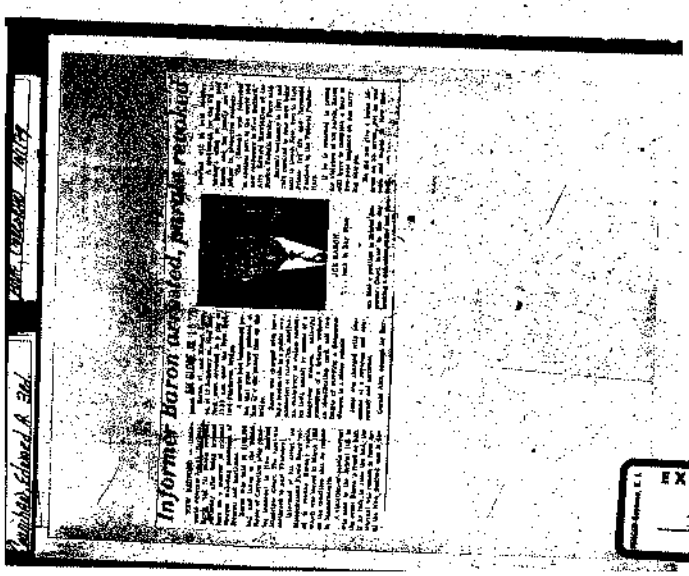
JOSEPH BARON

Prison officials fear for Baron's safety

Charges against Baron dropped

EXHIBIT
317





EXHIBIT
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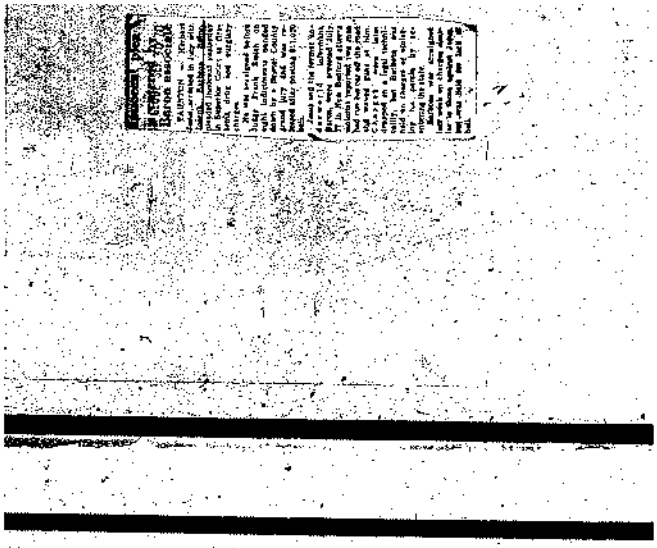
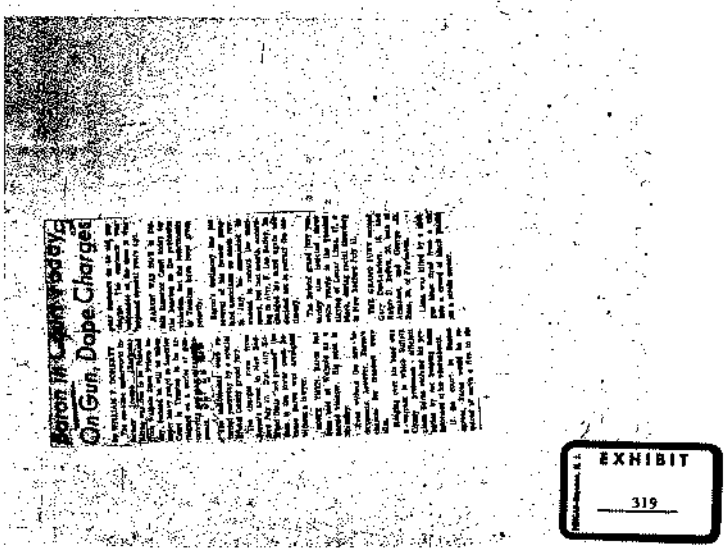
Prison officials fear for Baron's safety

Charges against Baron dropped





EXHIBIT
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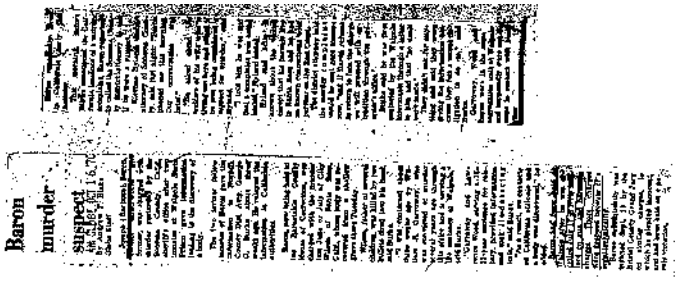
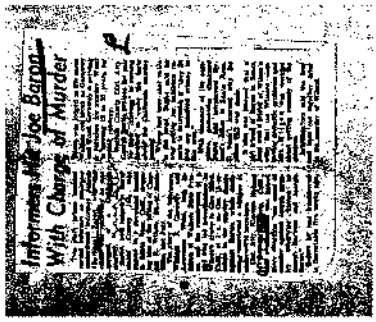


Baron
murder
suspect



Informer Ma Joe Baron
With Charge of Murder

UNITED STATES GOVERNMENT

Memorandum

TO : The Attorney General

DATE: July 22, 1970

FROM : Director, FBI

OFFICE OF THE ATTORNEY GENERAL
RECEIVED
JUL 22 1970

SUBJECT: RAYMOND L. S. PATRIARCA, ET AL.
INTERSTATE TRANSPORTATION IN
AID OF RACKETEERING - GAMBLING

Joseph Barboza was the principal prosecution witness in the 1968 conviction of Raymond Patriarca, New England La Cosa Nostra "boss." [redacted]

Without the knowledge of the Strike Force, Barboza returned to New Bedford, Massachusetts, and was arrested by the New Bedford Police Department early on the morning of July 17, 1970. The arrest came as a result of Barboza and his cousin, Herbert J. Jesus, stopping adjacent to a car occupied by four Negroes at a stop light and waving a gun at them. When arrested, Barboza was carrying a loaded .25 caliber pistol and Jesus a loaded .38 caliber pistol. Found on the front seat of the car was a loaded M-1 rifle and a package of marijuana.

On July 20, 1970, the charges against Barboza were nol-prossed by the District Attorney's Office in that Barboza's rights had been violated as he was not represented by counsel. Barboza was released; however, the parole board revoked his parole and returned him to the Massachusetts Correctional Institution, Walpole, Massachusetts, where he is supposed to stay until October 5, 1970

Our Boston office has advised that the Strike Force in Boston and the District Attorney's Office, Suffolk County, are attempting to have Barboza transferred from the Massachusetts Correctional Institution because his life could be in danger from other inmates.

This matter will be followed and you will be advised of additional pertinent information.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

004516

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
320

WTB:EFH:dad

James Featherstone, Deputy Chief
Organized Crime & Racketeering Section

August 28, 1970

Walter T. Barnes and Edward F. Harrington
Special Attorneys, Boston Field Office
Organized Crime & Racketeering Section

Interview with Joseph Baron

On August 28, 1970 at approximately 11:00 A. M., Arthur Isberg, Massachusetts Commissioner of Corrections, telephonically advised Walter Barnes that Joseph Baron had requested in writing to speak to Barnes and Special Agent Dennis Condon. Isberg told Barnes to contact Fred Butterworth at Walpole for the exact wording of the request. Edward Harrington called Butterworth at Walpole and Butterworth read Baron's written request, a copy of which is attached to this memorandum. Harrington advised Butterworth that Barnes and Harrington would leave immediately for Walpole.

Barnes and Harrington conferred with Joseph Baron at Walpole Correctional Institution from approximately 1:00 P. M. until 2:15 P. M. Baron requested Barnes and Harrington to relocate his wife and family from California in light of the fact that their whereabouts had become public knowledge, having been disclosed by his counsel, F. Lee Bailey, at a prior court proceeding. Barnes and Harrington did not make any response to this request. Baron also requested that his probation revocation warrant be withdrawn. Barnes and Harrington advised Baron that they had no control over the Massachusetts Parole Board and that they could make no promises in this regard.

During the course of the conversation, Baron made the following statements:

Baron stated that it was his original intention to inveigle members of the underworld into giving him money on the pretext that he would recant his testimony given in previous trials and that, when he received the money, he would leave the area without recanting;

Baron also stated that his counsel, F. Lee Bailey, "made him sign the affidavit" and that "they" have sent his wife money in return for his signing the affidavits; that Bailey acknowledged

to him that the affidavits themselves were not sufficient to warrant the granting of a new trial, but that it would be necessary for Baron to testify as a witness, which Baron does not desire to do.

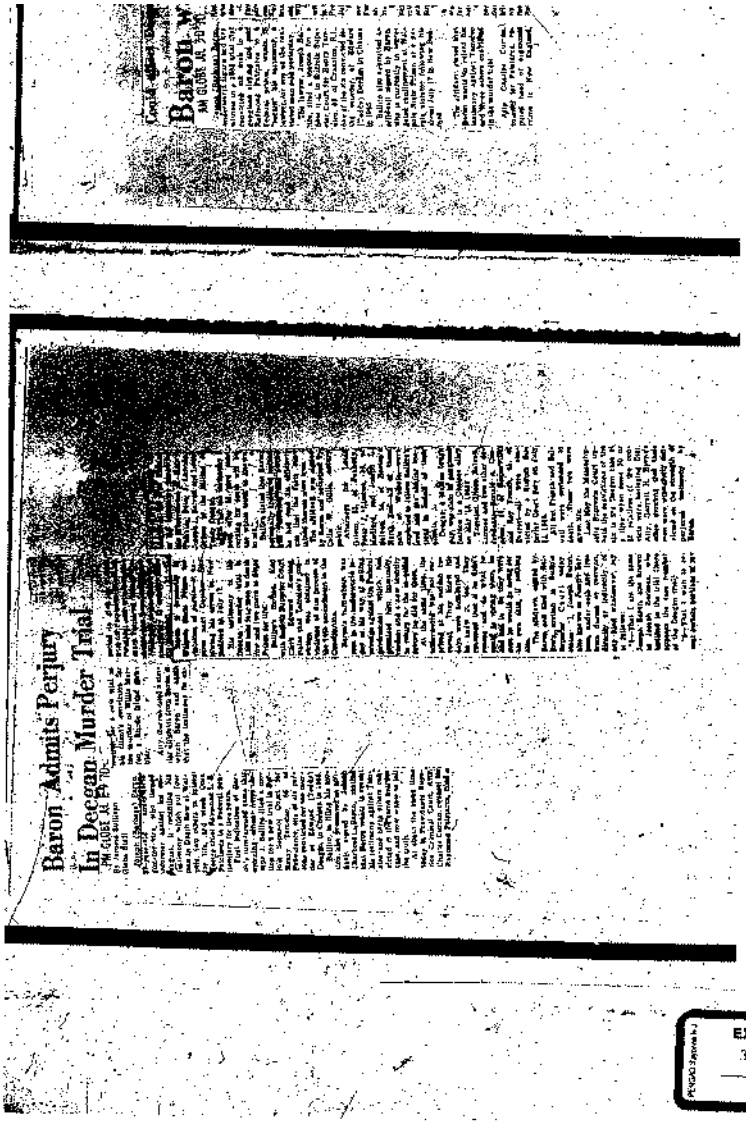
Baron also advised that his testimony in the Deegan case was truthful and that he had signed the affidavits only for money; that he is not going to take the lie-detector test on August 31, 1970, for he feels that once he has taken the test Bailey will have no further use for him and that his life will be in danger; that he will tell Bailey that he had spoken with Barnes and Harrington merely to tell them that, if they were going to pressure him by initiating criminal charges, he would open up a "Pandora's box." He stated that this statement would be merely a pretext so that Bailey will not distrust him on account of his seeing them.

Baron stated that if he took the lie-detector test it would prove that he told the truth during the Deegan trial, but that he will not take this test until he is out of custody and beyond the control of Bailey.

Baron stated that two of his trips from California to Boston were made at the instigation of the underworld and that he was paid for these trips through the books of Hi-Lo Construction Company of Providence, Rhode Island, an officer of which, Frank Davis, Baron met on several occasions in this connection.

Barnes and Harrington told Baron that they would and could make no promises to him but that they would merely pass the results of their conversation on to District Attorney Garrett Byrne, which was done by Harrington at approximately 3:30 P. M. on August 28, 1970.

Enclosure



Baron Admits Perjury
In Deegan Murder Trial

EXHIBIT
321

Exhibit

EXHIBIT
ADMITS
PERJURY

AFFIDAVIT

Personally appeared before me Joseph Baron, also known as Joseph Barboza, and, being under oath, deposed and said as follows:

I, Joseph Baron, also known as Joseph Barboza, under oath, and free from duress or coercion directly or indirectly of any kind whatsoever say as follows:

Exhibit 321

1. That I am the same Joseph Baron (Barboza) who testified in the trial of Commonwealth v. French, et als--Nos. 31601, 32365 to 32370 inclusive.

2. That I wish to recant certain portions of my testimony during the course of the above-said trial insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan.

3. That the testimony I now offer to give concerning the killing of Teddy Deegan and those individuals responsible for his death will be the whole truth known to me.

Joseph Baron

Then personally appeared before me the above-named Joseph Baron, also known as Joseph Barboza on 25th day of July 1970 and swore that he had read the foregoing affidavit and that the facts therein stated are true.

Notary Public

My Commission Expires: June 11, 1974

000967

Could affect Deegan, Marfeo [illegible]

Baron wants to change [illegible]

AM GLOBE JUL 30 '70

Joseph (Barrons) Baron, underworld figure and key witness in a 1968 trial that convicted six men in a gangland slaying and sent Raymond Patriarca to a Federal prison, wants to "recant" his testimony, a lawyer for one of the convicted men said yesterday.



The lawyer, Joseph Ballire, filed a motion for a new trial in Suffolk Superior Court for Henry Tameleo, 69, of Granston, R.I., one of the six convicted for the murder of Edward (Teddy) Deegan in Chelsea in 1965.

Ballire also submitted an affidavit signed by Baron, who is currently in segregated confinement at Walpole State Prison at a parole violator following his arrest July 17 in New Bedford.

The affidavit stated that Baron wants to retract his testimony against Tameleo and three others convicted in the murder trial.

Atty. Charles Carrera, counsel for Patriarca, reputed head of organized crime in New England, filed a motion for a new trial for his client in Providence Superior Court.

Carrera also filed an affidavit by Baron, which asserted that Baron was ready to present testimony "which will exonerate Patriarca, Tameleo and Robert Carrera in the death of William Marfeo."

The three were charged with conspiring to murder in the death of Marfeo in a Providence tenthroom in July 1968.

Patriarca is presently serving a five-year term in Federal prison at Atlanta on charges of conspiracy to murder.

Baron is expected to be key witness in the Marfeo murder trial, not yet scheduled in Providence Superior Court.

The affidavit submitted to Suffolk Superior Court was signed by Baron before a notary public. It said:

"I wish to recant certain portions of my testimony during the course of the trial insofar as my testimony concerns the involvement of Henry Tameleo, Peter J. Limone, Joseph [illegible] and Louis Greco in the killing of Teddy Deegan.

It also said that Baron's new testimony "will be the whole truth known to me."

Concerning the motion for a new trial for Tameleo, Dist. Atty. Garrett H. Byrne said newsman yesterday:

"The motion in question is addressed to the court and will be decided by the court on the evidence and according to law.

"I have already concerned with the FBI, but it is accepted that the law [illegible]

[illegible]

Baron [illegible] Deegan [illegible] Tameleo [illegible] Federal [illegible] Ballire [illegible] Baron [illegible] Pyle Pyle [illegible] in Norwich [illegible]

Could affect

Baron

AM GLOBE JUL

Joseph (Barrons) Ba[illegible] underworld figure and [illegible] witness in a 1968 trial [illegible] convicted six men in [illegible] gangland slaying and [illegible] Raymond Patriarca [illegible] Federal prison, wants [illegible] "recant" his testimony [illegible] lawyer for one of the convicted men said yesterday.

The lawyer, Joseph [illegible] filed a motion [illegible] new trial in Suffolk S[illegible] Mar Court for Henry [illegible] Tameleo, 69, of Granston, [illegible] one of the six convicted [illegible] the murder of Ed[illegible] (Teddy) Deegan in Ch[illegible] in 1965.

Ballire also submitted [illegible] affidavit signed by B[illegible] who is currently in [illegible] gated confinement at [illegible] Pole State Prison as [illegible] vioiator following [illegible] on July 17 in New [illegible] ford.

The affidavit state[illegible] Baron wants to rel[illegible] testimony against T[illegible] and three others co[illegible] in the murder trial.

Atty. Charles [illegible] counsel for Patriarca [illegible] puted head of or[illegible] [illegible] in New [illegible]

EXHIBIT

322

8/3/70

AIRTEL AIRMAIL

TO: DIRECTOR, FBI [redacted]

FROM: SAC, BOSTON [redacted]

SUBJECT: [redacted]

On 8/3/70, Deputy Chief of the Strike Force EDWARD F. HARRINGTON met with Suffolk County District Attorney GARRETT BYRNE and Assistant District Attorney JACK ZALKIND, who prosecuted the DEEGAN case. Mr. HARRINGTON advised that at this meeting, the District Attorney said that the affidavit signed by JOSEPH BARBOZA BARON and filed in connection with the motion for a new trial on the DEEGAN murder case, was not sufficient to warrant a hearing as it simply contains a general statement. The District Attorney is going to confer with Superior Court Judge FELIX FORTE and request that the motion be denied on this basis. The District Attorney also plans to confer with Attorney JOHN FITZGERALD who testified in the DEEGAN case.

For the information of the Bureau, Boston informant reports that BARON had been seeking $250,000 from the defense on the promise of helping them out.

Attorney FITZGERALD has advised that BARON, in the past, wanted him with BARON to contact Chief Defense Attorney JOSEPH BALLIRO and try to obtain money from him with promise of changing testimony. [redacted]

2 - Bureau
1 - San Francisco (Info)
2 - Boston [redacted]
(5)
DMC/ras

000968

SEARCHED
SERIALIZED
INDEXED
FILED

EXHIBIT 323

[redacted] F

It is pointed out that during the past week, Attorney F. LEE BAILEY telephonically contacted BARON's wife and in his contact he told her not to pick up a Western Union money order that had been forwarded to her but that other funds would be sent to her.

A copy of this communication is being designated for the Information of the San Francisco Office.

This recording is made on Friday, August 7th, 1970 at 4:05 at the International Motel, just outside of the John F. Kennedy Airport in New York City. Present at this interview - John Fitzgerald, Jack Zalkind and Detective William J. Powers of the Suffolk County District Attorney's Office.

Q. Now John I am asking you to answer certain questions and I would like to know whether you want to answer these questions voluntarily and whether anyone has coerced you to answer these questions and whether you do this of your own free will and voluntarily?

A. I make the answers to these questions voluntarily, there has been no coercion nor duress from anybody.

Q. After the trial of the Commonwealth vs. Louis Grieco et al, in the summer of 1968, did you represent Joseph Barboza as an attorney in any way whatsoever?

A. No, Sir.

Q. Did you have any sort of business relation with the man known as Joseph Barboza?

A. Yes, Sir.

Q. And what was your business relation that you had with him after that period?

A. Sometime in October of 1968, we entered into a contract, Barboza and myself, for the publication of a book which was to deal with various insundry criminal activities in the Boston area in which Barboza had figured in. This was our contract relationship between Barboza and myself, a copy of which I have given to you. The legal representation, in so far as the publication of the book, was to be handled by Irving Pinto, who drafted the contract and the author was to be a James Southworth, identified as a member of the Herald Staff, Sunday edition, Staff Reporter.

Q. Now, after you had this contract which you entered into with Mr. Southworth, did you have an occasion to be with him in October of 1969, whereby he gave you certain papers, which allegedly were the first chapters of the book that he was going to write concerning your activities and Mr. Barboza's activities?

A. The answer is yes.

Q. Would you tell us the conversation that you had and where it took place?

A. I had left the Middlesex Superior Court after testifying in the



A. Grand Jury, connected with my bombing. Lieut. White and Lieut. John O'Donovan of the Massachusetts State Police took me to dinner over in a restaurant located on Memorial Drive near the Smith house. I forget the name of the restaurant, but it is over in that general direction. I asked Lieut. O'Donovan to call the Herald Traveler to have Southworth meet us there because I was expected to catch a 4:00 plane. Lieut. O'Donovan did and O'Donovan, White and myself waited until Southworth appeared. Southworth arrived at the restaurant, he came in with a brown manilla package, which he told me represented the first four chapters of the book. In as much as there were people present, I didn't feel it was polite to open the package at that time. Later that day while traveling from the Boston area, I had an occasion to open the package and when I opened the package I discovered that they were reproductions of tapes that had been, prior to this time in the summer of 1969, had been delivered to my residence at 18 Orchard Street in Mattapan by Southworth.

Q. Now these tapes that he delivered, did you have a conversation with Mr. Southworth at the time he delivered these tapes to you?

A. Yes.

Q. What was that conversation?

A. He delivered the tapes to me and told me that these were tapes that he had taken of Joseph Barboza, somewhere near Fort Knox, Kentucky. They represented, I believe there were six or seven tapes, that he had taken of Barboza, and this was a partial contribution of Joe towards the book and he brought them over to me to ask me to edit them. You know, to offer my opinion as to how they fit in and so forth.

Q. In preparation for the book?

A. In preparation for the book and this was the surprise when I got on the plane to open the package and find instead of being the book, it was just the tapes.

Q. Now, you had said you had seen this was not the tapes, but these were the contents of the tape which were transcribed into typewritten papers?

A. Yes, Sir.

Q Had you seen the typewritten papers before?

A. No, Sir.

Q. But you knew that these were the typewritten contents of the tape because you had heard the tape before?

A. I had heard the tape.

Q. Where did you hear the tape?

A. I had the tapes in my possession and custody for two weeks and a half at Orchard Street in Mattapan.

Q. How many tapes were there, approximately?

A. I think Southworth gave me six or seven tapes and his tape machine to use the tapes.

Q. I see, but he gave them to you so you could help him in writing this book?

A. Yes, Sir.

Q. Alright, now when you realized that he had not, in fact given you the contents of what he was supposedly writing for a book, did you then have a conversation with Joseph Barboza, sometime after this, concerning this element?

A. Yes to answer your question, I had a conversation, but what I had done was I wrote Joe a letter and asked Joe to get a hold of me personally and told him how he could reach me. Joe called me up on the phone and I explained to Joe that I had returned to Boston and I explained that I thought I was going to have the opportunity to look at the four chapters of the book and all I looked at was tapes. And I said that I was satisfied from that incident that this kid lacked the inability and wasn't going to write the book at all.

Q. When did you have this conversation with Mr. Barboza?

A. This was sometime in the latter part of October or the first of November of 1969.

Q. And how did you have this conversation, was this over the telephone

A. Over the telephone, he called me, I had written him a letter, telling him how he could reach me by phone,

Q. Alright, and did he call you?

A. Yes, Sir.

Q. Did you recognize his voice over the phone?

A. Yes, Sir.

Q. Now when you told him this information, what was his response?

A. His response was that well, he had to go back to Boston and

A. straighten the matter out, that he felt that time was of the essence, that if he could see Southworth himself, he could kind of put him in a hotel room and make him do the work and for me to be patient etc. And that he would check with the kid himself to see what the story was.

Q. Alright, and then subsequent to this, what happened?

A. Subsequent to this -

Q. You may refer to any notes that you may have etc., and so forth.

A. Subsequent to this, I made a telephone conversation to Southworth and I told Southworth that I was quite unhappy over the fact that he had perpetrated what I considered to be a hoax. And he said, well I didn't mean to leave you that impression John, but he said I just wanted you to see that I was doing something. I said, well Jesus, you didn't do a hell of a lot, all you did was just merely type up the tapes which you had you know months before you brought them over to Orchard Street. Well, he said I've been talking to some people in the publishing business and they say that the major obstacle is that I don't have a good contract with Joe. And I said, well what to do is then to get the publishers together and have the publishers draft the contract, the publishers feel and the publishers' attorneys feel would represent the interest of the party. So he said, well I don't know, I think I'll see an attorney. So, Mr. Southworth allegedly went to an attorney and sent to me by mail a copy of a void contract between Barboza and Southworth and told me that he was sending this to me because he felt that I may have the opportunity to see Joe quicker than himself or I would have the opportunity to look it over and see whether or not this would effect my contract, in another words would I see anything objectionable between Barboza and Southworth, that would in any way effect my concern.

Q. Now John I am going to cut in on you for a second, I just want to make sure that everything you say is being clear. Now John what I would like you to do, I noticed sitting here you have some letters, you have some papers and you have some, what looks like to me to be some calendar sheets, is that right, are these calendar sheets?

A. Yes, Sir.

Q. Now you may use whatever notes that you have and whatever letters that you have and will you tell us what conversations you had with Mr. Southworth and Mr. Barboza concerning Mr. Barboza's attitude towards the Federal Government and his disappointment at the way he had been treated by the Federal Government and any conversations you had concerning his considering telling a different story other

Q. than what he said at the Deagan trial or any other trial in which he testified as a Government Witness?

A. Yes, Sir. On September 25, 1968, I received a letter from Joseph Baron and Joseph Baron in this letter expressed dissatisfaction with the Government and I'll read a portion of it and I quote, "I felt these people were screwing me and were not living up to their word to contact him and you can tell him that very shortly there is a good chance I will try to see him. It seems that money has entered the picture in this late stage of the game and I have to spend my own money to make ends meet. Also Atlas is going to be held on stage, because stage has a case of stage-fright and the Director is using the stage has an excuse and is not living up to his word. So, by the time it is said and done, I will be completely broke because of the money problem they are crying about to me. Bitter, I am so god-damn bitter with these people, you can't even begin to realize what I have in mind in doing to get even for the devious and treacherous bullshit they have handed me." And the letter is signed "Joe" and is dated September 25, 1968 and is addressed to me, Hi, Lucky, which was a term that he referred to me after the bombing of the automobile.

Q. Now after this letter, did you ever have either conversations or communications with him, whereby he had indicated of his thought of changing his testimony?

A. Not at that particular time. Actually that letter and then there were some conversations relative to the attitude towards the Federal Government. He felt that they had promised him plastic surgery, he felt that two, they had promised him a lump sum of money, he felt that three, they had promised him a job as a V. A. cook. Now four, he felt that his identity had been made known from a U. S. Marshall. These were some of the reasons that he was dissatisfied with the Federal Government. And then by the same token, you would get other conversations with him in which he would say, well they got him a job, but that he feigned an accident to get out of the job. You would get another thing that is, how could he expect to carry a lunch pail like an average person. He wanted more money, but that was generally the conversation with him in the background of this letter. And sometime in January of this year, 1970, and I refer now to a desk calendar that I kept in my office in which I made references to telephone calls, not all telephone messages, some messages were received when you were out of town or at home, or when you were going out of town, but generally I tried to keep a record of messages with Barboza and Southworth. And on Monday, May 5th, and now I am reading from

A. this desk calendar, I talked to James Southworth, who told me that he had talked to Joseph Barboza.

Q. How did you speak to him, on the phone?

A. On the phone.

Q. Did you call him or did he call you?

A. It doesn't indicate, Monday, I would assume that he called me because he generally didn't work on Monday, so I assume, sometimes it will say I called, sometimes there will be no mention but he told me that on Monday, the 5th of January, 1970, that he had talked to Joe and that he wants Joe and I to do a T.V. on channel #5 on gang war. And he also on that date told me Raymond was going on trial in Rhode Island; then, I am now referring - on Friday, January 16th, I talked to Joseph Barboza who informed me that Channel #5 -

Q. This was on the phone?

A. Yes, Sir, Channel #5 was going to do a show, where, no one knows. James Flemmi is out on bail on $25,000. He informed me that Bob Crane, the State Treasurer, talked to Jim Southworth about soft-pedalling the Anzalone story. Claimed that he was in trouble, they were going to evict him, something to the effect about his land-lord having signed a land purchase contract. He is upset working as a cook, called Jim Southworth a few times. He had only $4.00 in his pocket, claims that he will raise hell with the Government about some cases. The T.V. show will probably be done in the State of Rhode Island.

Q. Now you are looking over your notes again?

A. Yes, Sir, On Saturday, January 17, 1970, Joseph Barboza called and said he was losing his house, he was not working, he was writing a sixteen page letter to Southworth. Jim Southworth promised that the T.V. program would be filmed in Rhode Island and he would get $2,000 for appearing in the film. He had been identified there, so that he needs the money for plastic surgery. On January 25th, 1970, Joseph Barboza called, said Southworth would be back in Boston by February 1st, he meaning Southworth would have the publisher down there. Joe mentioned something about Jim Southworth wanting to buy a small paper, that he had several persons, relatives of his and friends of his from the can, who would give us a ride around the city. Joe claimed that he had fifty pages of material

A. that if he left it out would overturn the three cases without a possibility of him being charged with perjury. On the 27th, of January, I talked to Joseph Barboza, he called and said he talked to Jim Southworth, who said call and come back and he would reimburse him. On the 28th of January, Joseph Barboza called me and told me that he needed some money and asked me if I would send him $120.00 in care of, do you want who it was in care of?

Q. Yes.

A. In care of Joseph William, [redacted], Santa Rosa, California, also gave me a number (telephone) to Donald Barboza Weiman 4-006 and when I return to Boston I am to call and say that I am Evelyn's father. He said that he would shake down Jim Southworth for the money as soon as he arrived. He said that Jim said he had thirty pages that he would finish up on the book, the publishers will be there when the T.V. program is made and Joe wants the T.V. to be held in Rhode Island. We then returned to Boston - we made the T.V. program.

Q. When you say "we", who is we?

A. I returned to Boston, Barboza returned to Boston. I forget the date, but it was in February, I believe it was on a Friday. Jim Southworth came to my house, picked me up and drove me to a motel down somewhere in Brockton or in that general area and we went into our room, and Mr. Caufield from the Herald Traveler arrived and Mr. Zimmerman from the Herald Traveler arrived and a camera-man, whose identity, I don't remember. We then filmed a picture of the film the entire day, commencing somewhere about 11:00 in the morning until about 4:00 in the afternoon.

Q. What was Joseph Barboza's physical condition during the filming of this tape?

A. He looked better in the filming of the tape than I had ever seen him before. The only unusual thing about him, if there is anything unusual, is the fact that he insisted upon wearing a hat during the entire taping.

Q. During the entire taping were you there?

A. Yes.

Q. You made certain statements and he did?

A. Yes, Sir.

Q. And you were both present when the statements were made?

A. Yes, Sir, at no time did either of us leave the room during the filming of the tape. We filmed it Friday, Caufield and Zimmerman and the cameraman left, Southworth remained, we were then joined by Barboza's brothers and two or three other gentlemen. We asked Southworth where the publishers were and he said he was still waiting for them, he would get a hold of them and see if he could get them there tomorrow. We inquired about the money and Southworth said that was something he was working out with Mr. Clancey and not to mention it in front of Mr. Caufield and so we assumed that because Caufield you know, that maybe this was a side deal that Clancey didn't want the Head of the News Department to know, we wouldn't bring up the subject of money right then and there. Southworth left, in fact if my memory serves me correctly, drove me to my sister's house. Saturday, we returned to this same motel and my mother-in-law drove me down.

Q. Do you recall the motel or where it was?

A. There was a cutoff on that, what is it #128, like you're going down to Brockton to Plymouth and there is a whole motel, you just cut off the main road and there is the motel.

Q. Did you sleep in the motel?

A. No. Saturday, my mother-in-law drove me down, we waited. Southworth was there when I arrived, it was at 8:00 in the morning. We waited and then Joseph Barboza came into the motel and we had a cup of coffee, Joe was carrying a gun in his little attache case, and then Caufield, Zimmerman and the cameraman arrived and we again went in and filmed more material for channel #5. If my memory serves me correctly, Southworth drove me home and Joe Barboza left, he left before Southworth and I left.

Q. During the filming of this particular event, there was a time when Barboza referred to some papers, was there not, when he gave the reasons why he had gone up against the organization?

A. Yes, Sir.

Q. Other than that occasion, did you see him refer to any other papers?

A. No. In other words what actually happened was that he had listed the reasons on the paper for the purpose of adding a little more drama to the filming rather than just trying to check off all the reasons mentally.

Q. Now did anyone prompt him or tell him what to say?

A. No, there was no prompting, in fact there was a free running sort of ..

Q. Did you discuss with him prior to this taping what you both would say?

A. No, because the fact of the matter was much to my suprise was that they had no format, they had no script, so we went in there and listened to him tell about his, it was just a free range sort of a deal and it wasn't until the second day that they began to become precise with him on particular issues, other than that they just said talk and he just talked for hours.

Q. Now following this, will you tell us what happened after this taping according to your notes and your memory?

A. Well, following this, Barboza left with his entourage and Southworth drove me home. I had other than the two occurrences I have alluded to, I was not in the presence of Joseph Baron during that time to Boston at all. Now I did receive a call from Joseph Barboza on February 18th, 1970, in which he called and said he was very upset over an article in the Record-American allegedly written by Bob Court. He said that he had in fact gone up to the attic that night that was referred to, and he said that Jessie, a black driver for Joe Balliero, saw him and that's why Billy Balliero knows.

Q. Is the Attic a restaurant in the downtown area of Boston?

A. Yes, Sir, it is somewhere located in the Combat Zone. He said he did go to East Boston and people had to refrain him when he saw or passed by Guy Frizzi. He also told Paul Rico that a guy was missing and buried down the Cape and he wanted me to tell James Southworth the same thing and the guy's name started with Jimmy. This is alluded to in a couple of other places, what Joe wanted to do was to leave the impression that he had whacked someone out while he was here. On the 13th of February, James Southworth came over to my mother-in-law's house, located at 18 Orchard Street in Mattapan and gave me $100.00. He said that he had a meeting with Anzalone, Dave Farrell and Bob Crane. He said that Anzalone wanted to know about the story that he was doing, Anzalone knew that Joseph Baron was back in town because Larry Cameron had told him. Now on, I am referring to my notes and I've passed one here, on January 30th, I have a note that James Southworth called and said that he could get $3,000.00 for Joseph Barboza from channel #5 and says that he can get the fare immediately, easy to set up, that is easy to set up the T.V. program. Now on the 19th of February, James Southworth called and he said that Bill Stewart, the Cop, was indicted, Accessory

A. After the Fact to Murder. He said there was activity in the Federal Court about Larry Baione. He said Clancy, the publisher was talking about doing a 90 minute special, they are going to take pictures of Bennett in Burks Street, New Bedford, said that channel #5 was upset over the $15,000 advance referred to in Bob Court's article about the book and the national networks are interested, but will do nothing on the T.V. until they see it first; says that he does not know anything about a missing person that I referred to.

Q. Now John, prior to this date, did you ever have a conversation with Mr. Barboza concerning an attempt to contact Attorney Joseph Balliero?

A. Yes, Sir.

Q. When was this and what was this conversation about?

A. This conversation was sometime, well let's see, it was after Joe's second trip to Boston, he had come back in February and made the T.V. that I was there, he then returned and called my house to inform me that his father's license had been revoked and some relatives of his had been picked up on some shake-down of "bookies" or robbing of "bookies" and the government, also informed me that the government had given him his $2500.00 back for expenses but they refused to give him the plastic surgery, and they would make no mention of the $9,000.00 which he claims was of his own money and so he said to me that he had been back to Boston and that he had been moving around and that he had found out the Feds were lying to him, that Fred Ciampa didn't have a contract with them and that he had a lot of friends, there was a tussle going on between Boston and Rhode Island and he had the opportunity to get involved and he could come back on the street. The only way he could come back on the street to settle things would be to make certain things right; so what do you have on your mind and he said words to the effect," well we can go see Joe Balliero, the lawyer and we can change the testimony because he said I got enough that will convince any Court that I was lying, so we will change the testimony and we will pick up a bundle of dough and everything will be straighten and I said to Joe, well now look, the same people involved in the Deagan trial were friends of the people who were involved and took my leg, I am satisfied that what was said at that trial was the truth, I don't want to get involved in any of your schemes, Joe and if you go through with upsetting any of your cases, you and I will be on opposite sides. He said, okay John, never mind, we won't talk anymore about it, that's it if that's how you feel and I said that's how I feel and that was the conversation that I had with him.

Q. Now would you continue referring to these notes that you have.

A. Yes, Sir. Then on February 26th, I received a telephone call from James Southworth and he says the publishers from New York, Random House, are meeting next week to see the T.V., he says that Joe Barboza called him up looking for money on the T.V. show, he said that he was turning over to Rico and Condon, all the material relative to the taping of channel #5, he was upset over the fact that some people think he had something to do with the Grand Jury summons that was sent out by the Task Force - allegedly after our appearance in Boston, he said that Joe called and then Barnes called him about giving $1,000 for Joe's recent return to Boston; then on the 5th of March, again talked to James Southworth on the phone and again he referred to that there was no date set for the showing of the T.V., as the publisher Mr. Clancey had not set the date, said he had talked to Little & Brown about the book and then he referred to a trial in Rhode Island. On Wednesday, March 11th, Joe called and said, got a call last night referring to Tuesday, March 10th, said that the Feds had agreed to give him his plastic surgery operation, also $2500 for recuperating , nothing about about his own money, he is going to return back to Boston and wants me to come back with him and has a bullet-proof vest, wants to stay near Jim Southworth down at the Cape for three days to straighten things out, said that James Southworth wrote a paper about Raymond Patriarca's trial and that Raymond Patriarca has a friend of Rudy Schirra on the jury - . On Friday, March 13th, I talked to James Southworth, who had called, he said Caufield had talked to Rico and Condon, he said he had done an article about Raymond, he said that Joe had talked to him about taking another trip back to Boston. Then on March 25th, I talked to James Southworth, who informed me that the Chief of Police's daughter from Cranston, Rhode Island was on the jury down in Rhode Island. On the 16th of April, Joe Barboza called and told me that his visit to New Bedford was in the newspapers, this was referring to his second visit, that he had an interview with the Chief of Police about his behavior, brother still in jail, he said that Southworth has no phone, Joe said that people accused him of taking over the rackets in New Bedford and Rhode Island. On the 20th of April, James Southworth called, said that the book was in good shape, Joe stayed at his house, took his shotgun and went out firing. On April 22nd, I talked to James Southworth and he said there was nothing more on the T.V. or on the deposition of Joseph Baron which had reference to the suggestion made by Southworth at the time of the taping that Joseph Baron appear and give a deposition on behalf of the case involving the Herald-Traveler and one George Cahill. Now referring to on the 5th of May, I talked to James Southworth and he informed

A. me that Stephen Flemmi was back in Boston, that Stephen Flemmi had returned to Boston after the Shields verdict. I asked him whether or not he had told the F.B.I., and he told me that he had told Denny Condon about it. He said that screaming Italians beseiged Garrett Byrne's Office, claiming that Joseph Baron lied. He said that he had told Ted Harrington that Joe was willing to say that Louie Grieco was innocent, that Joe claimed that certain things went forward and the Federal Government and the Justice Department was aware of this misuse of information and that this would effect the future trials of informants that they have. He said that he said these things to psyche out the Federal Government on commitments that they had made to Barboza. And on that same day, I talked to Denny Condon, who called me and asked him whether or not he had ever heard that Stevie Flemmi was back in Boston and he said no, that he had not talked to Southworth at all. Another thing Southworth had told me that Denny Condon had called him on that day, referring to May 5th, right after Southworth allegedly had talked to Harrington and Denny said that number one, he had never called Southworth.

Q. Did you speak to Denny on the phone after you spoke to Southworth?

A. Yes, right, May 5th. My notes indicate that Denny denied talking to Southworth, denied knowing that Stevie Flemmi was back in Boston. And I think it is obvious that when Southworth said to me that Stevie Flemmi was back in Boston and he told Denny Condon, then when I'm talking to Condon, I said, "How come you haven't picked up Flemmi," Denny said what do you mean and I said Southworth told me that he called you up and told you that Flemmi was back in Boston and Denny said, I never talked to him, so then I told Denny, "Well Jesus, he said he went up to Ted Harrington's office and told him all of these things, he wanted to psyche out Harrington, he said that he was never up to Harrington's . Then on May 6th, I talked to Joe Barboza, who was upset over Jim telling that story about Louis Grieco to Ted Harrington. He rambled on about New Bedford he further rambled on about the book. Joe says that his testimony was that he and Ronny Cassesso went to Peter Limone and that at no time did Romeo Martin ever having dealings with Peter Limone and Joe sent Jim Southworth a letter to the Parole Board the letter was to be given to Denny Condon. Then on May 11th, I talked to Claire Baron, and she was quite upset over the fact that Joe was not working. She was going to leave him and go back to Boston. He is hanging around with some rough guys. Thereafter Joe called and mentioned that he had a credit card, he is upset not hearing from Jim, wants me to leave and he would meet me in Connecticut and his girl-friend will pick me up, he

A. said that Jim did not give that letter to Denny, that Joe wanted to go to the Parole Board, brothers are still in Jail, repeated his tale of being abandoned. On May 14th, James Southworth, didn't know where or when I'm referring to telephone conversation, that the deposition would be taken, again I'm referring to the Herald-Traveler George , he says that the attitude of Rico and Condon had changed towards him, he says that he has sketched out one quarter of a chapter, that Random House&mentioned for the first time, Gambit are interested in publishing it, said that the Feds have finally settled Joe's furniture claim and there is a big question now on the plastic surgery. On May 17th, Sunday, Joseph Barboza called my house three times before I had come home, claims that he heard from someone who would be in a position to know that James Southworth had gone to Gerry Angiulo, allegedly conscience-stricken over the Deagan trial. I told Joe that he could be only sure of that if one, you were positive of the creditability of the person who he was talking about and if that was a fact then it would seem to me that Southworth might be lining up to be a witness for Stewart. Then Joe talked to me about the Stewart affidavit, I advised Joe that if he had gone to Angiulo then he would probably be telling where Joe was living, Joe wanted to know at that time if he could sue the Herald-Traveler and I told him to see his lawyer.

Q. You were not his lawyer of course?

A. No. I have always advised Mr. Baron that my present job with the Government precluded me from representing anyone without permission from and this is pretty much limited to yourself and your own spouse. And Joe asked me what if this motion was heard and Southworth said that he said these things. Well I said then you would probably be called upon to testify against Southworth to get on the stand. I then called Denny Condon and further advised Denny that Joe Barboza was going back to town. On May 18th, Joe Barboza called and said that he had talked to Denny and Paul Rico and had told them about Southworth's visit to Jerry Angiulo his conscience and again I repeat about the innocence of the three men...

Q. Now excuse me for one second, you say that you told Denny about Southworth saying something about the innocence of the three men, is that correct?

A. No, I'm talking about Joe said that he had called Denny and had told Denny about Southworth going to Jerry Angiulo and told Denny that Southworth was allegedly conscience-stricken about the innocence of three men.

Q. Isn't it true that when you spoke to Southworth that he only mentioned one man, Louis Grieco?

A. Yes, Sir.

Q. This is the first time we have heard anything about three?

A. Right, Sir. And again talking about the reliability of this information, I said to him how reliable was this guy that told you Southworth had gone to visit Angiulo and he said well he knew that I was planning on coming back to make the depositions for the Herald-Traveler and Joseph Barboza claimed that James Southworth smoked grass with him to brighten him up. Joe was planning to return to Boston and claims that when he leaves there will be fireworks. He keeps talking about some guy named Herbie from Frisco, who will be with him. Joe claims that the Feds told him that Jerry Angiulo had Louie the Fox whacked out. According to Joe, there is bad blood between the Rhode Island and the Boston group. Again that is something he had alluded to in conversations with him back in Boston, especially when we discussed the Louie the Fox murder and how he had been approached to straighten things out. Now on May 21st, Joe called and said that he had talked to James Southworth. James Southworth denies ever talking to Jerry Angiulo. He says that he can't go back to Boston as he was summonsed in for some case on May 22nd.

Q. This case, you mean summonsed in, where he was then living and it was a civil case as far as you know?

A. Right, my understanding it was.

Q. Did it have something to do with the house he bought etc.?

A. Right. And I might say this, that it is my understanding that on a claim that he had or a workmen's comp., or some sort of industrial case that he has, his own attorney retained for that. He said that on May 25th, he and Jim were going to do an article on Barnes Inc., on broken promises and he is still planning on going up against the Government, noticed that at this time that each time he talks he keeps mentioning, "I am more afraid of Raymond because he can reach up." On May 26th, I talked to James Southworth and again he talked about the deal with publishers Little & Brown and Random House, he says that Joe is planning on coming back to Boston. He says that he has never visited Jerry Angiulo. He claims that he made a comment when someone suggested Stewart was telling the truth about the Deagan trial, that the only one who would know would be Joseph Barboza and this is what got back. He says he never visited Angiulo and never said anything about the Deagan trial.

Q. This is what Southworth told you?

A. This is what Southworth told me, yes, Sir. On Friday, May 29th, Memorial Day, off from work, James Southworth called.

Q. Again you are reading from these little calendar notes?

A. Yes, Sir. These are accurate of my memory but they do not purport to represent all of the telephone conversations that I had with these people. Most of the time I tried to put things down but.....

Q. There would be circumstances when you would be busy...

A. When you would be busy or out of town, one time I was sent to Texas for two weeks on an investigation, I made the entries at work and kept this inside drawer, but on May 29th, my notes indicate Memorial Day, off from work, James Southworth called and said he had stayed home for two days as he thought Joe Barboza was coming. Promised he would return the scrapbooks. He keeps on saying that Stevie and Frankie were in town

Q. You keep on mentioning a Stewart, who do you know that person to be?

A. William Stewart, by reference to him I am referring to a Boston Police Officer, who lives on Blake Street, behind my mother-in-law who I know of my own personal knowledge etc. By Stewart, I am referring to that one who is also the same one who was indicted by the Suffolk County Grand Jury for the murder of Billy Bennett, as an accessory after the fact. On Monday, June 15th, James Southworth called, he inquired about whether or not Irving Pinter had an injunction preventing the publication of the book. Joe is back in town and is with his girl-friend and has been reaching around Boston. He thinks Joe has been staying in Rhode Island and has had contacts with various people. This is what Southworth told me on that day. On Saturday, June 20th, I talked to Southworth, he claimed that he was being regarded as a conduit for Joe; that Zalkind called him for an affidavit in regards to Deagan case. They have a statement from Stathopoulos in which Joe told him to say that Louis Grieco was in the alley, that he would refuse to give Zalkind a statement because he was a newspaperman coupled with the fact that he was writing a book for Joe. Then he went on to say that Joe never discussed the Deagan case with him and that he would return the scrapbooks.

Q. May I clarify one thing, you say in there that he said that Zalkind told him that he (meaning Zalkind) had a statement from Stathopoulos claiming that Joe Baron told Stathopoulos to say that he saw Louis Grieco in the alley?

A. Yes, Sir. On Sunday, June 21st, Joseph Barboza called, my notes indicate little, upset with Southworth, denied saying anything about the Deagan case to Southworth. On Tuesday, June 23rd, Joe called and said his identity had been made; some guy with connections in Nevada knew who he was, he says he knows where Guy Frizzi will be staying in California, he talked to Jim Southworth, who refuses to give Garrett Byrne a statement, said the guy who gave Garrett Byrne, oh, he said the contact who gave Garrett Byrne that story after J. S. came to see him was Joseph Balliero, the attorney. He does not want to work but wants to move and lead another life, said something about losing his address book and getting it back two days later. On Tuesday, June 3rd, Denny Condon called and said that Joe Barboza had talked to Ted Harrington, Harrington said that Joe told him that he had never said any of the men were innocent and Southworth has never showed up to give an affidavit.

Q. Now during all of these conversations Mr. Fitzgerald, there was no animosity between you and Barboza was there?

A. No, Sir.

Q. At the time you were friends, I wouldn't use the word friends ..?

A. We were engaged in a joint venture, a business venture or whatever you might call it.

A. On July 3rd, 1970, I talked to James Southworth who informed me that Pinter had called him in re: the book and said meaning Southworth that he was not sure that he was going to write a book at all. The only other record I have with me at this moment is .... here is something interesting - Ronny Wysocki called me on Thursday, July 23rd, and he asked me to call Bob Caufield at 288-9294, private phone, home phone [redacted] talked to Caufield and outlined the background of the T.V. incident, that Jim promised that we would get money from the Herald-Traveler, also told him the story about the book. Caufield said the station was spending about $8,000 to run the T.V. and background and he said that he had spoke to Jim Southworth about whether he had ever promised to pay us money for the T.V. and that Southworth had said, no, he borrowed $20.00 from Caufield one day, while we were down making the thing and he had spoken to Clancey about filming it and Clancey was very interested in filming it but there was a strike. I told Caufield about Jim Southworth's visit to Garrett Byrne and repeated the alleged incidents, where Southworth had called up and said that he had gone to Harrington's and told a story about Deagan and that he had psyched it out. I told

A. Caufield that you know this guy runs around is Barboza's chauffeur, house guest and runs around making all kinds of lies and I said if it had been anybody else or if I had been acting in the capacity of Barboza's attorney, I said we would probably be suing you for breach of promises. But I said I came back to make the T.V. not for the inducement of the money, but to cite one, taking a poke at Raymond and also, two, in meeting the publishers. But I said it seem to me that you shouldn't employ a newspaperman who represented that he was speaking for the publisher and Caufield said that he would probably take it up with Clancey and he was very disturbed about it. On the 29th of July, I received a telephone call from James Southworth, who informed me that Joseph Baron has signed an affidavit, stating that he wanted to recant his testimony, then he repeated to me what this affidavit purportedly said. He said to me that he would return the scrapbooks and he said, Southworth felt that Garrett Byrne has spread the word around town, that he (meaning Southworth) was responsible for Joe's changing his . And the next day I spoke to him was on Thursday, July 30th, he called and said he got drunk last night.

Q. This is Southworth?

A. Yes, Sir. He said he would return the scrapbooks today/ he said the Boston Globe and then he repeated what pages they were on he said that on Monday, July 27th, Herbie Jesus and some guys came to his home, Southworth's house, and picked up all documents that were in his possession, except my scrapbooks and tapes from him and that they are now in the possession of F. Lee Bailey. James Southworth said that when Barboza had been back in Boston, and now this is the visit subsequent to February, the second visit, that he had rented a car in his name for Joseph Barboza in his own name and that the bill was so high, that they ended up shutting off his lights.

Q. Shutting off his lights?

A. That's what he said, his home lights.

Q. In other words, after paying for the rented automobile, he didn't have enough money, I see. Make a note, when we get back, remind myself to check whether in fact his lights were turned off and whether in fact he did rent the car

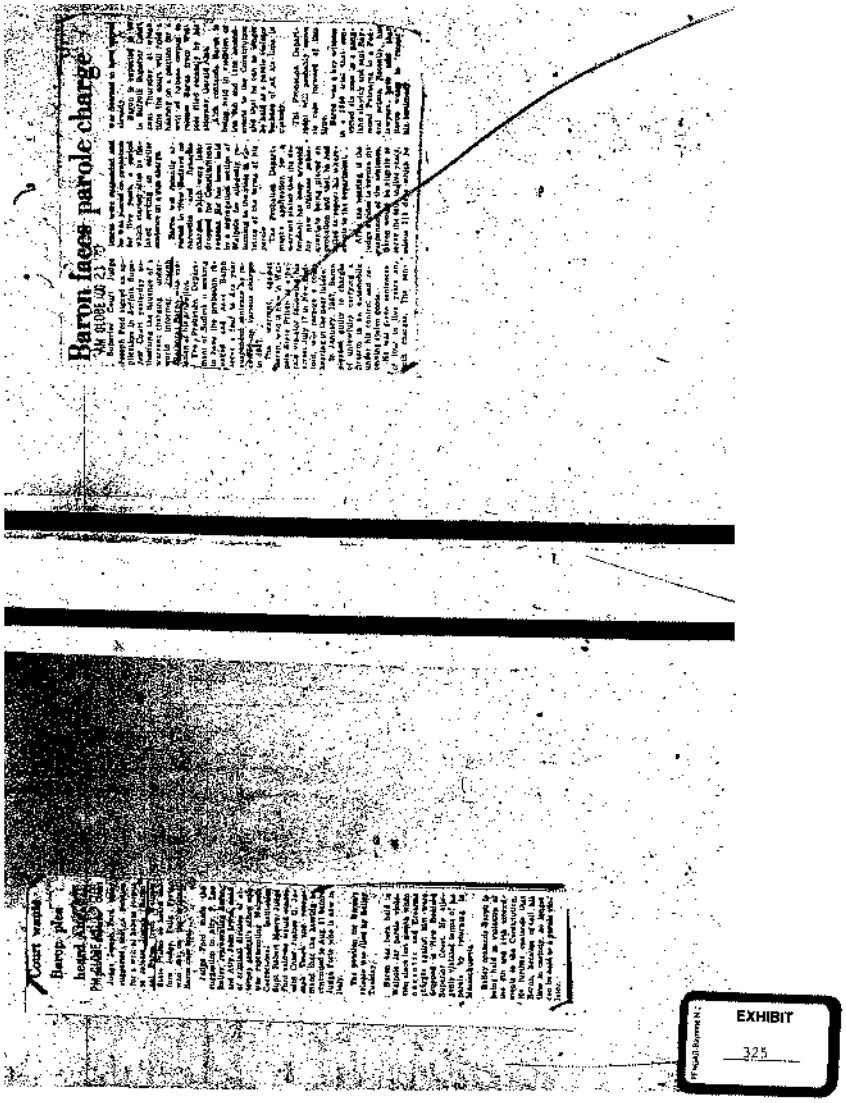
Tape #2

Q. We want to get hold of Denny Condon when we get back to ask him to show us any letters that he has from John Fitzgerald and Joseph Barboza. In particular, a letter that John Fitzgerald sent him, that is Denny Condon, stating in there that John didn't want to get involved in anymore of Joseph Barboza's schemes

Court wants Baron plea heard Aug. 21

PM GLOBE AUG 21 '70

Judge Joseph Ford [illegible] suggested [illegible] for a writ of habeas corpus [illegible] Baron [illegible] State Prison [illegible] Judge Ford [illegible] Baron [illegible]



Judge Ford made the suggestion to Atty. P. Lee Bailey, representing Baron, and Atty. John [illegible], head of criminal division of attorney general's office who was representing Walpole Correctional Institution Supt. Robert Morris. Judge Ford [illegible] Chief Justice G. Joseph Tauro and [illegible] that the hearing be [illegible] Aug. 21 before Judge Ford who is now in Italy.

The petition for Baron's release was filed by Bailey Tuesday.

Baron has been held in Walpole for parole violation since last month when narcotic and Erearms charges against him were dropped in New Bedford Superior Court. He allegedly violated terms of his parole by returning to Massachusetts.

Bailey contends Baron is being held in violation of the 4th and 14th amendments to the Constitution. He further contends that Baron, because of tail his time in custody, no longer can be held as a parole violator.

Baron faces parole charge

AM GLOBE AUG 21 '70

Superior Court Judge Joseph Ford signed an application in Suffolk Superior Court yesterday authorizing the issuance of a warrant charging underworld informer Joseph Raymond Baron with violation of his probation.

The Probation Department of Suffolk is seeking to have the probation revoked and have Baron serve a four to six year suspended sentence by recommending various charges in [illegible].

The warrant, against Baron, who is now in Walpole State Prison as a parole violator following his arrest July 17 in New Bedford, will require a court hearing in the near future.

In January, 1967, Baron pleaded guilty to charges of unlawfully carrying a firearm in an automobile under his control and receiving stolen goods.

He was given sentences of four to five years on both charges. The sentences were suspended and he was placed on probation for five years, a period which started after he finished serving an earlier sentence on a gun charge.

Baron was recently arrested in New Bedford on narcotics and firearms charges, which were later dropped for Constitutional reasons. He has been held by a segregation section of Walpole for allegedly returning to the state in violation of the terms of his parole.

The Probation Department's application for a warrant stated that the defendant has been arrested for new offenses [illegible] being placed on probation and that he had failed to report his whereabouts to the department.

After the hearing of the judge [illegible] to revoke the suspension of the sentence, Baron would be eligible to serve the 4th to five years, minus 213 days which he was deemed to have served already.

Baron is expected to be in Suffolk Superior Court next Thursday, at which time the court will hold a hearing on a petition for a writ of habeas corpus to release Baron from Walpole filed recently by his attorney, Gerald Alch.

Alch contends Baron is being held in violation of the 4th and 14th amendments to the Constitution and that he can no longer be held as a parole violator because of an his time in custody.

The Probation Department will probably move to case forward at this time.

Baron was a key witness in a 1966 trial that convicted six men in a gangland slaying and said Raymond Patriarca is a Federal prisoner. Recently, his lawyers, [illegible] Baron wants to "recast" his testimony.

PF Hall-Raymond N.J.
EXHIBIT
325

Court asked to release Baron from Walpole

Hearing on Baron test continued, start new

PM CLOSE AUG 25 70

A Superior Court hearing on a lie detector test for Joseph Barboza Baron sparked a courthouse demonstration today on behalf of four men on Walpole's death row convicted in a case in which Baron appeared as a witness.

Superior Court Judge Joseph Ford continued the hearing until tomorrow and the crowd broke up before a half dozen police officers arrived to restore order in the courthouse.

The hearing was called on a petition filed by Atty. F. Lee Bailey on behalf of Joseph Barboza Baron. It asked that Baron be allowed to take a lie detector test to prove that he was lying in his testimony in the Deegan murder trial.

Assistant Dist. Atty. Jack I. Zalkind told the court that the office of Suffolk County Dist. Atty. Garrett H. Byrne was not interfering to prevent the test but since lie detector tests are not admissible in court the office would be against it.

Judge Ford continued the case for one day to allow Atty. Bailey to contact correction officials and tell them there is no court order existing which will prevent Baron from taking a lie detector test.

Bailey said he would contact Walpole Superintendent Robert Moore to make another effort to have Baron take the lie detector test.

The crowd of about 65 filled the courtroom and remained silent during the hearing. At the conclusion of the hearing they moved downstairs to the first floor of the courthouse near the Somerset st. entrance and began berating the district attorney and his office for his stand on the lie test.

A man who identified himself as a relative of Peter Limone said if they were not successful they would return 20,000 strong to the courthouse.

Demonstrators were relatives and friends of Peter J. Limone, 34, of Medford; Henry Tameleo, 65, of Cranston, R.I.; Louis Grieco, 51, of Peabody; Wilfred "Boy" French, 38, of Everett; Joseph F. Salvati, 38, of North End, and Ronald A. Cascsso, 57, of Somerville.

Limone, Tameleo, Grieco and Cascsso were sentenced to death for the slaying of Edward (Teddy) Deegan in a Chelsea alley in 1965. The trial was held in Suffolk Superior Court before Judge Felix Forte in July of 1968.

French and Salvatti were sentenced to life in the same case.

The same relatives on May 1 staged a demonstration on the sixth floor of the courthouse and police had to be called when they threatened to storm the office of Dist. Atty. Byrne.

In today's court hearing Asst. Dist. Atty. Zalkind said Bailey's suit was another attempt to disparage the district attorney and Chief of Detectives John F. Doyle Jr. as well as himself.

Judge Ford said that the office of the district attorney had the right to interfere with the taking of the detector test.

In the Deegan case the testimony of Joseph Baron was in part supported by the testimony of Atty. John Fitzgerald, who prior to his testimony lost a leg when his car was bombed, and also supported by Anthony J. Stephopoules, a friend of Deegan who was supposed to have participated in the robbery which proved a setup for Deegan's slaying.

EXHIBIT
326

BSF-01363

Hearing on Baron test continued, start[illegible]

PM GLOBE AUG 25 '70

A Superior Court hearing on a lie detector test for Joseph Barbosa Baron sparked a courthouse demonstration today on behalf of four men on Walpole's death row convicted in a case in which Baron appeared as a witness.

Superior Court Judge Joseph Ford continued the hearing until tomorrow and the crowd broke up before a half dozen police officers arrived to restore order in the courthouse.

The hearing was called on a petition filed by Atty. F. Lee Bailey on behalf of Joseph Barbosa Baron. It asked that Baron be allowed to take a lie detector test to prove that he was lying in his testimony in the Deegan murder trial.

Assistant Dist. Atty. Jack I. Zalkind told the court that the office of Suffolk County Dist. Atty. Garrett H. Bryne was not interfering to prevent the test but since lie detector tests are not admissible in court the office would be against it.

Judge Ford continued the case, for one day to allow Atty. Bailey to contact correction officials and tell them there is no court order existing which will prevent Baron from taking a lie detector test.

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Demonstrators were relatives and friends of Peter J. Limone, 34, of Medford; Henry Tameleo, 66, of Cranston, R.I.; Louis Grieco, 31, of Peabody; Wilfred "Roy" French, 28, of Everett; Joseph F. Salvati, 38, of North End, and Ronald A. Cassesso, 27, of Somerville.

Limone, Tameleo, Grieco and Cassesso were sentenced to death for the slaying of Edward (Teddy) Deegan in a Chelsea alley in 1965. The trial was held in Suffolk Superior Court before Judge Felix Forte in July of 1968.

French and Salvati were sentenced to life in the same case.

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Judge Ford said that the office of the district attorney had no right to interfere with the taking of the [illegible] test.

In the Deegan case the testimony of Joseph Baron was in part supported by the testimony of Atty. John [illegible], who prior to his testimony lost a leg when his car was bombed, and also supported by Anthony [illegible], a friend of Deegan who was supposed to have participated in the robbery which proved a setup for Deegan's [illegible].

8/25/70

TELETYPE URGENT ~~IMMEDIATE~~

TO: DIRECTOR [redacted] F

FROM: BOSTON [redacted]

[redacted]

REBOSTEL AUGUST TWENTYFOURTH LAST.

PURSUANT TO A TELEPHONIC REQUEST OF DONALD BARBOZA, BROTHER OF JOSEPH BARON, DONALD BARBOZA WAS INTERVIEWED LATE PM YESTERDAY AND EARLY AM TODAY. DONALD SAID BARON REQUESTED HIM TO CONTACT SA DENNIS M. CONDON AND TO RELATE THE FOLLOWING TO HIM:

HE, BARON, IS SCHEDULED TO BE TRANSPORTED FROM MCI, WALPOLE, MASS., FOUR AM, AUGUST TWENTYSEVENTH NEXT, IN CONNECTION WITH HEARING IN SUPERIOR COURT, BOSTON, THAT DATE. BARON WANTED SA CONDON, WALTER BARNES, CHIEF OF STRIKE FORCE, BOSTON, AND JOHN PARDINGTON, DEPUTY USM, PROVIDENCE, R.I., WHO WAS IN CHARGE OF BARON'S DETAIL, TO MEET AND TALK TO HIM AT FIVE AM, AUGUST TWENTYSEVENTH NEXT SO THAT F. LEE BAILEY WOULD NOT BE AWARE OF THIS CONTACT.

[redacted] F

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F [redacted] 1R3

EXHIBIT 327

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INDEXED
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8/25/70

TELETYPE URGENT ~~IMMEDIATE~~

PAGE TWO

DONALD BARBOZA SAID BARON MADE STATEMENT THAT THERE WOULD BE NO POLYGRAPH AND THAT HE, BARON, WAS JUST TRYING TO MOVE THESE PEOPLE FOR SOME MONEY; THAT HIS ARREST IN NEW BEDFORD, MASS., "SCREWED UP" THIS MOVE; THAT ATTORNEY JOE BALLIRO "SCREWED HIM UP" BY GOING INTO COURT WITH THE AFFIDAVITS. BARON TOLD HIS BROTHER TO RELAY THE FACT THAT HIS WIFE HAS HIS PAPERS RE DEEGAN MURDER TRIAL AND ON WHICH NUMEROUS HANDWRITTEN NOTATIONS OF ASSISTANT SUFFOLK COUNTY DA ZALKIND APPEAR, WHO PROSECUTED THIS CASE.

BARON ALSO TOLD HIS BROTHER THAT F. LEE BAILEY ASSURED HIM THAT THE PROBATION VIOLATOR WARRANT RECENTLY SERVED ON HIM WOULD NOT BECOME EFFECTIVE UNTIL THE END OF HIS PRESENT SENTENCE ON OCTOBER FIFTH NEXT; THAT SINCE HE WILL ACTUALLY BE RELEASED FROM THE PAROLE VIOLATION ON SEPTEMBER TWENTYTHIRD, NEXT, BECAUSE OF HAVING GIVEN BLOOD, THE LATTER WARRANT WILL NOT AFFECT HIS CONTINUED INCARCERATION. BARBOZA TOLD HIS BROTHER THAT BAILEY ALSO ASSURED HIM THAT THE DISTRICT ATTORNEY IN BRISTOL COUNTY COULD NOT DO ANYTHING WITH THE DRUG AND GUN CHARGES FOR

8/25/70

TELETYPE URGENT ~~IMMEDIATE~~

PAGE THREE

WHICH HE WAS ARRESTED IN JULY LAST.

BOSTON OFFICE WILL ADVISE BARNES OF BARBOZA'S DESIRE TO SEE HIM AND UACB, SA CONDON WILL NOT SEE BARBOZA.

END

000972

LAW OFFICES OF ALCH, GILLIS & DANIELS
ATTORNEYS AT LAW
ONE [illegible] PLAZA, BOSTON, MASSACHUSETTS 02108
[illegible]

F. LEE BAILEY
GERALD ALCH
COLIN W. GILLIS
RAYMOND J. DANIELS
DANA P. SMITH
EDWARD DANIEL III

RICHARD J. [illegible]
OF COUNSEL

WILLIAM D. [illegible]
ADMINISTRATOR

August 27, 1970

MEMO TO: JOE BALLIRO

FROM: LEE BAILEY

This is a status report of the present situation with respect to Joe Baron and his proposed recantation of testimony given before the Superior Court in Commonwealth v. French. Although I have necessarily excluded a few matters as confidential between Mr. Baron and myself, he has authorized me to inform you as to the matters described below.

As you recall, when I met with Baron at his request in New Bedford, he stated that he had felt for some time that he should make a direct effort to right the injustice which his testimony had caused. He indicated that he had been assured all along that (especially in the murder cases) a conviction was unlikely, and after the conviction occurred he was told to expect that due to trial errors the Supreme Court would reverse the cases, and of course there would never be a re-trial; therefore, no permanent harm would be done to anyone whereas the government would have accomplished its primary objection: much publicity about prosecuting organized crime. After he learned that the Supreme Court affirmed the convictions and discussed this fact with many friends, he became persuaded that these men might be executed for something they hadn't done and therefore took steps on his own to make his feelings known to the victims of his testimony. His arrest in New Bedford following my agreement to represent him was of course an unanticipated and unfortunate intervening factor, and has prevented me from going over exhaustively with Baron all of the events that led up to his trial testimony and caused it to seem credible. Nonetheless, after



Memo To: Joe Ballirs
Page 2
August 27, 1970

many hours of conversation with him at Walpole I am convinced that I have most of the details of what actually took place. It appears that the reports you have described given to three different police officers in three different departments by persons other than Baron correctly describe the Deegan killing and the attempt on the life of Stathopoulos. It appears that Mr. French did in fact shoot Deegan, that Mr. Cassesso was present with Baron in the car and conspired to kill Stathopoulos but was not involved in the Deegan killing, and that Salvati and Greco were not present at all. Further, Tamelio and Lemone had nothing to do with arranging Deegan's murder nor had they any reason to believe that it was going to occur. The person sitting in the rear of the automobile which the Chelsea Police Captain saw was in fact bald and was Vincent Felemi. Romeo Martin in fact shot Deegan but the role ascribed to Greco as the third assailant of Deegan in fact involved another man whose last name begins with "C" as you had earlier suggested to me. All of this information will be verified by polygraph test within the next few days, but I believe that an additional affidavit from Baron naming the actual participants together with a statement by Cassesso, who has never testified, would be helpful in corroboration.

I have had no response to my letter to the Attorney General asking for help in writing the injustice that Baron has caused. I am sorry that I am unable to permit you to question Baron at this time, and I am writing this letter in part so that you will be able to explain to the families of your clients what my position is and why I cannot permit interrogation now. Although my sympathies are of course primarily and directly with the victims of your affair, I must either give Baron full representation or none at all and I cannot ask him to put in the hands of hostile counsel testimony which could result in very severe penalties to him.

If the law enforcement authorities are interested in correcting the wrongful convictions which were obtained in The Superior Court, they have the power to do so and they certainly by this time have every reason to believe that a terrible mistake has been made. I will do everything I can consistent with Baron's legal rights to aid in attaining this result. I am very hopeful that before much more time goes by someone in authority will recognize the serious res-

[illegible]

To: Joe Balliro
Page 3
August 27, 1970

ponsibilities to be faced and confer with me about some reasonable and practical means of setting these clients free. Until that time there is not very much that I can do directly except to try to prevent Baron's continued incarceration. I must be frank in saying that because of his past experience he has some feeling that he can trade his own freedom (as he did before) for the conviction (even if wrongful) of people whom the law is out to get. The present effort of the authorities to violate his probation and keep him in prison for another five years may well - at least for the time being - operate to prevent the truth from coming out. When Baron becomes convinced that trading freedom for fiction is beyond the control or influence of those with whom he collaborated, I think he will testify to the true facts even though there may be some personal risk involved.

Should it at some time in the future become feasible for you to interview Baron - even in limited fashion - I will advise you at once.

Sincerely,

F. LEE BAILEY

FLB/pw

8/31/70

Ex-crime boss Patriarca paroled in Rhode Island

Raymond Patriarca, reputed chief of organized crime in New England, who was convicted of murder charges on testimony of a man who later moved to Santa Rosa, was granted parole Thursday.

The 66-year-old Patriarca was granted parole by the Rhode Island Parole Board after serving five years of a 10-year sentence.

He was sentenced on murder conspiracy charges after testimony from Joseph Barboza Baron during a 1968 murder trial in Boston.

Patriarca was sentenced in 1970 for conspiracy to murder Rudolph Marfeo, who was shot to death with another man in 1968 at a Providence, R.I., grocery store.

At the time, Patriarca was serving a five-year sentence in federal penitentiary in Atlanta, Ga., for conspiracy to murder Marfeo's brother, William, who was killed in 1966.

Baron was tried in Sonoma County in 1971 on charges he shot and killed Clayton Rickey Wilson, 26, Santa Rosa, in July 1969 in a remote area of Sonoma Valley. Wilson's body was found Oct. 12, 1970, and subsequent investigation led to Baron's arrest.

Midway through his trial Baron, reputed New England hit man who worked for Patriarca, changed his plea to guilty to second degree murder charges.

At last report he was serving his sentence in Montana State Prison.

Baron was moved to Santa Rosa and given a new identity under the name Joseph Bentley, after turning state's evidence in New England.

Rhode Island Parole Board chairman Joseph Galkin said the five-member panel decided to release Patriarca because of "his excellent prison behavior and the desirability of supervision in the community."

The Rhode Island Attorney General's office and the U.S. Attorney's Office opposed his parole and release.

It was Patriarca's third request for parole. A previous bid in June was turned down by the board, which said his release "would deprecate the seriousness of his offense and is incompatible with the welfare of society."

EXHIBIT 329

AFFIDAVIT

Personally appeared before me Edward F. Harrington, United States Attorney for the District of Massachusetts, and being under oath, deposed and said as follows:

1. On August 28, 1970, I and Walter T. Barnes were Special Attorneys assigned to the Organized Crime and Racketeering Section in the Boston Field Office of the United States Department of Justice.

2. At approximately 1:00 p.m. until 2:15 p.m., on the aforementioned date, I and Walter T. Barnes interviewed Joseph Baron, also known as Joseph Barboza, at the Walpole Correctional Institution, and thereafter made a written memorandum of the interview.

3. A copy of the memorandum is affixed hereto and is a complete, accurate and truthful account of the events set forth therein.

Edward F. Harrington
Edward F. Harrington,
United States Attorney,
District of Massachusetts

Then personally appeared before me the above named Edward F. Harrington on the thirty-first day of October, 1978, and swore that he had read the foregoing affidavit and affixed memorandum and that the facts therein stated are accurate and true.

Silvia F. Baker
Notary Public
M.C.E. 10/5/84

EXHIBIT
330

WTB:EPH:dad

James Featherstone, Deputy Chief
Organized Crime & Racketeering Section

August 28, 1970

Walter T. Barnes and Edward F. Harrington
Special Attorneys, Boston Field Office
Organized Crime & Racketeering Section

Interview with Joseph Baron

On August 28, 1970 at approximately 11:00 A. M., Arthur Isberg, Massachusetts Commissioner of Corrections, telephonically advised Walter Barnes that Joseph Baron had requested in writing to speak to Barnes and Special Agent Dennis Condon. Isberg told Barnes to contact Fred Butterworth at Walpole for the exact wording of the request. Edward Harrington called Butterworth at Walpole and Butterworth read Baron's written request, a copy of which is attached to this memorandum. Harrington advised Butterworth that Barnes and Harrington would leave immediately for Walpole.

Barnes and Harrington conferred with Joseph Baron at Walpole Correctional Institution from approximately 1:00 P. M. until 2:15 P. M. Baron requested Barnes and Harrington to relocate his wife and family from California in light of the fact that their whereabouts had become public knowledge, having been disclosed by his counsel, F. Lee Bailey, at a prior court proceeding. Barnes and Harrington did not make any response to this request. Baron also requested that his probation revocation warrant be withdrawn. Barnes and Harrington advised Baron that they had no control over the Massachusetts Parole Board and that they could make no promises in this regard.

During the course of the conversation, Baron made the following statements:

Baron stated that it was his original intention to inveigle members of the underworld into giving him money on the pretext that he would recant his testimony given in previous trials and that, when he received the money, he would leave the area without recanting;

Baron also stated that his counsel, F. Lee Bailey, "made him sign the affidavit" and that "they" have sent his wife money in return for his signing the affidavits; that Bailey acknowledged

to him that the affidavits themselves were not sufficient to warrant the granting of a new trial, but that it would be necessary for Baron to testify as a witness, which Baron does not desire to do.

Baron also advised that his testimony in the Deegan case was truthful and that he had signed the affidavits only for money; that he is not going to take the lie-detector test on August 31, 1970, for he feels that once he has taken the test Bailey will have no further use for him and that his life will be in danger; that he will tell Bailey that he had spoken with Barnes and Harrington merely to tell them that, if they were going to pressure him by initiating criminal charges, he would open up a "Pandora's box." He stated that this statement would be merely a pretext so that Bailey will not distrust him on account of his seeing them.

Baron stated that if he took the lie-detector test it would prove that he told the truth during the Deegan trial, but that he will not take this test until he is out of custody and beyond the control of Bailey.

Baron stated that two of his trips from California to Boston were made at the instigation of the underworld and that he was paid for these trips through the books of Hi-Lo Construction Company of Providence, Rhode Island, an officer of which, Frank Davis, Baron met on several occasions in this connection.

Barnes and Harrington told Baron that they would and could make no promises to him but that they would merely pass the results of their conversation on to District Attorney Garrett Byrne, which was done by Harrington at approximately 3:30 P. M. on August 28, 1970.

Enclosure

8/28/70

TELETYPE URGENT

TO: DIRECTOR [redacted] F

FROM: BOSTON [redacted]

[redacted]

DEPARTMENTAL ATTORNEYS WALTER BARNES AND EDWARD F. HARRINGTON, STRIKE FORCE, BOSTON, INTERVIEWED JOSEPH BARBOZA BARON AT WALPOLE STATE PRISON THIS DATE AT HIS REQUEST AFTER HE PUT IN WRITING THAT HE WANTED TO TALK TO THEM WITHOUT F. LEE BAILEY PRESENT AND ON MATTERS PERTAINING TO ORGANIZED CRIME.

THEY ADVISED THAT BARON TOLD THEM THAT THE PERFORMANCE THAT HE PUT ON IN COURT ON AUGUST TWENTYSEVENTH LAST AT THE HABEAS CORPUS PROCEEDING WAS JUST AN ACT; THAT HE IS REALLY STILL ON THE SIDE OF GOVERNMENT AND THAT HE WANTED THE ORGANIZATION TO THINK THAT HE WAS WITH THEM. HE SAID THAT HE WAS ONLY INDICATING THAT HE WOULD RECANT BECAUSE THE ORGANIZATION IS PAYING HIM MONEY. HE IS

DMC/ras F
[redacted]
(2)

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EXHIBIT
331

8/28/70

TELETYPE URGENT

PAGE TWO

EXTREMELY DISTURBED ABOUT THE PROBATION REVOCATION WARRANT THAT WAS PUT ON HIM AND WANTS DA GARRETT BYRNE TO LIFT THIS WARRANT. BARON SAID THAT HE WOULD LIKE HIS WIFE RELOCATED AND THAT HE WOULD LIKE TO RETURN TO FORT KNOX IN CUSTODY. HE SAID THAT HIS ORIGINAL PLAN WAS TO GET SOME MONEY FROM THE ORGANIZATION AND THEN GET OUT OF TOWN BUT HIS ARREST INTERFERED WITH THIS. BARON SAID THAT F. LEE BAILEY MADE HIM SIGN THE AFFIDAVITS WHICH HE SIGNED BUT BAILEY TOLD HIM THEY WOULD NOT BE SUFFICIENT WITHOUT HIS TESTIMONY. HE SAID THAT THE ORGANIZATION IS PAYING HIS WIFE FOR THE AFFIDAVITS HE SIGNED AND SHE IS STILL GETTING PAID. HE REITERATED THAT HIS TESTIMONY IN THE EDWARD F. DEEGAN MURDER CASE WAS TRUTHFUL AND A LIE DETECTOR WOULD PROVE THIS. HE SAID TO SHOW GOOD FAITH WITH THE PROSECUTION, HE WILL NOT TAKE A LIE DETECTOR AS F. LEE BAILEY IS TRYING TO GET HIM TO DO. HE SAID THAT HE HAS TO PLAY ALONG WITH "THESE PEOPLE" BUT HE DOES NOT WANT TO GO ON ANY WITNESS STAND; THAT HE JUST WANTS TO GET RELEASED FROM JAIL AND TAKE OFF. BARON SAID THAT F. LEE BAILEY TOLD HIM THAT

8/28/70

TELETYPE URGENT

PAGE THREE

HE WAS GOING TO LEWISBURG.

HE ADVISED THAT FRANK DAVIS OF RHODE ISLAND A CLOSE ASSOCIATE OF PATRIARCA, WHO OPERATES THE BI-LO CONSTRUCTION COMPANY, MET WITH HIM ON TWO OCCASIONS AND PAID MONEY TO HIM IN CONNECTION WITH THIS RECENT MOVE.

ATTORNEY BARNES HAS ADVISED DA GARRETT BYRNE OF THE FOREGOING AND THEY ARE NOT MAKING ANY DECISION AT THIS TIME RELATIVE TO THE MATTER.

STRIKE FORCE IS CONSIDERING BRINGING THE MATTER RELATIVE TO DAVIS BEFORE A FGJ IN RHODE ISLAND.

END

Baron returning to Walpole for week on parole violation

AM 6 [illegible] 28 70

By Robert E. Walsh
Globe Staff

Gangland informer [illegible] weekend in Walpole State Prison.

Baron was returned to Walpole under heavy guard last night following an explosive appearance on the witness stand in Suffolk Superior Court.

Judge Justin C. Roy took under advisement Baron's petition for a writ of habeas corpus to free him from Walpole, where he is confined for violation of parole.

Baron, paroled in March of last year on condition that he stay out of Massachusetts, was arrested in New Bedford in July on gun-carrying and and narcotics charges.

He flushed and sputtered with rage yesterday when Asst. Atty. Gen. John Irwin revealed that he and his family have been staying in California since his release.

"You would do this to my wife and children," Baron inquired to the startled Irwin. "Thanks a lot. I'll do my time."

Baron, fearful of gangland reprisals against him and his family, was apparently saying he would rather remain behind bars than have details of his present life revealed.



JOSEPH BARON
in Walpole

Baron's whereabouts had been a closely guarded secret since he was freed as a reward for his testimony against six men on trial for the 1965 slaying of Edward (Teddy) Deegan in Chelsea.

Four men are now in Death Row at Walpole largely because of Baron's decision to testify as a means of "getting even" for an underworld double-cross.

Under direct questioning by F. Lee Bailey, Baron's lawyer, Baron admitted visiting Massachusetts despite terms of his parole, on five occasions. But he claimed he did so under FBI surprise on four of those five occasions.

Baron and Bailey both justified that Baron came back to Massachusetts because his wife was visiting her mother in Malden and he was afraid she would be harmed by the underworld.

Baron said he returned to the state only after the FBI told him they [illegible]

[illegible] spare the [illegible] protect his wife [illegible] 24-hour basis during [illegible] vant.

On other occasions Baron testified, he [illegible] asked to cross [illegible] by federal authorities [illegible] not [illegible] the [illegible] under questioning [illegible] Irwin. He said that, on [illegible] occasion, he was [illegible] Federal agents to [illegible] on a case involving [illegible] that of a $300,000 [illegible]

Interims and [illegible] charges against Baron were later dropped, but Baron was sent back to Walpole for violation of parole.

Judge Roy, in reviewing decision on the Baron petition, ordered lawyers for both sides to file briefs at [illegible] morning.

EXHIBIT
332

Aug 21 1970
Monday

Dear Walter,

Because I saw you & Ted. Bailey said he is not bound by the secrecy of Atty & Client relationships.

To recall our conversation which I again conveyed to the A.H. Quinn, D.A. Byrne & Bailey in letters to each of them.

I told them all that in court on the last hearing which Asst Irwin brought the fact that I was living with my family in California & he brought it to my attention that Bailey brought it out at a previous hearing & never told me. It shattered to me & my whole body that you saw how I broke down.

It upset me as much I requested to see you & Ted. I asked your aide in helping alleviate the danger to my wife & babies. You both show concern about my safety here & I said I didn't care no more. I also asked you if it was true that the A.H. Quinn had my case in New Bedford & you both said you didn't know.

EXHIBIT
333

BSF-00922

Bailey wants me to take a lie detector test Monday, & I said no because of the fact the guys on death row were taking it, which is today, & that I am to upset to take one right now, & if I did later it would prove affirmative that I was telling the truth. He called me a liar & I said who is a liar, you the liar Bailey.

Thats about it tell Danny I still love him & I am not a fool for nothing, acting goes a long way in being a Pro.

I am going to wait till the trucks before I take a lie detector test on the eleventh if I take a test! But if Ric was here he'd help me. I want to be with my wife & babies! Peace

Your Old Ace
I hope
Joe

ficates?

A Not with me, no, but in my presence.

Q Well, that's what I'm getting at.

A Yes.

Q And who did the discussion take place between?

A My brother and Mr. Barboza.

Q And this was in your presence?

A Yes, it was.

Q All right. And could you tell us what you recall about this discussion as best you recall what was said between Mr. Barboza and your brother?

A Mr. Southworth, reporter for the Boston Herald Tribune, supposedly had some papers that belonged to Mr. Barboza. Some of the papers were the minutes to the Grand Jury -- Grand Jury-- the Grand Jury hearing of the Deegan trial in Boston, Massachusetts, and the others were the -- in reference to the bonds, certificates.

Q All right. And do you recall particularly what was said by Mr. Barboza in reference to these bonds or stock certificates?

A Well, he never --

Q At this time?

A He never really referred to them as stock certificates. He called them papers.

Q All right. Could you tell us as best you recall -- I know you can't repeat words verbatim, but as best you recall what he said about those papers in front of you at that time?

A He told my brother he should get off them and move them, you know, that there's a lot of money involved, or something to

EXHIBIT 334

that effect. It was very close to it.

MR. MILLER: Do we have a date in April?

MR. FAHEY: Excuse me. I think counsel can get into this on cross-examination, Your Honor.

MR. MILLER: It's sometimes confusing.

THE COURT: Yes, that's true. The witness has indicated as best he can recollect it was April or in that area at his home.

BY MR. FAHEY:

Q Could it have been later, Mr. Hughes?

A Possibly, yes, sir.

Q Now was there any further discussion by Mr. Barbosa about these papers at that time in your presence?

A No, sir. Yes, there was. Yes, there was. To go down to see Mr. Southworth in --

Q Could you repeat that?

A Somewhere on the Cape, to go down to see Mr. Southworth and do anything that we can to -- to expedite the transfer of the papers from Mr. Southworth to my brother.

Q Now did -- Was there any discussion at this time, this particular time that you've already testified to, any discussion about the name or names of any individual in California?

A Yeah, there was a man mentioned by the name of Clay.

Q And who mentioned this man's name by the name of Clay?

A Joseph Barbosa.

Q Do you recall what he said?

A Not verbatim but to the effect that he was a wise guy and when he went back, he had to be straightened out or something

on that idea.

Q All right. Now --

MR. MILLER: Excuse me. Is this the same conversation there at the house?

BY MR. FAHEY:

Q Is this at the same time?

A I don't believe so, sir. I know it was mentioned [redacted] Mr. Barboza was staying in my house.

Q. During this period in April or possibly later?
A. Correct, correct.
Q. Now, in reference to these papers or bonds or stock certificates, as you indicated what they are, did your brother and yourself go down and see Mr. Southworth?
A. Yes, we did.
Q. To your knowledge, did your brother obtain these stock certificates or bonds?
A. No, he did not.
Q. To your knowledge, did he obtain them at a later date?
A. Yes, he did.
Q. And do you recall about what time he obtained-- what period of time, approximately, year and month, that your brother obtained these stock certificates or bonds that Mr. Barboza referred to?
A. To my knowledge, sometime in June of 1970.
Q. And did you later have occasion to see these stock certificates or bonds?
A Yes, I did.
Q. And were there any other documents also?
A. Yes, there were several.
Q. And did you later have occasion to have these original-- these documents in your possession for a period of time?
A. Yes, I did.
Q. Could you tell us when?
A. Possibly March of 1971.
Q And did you do anything with these documents at that time?
A. Yes, I did. I had photostatic copies made of a portion of

them.
Q. And for what purpose?
A. What was the reason?
Q. Yes.
A. I was advised to do so by Mr. John Doyle, who was a police officer in Mr. Garrett Burns's office in Boston, Massachusetts.
Q. I'm going to ask you to look at these documents. This is marked People's No. 47 for identification. Would you look at that, and tell me if you recognize that?
A. Yes, I do, sir.
Q. What is it?
A. It's a standard certificate of birth for Victor Leonard DeCarli.
Q. And did you at one time have the original to this?
A. Yes, sir, I did.
Q. And did you make this Xerox copy?
A. Yes, I did.
Q. Fine. Now, I'll ask you to look at People's No. 48, ask you if you recognize this document?
A. Yes, I do, sir.
Q. Would you tell us what it is.
A. It's a Key System Transit Company, 100 shares of g neral and refunding mortgage, gold bond certificate.
Q. And is there any name written on the same side?
A. Yes. Well, I can't quite make out the first part of it, but the last name is DeCarli.
Q. Yes. And did you have the original of this document at one time?

A. Yes, sir, I did.
Q. Did you Xerox this?
A. Yes, I did.
Q. I'll ask you to look at People's No. 49 and ask [illegible] you recognize that?
A. Yes, sir, I do.
Q. And what is it?
A. It's the Western Bee Farms Corporation stock.
Q. And to shorten this questioning, was this also [illegible] by you from an original at the same time?
A. Yes, it was, yes, sir, it was.
Q. All right. And I'll ask you to look at People's [illegible], and ask you the same question. Do you recognize it?
A. Yes, I do. I had this copied, yes, sir.
THE COURT: What is 50, just for the record?
MR. PAHEY: 50 is 1000 shares of capital stock of Western Bee Farms Corporation.
Q. And 51, again?
A. Yes, it's 100 shares of Key System Transit Company.
Q. And did you Xerox this from the original?
A. Yes, I did, sir.
Q. At the same time?
A. Yes, I did.
Q. I'll ask you to look at 52.
A. Yes, I copied this. It's some kind of a receipt. I copied the front of them and the back of them. Some of these are the front and some are the back.
Q. All right. And this was all done from the originals?

A. Yes, sir.
Q. All right, I'll ask you to look at People's No. 53.
A. Yes, it's certificate of baptism that Elmira Filippini, child of Carlo Filippini and Amelia Delponte, born in California on the 30th day of July, 1882, was baptized, and so forth.
Q. Would you indicate where they were baptized, if it indicates the church?
A. Baptized the 31st day of August, 1882, Reverend P. A. Foley, sponsors being Leonard Filippini and Angelina Tore, dated May 10, 1955.
Q. And the church?
A. St. Vincent's Church, Petaluma, California.
Q. And again, did you have this copied?
A. Yes, I did, sir.
Q. This is People's 54, which appears to be a Xerox copy of a number of small stock certificates.
A. I believe these were stamps that they tear off. Some of them were missing, as you can see here. I copied that, yes, sir.
Q. And were these part of the documents that you obtained from your brother Leonard?
A. Yes, they are.
Q. And are these part of the documents that were referred to by Joseph Barboza in his conversation previously in front of you with your brother Leonard?
A. That's correct.
Q. Are these all the documents that you obtained at that later

period and Xeroxed?
A. No, they are not. There's maybe 25 or 30 more.
Q. And do you have the Xerox copies to those documents?
A. No, I do not have them, sir.
Q. Do you know where they are?
A. I gave them to an FBI agent by the name of Rheehan.
Q. And when did you do that, sir?
A. Last Wednesday.
Incidentally, he told me that he was going to send them out to you.
Q. Thank you.
MR. MILLER: Did you get them?
MR. HYLAND: No, we certainly did not.
MR. FAHEY: We don't have them.
Q. Now, you indicated earlier in your testimony that you obtained the originals in-- was it September of 1970 or March of '71?
A. That's correct, sir.
Q. March of '71, is it?
A. That's correct.
Q. And you contacted a Mr. John Doyle?
A. I contacted Mr. John Doyle in the District Attorney's office in Boston, Massachusetts, because he told me if anything came up in reference--
MR. MILLER: We have to object to any conversations at this time.
THE COURT: Yes, the question has been answered.
MR. FAHEY: Q. At that time, without going into any

conversation, did you indicate to him the type of documents that you had?
A. Yes, I did. I didn't-- no, I didn't tell him I had them, I said I could get them.
Q. Yes. Did you indicate what they were?
A. Yes, I did.
Q. And did you indicate that they came from Mr. Barboza?
A. Yes, I did.
Q. Now, I'm again talking about the year 1970. Did you have occasion to see Mr. Barboza in New Bedford, Massachusetts, on another occasion after the period you have testified to her ?
A. Yes, I did.
Q. Would you tell us approximately when that was.
A. Sometime in the beginning of July.
Q. Now, do you recall where you saw Mr. Barboza?
A. Yes, I do.
Q. Where was that?
A. I saw him one time in my home, and I saw him other times in a cottage that my brother had got for him in a section of-- a suburb of New Bedford, called Sassaquin.
MR. MILLER: Would you spell that, please.
THE WITNESS: Pardon me?
MR. MILLER: Would you spell that for the reporter.
THE WITNESS: S-a-s-s-a-q-u-i-n.
MR. MILLER: Thank you.
MR. FAHEY: Q. Mr. Hughes--
A. Excuse me. It may have been Sassaquin, it may have been Lakeville. It was in the northwestern suburban area of

A Correct.
Q So you had a lot of talk with Mr. Doyle about Joe Barboza, as you say, is that right?
A Yes, sir.
Q You refered to him as Baron usually when you talked with him?
A No, I don't.
Q Pardon me?
A No, I don't, sir.
Q Have you had, would it be fair to say, hours and hours of conversation with Mr. Doyle?
A Not hours and hours, no, sir.
Q How many different times would you estimate you talked to Inspector Doyle?
A How many times have I spoken to him? Maybe a dozen.
Q Over what period of time, sir?
A From September, 1970, until March of 1971 when he said that he wanted a copy of the bonds.
Q He said -- Mr. Doyle told you --
A I had a face to face meeting with Mr. Doyle.
Q I see. Do you have any witness to that?
A Pardon?
Q Do you have a witness to that fact? Was there someone with you?
A Not that time, no, but there was someone with him.
Q And he told you to get the --
A A copy of the bonds.
Q And you talked a lot about Joe?

A No.
Q You and Doyle?
A No. At this time?
Q No, the dozen or so times that you talked.
A Not really, no, sir. We talked about him, yes.
Q Did you, sir, in the dozen or so times that you talked with Mr. Doyle about being a -- you were going to be a potential witness, is that what you'd call it, protective custody because of potential witness?
A Yes.
Q This was after -- This was starting in September of 1970, is that right?
A Correct.
Q And continued on until about March, 1971, right?
A Correct.
Q About six months?
A Yes.
Q Up to the last meeting when you mentioned the bonds or the bonds were mentioned between you and Mr. Doyle, did you ever discuss with Mr. Doyle anything about this homicide case here?
A No, I did not.
Q Did you talk to the F. B. I. around September of 1970?
A Yes, I did.
Q Do you recall who that was, sir?
A Mr. Sheehan.
Q Who else was present?
A Another gentleman, another -- another F. B. I. man. I

Sworn affidavit re: Personal letter from F. Lee Bailey to Baron

I, William A. Goraway, make the following statement freely, and entirely of my own volition, in the interest of helping to right what I consider a great wrong.

1) While confined next door to me in the segregation unit of the state prison at Walpole, Joseph Barboza Baron confided many things to me of a highly personal and legal nature. Knowing that I was doing extensive work on my own case, and attempting to help other inmates on an appellate level, he relied greatly upon me for advice, which I gave freely. Often this would concern conversations of a critical nature which involved conversations with his representing attorneys, F. Lee Bailey, Gerald Alch and Daniel Gillis. I advised him repeatedly that such confidings to me represented a possible waiver of the attorney-client relationship, and he seemed particularly concerned over this, since he often told me that Bailey and his law firm were representing him only technically, and that their real goal was to bring forth the truth regarding men upon whose shoulders unjust sentences rested owing to completely perjured testimony by Baron. The sentences these men received range from five years to the death penalty.

2) Baron admitted to me that five out of the six men he gave testimony against, four of whom are on death row, were innocent, and he stated that Bailey and Alch knew many details of this. The men he named as being innocent are Henry Tameleo, Peter Limone, Ronald Cassesso, Louis Grieco and Joseph Salvati.

3) Baron admitted that a federal case resulting in convictions against Tameleo, Cassesso and Raymond Patriarca was also based upon perjured testimony, and that this, too, was known to Bailey's law firm. He greatly feared that Bailey, in an effort to bring out the truth, may testify in proceedings against Baron, since Baron admittedly had acquired his services in the first place only with the understanding that the truth would be told and verified by Baron with a polygraph test.

4) In short, Baron fully understood the nature of attorney-client relationship, and violated it many times by having me write letters to various officials which were supposed to have come from him, concerning his attorney and other matters of a confidential nature. The following is an account of a complete, and fully understood waiver on his part, and if it allows the truth to be told by Mr Bailey and his associates, then this affidavit will have served its purpose, and an injustice corrected.

5) On September 1, 1970, at about 6:00 P.M., a man in civilian clothes hand-delivered a manila envelope to Joseph Baron, who was in the cell next to mine. He was told that it was a personal document from F. Lee Bailey. The man then left and Baron was silent for a short period of time. Then he shouted out, for

EXHIBIT 335

the benefit of other inmates on the floor, and officers within hearing range, "I can't let you read this letter, Billy, it would be a waiver of attorney-client privilege." He then stated that he must reseal the letter with tape so that no one could ever read it because if they did, said Baron, it would waive his right to privileged conversations in the past with Bailey's firm. Before he even fully finished protesting that no one must ever read the letter, he slipped it through an opening in the bars between his cell and mine. I took into my hand the envelope, light brown, or tan, in color; it was perhaps 9 inches by 6, although I am poor at such mathematical estimates. I took the letter out and will recite what I remember of it. I do not maintain that it is a verbatim recitation, even when I have quotation marks around sentences, but the general theme and pertinent facts are as they were in the letter, and I could not know them if I did not read the letter more than once.

THE letter consisted of ten single-spaced typed pages. There was no secretarial notation or initials, indicating that Bailey had typed it himself. It was hand-signed in ink by F. Lee Bailey, perhaps three fourths of the way down page ten.

THE first page of the letter had the full name and offic address of Bailey's firm, along with phone numbers and so forth. Each of the other nine pages had only the names of the attorneys who are partners in the firm, and this heading was in smaller type than the heading on the first page. It was dated, on the fr nt page, September 1, 1970. On each of the other nine pages, in the upper left corner, was a small sub-heading, which went as follows:

JOSEPH BARON
Page --
SEPT. 1, 1970

On the first page Bailey stated that his firm was withdrawing from Baron's case, and in the first line of the second paragraph Bailey stated that because of the "bizarre" circumstances surrounding the case, it would be well "to review" what had taken place up to that point. Bailey warned Baron not to let anyone read the l tter, that it would constitute a waiver of attorney-client privilege. Bailey said, "not that I" do not want the letter read. Bailey said that he had been approached by a man named Davis, who arranged for a meeting between Bailey and Baron in a New Bedford apartment. Bailey said that there was "an apparent arsenal" present and that, because of Baron being on parole and/or probation, he would be in "triple trouble" if ever caught with firearms. Bailey said, in the letter, that Baron stated that law officers had seen him

with guns many times but promised Bailey he would not carry firearms again. "Two days later," Bailey stated, Baron was arrested for having guns, and contacted Bailey's office through "a neighbor." Bailey stated that he then sent Alch to represent him, and that none of this was part of the original bargain.

BAILEY said that originally, at the first meeting, Baron had admitted to committing perjury against "Angiulo, Patriarca and four men on death row." When he stated that some were guilty, Bailey said, "Let the chips fall where they may." Baron told Bailey that he "wanted to make things right" and asked if he might be compensated for money the government had beat him out of. Bailey said that although "a man may be paid for truthful testimony," he would not be a party to any such transaction, and would not allow it behind his back. Bailey stated in the letter that Baron had given him an almost "unwinnable case," and that he didn't feel his withdrawal would jeopardize Baron's court action, because it was already being decided upon. He said that He had gone into court and affirmed Baron's right to a lie detector test and that Baron had remained on medication, which he was not supposed to do, and that he had refused to take the test. He stated further that when Baron made the statement recanting part of his testimony in the Deegan murder case, he fully understood the meaning of the word "recant" at that time. Bailey said that these factors alone would not make him withdraw, because his firm "is used to difficult clients," but "your letters to adversary counsel---hardly your idea, I think," was the reason for the withdrawal. Bailey stated that both he and Gillis were of the opinion that Baron had already waived attorney-client privilege, but that it would be up to some court to decide what evidence would be allowed at a hearing. He stated that Baron's love and concern for his wife and children were a matter of convenience to him, and that in his more lucid moments he had admitted to Bailey that his wife was "crazy" if she didn't divorce him. Bailey said, "you have---by your own count---killed more than 20 men," and that one day information was going to "crop up" on one of these killings, "Romeo Martin or Punchy McLaughlin, for example," and that there was no statute of limitations on murder, and that the least Baron could hope for was a life sentence. Bailey said that if Baron left this prison the 23rd of September, it would be because he had "made a most unholy bargain" with someone who should be prosecuted. Bailey said in one part of the letter that helping little people along the way, it all comes back to you someday, and "this is the only sure way to defeat loneliness, and defeating loneliness is about the only worthwhile fight life

thas to offer." Bailey said also in the letter that he could not be counted as one of Garrett Byrne's closest associates, but that it was not Byrne who had slipped Baron a transcript on the sly, nor was it Byrne who had gotten word to Stathopoulous that Grieco was in the alley. Bailey said that any lawyer who read the letter and didn't act on it "should be disbarred" and Bailey criticised those in public office who had helped frame the patriarca case and the Deegan murder case. On page six, lines 14 through 18, Bailey told Baron that he must warn him sincerely that if he should ever be foolish enough to waive the attorney-client privilege---privilege meant to protect the client, not the attorney---he would find that the testimony of intelligent and qualified men would overshadow Baron's attempts to manufacture evidence by shouting for officers to hear that he stood by the transcript while winking and shaking his head. He said he would "be more critical of" Baron's childishness if it were not for the fact that he knew Baron had already successfully raped justice twice. Bailey stated that having Baron's name linked with his was "bad news everywhere, but patriotic as it may sound," Bailey believed that justice would topple back on her feet although men like Baron and menin offices of public trust occasionally manage to abuse the system.

BAILEY said, at the bottom of page 9 and continuing on page ten, that "innocent men's lives have been destroyed by your testimony" and onx page ten Bailey pleaded with Baron to come forth for once in his life and tell the truth, just because it's right, without any deals, and take as many of "the corrupt ones with you when you go as you can."

BAILEY stated that he had asked for and received from Davis, I believe, a $2500.00 retainer and had not received a single cent otherwise. Bailey stated two things throughout the letter--- that he was interested in seeing the truth come out in these matters, and that Baron would waive attorney-client privilege if he was 'ever tricked into showing this letter to anyone."

IN THE last paragraph of his letter, Bailey repeated this warning twice, I believe, and said that if Baron had any questions regarding the letter, to notify his office, and someone from there would explain it to him.

THERE IS MUCH more that I remember about the letter, but it covered ten single-spaced typed pages, and I do not believe it would be practical to go into all of it here. Parts of it I am certain I have quoted verbatim, and other parts I can and will quote verbatim if asked to do so. Further more, neither Mr Bailey nor anyone connected him has been to see me prior to the making

-5-

and notarizing of this affidavit. I make it entirely on my own with the hope that it will allow Bailey and his firm to come forth with the truth as told to them repeatedly by Baron.
I might add that Baron showed at least one other inmate this letter, And that he showed it to members of the federal government. At each stage he knew full well that he was violating the attorney-client privilege, but tried to cover it by saying that the letter was sealed with the original tape he had put on it after receiving it. Actually, he had extra tape and resealed it often. That he knew the showing of the letter would be a violation of th attorney trust can be verified by various officers of this unit with whom he spoke. And each time he let me read it, it was with the full knowledge that he was waiving the privilege of silence on the part of F. Lee Bailey and his associates.

Respectfully,

William A. Geraway

WILLIAM A. GERAHAY

Sworn and subscribed to me and before me on this 9 day of November, 1970.

Anthony P. Mileski

NOTARY PUBLIC

Original to F. Lee Bailey
co., notarized, to [redacted]
File
Lt. Wm. Pergin

I, WILLIAM R. GERAWAY, do state the following:

That, on September 1st, 1970, I was in a cell adjacent to JOSEPH BARBOZA BARON, in th Block Ten secti n of the Massachusetts Correctional Institution at Walpole;

Further, at approximately 6 p.m. on that day, a letter was hand-delivered to him by a man who was representing Attorney F. Lee Bailey, and Baron was told at that time that the letter concerned privileged matters between Baron and Bailey and that Baron therefore should not allow anyone at all to read the letter; the man stated that neither he nor anyone else had read the letter;

Further, after reading it Baron stated for the benefit of other prisoners and guards that he could not let me read the letter because it was privileged; he did, however, pass it to me, and asked me to read it in its entirety, which I did, on more than one occasion thereafter;

Further, the letter did, indeed, relate to matters being handled by Attorney Bailey; the letter related to perjury that Baron had given in several New England murder trials and the letter went into some detail as to Bailey's desire to see the truth revealed in these matters. Baron was aware that by letting me read the letter he was waiving the attorney-client privilege.

Further, in September of 1971, I passed a polygraph test for SCIENTIFIC SECURITY SYSTEMS OF BOSTON affirming that I read the letter, that it pertained to the matters stated herein and that the letter was voluntarily given to me by Baron. I am willing to elaborate on this affidavit in any court necessary.

/s/ William R. Geraway

WILLIAM R. GERAWAY
BOX 30
BRIMNON, WASHINGTON

Sworn and subscribed to me on this 15th day of May 1976.

My Commission expires on March 18th 1980

Notary Public

Sept 1 1970
Tuesday

Dear Mrs. Barnes & Mr Harrington

September 1, 1970 Attys F Lee Bailey & received a letter that I received no longer any further legal aide from the F. Lee Bailey & his aide Atty Abel & the his law firm That he had submitted is withdrawal to the Suffolk county court & to Judge Roy.

I am not at liberty to reveal his reasons conveyed to me in his long letter to me as to his reason why because I would then have broken the lawyer & clients relationship secrecy.

But I do have a matter concerning a criminals matter concerning inter-state conspiracy, & also a murder

I suggest that I be brought to the Federal Bldg on a writ of habeas-corpus & have present F.B.I Agent Paul Riao F.B.I Agent Dennis Condon, Special Atty Walter Barnes, Asst U.S. Atty Fed Harrington because I have also other information that concerns them to the utmost. This should be done immediately if not sooner. Also the dangers I face now & most importantly my wife & babies.

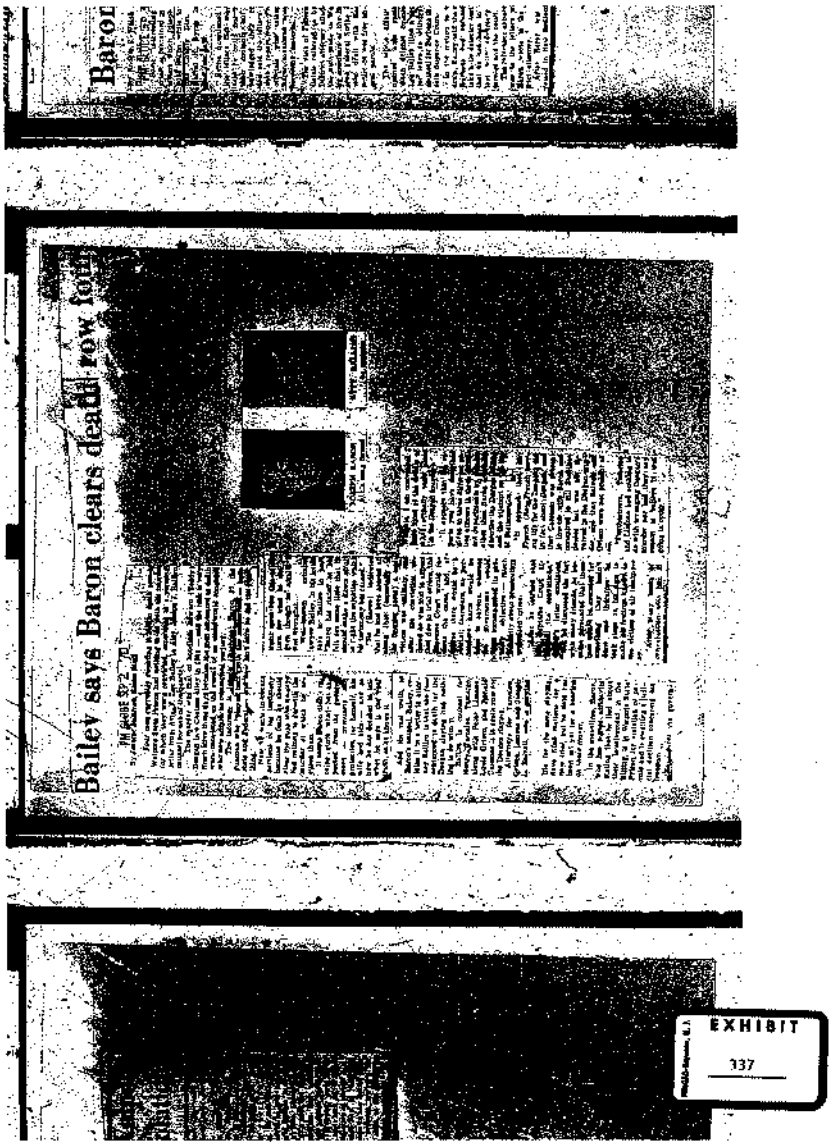
The expedience of this request I would appreciate, & all those mentioned in this letter.

Thank You
Your truly
Joe Bevan

Original James Hartley F.B.I
C.C sent to Special Atty Walter Barnes

EXHIBIT
336

BSF-00921


Baron
Bailey says Baron clears death row fou
EXHIBIT
337

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT
No. 655995

JOSEPH BARON,
a/k/a JOSEPH BARBOZA,

Petitioner

vs.

ROBERT MOORE,

Respondent

MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL

Now comes the law firm of Bailey, Alch & Gillis, through F. Lee Bailey and Gerald Alch, and respectfully moves that this firm be allowed to withdraw its appearance as counsel for the Petitioner herein for the reason set forth in the Affidavit annexed.

BAILEY, ALCH & GILLIS

BY F. Lee Bailey
F. LEE BAILEY

Gerald Alch
GERALD ALCH

I HEREBY ATTEST AND CERTIFY ON [illegible] THAT THE FOREGOING DOCUMENT IS A TRUE, CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY.

THOMAS MERRIAM,
CLERK, SUPERIOR CIVIL COURT
SUFFOLK COUNTY

[illegible] Assistant

BSF-00480

EXHIBIT
338

AFFIDAVIT

Now comes F. LEE BAILEY, who, having been first duly sworn, says and deposes as follows:

1. That his firm was retained by Joseph Baron for the purpose of advising and counseling Mr. Baron in his proposed efforts to revise certain testimony he had given in various courts within the Commonwealth;

2. As part of the original contract, Mr. Baron agreed to verify all proposed revisions of testimony through polygraph truth tests to the satisfaction of counsel; Pursuant to this agreement, Baron's right to take a test was established through legal proceedings, and at his direction, arrangements were made for the administration of such tests in the prison at Walpole. Immediately after a private conversation held between Baron and federal attorneys, more fully described below, Baron announced that he would not submit to the test in question because the "authorities who were holding him" objected to it, thus breaching an essential condition of the contract of representation;

3. That subsequent to this agreement Mr. Baron was arrested and incarcerated upon certain charges arising in the County of Bristol, and thereafter confined to the Massachusetts Correctional Institution at Walpole as a parole violator, upon which this action was based; this firm agreed to undertake to represent Mr. Baron in this subsequent and ancillary matter because the original agreement remained in force;

4. In the course of affording such representation,

Mr. Baron voluntarily signed two affidavits which were thoroughly explained to him and understood by him, relating to certain criminal cases;

5. Mr. Baron has since stated his intention to abandon his original objectives, and has thus mooted the original contract for legal representation. The day following the hearing before this Honorable Court, Mr. Baron held a secret meeting with attorneys for the United States Department of Justice without the knowledge or consent of counsel, despite a firm agreement on his part not to do so which was an original condition of the contract for representation;

6. On August 29, 1970, Petitioner Baron, without the knowledge or consent of counsel, undertook direct correspondence with several adversary counsel and with the Court, claiming that the affidavits signed by him had not been understood at the time of their execution; in so doing, Petitioner Baron has rendered it likely that counsel might have to appear and testify in contradiction of these statements.

7. In view of the changed circumstances and Petitioner Baron's repeated breaches of his contract of representation, this law firm does not desire to represent him further in this proceeding.

F. LEE BAILEY

Then personally appeared before me F. LEE BAILEY and made oath that he is familiar with the matters set forth in the attached Affidavit, and that the same are true and correct to the best of his knowledge and belief.

Notary Public
My commission expires:
August 9, 1971

BSF-00482

Baron reportedly fortunate

On whether Grieco was involved in murder

Grieco was a good boxer; mauled Baron's friend

'Baron letters may be key to death row

death row found

EXHIBIT
339

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

MAURICE LERNER :

vs. : M.P. NO: 833005

JOHN MORAN, in his capacity :
as Director of the Adult :
Correctional Institutions :

APPLICATION FOR POST CONVICTION RELIEF

Now comes the applicant, Maurice Lerner and states that he stands convicted and sentenced for a crime and now claims that the conviction and sentence was in violation of the Constitution of the United States and the Constitution and laws of the Rhode Island; that there exists evidence of material facts, not previously presented and heard which requires vacation of the conviction and sentence in the interests of justice.

PRIOR PROCEEDINGS

1. On or about August 14, 1969. Indictments were returned against your applicant charging him with the following:

Ind. No: 69-767 - Murder

Ind. No: 69-768 - Murder

Ind. No: 69-769 - Conspiracy to murder

2. On or about March 27, 1970 after a trial by jury, verdicts of guilty were returned against your applicant on each indictment.

3. On or about July 9, 1970, your applicant's motion for a new trial was heard and denied. (Decision of Bulman, J. is attached hereto and made a part of this application.

4. On or about September 14, 1970, your applicant was sentenced to consecutive life sentences on Ind. No: 69-767 and Ind. No: 69-768 respectively and to ten (10) years on Ind. No: 69-769.

5. On or about July 31, 1973, the Rhode Island Supreme Court denied your applicant's appeal and affirmed each conviction and sentence.

PCR 1796

EXHIBIT
340

TOND LAW
SOCIATES INC.
PROVIDENCE, R.I. 02903

FBI

Date: 9/21/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (166-3219)

FROM: SAC, BOSTON (166-629) (P)

SUBJECT: RAYMOND L. S. PATRIARCA, aka; ET AL
ITAR - GAMBLING

Re Boston teletype to Bureau dated 9/8/70.

JOSEPH BARBOZA BARON's parole violation time expires on 9/23/70. BARON being brought into Suffolk Superior Court on that date to be arraigned on Probation Violation charges. Suffolk County District Attorney plans to have the Probation Violation proceedings continued pending the outcome of motions filed for new trial in the DEEGAN murder case, so as to insure BARON's presence in this area. District Attorney contemplates confining BARON in a local county house of correction. Indications are that BARON will be indicted on gun charge in Bristol County stemming from his arrest on gun charges in New Bedford, Mass. on 7/17/70.

Bureau will be kept advised of developments.

NOT RECORDED
172 SEP 25 1970

(3) Bureau (166-3219)
(1 - 92-9828)
2 - Boston (166-629)
(1 - 92-1132)
(5)
DMC/ras

SEP 28 1970

OPTIONAL FILED IN

6 OCT 2 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT
341

[redacted] CENSORED By APPROVED 7/28/70 Monday

Dear Ted,

I know you have read the letter I sent to Walter because I addressed it to you. But I am making sure I exhaust all my resources in the way of friends. I know in the past I have been unreasonable in my temper tantrums & abuse. Well for the 1st time in my life I am kneeling & begging for help! Now can I convey to you that I don't want to reach for stars anymore All I want is my wife & two babies. I don't want no plastic surgery promised me, I don't want my $900 a rightfully mine. As I said in my letter to Walter never in my whole life have a experienced the torture agony & mental anguish that I am experiencing now. My God doesn't know me, my daughter is acting horrible since I've left, & my wife spirit is at its lowest ebb. Ted, when you Walter came down to see me, you & Walter asked me not to do something & I didn't. How long can the little money I bled out of those creeps last, what will happen to my wife & babies then? Bailey, said he'd come running to him in the end, I never will!! All I want is the last break. I am obsessed with a feeling of money losing my wife, babies & being abandoned. Ted, you ask me in the New Bedford House of Correction I've give us this last chance, we'll get you a job. That's all I want is that job, to be moved to a neat location & new S.D. & I'll be out of your hair & Walters completely. I'll never complain again. If you could send the $900 for the furniture damage to my wife I'd appreciate it, because she'll need it. I've always had a strong affection for you because of what you did for my father. Ted the separation from wife & babies has taken something out of me. I don't want nothing but to just get back to them, I'll go to work even if its 12 hours a day to make ends meet. I could work from 5 AM to 5 PM & still have time to spend with my wife & kids. I give you my word on this & I've never broken my word to you, Walter, or Denny, you people are my hope & only hope. My wife will take a college course & when my son gets of age for school then

I am only playing a game with the
Mafia, only as a protective measure.

we can bank some money for a home & work for it slowly. I don't know where Southwood stands, Bailey told me alot of threats & pressure they were going to put on him.

Once when ~~you~~ you left the dept for awhile I wrote a letter to you explaining what to watch out for, I wouldn't have written that if I didn't have a concern for you. Please Ted give me some hope, I am at the end of my rope with worry! I am on the verge of losing my wife & kids, I don't want to live if that happens. She as been through so much in behalf of me. I can't shake this terrible persistant mood of depression, loneliness & longing for my wife, & I feel Bailey is going to shaft me so much just like is promise that him & Dinis would get me indicted when I refused the polygraph test. Ted never take it. I've never felt so beaten & exhausted in my life, so I asked Walter, please for the very last time give me this chance, help me for the sake of the danger Ed face for the rest of any life because I testified. I know its not fair to bring that up in the way of help. But Ted I am beaten & I am crawling, I never crawled in my life, I give you my word Ted, Walter, Denny & Mr Byrne don't be sorry. Massachusetts as seen the last of me if you & Walter can find it in your hearts to help me & give me this one last chance. I know this letter sounds like it comes from a weakling, well I feel weak I feel that I rather die then lose my wife & kids. Please Ted in some way give me some sign of hope to give me the strength to endure this threat of Bailey's. Because all I think of is that vicious bastard plotting different ways to bring me deeper in the Can, & I won't take it, if I can't be with my wife & kids I'll kill myself, because believe you can't imagine after all the hurts I've been through in life, to feel the worse agony & torture of mental anguish then I feel right now! Please answer me in some way Ted as I asked Walter. I'll never make none of you ever regret it. I've been alot of things but you know when I give my word I stick by it!

Your friend
Joe Gay

004530

BSF-00932

FILED
OCT 13 1970
EUGENE D. WILLIAMS, Co. Clerk
By _____ Deputy Clerk

[redacted]
(SUPERIOR COURT OF THE STATE OF CALIFORNIA)
COUNTY OF SONOMA

STATE OF CALIFORNIA)
) AFFIDAVIT IN SUPPORT OF AND PETITION FOR SEARCH WARRANT
COUNTY OF SONOMA)

Personally appeared before me this 13th day of October 1970, the affiant, EDWIN F. CAMERON, a peace officer, who on oath, makes complaint, and deposes and says that he has and there is probable and reasonable cause to believe, and that he does believe, that there is now on the premises located at and also described as [redacted] Santa Rosa, California, a residence where JOE BEETLEY lived,

and in (a) vehicle(s) described as a Ford Station Wagon,

[redacted]

the following personal property, to wit: an automatic weapon, blood stains in the Station Wagon, a blanket, and any other evidence of a murder.

EXHIBIT
343

Your affiant says that there is probable and reasonable cause to believe and that he does believe that the said property constitutes:

( ) stolen or embezzled property;

( ) property or things used as the means of committing a felony;

( ) property or things in the possession of a person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;

(x) property or things which consist of an item or constitutes evidence which tends to show that a felony has been committed, or tends to show that a particular person has committed a felony.

Your affiant says that the facts in support of the issuance of the search warrant are as follows:

Your affiant has been a peace officer and is for the past ten years employed in such capacity by the District Attorney as an investigator, and has acted and received the information set forth in this affidavit in that capacity.

On the date of October 5, 19 70, at approximately 10:00 a. m. your affiant received information from MELVIN F. FLOHR Chief of the Santa Rosa Police Department; said information being in the form of two letters written by two men in custody in Massachusetts, in State Prison, doing time for felony offenses; that on October 5, 1970, your Affiant and Chief Flohr, flew to Massachusetts, and on Tuesday, October 6, 1970, interviewed both men.

The following information was obtained from a

WILLIAM R. GERAWAY and was verified by the second inmate, LAWRENCE WOOD.

The information concerned the activities of one, JOSEPH BARBOSA, who lived in Santa Rosa, California, under the name of JOE BENTLEY, until shortly before his arrest in Massachusetts on July 17, 1970. (This was verified by Chief Flohr who knew of BARBOSA living in Santa Rosa, and Massachusetts authorities verified arrest date).

WILLIAM R. GERAWAY related he had known JOSEPH BARBOSA for some time and while both he, LAWRENCE WOOD and JOSEPH BARBOSA, were in custody since July 17, 1970, JOSEPH BARBOSA told both of them that he had killed DEE MANCINI's husband near Santa Rosa, California, by shooting him in the head and then burying the body; that JOSEPH BARBOSA wanted WILLIAM R. GERAWAY, if he got out first, to go to California and remove the body before one of the witnesses talked.

JOSEPH BARBOSA informed WILLIAM R. GERAWAY and LAWRENCE WOOD that there were two witnesses to the killing, and one (female) a witness to burying the body. WILLIAM R. GERAWAY described where the witness lived; that your Affiant has, by his own investigation, determined that this information regarding where the witness lived in correct.

That your Affiant has determined that "DEE" is one, DOROTHY DEE MANCINI aka DEE WILSON, who lives with one PAULETTE ANN RAMAS at the location described by WILLIAM R. GERAWAY.

That your affiant interviewed PAULETTE ANN RAMAS, a white female American, of the age of 18 years, on October 12, 1970; that she admitted that she acted as a look-out while

JOSEPH BARBOSA, known to her as JOE SMITLEY, buried a body, in early July, 1970, on a hillside near Glen Ellen, and he admitted "he had to take care of a stiff he had put in the brush last night".

PAULETTE ANN RAMAS took your Affiant and members of the Sheriff's Office to the location at approximately 10:30 a.m., on October 12, 1970; that members of the Sheriff's Office dug at the spot she indicated and found the human remains of a body which had a hole in the head which had the appearance of a bullet wound; that in the shirt pocket there was a piece of paper with the name "CLAY WILSON". That CLAY WILSON, according to PAULETTE ANN RAMAS, was married to DOROTHY DEE MARCINI, and she has not seen CLAY WILSON since the time the body was buried; that your Affiant has been informed by TIMOTHY BROWN, Inspector of the Sonoma County Sheriff's Department, that CLAY WILSON, personally known to him, has been missing since July, 1970.

That PAULETTE ANN RAMAS says that a Ford Station Wagon owned by JOSEPH BARBOSA was used to transport the body; also, that a blanket, color unknown, was wrapped around the body; that no blanket was found with the body.

That your Affiant has been informed by INSPECTOR TIMOTHY BROWN at JOSEPH BARBOSA's address is [redacted] and that his wife still resides there and that they own a Ford Station Wagon.

That PAULETTE ANN RAMAS saw a gun carried by JOSEPH BARBOSA at the time the body was buried. This was

described by her as an automatic pistol.

Your affiant commenced the actual physical mechanics of preparing this affidavit and attached search warrant at 11 a. m. of October , 1970 ; and your affiant affixed his signature under oath to this affidavit before the undersigned magistrate at the time and date attested by said magistrate; the elapsed time reflected herein has been diligently utilized by your affiant in the mechanics of physically preparing these documents, locating and consulting with Assistant District Attorney , JOHN W. [redacted], of this County, in reference to the aforementioned preparation; locating the appropriate magistrate; and transporting these documents to the magistrate for his official action in connection therewith.

Your affiant has reasonable cause to believe that grounds for the issuance of a search warrant exist, as set forth in Section 1524 of the Penal Code, based upon the aforementioned information, facts and circumstances.

Your affiant prays that a search warrant be issued, based upon the above facts, for the seizure of said property, or any part thereof,

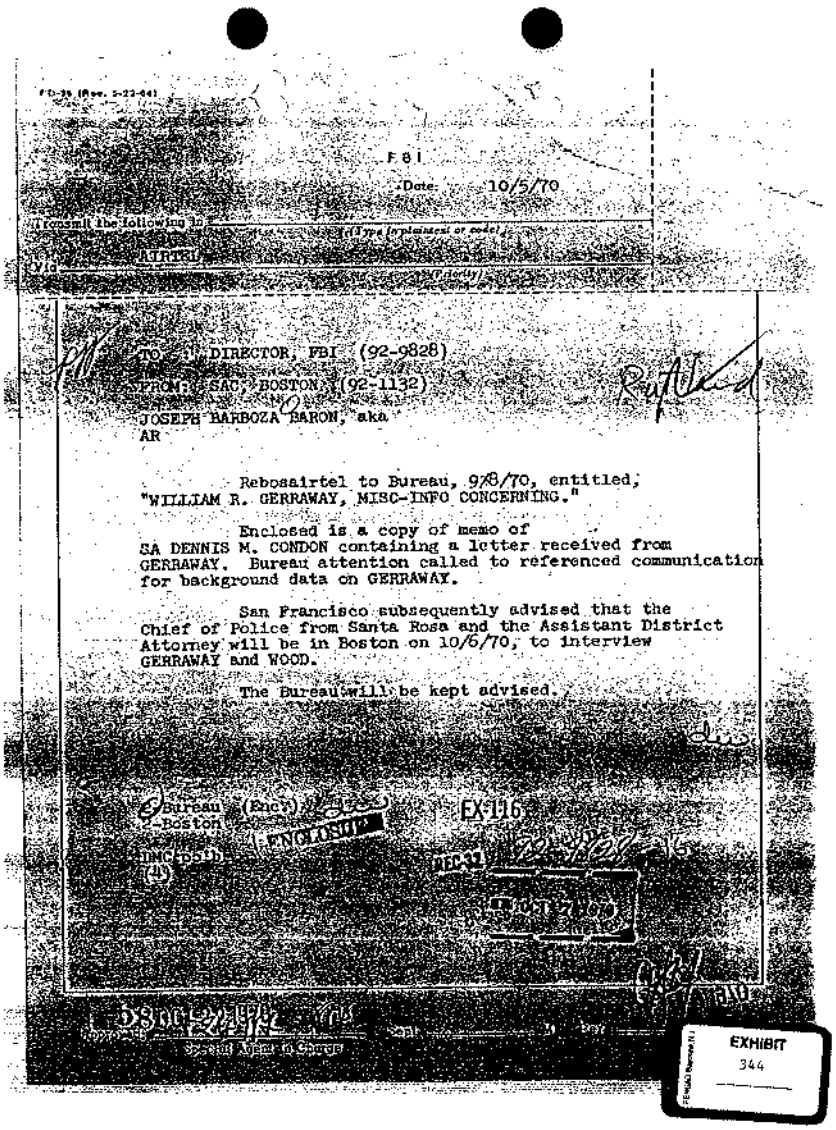
and that the same be brought before this magistrate or retained subject to the order of this court, or of any other court in which the offense in respect to which the property or things taken is triable, pursuant to Section 1536 of the Penal Code.

Edwin F. Cameron
EDWIN F. CAMERON

Subscribed and sworn to before me on this 13th day of October, 19 70 at m.

Judge of the Superior Court

FD-36 (Rev. 5-22-64)



F B I

Date: 10/5/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)

JOSEPH BARBOZA BARON, aka
AR

Rebosairtel to Bureau, 9/8/70, entitled, "WILLIAM R. GERRAWAY, MISC-INFO CONCERNING."

Enclosed is a copy of memo of SA DENNIS M. CONDON containing a letter received from GERRAWAY. Bureau attention called to referenced communication for background data on GERRAWAY.

San Francisco subsequently advised that the Chief of Police from Santa Rosa and the Assistant District Attorney will be in Boston on 10/6/70, to interview GERRAWAY and WOOD.

The Bureau will be kept advised.

2 Bureau (Enc.)
2-Boston

ENCLOSURE

EX-116

DMC:pb
(4)

REC-32

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT
344

SAC, BOSTON (92-1132) 10/5/70

SA DENNIS M. CONDON

JOSEPH BARBOZA BARON, aka
AR

On 10/5/70, the San Francisco Office advised telephonically of the following letter received by Chief of Police, Santa Rosa, in Santa Rosa, California, on 10/1/70 and was mailed from South Walpole, Massachusetts on 9/29/70:

"September 25, 1970

"Dear Sir:

"First this letter must not be publicized.

"Second, your office must not contact Massachusetts authorities until you have interviewed me.

"Third, you must not attempt to investigate this crime in your state yet as it would lose you two important witnesses to a murder out there.

"A former Boston loanshark and 'hit' man from the Mafia was living in your city recently. He is now in custody here but will return to your city upon release from here.

"While in Santa Rosa, he murdered a man and buried the body with the help of a female. Two witnesses were within 50 feet when the man, Joseph Barboza Baron, killed the victim. I know from Baron what the victim was wearing, how many times he was shot and why, and who the witnesses were. I know this because he wanted me to move the body if my appeal should come through soon since he is afraid the female will eventually divulge the whereabouts of the body.

DMC/rag
(4)

ENCLOSURE 92-9828-16

EXHIBIT
345

BS 92-1137

"Please send a detective or Attorney General's representative to this prison immediately along with a polygraph expert. When you arrive at the prison, ask to see Mr. Robert Moore, the superintendent, or contact Joseph Higgins of the Department of Corrections. They will arrange an interview so that it will not be known you are law officers - you may sign in as attorneys - but this would be done before Baron is aware or my family's lives are in danger. To show you how serious this is, another murder is being planned, in Santa Rosa and is to be carried out before Baron's release from here. This letter is being sent through special confidential channels. If you notify Massachusetts authorities, if you delay action, if you try to investigate now, without facts, you will lose one murder victim and another will die because of it. Another man of this unit, Lawrence Wood, has knowledge and is willing to appear before a Grand Jury there after we convince you of the facts in an institutional interview - in keeping with their attitude of secrecy and cooperation, the Department of Corrections will make us available as witnesses there. We will give you two eyewitnesses in the location of the body.

"You have nothing to lose, but a plane fare by sending someone with authority and a polygraph man to this prison. I have nothing to gain by fabricating a story. I repeat - one murder has been committed, the body hidden, one man will be murdered in less than eight weeks - for all details fly here immediately.. I am keeping a copy of this letter - on the carbon copy I am writing the name of the future victim - please act fast. Interview Lawrence Wood and myself, me first, but contact no one but Superintendent Moore or Mr. Higgins of the Department of Corrections, when you arrive here.

BS 92-1132

"Once you see me and Wood and conduct the test, further arrangements can be made but I must emphasize time is imperative. You must, if convinced we are telling the truth, be prepared to have us brought out there within a week.

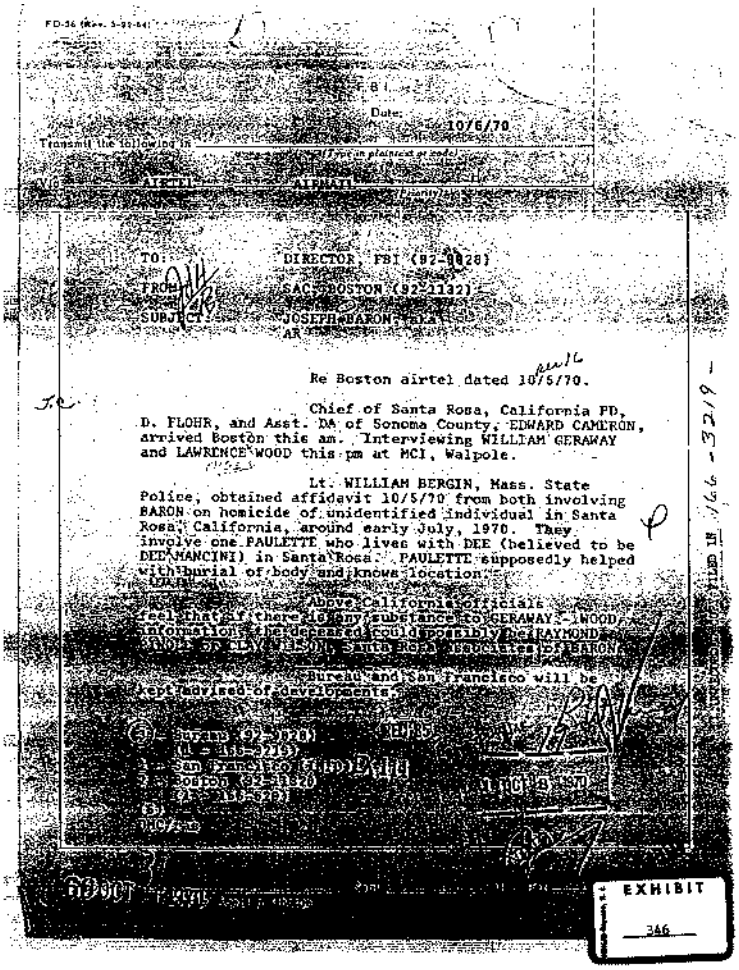
"Sincerely,

/s/ William Geraway

William R. Geraway
State Prison, D.F.U.
South Walpole, Massachusetts 02071"

Supervisor CHUCK HEINER of the San Francisco Office advised that the Chief in Santa Rosa called WILLIAM DEBHAM of the Massachusetts State Police who said he would give GERAWAY and the other inmate a lie detector test. HEINER said that the Chief in Santa Rosa was concerned as an individual who was friendly with JOE BARBOZA has been missing for a couple of months.

3*



FD-36 (Rev. 5-22-64)

F B I

Date: 10/6/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9028)

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

Re Boston airtel dated 10/5/70.

Chief of Santa Rosa, California PD, D. FLOHR, and Asst. DA of Sonoma County, EDWARD CAMERON, arrived Boston this am. Interviewing WILLIAM GERAWAY and LAWRENCE WOOD this pm at MCI, Walpole.

Lt. WILLIAM BERGIN, Mass. State Police, obtained affidavit 10/5/70 from both involving BARON on homicide of unidentified individual in Santa Rosa, California, around early July, 1970. They involve one PAULETTE who lives with DEE (believed to be DEE MANCINI) in Santa Rosa. PAULETTE supposedly helped with burial of body and knows location.

Above California officials feel that if there is any substance to GERAWAY - WOOD information, the deceased could possibly be RAYMOND [illegible] of CLAY WILSON, Santa Rosa associates of BARON.

Bureau and San Francisco will be kept advised of developments.

(1) - Bureau (92-9028)
(1 - 166-3219)
1 - San Francisco (1 - [illegible])
2 - Boston (92-1132)
(1 - 166-[illegible])
(5)
DHC/rm

FILED IN 166-3219

EXHIBIT 346

FILED
OCT 13 1970
EUGENE O. WILLIAMS, Co. Clerk
By _____ Deputy Clerk

[redacted]
(SUPERIOR COURT OF THE STATE OF CALIFORNIA)
COUNTY OF SONOMA

STATE OF CALIFORNIA)
) AFFIDAVIT IN SUPPORT OF AND PETITION FOR SEARCH WARRANT
COUNTY OF SONOMA)

Personally appeared before me this 13th day of October 1970, the affiant, EDWIN F. CAMERON, a peace officer, who on oath, makes complaint, and deposes and says that he has and there is probable and reasonable cause to believe, and that he does believe, that there is now on the premises located at and also described as [redacted] Santa Rosa, California, a residence where JOE BEESLEY lived,

and in (a) vehicle(s) described as a Ford Station Wag n,

[redacted]

the following personal property, to wit: an automatic weapon, blood stains in the Station Wagon, a blanket, and any oth r evidence of a murder.

EXHIBIT
347

Your affiant says that there is probable and reasonabl cause to beli ve and that he does believe that the said property constitutes:

( ) stolen or embezzled property;

( ) property or things used as the means of committing a felony;

( ) property or things in the possession of a person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of conc aling it or preventing its being discovered;

(x) property or things which consist of an item or constitutes evidence which tends to show that a felony has been committed, or tends to show that a particular person has committed a felony.

Your affiant says that the facts in support of the issuance of the search warrant are as follows:

Your affiant has been a peace officer and is for the past ten years, employed in such capacity by the District Attorney as an in-/vestigator, and has acted and r ceived the information set forth in this affidavit in that capacity.

On the date of October 5, 19 70, at approximately 10:00 a. m. your affiant received information from MELVIN F. FLOE Chief of the Santa Rosa Police Department; said information being in the form of two letters written by two men in custody in Massachusetts, in State Prison, doing time for felony offenses; that on October 5, 1970, your Affiant and Chief Flohr, flew to Massachusetts, and on Tu sday, October 6, 1970, int rviewed both men.

The following information was obtained from a

WILLIAM R. GERAWAY and was verified by the second inmate, LAWRENCE WOOD.

The information concern d the activiti s of on , JOSEPH BARBOSA, who lived in Santa Rosa, California, under th name of JOE BENTLEY, until shortly before his arrest in Massachusetts on July 17, 1970. (This was verified by Chi f Flohr who knew of BARBOSA living in Santa Rosa, and Massachus tts authorities verified arrest date).

WILLIAM R. GERAWAY related he had known JOSEPH BARBOSA for some time and while both he, LAWRENCE WOOD and JOSEPH BARBOSA, were in custody since July 17, 1970, JOSEPH BARBOSA told both of them that he had killed DEE MANCINI's husband near Santa Rosa, California, by shooting him in th head and then burying the body; that JOSEPH BARBOSA wanted WILLIAM R. GERAWAY, if he got out first, to go to California and remove the body before one of the witnesses talk d. JOSEPH BARBOSA informed WILLIAM R. GERAWAY and LAWRENCE WOOD that there were two witnesses to the killing, and on (femal) a witness to burying the body. WILLIAM R. GERAWAY described where the witness lived, that your Affiant has, by his own investigation, determined that this information regarding wh re the witness lived in correct.

That your Affiant has determined that "DEE" is one, DOROTHY DEE MANCINI aka DEE WILSON, who lives with one PAULETTE ANN RAMAS at the location described by WILLIAM R. GERAWAY.

That your affiant int rvi w d PAULETTE ANN RAMAS, a white female American, of the ag of 18 years, on October 12 1970; that sh admitted that she acted as a look-out while

JOSEPH BARBOSA, known to her as JOE BENTLEY, buried a body, in early July, 1970, on a hillside near Glen Ellen, and he admitted "he had to take care of a stiff he had put in the brush Last night".

PAULETTE ANN RAMAS took your Affiant and members of the Sheriff's Office to the location at approximat ly 10:30 a.m., on October 12, 1970; that members of the Sheriff's Office dug at the spot she indicated and found the human remains of a body which had a hole in the head which had th appearance of a bullet wound; that in the shirt pocket there was a pi c of paper with the name "CLAY WILSON". That CLAY WILSON, according to PAULETTE ANN RAMAS, was married to DOROTHY DEE MANCINI, and she has not seen CLAY WILSON since the tim the body was buried; that your Affiant has been informed by TIMOTHY BROWN, Inspector of the Sonoma County Sheriff's D partment, that CLAY WILSON, personally known to him, has been missing since July, 1970.

That PAULETTE ANN RAMAS says that a Ford Station Wagon owned by JOSEPH BARBOSA was used to transport the body; also, that a blanket, color unknown, was wrapped around th body; that no blanket was found with the body.

That your Affiant has been informed by INSPECTOR TIMOTHY BROWN at JOSEPH BARBOSA's address is 1711 Woodward Drive, Santa Rosa, California, and that his wife still resides there and that they own a Ford Station Wagon.

That PAULETTE ANN RAMAS saw a gun carried by JOSEPH BARBOSA at th time th body was buried. This was

described by her as an automatic pistol.

Your affiant commenced the actual physical mechanics of preparing this affidavit and attached search warrant at 11 a. m. of October , 1970 ; and your affiant affixed his signature under oath to this affidavit before the undersigned magistrate at the time and date attested by said magistrate; the elapsed time reflected herein has been diligently utilized by your affiant in the mechanics of physically preparing these documents, locating and consulting with Assistant District Attorney , JOHN W. [redacted], of this County, in reference to the aforementioned preparation; locating the appropriate magistrate; and transporting these documents to the magistrate for his official action in connection therewith.

Your affiant has reasonable cause to believe that grounds for the issuance of a search warrant exist, as set forth in Section 1524 of the Penal Code, based upon the aforementioned information, facts and circumstances.

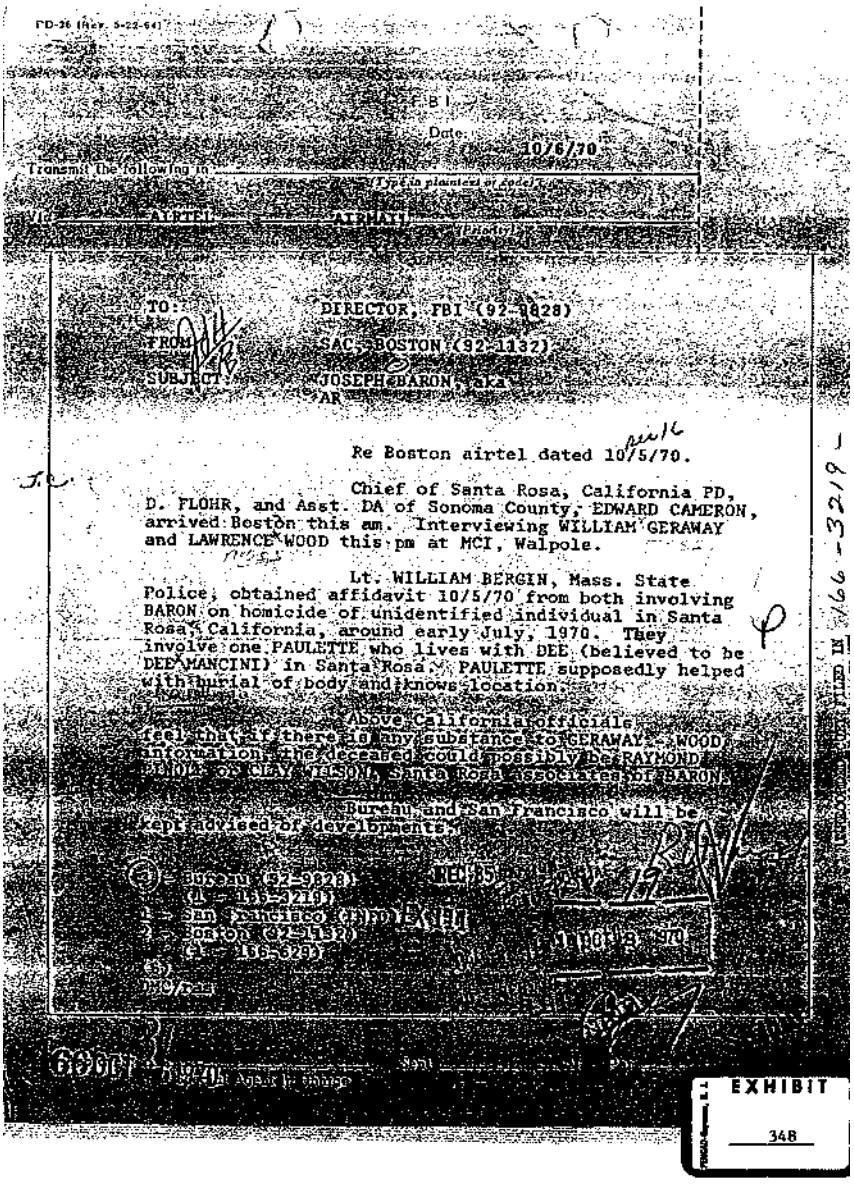
Your affiant prays that a search warrant be issued, based upon the above facts, for the seizure of said property, or any part thereof,

and that the same be brought before this magistrate or retained subject to the order of this court, or of any other court in which the offense in respect to which the property or things taken is triable, pursuant to Section 1536 of the Penal Code.

Edwin P. Cameron
EDWIN P. CAMERON

Subscribed and sworn to before me on this 13th day of October, 19 70 at m.

Judge of the Superior Court



FD-26 (Rev. 5-22-64)

FBI

Date: 10/6/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

Re Boston airtel dated 10/5/70.

Chief of Santa Rosa, California PD, D. FLOHR, and Asst. DA of Sonoma County, EDWARD CAMERON, arrived Boston this am. Interviewing WILLIAM GERAWAY and LAWRENCE WOOD this pm at MCI, Walpole.

Lt. WILLIAM BERGIN, Mass. State Police, obtained affidavit 10/5/70 from both involving BARON on homicide of unidentified individual in Santa Rosa, California, around early July, 1970. They involve one PAULETTE who lives with DEE (believed to be DEE MANCINI) in Santa Rosa. PAULETTE supposedly helped with burial of body and knows location.

Above California officials feel that if there is any substance to GERAWAY - WOOD information, the deceased could possibly be RAYMOND PINOLE or CLAY WILSON, Santa Rosa associates of BARON.

Bureau and San Francisco will be kept advised of developments.

(3) - Bureau (92-9828)
(1 - 166-3219)
1 - San Francisco (INFO)
2 - Boston (92-1132)
(1 - 166-629)
(5)
DMC/ras

EXHIBIT
348

FBI BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 8 1970

TELETYPE

NR 005 BS PLAIN

3:25PM URGENT 10-08-70 JAM

TO: DIRECTOR 92-9828 166-3219

SAN FRANCISCO

FROM: BOSTON 92-1132

JOSEPH BARON, AKA, AR.

RE BOSTON AIRTELS OCTOBER FIFTH AND SIXTH LAST.

CHIEF OF PD, SANTA ROSAGN CALIF., MELVIN FLOHR, AND EDWIN CAMERON, SONOMA COUNTY DA'S OFFICE, LEFT BOSTON THIS AM TO RETURN TO SANTA ROSA. WALPOLE INMATES WILLIAM GERAWAY AND LAWRENCE WOOD FURNISHED AFFIDAVITS IMPLICATING BARON IN MURDER IN SANTA ROSA IN EARLY JULY, SEVENTY. VICTIM BELIEVED TO BE (FNU), MANCINI, CLAY WILSON, OR RAYMOND PINOLE. EIGHTEEN YEAR OLD FEMALE, PAULETTE (LNU) WHO LIVES WITH DEE MANCINI, ALLEGEDLY HELPED BURY BODY.

GERAWAY HAS REPUTATION FOR FURNISHING FALSE INFORMATION. HE AND WOOD, ACCORDING TO CALIFORNIA AUTHORITIES, WERE INSISTING THEY BE TAKEN TO SANTA ROSA, CALIF., TO FURNISH FURTHER HELP. CALIF. AUTHORITIES TO PURSUE INQUIRY THROUGH DEL MANCINI AND PAULETTE (LNU) AT SANTA ROSA.

SAN FRANCISCO FOLLOW PROGRESS WITH LOCAL AUTHORITIES AND KEEP BUREAU AND BOSTON ADVISED.

END

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

EX-102
REC-54 92-9828-15
OCT 12 1970

EXHIBIT 349

called as a witness by the People, having been duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY MR. FAHEY

MR. FAHEY: Q. Would you state your name and occupation for the record, please?

A. Donald Noriel, Coroner Investigator in Sonoma County.

Q. How long have you been employed in such a capacity?

A. Eight years.

Q. I am going to direct your attention to October 12th of last year, sometime after 9:00 p.m. Were you contacted by the Sheriff's Office in regards to meeting them over in the Glen Ellen area? A. Yes.

Q. Did you go over to that area? A. Yes, I did.

Q. Where did you go? A. I was to meet Inspector Brown at the intersection of Highway 12 and the road going into Glen Ellen.

Q. Did you make contact with Inspector Brown that night?

A. Yes.

Q. Did you go to any other location from that point?

A. Yes. From there there was other officers that arrived at that time and we did go further into Glen Ellen.

Q. What did you do after you went into Glen Ellen, where did you go specifically? A. Well, after there was some time taken for some further information gathered by the officers, I was one of a party led into the hills that would have been

EXHIBIT 350

the James Young ranch adjacent to the Jack London Estat e in Glen Ellen.

Q. What purpose were you up there for?

A. There was a young lady present who was leading the way to where a body had been buried.

MR. MILLER: Excuse me. I would ask that that answer be stricken as nonresponsive to the particular question that was asked of this witness.

THE COURT: Nonresponsive, Mr. Miller? Why is it non-responsive?

MR. MILLER: I think Mr. Fahey asked the reason he was at this time at this place. I feel that his testimony r garding a girl and the other statements were not responsive to the question.

THE COURT: Mr. Fahey offered to show state of mind of this particular witness.

MR. MILLER: I have no objection to what would ordinarily be answered to that particular question. My objection is that it was not responsive.

THE COURT: I think it is primarily semantics. The objection is sustained. Ask the question again.

MR. FAHEY: Q. Why were you up there in this area, on the James Young ranch, what was your understanding, Mr. Noriel?

A. I was informed by Inspector Brown that they were going to look for a body that had been buried.

Q. Did you eventually reach a location on the James Young

ranch where you proceeded to do any digging? A. Yes.
Q. Do you recall approximately where that was?
A. I thought that night it was some four to five hundred yards into a cliff type area on the James Young ranch from the Wil Robin Road, I believe it is.
Q. Now about what time would you say you started digging in the ground that night? A. Started digging probably sometime around 11:30.
Q. Was anything uncovered while you were there?
A. Yes. I believe it was about 11:55 that a body was uncov red.
MR. FAHEY: I ask that this photograph be marked as Peopl 's next in order.
THE COURT: No. 6 mark for identification.
(Photograph referred to was marked People's Exhibit No. 6 for identification.)
MR. FAHEY: Q. I will ask you to look at this photograph, Mr. Noriel, and ask you if you recognize what is shown in the photograph? A. Yes. This would be the remains that we did find in the grave.
Q. Is this how the remains appeared to you at that tim ?
A. Yes, it is.
Q. Now, as a result of finding these remains what did you do, yourself, in terms of the remains?
A. I had helped search in the grave site itself and picked up some items from the grave and some items from the victim's shirt pocket.

Q. Do you recall particularly what you picked up from the victim's shirt pocket?
A. Yes. There was a paper indicating an appearance, I believe it was, at the Southern Municipal Court, with the name of Clayton R. Wilson.
Q. Did you retain that document or did you turn it over to someone else? A. No. These items, as we took them from the grave, were placed in a plastic bag and an ID technician that was present took possession of them immediately.
Q. Now in terms of the body itself, did you make any directions regarding disposition or removal of the body at that time?
A. Yes. The Eggen & Lance home from Santa Rosa had been called and two of the men from there responded to that area.
Q. Were you present when they arrived? A. Yes, I was.
Q. Did they take the remains with them?
A. Yes. The remains were placed in their pouch and taken to Eggen & Lance funeral home.
MR. FAHEY: I ask that this be marked as People's n xt in order.
(Document headed "Municipal Court for the Southern Judicial District, Notice of Trial" was marked as People's Exhibit No. 7 for identification.)
MR. FAHEY: I am going to show you this document, Notice of Trial, and ask you if you recognize it?
A. Yes. That is the paper that I did find in the victim's shirt pocket.